

9.3 RESPONSES TO COMMENTS

GENERAL RESPONSES

GENERAL RESPONSE 1 - CITY OF MARINA

GENERAL RESPONSE 1

CITY OF MARINA

Several comments submitted on the Draft EIR question CSU/SDSU's interpretation of the California Supreme Court's decision in *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341 ("*City of Marina*"). As explained below, CSU/SDSU has properly interpreted the *City of Marina* decision, and that interpretation has been upheld by the San Diego Superior Court. Additionally, as explained below, CSU/SDSU has complied with *City of Marina* in negotiating with the City of San Diego relative to the Plaza Linda Verde Project's fair-share mitigation obligation for off-site impacts caused by the Project. Lastly, the *City of Marina* decision does not stand for the proposition that CSU must discuss alternate (i.e., non-legislatively appropriated) methods and sources to fund mitigation measures.

I. CALIFORNIA SUPREME COURT DECISION

The California Supreme Court's decision in *City of Marina* addresses the extent to which CSU is obligated under CEQA to contribute to the cost of off-campus local infrastructure impacted by campus master plans. (*City of Marina*, 39 Cal.4th at p. 341.) The case was brought by the City of Marina and Fort Ord Reuse Authority (FORA), the entity responsible for managing the transition of Fort Ord (a former army base) to civilian use. (*Id.* at p. 346.)

Marina and FORA challenged an EIR prepared and certified by CSU to address the environmental implications of campus plans to increase student enrollment. The litigation focused, in part, on campus-related traffic impacts to certain off-campus roads and intersections. (*Id.* at pp. 349-350.) The EIR identified various mitigation measures; however, full mitigation required FORA to improve Fort Ord's infrastructure. (*Id.* at p. 349.) As part of its planning, FORA assumed CSU would contribute its share of the cost of the infrastructure improvements. (*Id.* at p. 351.) FORA had not imposed any tax, fee, or charge on the campus and did not propose to do so; instead, FORA hoped to reach an agreement with CSU on its fair-share of the cost of the infrastructure improvements. (*Ibid.*) CSU, however, refused to contribute to FORA for roadway and infrastructure improvements claiming that such improvements were the responsibility of FORA and not CSU, and that the mitigation was legally infeasible because CSU could not contribute funds toward such improvements as they amounted to an assessment prohibited by the state Constitution, and constituted an unlawful gift of public funds. (*Id.* at pp. 351-354.)

The Superior Court granted the petition, thereby resulting in decertification of the EIR, but the Court of Appeal reversed. Ultimately, the Supreme Court granted review, concluding that CSU abused its discretion under CEQA, and reversed the Court of

Appeal's decision. (*Id.* at pp. 345, 369.) The Supreme Court stated that "CEQA requires the Trustees to avoid or mitigate, if feasible, the significant environmental effects of their project [citation] and . . . payments to FORA may represent a feasible form of mitigation." (*Id.*) To illustrate the point, the Supreme Court stated:

"[I]f campus expansion requires that roads or sewers be improved, the Trustees may do the work themselves on campus, but they have no authority to build roads or sewers off campus on land that belongs to others. Yet the Trustees are not thereby excused from the duty to mitigate or avoid ... off-campus effects ... 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' ... Thus, if the Trustees cannot adequately mitigate or avoid ... off-campus environmental effects by performing acts on campus ... 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." (*Id.* pp. 359-360.)

However, the Supreme Court made clear that CSU, as the lead agency, had the "power and duty to assess the adequacy of mitigation measures, subject only to judicial review for abuse of discretion" and that "nothing" obligated CSU to pay more than is necessary to mitigate a project's effects; rather, "CEQA requires that mitigation measures 'be' roughly proportional' to the impacts of the project." (*Id.* at pp. 361-362.) Further, the Supreme Court clarified it was not holding that the duty of a public agency to mitigate project effects, combined with the duty to ask the Legislature for the money to do so (citing Pub. Resources Code, §21106), will always give that agency "shared" responsibility for the mitigation. (*Id.* at p. 367.) Instead, the Supreme Court 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.*)

In this regard, the Supreme Court was critical of CSU for "disclaim[ing] responsibility for making such payments *before* they have *complied* with their statutory obligation to ask the Legislature for the necessary funds." (*Ibid.*)

In sum, *City of Marina* provides CSU with the following guidance:

1. CSU, by its EIR, is to identify the project's significant environmental effects and feasible mitigation measures (*id.* at p. 348);

2. CSU is to determine its fair-share mitigation amount based on the identified significant impacts, but is not required to pay more than is necessary to mitigate the project's significant effects (*id.* at pp. 361-62);
3. CSU is to negotiate with affected agencies in an attempt to reach agreement on the amount of funding necessary to mitigate the identified significant effects (*id.*);
4. If an agreement cannot be reached regarding CSU's fair-share payment amount, CSU's determination of fair-share prevails as long as CSU does not abuse its discretion in determining the amount (*ibid.*);
5. The power of CSU to mitigate the project's effects through voluntary mitigation payments is subject ultimately to legislative control; if the Legislature does not appropriate the money, the power does not exist (*id.* at p. 367); and
6. If the Legislature does not fund CSU's fair-share, CSU has the authority to adopt a Statement of Overriding Considerations and proceed with the 2007 Project (*ibid.*).

The Proposed Project was prepared with the *City of Marina* legal framework in place. After identifying and assessing all traffic impacts, the EIR identified numerous mitigation measures that require CSU to contribute to the City of San Diego its "fair-share" of the funds needed to improve existing infrastructure and create new infrastructure. As to the student housing component of the Proposed Project, CSU/SDSU has calculated its fair-share percentage and funding amount, has negotiated with the City regarding the amount, and will request the funds from the Legislature if the Proposed Project is approved by the CSU Board of Trustees. As to the retail component of the Project, SDSU has voluntarily committed to pay its fair-share percentage of the mitigation costs attributable to the retail component as a voluntary action in response to community requests for, and in support of, community-serving retail uses. The funding commitment relative to the retail component is over and above the mitigation payment framework set forth in *City of Marina*. The EIR properly concluded that impacts related to traffic and circulation, nonetheless, would be significant and unavoidable because of the potential for the Legislature to deny funding requests, or to grant less funding than requested, or because local agencies may not fund the off-site mitigation improvements.

To the extent that the City of San Diego suggests that the referenced "*City of San Diego v. CSU* case currently up on appeal" rejected CSU's interpretation of the *City of Marina* decision and its CEQA mitigation obligations, the comment is incorrect. In the San Diego County Superior Court's Statement of Decision, filed on February 11, 2010 and included as **Appendix F3.12** in this Final EIR, the Court noted that "CSU ... requested the necessary funds from the Legislature and in doing so, complied with the mandate of *City of Marina*." (*Del Cerro Action Council v. Board of Trustees of California State University*

(Case No. GIC 855643 [lead case]), Statement of Decision, 12:13-15.) CSU recognizes that the Superior Court's decision is subject to a pending appeal; however, the record is undisputed as to CSU requesting mitigation funding from the Legislature to mitigate its fair share of the 2007 Campus Master Plan's cumulative traffic impacts. Therefore, CSU submits that it has complied with *City of Marina*.

II. MARINA NEGOTIATIONS

A. CITY OF SAN DIEGO

As described below, representatives of SDSU have met with representatives of the City of San Diego on several different occasions to discuss the Proposed Project and CSU/SDSU's mitigation obligations relative to the Project:

Meeting No. 1: On November 8, 2010, representatives of SDSU met with representatives of the City of San Diego and its Redevelopment Agency to commence negotiations relating to the Plaza Linda Verde Project. (See **Attachment 1**, Meeting Notes, November 8, 2010.) The Draft EIR found that the Proposed Project would result in potentially significant impacts, including potentially significant cumulative impacts to various roadways in the Project vicinity and, as a result, the Project was responsible for its fair-share cost of the necessary improvements. Among others, City personnel at the meeting included William Anderson (Director, City Planning and Community Investment) and Jean Cameron (Senior Planner, Development Services Department); SDSU representatives included Sally Roush (Vice President, Business and Financial Affairs) and Robert Schulz (Assoc. Vice Pres., Operations, Business and Financial Affairs); and Redevelopment Agency representatives included Maureen Ostrye (Community Development Coordinator).

At the meeting, SDSU provided an overview of the Proposed Project. In response, the City raised numerous questions, most of which were subsequently included in the City's written comments submitted to SDSU on the Draft EIR. Written responses to all of the City's comments submitted on the Draft EIR are provided in Final EIR, **Section 9.3**.

At the meeting, SDSU distributed numerous materials, including a table depicting the traffic mitigation costs and the Proposed Project's fair-share amount. The table sets forth each of the roadway improvement mitigation measures recommended in the Draft EIR, the total cost to construct each improvement (as determined by civil engineers RBF Consulting), and the Proposed Project's fair-share amount. The fair-share amount was calculated by the EIR traffic engineer utilizing a formula commonly used by the City, and determined to be \$675,776.

In response, the City expressed concern that the improvements would not actually be accomplished because the university will only pay its fair-share -- the City explained

that there is a "gap" in financing, and it would rather have all improvements and the money up front. More specifically, the City explained that there is a gap in the financing of the non-SDSU fair share contributions.

Under *City of Marina*, however, CSU is not required by CEQA to pay to mitigate the impacts of "thru" traffic unrelated to the SDSU campus. Moreover, in light of the City's position, namely that the City is not able or willing to ensure funding of the non-SDSU fair share of the mitigation road improvements identified in the Draft EIR, and because CSU is not required to pay more than is necessary for its fair share of the Project's cumulative traffic impacts, CSU acknowledges that fair-share mitigation is not feasible due to economic/funding constraints. Therefore, the Project's cumulative traffic impacts remain significant and unavoidable -- even with CSU's fair-share mitigation commitments.

Meeting No. 2: On December 3, 2010, representatives of SDSU met again with representatives of the City of San Diego and its Redevelopment Agency to discuss the Proposed Project and its mitigation obligations relative to *City of Marina*. Among others, City representatives included Jean Cameron and Mary Wright (Deputy Director, City Planning and Community Investment); SDSU representatives included Sally Roush and Robert Schulz; and Redevelopment Agency representatives included Maureen Ostrye. (See **Attachment 2**, Meeting Notes, December 3, 2010.)

At the meeting, SDSU explained that as to those Project impacts requiring payment to the City, the Draft EIR determined that the Project would result in significant impacts relative to water and sewer infrastructure, and traffic. As to water and sewer, CSU/SDSU would pay appropriate connection fees and capital facilities fees, consistent with statutory requirements. As to fire, as the Draft EIR determined that the Proposed Project would not result in significant impacts, no mitigation payments relative to fire service were required.

As to traffic, SDSU distributed a revised version of the traffic mitigation table previously distributed at the November 8, 2010 meeting. The revisions made to the table were to separate the mitigation costs attributable to the retail component of the Project from the costs attributable to the student housing component. Because the Proposed Project is a mixed-use project with approximately 90,000 gross square feet (GSF) that would be leased for commercial/retail uses, it is appropriate in this instance, and consistent with existing law, for the commercial retailers, and not the taxpayers, to contribute to the cost of mitigation improvements to support their portion of the Project; CSU/SDSU intends to collect those contributions from the commercial retailers through the payment of future rents. Under these unique circumstances, CSU/SDSU proposed to advance to the City of San Diego, on behalf of those commercial retailers, the sum of \$538,802 for their fair-share of the mitigation cost attributable to the retail component of the Proposed

Project. SDSU/CSU would seek the balance of its fair-share funding (\$123,058) through legislative appropriation, consistent with *City of Marina*.¹

In response, the City stated that there is an expectation that SDSU as a developer would pay for the mitigation up front, and if the mitigation provides more capacity than it needs, the City would pay SDSU back at some point in the future through a facilities financing mechanism. The City added that staff could not agree to SDSU's payment of a fair-share, which is something that would need to go before the City Council. Redevelopment Agency representatives also objected to the proposal, based on the existing Redevelopment Plan for the area. The City summarized the remaining concerns as traffic, fire and redevelopment. (The comments raised by the City and Redevelopment Agency at the meeting are included as written comments on the Draft EIR. Please see Final EIR, **Section 9.3**, for CSU/SDSU's written responses to each of the comments.)²

Meeting No. 3: On December 18, 2010, SDSU representative Sally Roush met with Kris Michel, the Mayor's Chief of Staff at the time, to continue the negotiations. Following the two previous meetings between SDSU representatives and City/Redevelopment Agency staff, this meeting was for the purpose of exploring a mitigation approach for both the Plaza Linda Verde Project and the SDSU 2007 Campus Master Plan, which was previously approved by CSU in 2007 and currently subject to litigation on appeal. (See **Attachment 3**, Meeting Notes, December 18, 2010.) At the meeting, the parties agreed there was a possibility such discussions could be productive, and Ms. Michel would brief her replacement (Julie Dubick) and facilitate a subsequent meeting.

Meeting No. 4: On January 6, 2011, representatives of SDSU met again with City representatives to continue the negotiations. City representatives included Julie Dubick

¹ The balance of the total fair-share amount would be allocated to Caltrans. See below.

² SDSU forwarded a draft copy of the November 8, 2010 meeting notes it prepared to the City for its review. (See **Attachment 4**.) In response, the City requested that SDSU designate the notes as prepared by SDSU, which SDSU did. (*Id.*)

SDSU subsequently provided the City with a draft copy of the December 3, 2010 meeting notes for its review. In response, the City objected to both the December 3 and November 8 meeting notes, claiming the meetings were "not considered to be official negotiations rather than an opportunity to receive SDSU's proposal so that we can review it and ask questions." (*Id.*) The Redevelopment Agency sent a similar communication. (*Id.*) In response, SDSU noted that the draft notes were sent in good faith, for review and comment; that the goal of the meetings is to engage in good faith discussions over the Project's significant environmental impacts, the required mitigation, and an agreed upon allocation for the fair-share mitigation. (*Id.*) Neither the City nor Redevelopment Agency responded to the SDSU communication.

(Mayoral Chief of Staff) and Amy Benjamin (Policy Advisor, Mayor's Office); SDSU representatives included Sally Roush. (See **Attachment 3**, Meeting Notes, January 6, 2011.) At the meeting, the parties reviewed the facts of the current litigation, and the financial and operational challenges facing each party relative to reaching an agreement. Nonetheless, the parties agreed to continue to work towards an agreement.

Meeting No. 5: On February 2, 2011, representatives of SDSU met again with City representatives to continue the negotiations. City representatives included Julie Dubick and David Graham (Mayor's Office); SDSU representatives included Sally Roush and Betsy Kinsley (Chief of Staff, Office of President). (See **Attachment 3**, Meeting Notes, February 2, 2011.) At the meeting, the parties discussed various concerns raised by the Redevelopment Agency, including that the Proposed Project would increase the Agency's affordable housing requirements, and the Proposed Project's effect on tax increment funding. (CSU/SDSU has determined the student housing component of the Proposed Project would not trigger corresponding affordable housing requirements. Please see Final EIR **Section 9.3**, for written responses to the issue.) In light of relevant timelines, the parties discussed the need to complete the negotiations by the end of March, and that the City would need to determine its negotiating team and be prepared for more substantive conversations at the next meeting.

Meeting No. 6: On February 10, 2011, representatives of SDSU met again with City representatives to continue the negotiations. The City was represented by David Graham, and SDSU by Sally Roush and Betsy Kinsley. (See **Attachment 3**, Meeting Notes, February 10, 2011.) SDSU provided Mr. Graham with additional background information, including information regarding traffic mitigation, and student housing in response to concerns previously raised by the Redevelopment Agency regarding affordable housing requirements. Mr. Graham stated that he would review the information further and discuss it internally within the City, and get back to SDSU. No follow-up meeting was scheduled.

Subsequent to the February 10 meeting, the City informed SDSU representatives that City staff was working on a proposal for discussion with SDSU. (See **Attachment 3**, Meeting Notes, Week of February 21, 2011.) However, as of this writing, the City has not provided SDSU with the referenced proposal.

In light of the parties' inability to reach agreement to this date, SDSU presented the City with its best and final offer by letter dated April 19, 2011. (A copy of the April 19, 2011 letter, with traffic mitigation table enclosure, is provided in **Attachment 5**.) The letter noted that, following meetings held over the course of several months, the parties had been unable to resolve the City's concern that traffic improvements would not actually be completed because the University would pay only a percentage of the total cost of the improvements (i.e., fair-share) and there would be a gap in financing the balance of the costs. The letter further noted the City's interest in resolution of the litigation involving

SDSU's 2007 Master Plan prior to engaging in further negotiations with SDSU on any projects and/or EIRs; however, in light of the litigation timeline, SDSU is not able to await the outcome of the next phase of the Master Plan litigation before proceeding to a final Board of Trustees decision on the separate Plaza Linda Verde Project. For these and other reasons, the parties have been unable to reach agreement.

Consequently, SDSU returned to its initial proposal, which is based on the analysis presented in the Draft EIR. The EIR identified significant cumulative impacts at six intersections and three road segments, and determined that the University's fair share amount for traffic mitigation is \$686,446.³ Of the \$686,446 total, \$672,529 is for impacts to roads within the City's jurisdiction. Additionally, of the total amount, \$557,128 is for mitigation attributable to the retail component of the Project, and \$129,318 is for mitigation attributable to the student housing component.

As to the retail component of the Project, SDSU would advance to the City, on behalf of the future commercial retailers, the sum of \$547,772 (\$557,128 - \$9,356 [Caltrans]) for their fair share of the mitigation cost, provided the City's share of the mitigation improvement cost has been allocated and is available for expenditure, thereby triggering SDSU's fair-share contribution payment. As to the Project's student housing component, SDSU would request \$124,757 (\$129,318 - \$4,561 [Caltrans]) in capital funding from the Governor and the Legislature for its fair share cost towards off-site traffic mitigation measures within the City's jurisdiction and forward the funds to the City upon appropriation, provided the City's share of the improvement cost is available for expenditure.

The April 19 letter noted that based on the timeline provided to the City at the November 8, 2010 meeting (see Meeting No. 1 above), the Plaza Linda Verde Project was to go before the CSU Board of Trustees in March 2011; however, to allow further time to negotiate, the Project is scheduled to be considered by the Board at its meeting May 10-11, 2011. The letter requested a response from the City by April 26, 2011. As of this writing (April 27, 2011), SDSU has not received a response from the City.

B. CALTRANS

The Draft EIR determined that the Proposed Project would result in significant impacts to the intersection of College Avenue and the Interstate 8 (I-8) eastbound (EB) ramps under the long-term (2030) scenario. (Draft EIR, p. 3.12-49.) The recommended improvement is to re-stripe College Avenue to provide an additional (third) northbound through lane from 500 feet south of the Canyon Crest Drive intersection to the I-8 EB ramps. (Draft EIR, Mitigation Measure TCP-1.) Although College Avenue generally is located within the jurisdiction of the City of San Diego, the portion of College Avenue

³ SDSU determined the amount originally calculated, \$675,776, included a computation error; \$686,446 represents the correct amount.

located north of Canyon Crest Drive and crossing over I-8 lies within the jurisdiction of Caltrans. Therefore, a portion of the recommended improvement lies within the City's jurisdiction (that portion located south of Canyon Crest Drive) and a portion lies within Caltrans jurisdiction (that portion located north of Canyon Crest Drive). (See **Attachment 6**, Letter to Jacob Armstrong, January 4, 2010.)

RBF Consulting determined that the estimated cost to construct that portion of the proposed improvement located within the Caltrans right-of-way would be \$337,800. (**Attachment 6**.) The Proposed Project's fair-share percentage towards the improvement is 4.12 percent; based on 4.12 percent, the Project's total fair-share towards the improvement is \$13,917. (**Attachment 6**.) This information was conveyed to Caltrans by letter dated January 4, 2010. In response, Caltrans raised a methodology question previously raised in its comment letter submitted on the Draft EIR. (**Attachment 6**.) A written response to the comment is provided in Final EIR, **Section 9.3**, Comment S-2-5. Caltrans also stated that in its view the "best and most comprehensive approach" to address traffic impacts at the I-8/College Avenue interchange is to develop a Project Study Report ("PSR") for the entire interchange. However, as the Draft EIR determined that the impacts of the Proposed Project at the interchange would be fully mitigated with implementation of mitigation measure TCP-1, the preparation of a PSR as mitigation for the Proposed Project is not required.

III. ALTERNATE FUNDING SOURCES

Some comments request that that CSU/SDSU identify and analyze alternate funding options/sources available to pay for the off-site mitigation improvements identified in the Draft EIR, including donor and alumni funds, bonds, student fees and project construction funding. However, these requests are inconsistent with the *City of Marina* decision, as outlined above, which observed that CSU's ability to provide funding to mitigate off-campus impacts ultimately is subject to legislative appropriation. (*City of Marina*, 39 Cal.4th at p. 367 ["[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."].)

Importantly, in direct response to the *City of Marina* decision, CSU modified its capital outlay budget program on a systemwide basis, so that a specific budget category for the mitigation of off-campus impacts is now included with its legislative funding requests, consistent with the mandate in *City of Marina*. Funding for the mitigation of off-campus impacts is requested on a roll-over basis from the State Legislature; that is, if the requested funding is not granted in one budget year, the request is carried forward to the next budget year, along with any additional monies needed to mitigate impacts associated with new projects. The practice reflects a good faith effort by CSU to secure the necessary legislative funding and not deplete the limited funds it receives to educate students. Unfortunately, however, the requested funding for off-campus mitigation has

not been granted to date. This does not change the holding in the *City of Marina* case, nor the important public policy rationale that underlies that opinion.

CSU's *City of Marina* implementation policies and practices are considered correct and consistent with the *City of Marina* decision. The concurring opinion identified "other" funding sources that it contended were within the jurisdiction and authority of CSU. (See *id.* at p. 372.) Such sources, however, were implicitly rejected by the majority in favor of a rule requiring CSU to make a legislative request for off-site mitigation funding as part of its budgetary process. The *City of Marina* majority opinion cites Public Resources Code section 21106, which requires that state agencies request in their budgets the funding necessary to protect the environment in relation to problems caused by their activities, as additional rationale for its decision not to require CSU to investigate "other" funding sources as a back-up to the legislative appropriation process. (Of note, the San Diego County Superior Court previously considered this argument and determined that the *City of Marina* decision does not stand for the proposition that CSU must locate or discuss other methods to fund mitigation measures. (See **Appendix F3.12** -- *Del Cerro Action Council v. Board of Trustees of California State University* (Case No. GIC 855643 [lead case]), Statement of Decision, 12:23-25.))

In any case, any other funding sources, including those identified by some comments, are not economically or socially feasible for environmental mitigation purposes. CSU's budget is extremely constrained, and its mission is to educate students. The identified sources are specified for other purposes within the CSU's overall educational mission; if allowed to be diverted to fund local infrastructure instead, this use would reduce or deplete the purpose to which those funds were otherwise committed.

GENERAL RESPONSE 1: ATTACHMENT 1

11.08.10

City of San Diego
San Diego State University

Meeting regarding SDSU Plaza Linda Verde project:

These meeting notes were prepared by SDSU and provided to the City. The notes were presented to the City with the request that they provide comments and corrections, if any. In response, the City requested only that SDSU clearly identify the notes as SDSU's.

Sally Roush, SDSU

Bob Schulz, SDSU

Cecilia Gallardo, City of SD, DSD

Maxx Stalheim, CP CI

Jean Cameron, DSD/EAS

Bill Anderson, City of SD, CPCI

Kendall D. Berkey, Kane, Battmer, & Berkman, Agency Special Counsel

Maureen Ostrye, Redevelopment Agency

Eliana Barrown (sp?), Redevelopment Agency

Amy Benjamin, Mayor's Office

Kelly Broughn, DSD

Kimberly Hale, Public Policy Strategies on behalf of SDSU

Tyler Sherer, SDSU

Laurie Cooper, SDSU

SDSU indicated we are here to present our project and answer questions. We have a duty to negotiate regarding identified impacts under City of Marina ruling.

Cecilia – was introduced as the City's coordinator of response to DEIR

City expressed concerns with respect to adequacy of the EIR.

Main concerns – Redevelopment, Long Range Development, Facilities Financing

Laurie

Presented a brief summary of the SDSU project; handout was provided. City asked questions about the project and university answered.

Mixed use project on corner of College/Montezuma. 2 phases.

Phase 1 - 47000 gsf retail, 600 student beds

Phase 2 – 1000 beds

Total of 1600 beds to house more students and reduce number living in rental housing around the university.

In DEIR we analyzed the usual impacts; we will take care of impacts on our property. For City impacts, we identify mitigations and cost, then negotiate with City.

Our project is self financed including an underground parking structure.

For parking quantities university used city development standards.

Tyler

The university engaged is lots of community involvement going back to Paseo. SDSU went back to community. We held 8 meetings, open houses, and other meetings. 1700 surveys, 1500 returned. People want area cleaned up, lots of interest in a market and student housing.

Bill Anderson

What kind of retail?

Tyler

Beyond the community market, a sit down restaurant– but overall what the market will bear. Sustainability is important to community as well as student housing. Property owners in area looking forward to upgraded area.

Jean Cameron

How do you know the project will only house students?

Sally

We simply use our enrollment information; if you are not enrolled you cannot live in our housing.

Bill

Is the parking for the retail or students as well?

Laurie

All parking in the project is solely for the retail. The students are already incorporated in the parking demand in the 2007 Master Plan.

Kendall Berkey (??)

How do you know students aren't parking there?

Bob

We will deal with it operationally, mostly we just won't accept student permits.

Laurie

All property in phase 1 is owned by University.

Phase 2 – only willing sellers.

Project adds public open space south of the Trolley; adds 900 construction jobs and 150 continuing jobs primarily retail.

Sally

This meeting is to get questions from city, and to be the first meeting to negotiate impact mitigations.

The City raised the following issues:

Does the Master Plan Boundary change include city streets?

Alternative analysis did not include other projects that are planned.

Analysis did not address what would happen if SDSU phase 2 project does not work out.

Project alternative analysis does not specify what would happen if easements not gained.

Project is not compatible with Redevelopment plan, general plan and community plan amendment. This is especially important regarding City Council decisions such as street vacations.

No list of project actions. City not identified as the responsible agency with respect to easement. Cecilia confirmed that CSU Board is lead agency, city is responsible agency.

A Community Plan amendment is necessary because project exceeds density guidelines.

1. Obtain a plan amendment or
2. Redesign project.

Regarding mixed use – exceeds density allowed by zoning regulations. Either apply for a rezoning or bring project into compliance.

City is looking for compliance with urban design and redevelopment plan guidelines.

Urban design element not referenced. Appropriate city documents not referenced in the EIR.

By taking property off the property tax rolls, university increases City's affordable housing burden without tax to support. City inquired if other CSU universities have entered into payment-in-lieu-of taxes agreements.

1993 Facilities Financing plan is not current; concerned about low cost of fair share, that traffic mitigations won't actually be accomplished because university will only pay its fair share. There is a gap in financing, would rather have all improvements and money up front.

What is feasibility of restriping instead of widening the street.

Fire department impact -- university will have to pay impact fee and other development impact fees. Even if university permits the development itself, university will still have to pay development impact fees.

Transportation – is university requiring transit pass of student residents? Has university done analysis that the additional impact on transit can be supported?

Sally

For the issues you raised that will be written comments to our DEIR, our response will come pursuant to the normal CEQA process. Fundamentally none of this project's student are new students; all impacts of new enrollment are considered.

During the meeting, SDSU distributed the following materials to the meeting participants:

- 11-8-10 Meeting Agenda
- Project Summary Sheet
- Project Site Plan indicating proposed uses and phasing
- Project Site Plan Statistics Summary
- Rendering - Proposed Campus Green looking south to Mixed-Use project
- Rendering - Proposed Mixed-Use project looking north to Campus

List - Project Environmental Sustainability Commitments
Chart - Academic Benefits of Living on Campus
Graphic - examples of Project Community Involvement Events
Graphic describing Community Input
Environmental Analysis Summary Chart
Graphic - Proposed Traffic Mitigation Measures
Graphic Comparison between the Traditional and Alternative Traffic Mitigation Measures
Area Site Plan depicting Project adjacency to the Aztec Center project
Campus Master Plan Boundary Extension Graphic
Graphic - Easements to be Vacated
Project Timeline
Table - Project Traffic Mitigation Costs and Fair-Share Amount

SDSU City PLV Review Meeting

SDSU Attendees

Sally Roush, Tyler Sherer, Bob Schulz, Kimberly Hale (consultant)

Agenda:

Introductions

Plaza Linda Verde is a Student Apartment/Retail Mixed Use Development proposed to offer a transit oriented sustainable urban living environment for SDSU students, and a pedestrian oriented retail option for the nearby College Area Community

Project Context:

- No additional student enrollment growth from 2007 Master Plan
- Educational Benefits of On-Campus Student Housing
- Environmental Benefits of On-Campus Student Housing
- Pedestrian Shopping Alternatives for campus and community.
- All property acquisition is by willing sellers only, no use of eminent domain.

Project Statistics

Phase 1: All on SDSU Owned Property

- 600 Student Beds
- 47,000 GSF Retail
- 335,000 GSF Total Building
- 340 Parking Spaces

Total Build Out: Requires additional property acquisition (willing sellers only)

- 1,600 Student Beds
- 90,000 GSF Retail (77,000 net new)
- 725,000 GSF Total Building
- 560 Parking Spaces

Community Outreach

Email Outreach, mailers, and multiple community meetings have been held over the last two years as SDSU has been considering this project. Outreach has found broad support for the project, with especially strong interest in a community market. (e.g. Fresh & Easy, Whole Foods, Trader Joes, etc)

Environmental Impacts

Most impacts are less than significant or mitigated on-site.

Public Utilities and Traffic will require customary fees and off site improvements.

Impacts and fees related to the retail Commercial Activities will be paid as a direct project cost, and are not subject to a legislative request.



PROPOSED SITE PLAN

PLAZA LINDA VERDE
SAN DIEGO, CALIFORNIA
JANUARY 8, 2009

△ NORTH
1" = 60'-0"

Plaza Linda Verde

Site Plan Statistics Summary

STUDENT HOUSING					RETAIL USE	
PHASE	BUILDING NUMBER	NUMBER OF APARTMENTS	BUILDING SQUARE FOOTAGE	NUMBER OF BEDS	RETAIL SQUARE FOOTAGE	NUMBER OF PARKING SPACES
I	1	90	120,000	300	25,000	-
I	2	60	85,000	300	20,000	-
I	3	-	130,000	-	2,000	340
TOTAL PHASE I		150	335,000	600	47,000	340
II	4	60	120,000	300	20,000	100
II	5	90	150,000	300	23,000	120
II	6	50	60,000	200	No retail	-
II	7	50	60,000	200	No retail	-
TOTAL PHASE II		250	390,000	1,000	43,000	220
Grand Total		400 Apts.	725,000 Bldg. Sq. Ft.	1,600 Beds	90,000 Retail Sq. Ft.	560 Parking Spaces





Plaza Linda Verde: A Sustainable Project

Continuing SDSU's commitment to environmental sustainability, Plaza Linda Verde will be a sustainable development with a minimum of LEED Silver certification.

Location

Close proximity to SDSU Transit Center
Pedestrian/bicycle accessible
Infill development in urban area

Water/Wastewater

Improved stormwater management
Drought tolerant landscaping
Reclaimed water-ready
Low-flow devices to reduce water use

Recycling

Recycling program for
construction/demolition waste
Recycled content in building materials
where possible
Designated areas for storage/collection of
recyclables

Energy

Exceed CA Energy Standards by 15%
Energy Star appliances
Natural light to reduce energy consumption

Benefits of Living On Campus

Research has shown that students living on campus have a higher success rate than those who live off-campus.

	Off-campus	On-campus for one year	On-campus for more than one year
Make it through to junior year	63.4%	72.7%	85.9%
Grade point averages	2.39	2.8	2.94
Academic probation	30.2%	13.6%	9.4%

"Having spent three years commuting ... I never had the kind of connection that I made in just my first few weeks at SDSU ... There is always someone to study with; plus the library is right across the street. I love living so close to everything I need."

- Bethany Pontsler, SDSU junior living on-campus

Engaging the Community

Working with its neighbors on Plaza Linda Verde is priority for SDSU. A number of opportunities have been provided for members of the community to provide input on the project.

PLAZA LINDA VERDE
Community Survey

San Diego State University is in the process of developing plans for a mixed-use development project called Plaza Linda Verde. Located on university property adjacent to the SDSU Trolley station, this pedestrian/bicycle-friendly and transit-oriented project will incorporate much-needed student housing with retail outlets intended to serve both the university and the surrounding community.

Because you are a neighbor of the university, we want to hear your opinions about the project.

For more information, please contact Tyler Sheer, SDSU's Director of Government and Community Relations at (619) 594-2522 or tisher@mail.sdsu.edu.

PROPOSED PLAZA LINDA VERDE
■ PHASE 1
■ PHASE 2
■ CAMPUS GREEN

Please rank the choices on a scale from 1 to 5, according to their importance.

1. SDSU's primary goals in building Plaza Linda Verde are to increase student housing, provide retail services that benefit the community and the university, and reduce traffic by getting students out of their cars. As development is pursued in this area, what do you feel are the most important issues to be addressed?

	Not Important	Somewhat Important	Important	Very Important	Extremely Important
Student housing	1	2	3	4	5
Traffic improvements	1	2	3	4	5
Increasing local shopping and dining	1	2	3	4	5
Customer parking	1	2	3	4	5
Community beautification	1	2	3	4	5
Other	1	2	3	4	5

2. In addition to providing retail outlets and student housing, Plaza Linda Verde is proposed as a pedestrian/bicycle-friendly and transit-oriented project that encourages people to walk, bike and take public transit. It will incorporate a public space element, as well as public walkways through the retail center. What other features are important to make these public spaces attractive and usable for the community?

	1	2	3	4	5
Lawns and landscaping	1	2	3	4	5
Information kiosks	1	2	3	4	5
Outdoor dining	1	2	3	4	5
Benches	1	2	3	4	5
Public art	1	2	3	4	5
Outdoor performance space	1	2	3	4	5
Bike amenities (e.g. bike racks, paths)	1	2	3	4	5
Other	1	2	3	4	5

COMMUNITY SURVEY

More than 1,500 neighbors shared their opinions about what they wanted to see in the project

COMMUNITY FORUM

Residents provided input on project elements and discussed results of the community survey

SAN DIEGO STATE UNIVERSITY

Invites you to participate in
our Plaza Linda Verde
Community Forum

Tuesday, October 28, 2008
7:00 p.m.
Montezuma Hall in Aztec Center
5500 Campanile Drive

Parking is available on Levels 1-3 in PS1 off of College Avenue.
Please RSVP to Jerry Tomaszewicz at
(619) 594-2651 or gtomasze@mail.sdsu.edu.

PROPOSED PLAZA LINDA VERDE
■ PHASE 1
■ PHASE 2
■ CAMPUS GREEN

Location of Forum

SAN DIEGO STATE UNIVERSITY

Please join us at a
Scoping Meeting Open House
to learn more about
Plaza Linda Verde

Wednesday,
January 21, 2009
5:30 to 9:00

at Casa Real
in Aztec Center

PLAZA LINDA VERDE

OPEN HOUSE

Comments were sought on issues to be studied in the project's environmental review

Incorporating Community Input

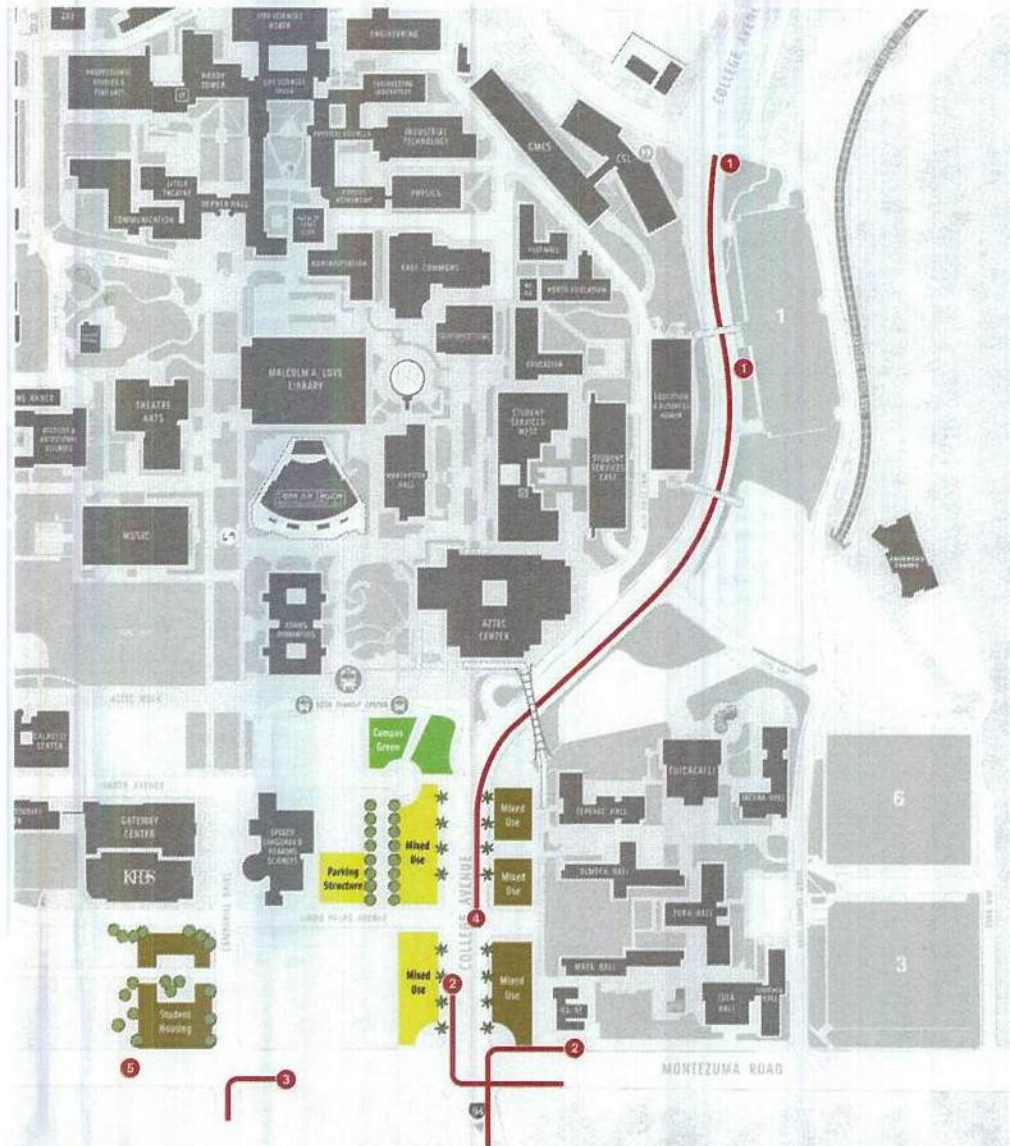
The plans for Plaza Linda Verde have been directly shaped by input received from the community.

Community Input	Project Elements
Include retail that will serve the community	A community market, national brand full-service restaurant, and other shops are proposed
Beautify the community	Project will incorporate tree-lined streets, pedestrian walkways, outdoor dining and a community green to revitalize the area
Provide opportunities for more students to live on campus	On-campus housing for 1,600 students is included
Incorporate traffic improvements	SDSU will pay a fair share contribution for traffic improvements in the surrounding community

Environmental Analysis Results

Environmental Category	Mitigation Measures Proposed – SDSU to implement with project	Mitigation Measures Proposed – SDSU to pay impact fees	Less Than Significant Impact	No Impact
Aesthetics/Visual Quality	✓			
Agriculture Resources				✓
Air Quality	✓			
Archaeological/paleontological resources	✓			
Biological Resources				✓
Cultural Resources	✓			
Geology and Soils	✓			
Hazards and Hazardous Materials	✓			
Historic Resources			✓	
Hydrology and Water Quality	✓			
Land Use Planning			✓	
Mineral Resources			✓	
Noise	✓			
Population and Housing	✓			
Public Utilities and Service Systems	✓	✓		
Recreation			✓	
Transportation/Traffic		✓		

Traditional MITIGATION MEASURES on college ave.

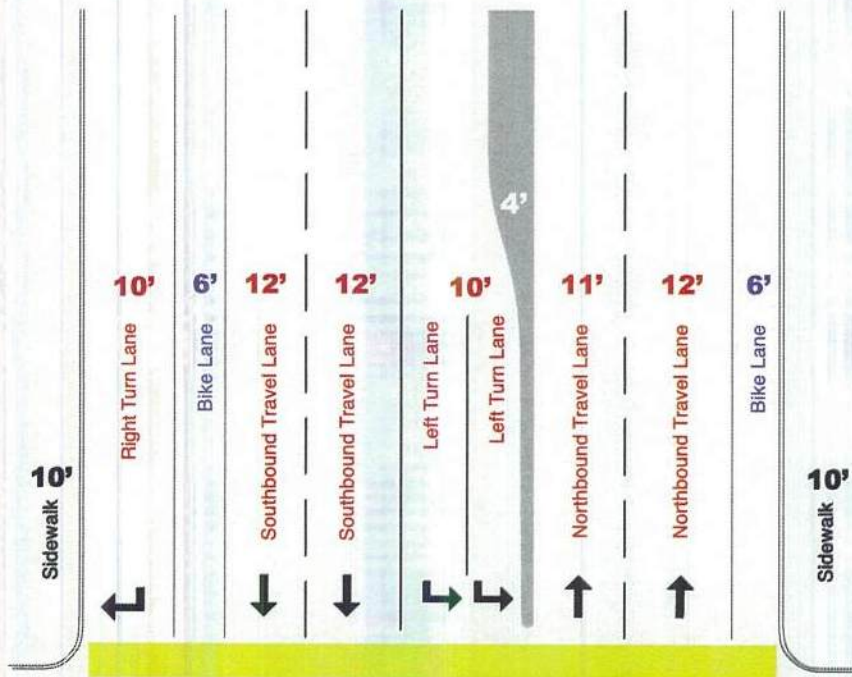


- 1 ADDITIONAL NORTHBOUND THROUGH LANE ON COLLEGE AVE.
- 2 ADDITIONAL WESTBOUND AND SOUTHBOUND LEFT TURN LANES ON COLLEGE AVE.
- 3 RIGHT TURN LANE ON CAMPANILE AT MONTEZUMA ROAD
- 4 ADDITIONAL NORTHBOUND LANE ON COLLEGE AVE. BETWEEN LINDO PASEO. AND ZURA WAY
- 5 RAISED MEDIAN ON MONTEZUMA FROM 55TH TO COLLEGE AVE.

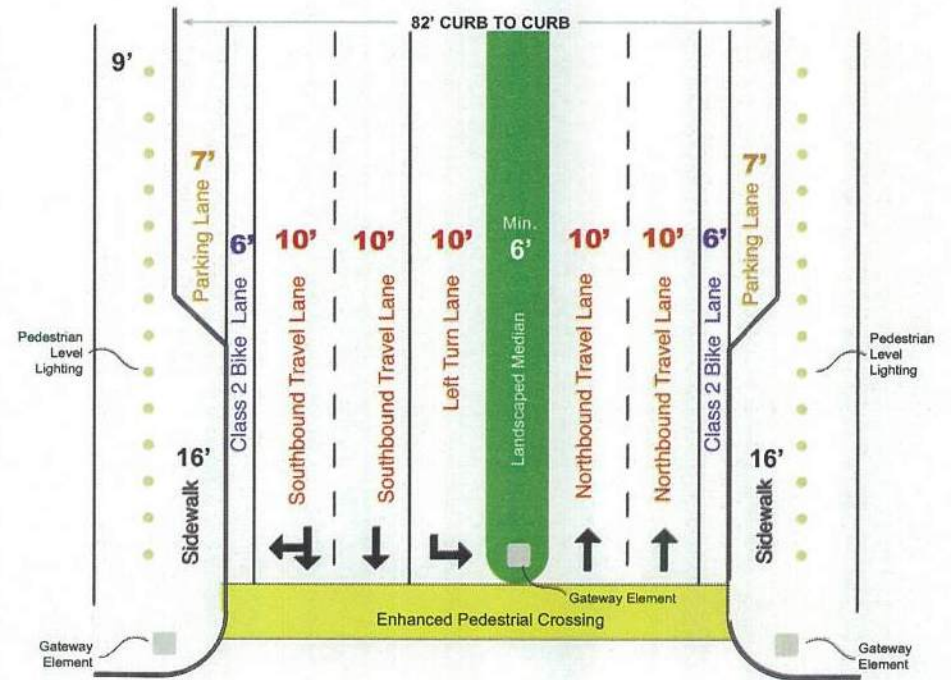
Proposed Plaza Linda Verde

- Phase 1
- Phase 2
- Campus Green

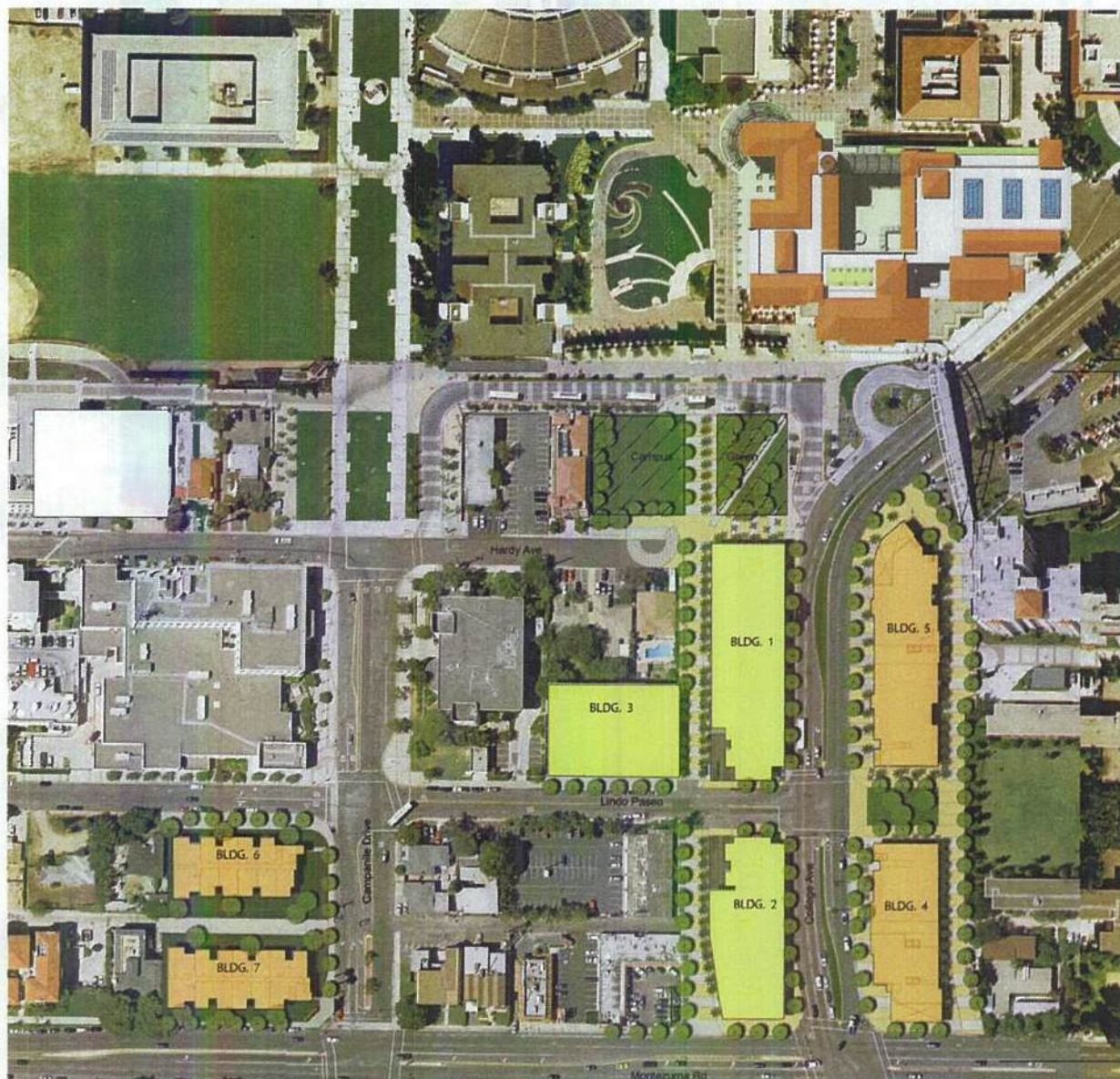
PROPOSED TRADITIONAL MITIGATIONS COLLEGE AVE. & MONTEZUMA RD.



PROPOSED ALTERNATIVE & COLLEGE AVE. AT MONTEZUMA RD.



AREA SITE PLAN - AZTECS CENTER & PLAZA LINDA VERDE



AZTEC
CENTER

Plaza
Linda
Verde

SAN DIEGO STATE UNIVERSITY

CAMPUS MASTER PLAN

MASTER PLAN APPROVED BY THE BOARD OF TRUSTEES: MAY 1963
MASTER PLAN REVISION APPROVED NOVEMBER 2007
MASTER PLAN ENROLLMENT 35,000

Legend

CAMPUS BOUNDARY

- Existing
- Future
- Trolley
- Proposed

BUILDINGS

- Existing
- Future
- Temporary
- Plaza Linda Verde
- SDSU Operated

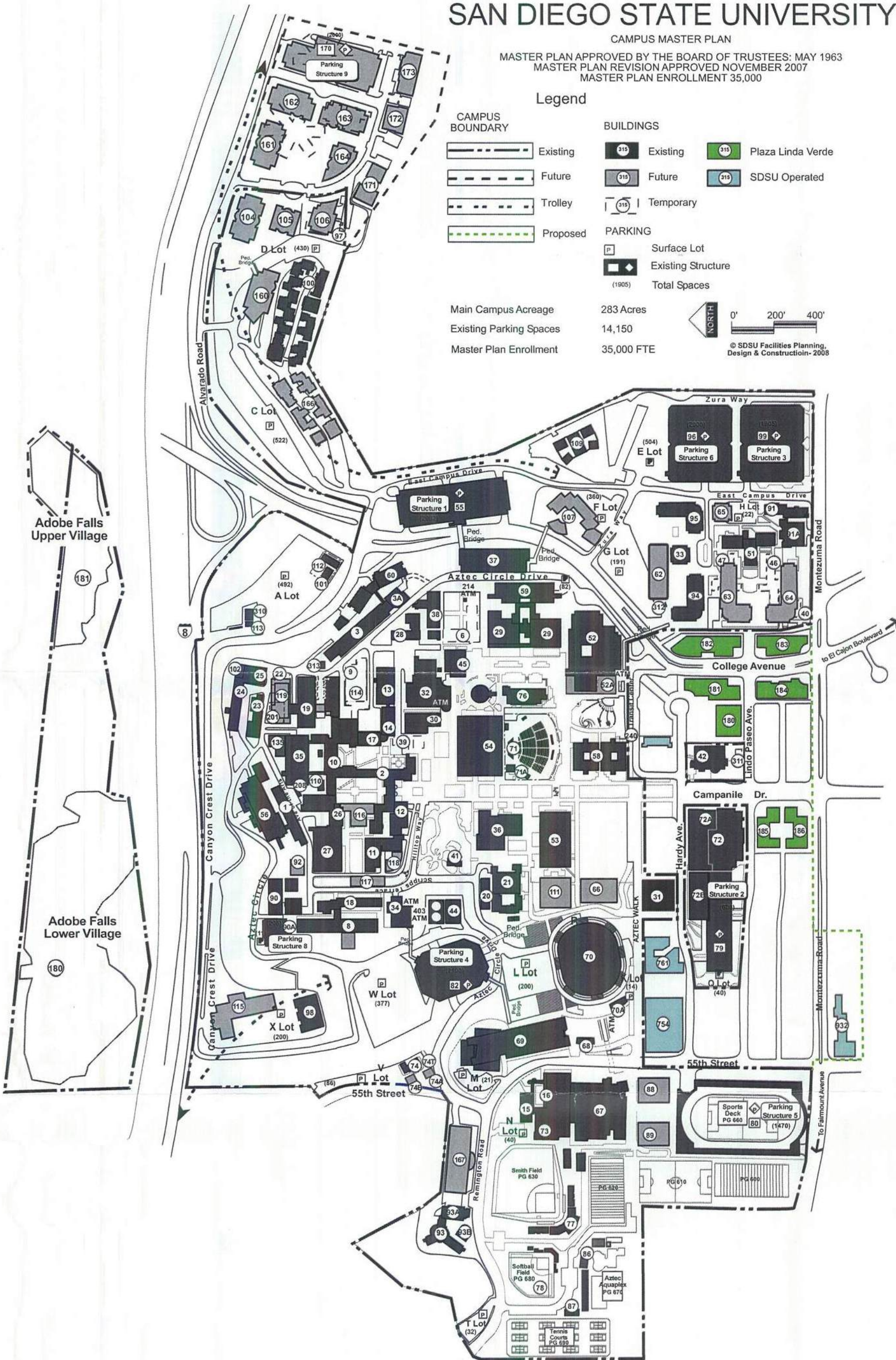
PARKING

- Surface Lot
- Existing Structure
- Total Spaces

Main Campus Acreage 283 Acres
Existing Parking Spaces 14,150
Master Plan Enrollment 35,000 FTE



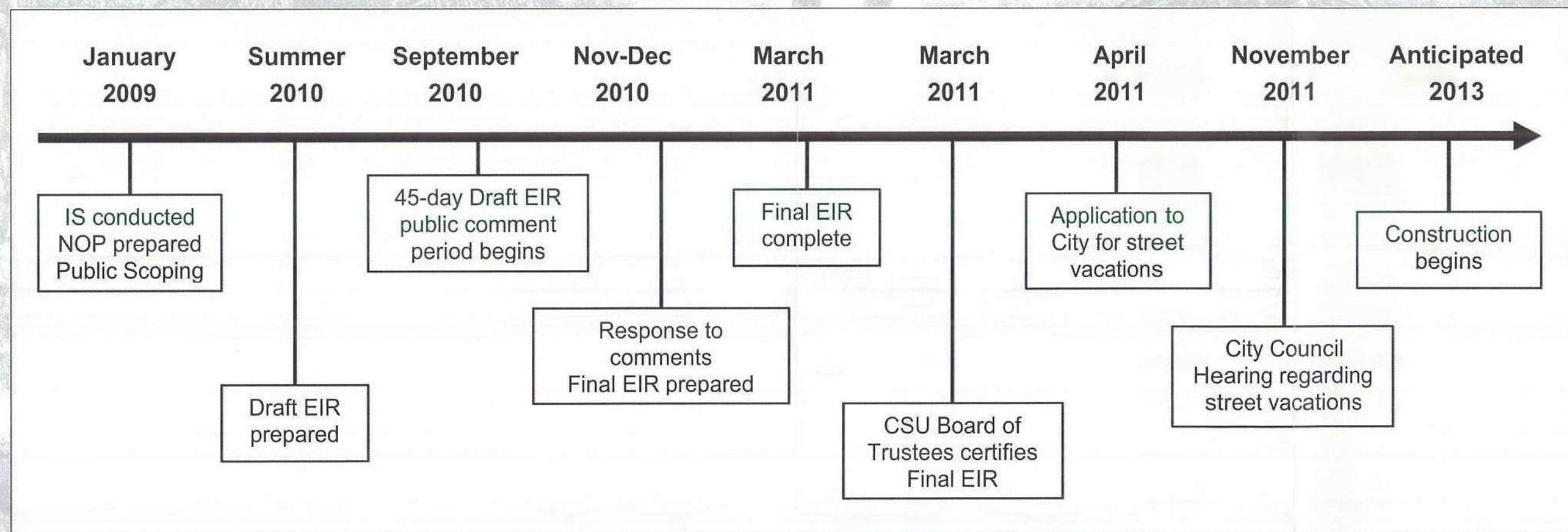
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SAN DIEGO STATE UNIVERSITY



Project Development Timeline for Plaza Linda Verde



Traffic Mitigation Costs and Fair-Share Amount

PLAZA LINDA VERDE TRAFFIC MITIGATION FAIR-SHARE						PROJECT FAIR-SHARE IMPACT PERCENTAGE (Bold indicates percentage utilized in determining fair-share amounts)		PRESENT (2010) TOTAL ESTIMATED IMPROVEMENT COST (per RBF Consulting ENR: 8566)	PRESENT (2010) PROJECT FAIR-SHARE AMOUNT (Present Dollars)	NEAR-TERM (2015) PROJECT FAIR-SHARE AMOUNT (Dollars Adjusted for Inflation to 2015 ENR: 10060 Multiplier: 1.17441046)	HORIZON YEAR (2030) PROJECT FAIR-SHARE AMOUNT (Dollars Adjusted for Inflation to 2030 ENR: 12799 Multiplier: 1.49416297)	PROJECT FAIR-SHARE AMOUNT TOTAL (Based on Mitigation 3.1)
	NO.	TRAFFIC REPORT NO.		IMPACTED INTERSECTION/ROAD SEGMENT	MITIGATION MEASURE DESCRIPTION	Near-Term (2015) %	Horizon Year (2030) %					
INTERSECTIONS	1		E-1	College Avenue/ I-8 Eastbound Ramp	Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	0	4.12%	(Included within Mitigation No. 7)	(Included within Mitigation No. 7)	N/A	N/A	N/A
	2	B-1	E-2	College Avenue/ Canyon Crest Drive	Re-stripe College Avenue from 500 feet south of the Canyon Crest Drive Intersection to the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	5.71%	2.52%	(Included within Mitigation No. 7)	(Included within Mitigation No. 7)	N/A	N/A	N/A
	3	B-2	E-3	College Avenue/ Zura Way	3.1 - Provide a traffic signal at the intersection of College Avenue and Zura Way. Or 3.2 - Provide an additional southbound left-turn lane at the College Avenue/Montezuma Road intersection.	6.10%	3.48%	\$396,700 ¹	\$24,199 ²	\$28,419 ³	N/A	\$28,419
	4	B-3	E-4	College Avenue/ Montezuma Road	Widen the College Avenue/Montezuma Road intersection to provide an additional (2nd) left turn lane on the southbound and westbound approaches.	5.01%	3.53%	\$1,005,800	\$50,391	\$59,179	N/A	\$59,179
	5		E-5	Montezuma Road/ 55th Street	Provide a right-turn overlap phase for the westbound right-turn lane at the 55th.	0	2.88%	\$32,200	\$927	N/A	\$1,386	\$1,386
	6		E-6	Montezuma Road/ Campanile Drive	Widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach at the Montezuma Road/Campanile Drive intersection.	0	2.85%	\$282,700	\$8,057	N/A	\$12,038	\$12,038
ROAD SEGMENTS	7	C-1	F-1	College Avenue: Canyon Crest to Zura Way	Re-stripe College Avenue to provide an additional (3rd) northbound through lane between I-8 eastbound ramps and Zura Way.	35.23%	2.07%	\$1,094,900	\$385,733	\$453,009	N/A	\$453,009
	8		F-2	College Avenue: Zura Way to Montezuma Way	Widen College Avenue to provide an additional (3rd) northbound through lane on College Avenue between Zura Way and Montezuma Road.	0	2.54%	\$2,340,200	\$59,441	N/A	\$88,815	\$88,815
	9	C-2	F-3	Montezuma Road: 55th Street to College Avenue	Provide a raised median on Montezuma Road between 55th Street and College Avenue.	7.68%	5.93%	\$365,100	\$28,040	\$32,930	N/A	\$32,930
								\$5,517,603	\$556,788	\$573,538	\$102,239	\$675,776 ⁴

Notes:
¹ Cost assumes providing a traffic signal at the intersection (MM 3.1). Providing an additional southbound left-turn lane instead (MM 3.2) would cost \$177,000.
² Mitigation No. 3.2 2009 fair-share amount is \$10,797.
³ Mitigation No. 3.2 2015 fair-share amount is \$12,680.
⁴ Total fair-share amount is \$660,037 with Mitigation No. 3.2.

GENERAL RESPONSE 1: ATTACHMENT 2

12.3.10

City of San Diego
San Diego State University

Meeting regarding SDSU Plaza Linda Verde project:

These meeting notes were prepared by SDSU and provided to the City for comment prior to preparation of a final version.

Sally Roush, SDSU
Bob Schulz, SDSU
Laurie Cooper, SDSU
Tyler Sherer, SDSU
Kimberly Hale, Public Policy Strategies on behalf of SDSU
Cecilia Gallardo, City of SD, DSD
Mary Wright, City of SD
Jean Cameron, DSD/EAS/ City of SD
Kelly Broughton, DSD/ City of SD
Eliana Barreiros, Redevelopment Agency
Amy Benjamin, Mayor's Office City of SD
Maureen Ostrye, Redevelopment Agency
Ana Fancy-Genzel
Tom T...

Sally

Introductions and asked for corrections to minutes.

Subject of meeting is City of Marina obligations to negotiate cost off-site mitigations. Comments made at the last meeting about the EIR itself were all going to be submitted as EIR comments, and will be responded to appropriately.

Laurie

Described the EIR analysis table. Most categories were determined to contain no impact, or mitigated to less than significant. Remaining issues that we identified as requiring payment to mitigate were water and sewer, and traffic.

SDSU has found possible impacts to both water and sewer and recognizes this and will pay to mitigate consistent with statutory requirements.

As to traffic, SDSU identified two alternative traffic mitigation approaches; the traditional mitigation of impacts approach to provide more capacity, and an alternative version that would not add capacity prepared by Mike Stepper.

SDSU has prepared and provided to the City a fair-share traffic mitigation table that identifies the impacted locations, the total cost of the necessary improvement, SDSU's fair-share calculated using the City's formula, and SDSU's fair-share amount based on those calculations. The original mitigation table

distributed to the City at the previous meeting has been revised to separate the mitigation payments attributable to the student housing component of the project and the retail component.

Maureen

Expressed a concern about meeting without attorneys.

Amy

There will be later meetings that will involve other participants.

Kelly

Expectation will be that SDSU as a developer will pay up front for the mitigation. If your mitigation provides more capacity than you need, we would pay you back at some point in the future through a City facilities financing mechanism.

Bob

Context is probably important. Pre- Marina, we would simply identify off site impacts, and have no further obligations. Post -Marina, we identify those impacts and mitigations and attempt to negotiate costs with the jurisdiction.

Kelly

That is not something that staff could agree to; it is a decision that would need to be put in front of the City Council for decision.

Eliana

You relied on the City redevelopment plans as a basis of your EIR. Now your development precludes that Redevelopment plan and all subsequent revenues. That is a fundamental disconnect in your EIR.

Bob

I don't believe that's correct. The redevelopment share would only be needed if there was subsequent redevelopment activity. If you really didn't do more development, you won't generate a cost.

Eliana

It would be helpful to see the factors that you used to develop your fair share.

Sally

We can certainly share that with you.

Eliana

1993 document reliance not appropriate.

Campus and redevelopment area cannot co-exist. It must be one or the other. City relies on redevelopment to contribute to fair share – when no taxes are collected, redevelopment cannot contribute. We relied on City FFP redevelopment plan but can't rely on that because that is no longer feasible.

Bob

Do you have a preference to either of the traffic mitigations?

Eliana

Neither one is adequate.

Amy

Can we summarize the remaining concerns as traffic and fire, and redevelopment?

Kelly

The way you get our input is to get a development permit from us, like SDG&E.

Kimberly

I want to reassure people we're not reinventing the wheel. This is how we negotiated with the City for the Master Plan.

Eliana

Could you please send a version that says it was prepared by the University?

Sally

We will go through the letter and come up with a list and then write a response that says here is what we did, and then go from there. We'll look at your comments on fire for example, and if we don't understand how it translates into a fair share cost (recognizing you don't agree with the fair share concept) we'll ask.

Kelly

It would be good to know if it is even possible for the University to pay in advance for mitigations.

Amy

Does it make sense to schedule both a traffic and a redevelopment meeting?

Eliana

I don't think you can separate them.

Amy

Target a meeting before January.

Kim

Agree we respond to Cecilia.

During the meeting, SDSU distributed the following materials to the meeting participants:

- 12-3-10 Meeting Agenda
- Environmental Analysis Summary Chart
- Table (revised) - Project Traffic Mitigation Costs and Fair-Share Amount Apportioned
- Graphic - Proposed Traditional Traffic Mitigation Measures
- Graphic Comparison between the Traditional and Alternative Traffic Mitigation Measures
- Project Site Plan indicating proposed uses and phasing
- Meeting Notes from 11-8-10 City of San Diego and SDSU Meeting (compiled by SDSU)
- Traffic Mitigation Measures Opinion of Probable Cost (compiled by RBF Civil Engineers)
- Mitigations Summary and Response to Impacts List

Plaza Linda Verde Draft EIR
Impact Negotiation Meeting 2
City Of San Diego / San Diego State University

Agenda

December 3, 2010

1. Introductions
2. Purpose of Meeting
Negotiating the cost of off-site mitigations required to reduce identified impacts to less than significant.
3. Summary of CEQA categories identified as having possibly significant impacts.
4. Review of table of identified traffic mitigations and fair share costs. (Table distributed at Nov 8 Meeting)
5. City Response to Mitigations and costs.
6. Set Date/Agenda for next meeting

Environmental Analysis Results

Environmental Category	Mitigation Measures Proposed – SDSU to implement with project	Mitigation Measures Proposed – SDSU to pay impact fees	Less Than Significant Impact	No Impact
Aesthetics/Visual Quality	✓			
Agriculture Resources				✓
Air Quality	✓			
Archaeological/paleontological resources	✓			
Biological Resources				✓
Cultural Resources	✓			
Geology and Soils	✓			
Hazards and Hazardous Materials	✓			
Historic Resources			✓	
Hydrology and Water Quality	✓			
Land Use Planning			✓	
Mineral Resources			✓	
Noise	✓			
Population and Housing	✓			
Public Utilities and Service Systems	✓	✓		
Recreation			✓	
Transportation/Traffic		✓		

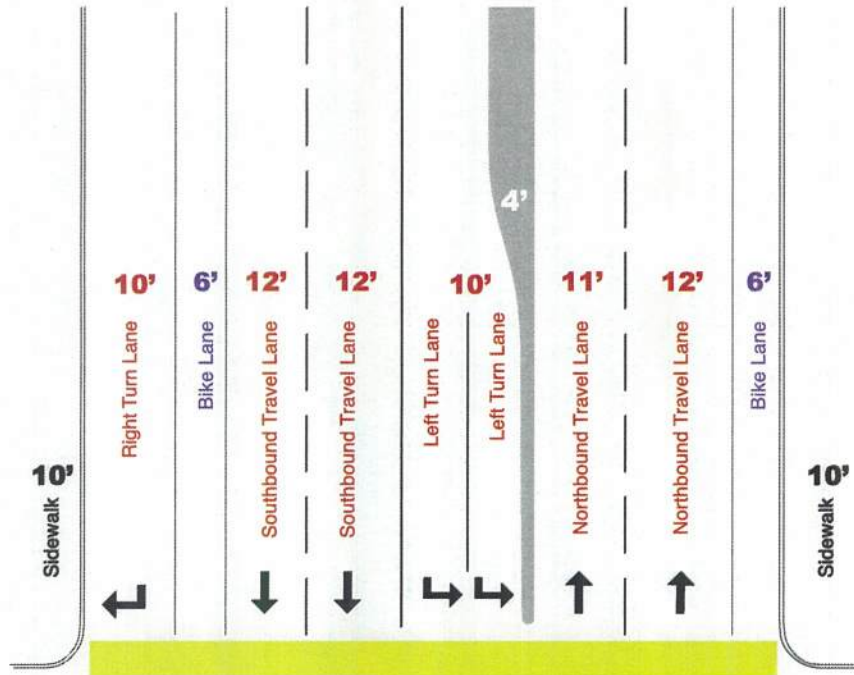
PLAZA LINDA VERDE
TRAFFIC MITIGATION COSTS AND FAIR-SHARE AMOUNT
APPORTIONED BASED ON TYPE USE

PLAZA LINDA VERDE TRAFFIC MITIGATION FAIR-SHARE						PROJECT FAIR-SHARE IMPACT PERCENTAGE APPORTIONED BASED ON TYPE USE		PRESENT (2010) TOTAL ESTIMATED IMPROVEMENT COST (per RBF Consulting ENR: 8566)	PRESENT (2010) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Present Dollars)		NEAR-TERM (2015) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Dollars Adjusted for Inflation to 2015 ENR: 10060 Multiplier: 1.17441046)		HORIZON YEAR (2030) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Dollars Adjusted for Inflation to 2030 ENR: 12799 Multiplier: 1.49416297)		PROJECT FAIR-SHARE AMOUNT TOTAL APPORTIONED BASED ON TYPE USE (Based on Mitigation 3.1)	
	NO.	LLG TRAFFIC REPORT IMPACT AND MITIGATION NO.		IMPACTED INTERSECTION/ROAD SEGMENT	MITIGATION MEASURE DESCRIPTION	Retail	Student Housing		Retail	Student Housing	Retail	Student Housing	Retail	Student Housing	Retail	Student Housing
INTERSECTIONS	1		E-1	College Avenue/ I-8 Eastbound Ramp	Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	2.77%	1.35%	(Included within Mitigation No. 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2	B-1	E-2	College Avenue/ Canyon Crest Drive	Re-stripe College Avenue from 500 feet south of the Canyon Crest Drive Intersection to the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	3.53%	2.18%	(Included within Mitigation No. 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	3	B-2	E-3	College Avenue/ Zura Way	3.1 - Provide a traffic signal at the intersection of College Avenue and Zura Way. Or 3.2 - Provide an additional southbound left-turn lane at the College Avenue/Montezuma Road intersection.	3.77%	2.33%	\$396,700 ¹	\$14,956 ²	\$9,243	\$17,564 ³	\$10,855	N/A	N/A	\$17,564	\$10,855
	4	B-3	E-4	College Avenue/ Montezuma Road	Widen the College Avenue/Montezuma Road intersection to provide an additional (2nd) left turn lane on the southbound and westbound approaches.	3.21%	1.80%	\$1,005,800	\$32,286	\$18,105	\$37,917	\$21,263	N/A	N/A	\$37,917	\$21,263
	5		E-5	Montezuma Road/ 55th Street	Provide a right-turn overlap phase for the westbound right-turn lane at the 55th Street/Montezuma Road intersection.	2.00%	0.88%	\$32,200	\$644	\$283	N/A	N/A	\$962	\$423	\$962	\$423
	6		E-6	Montezuma Road/ Campanile Drive	Widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach at the Montezuma Road/Campanile Drive intersection.	2.05%	0.80%	\$282,700	\$5,795	\$2,262	N/A	N/A	\$8,659	\$3,380	\$8,659	\$3,380
ROAD SEGMENTS	7	C-1	F-1	College Avenue: Canyon Crest to Zura Way	Re-stripe College Avenue to provide an additional (3rd) northbound through lane between I-8 eastbound ramps and Zura Way.	29.49%	5.74%	\$1,094,900	\$322,886 ⁴	\$62,847 ⁴	\$379,201	\$73,808	N/A	N/A	\$379,201	\$73,808
	8		F-2	College Avenue: Zura Way to Montezuma Way	Widen College Avenue to provide an additional (3rd) northbound through lane on College Avenue between Zura Way and Montezuma Road [segment between Zura Way and Hardy Lane to be re-striped].	2.14%	0.40%	\$2,340,200	\$50,080	\$9,361	N/A	N/A	\$74,828	\$13,987	\$74,828	\$13,987
	9	C-2	F-3	Montezuma Road: 55th Street to College Avenue	Provide a raised median on Montezuma Road between 55th Street and College Avenue.	6.77%	0.91%	\$365,100	\$24,717	\$3,323	\$29,027	\$3,903	N/A	N/A	\$29,027	\$3,903
								\$5,517,603	\$451,364	\$105,424	\$463,709	\$109,829	\$84,449	\$17,790	\$548,158	\$127,619 ⁵
TOTALS																
Notes: ¹ Cost assumes providing a traffic signal at the intersection (MM 3.1). Providing an additional southbound left-turn lane instead (MM 3.2) would cost \$177,700. ² Mitigation No. 3.2 2010 fair-share amount is \$6,700 (R) + \$4,140 (SH). ³ Mitigation No. 3.2 2015 fair-share amount is \$7,867 (R) + \$4,863 (SH). ⁴ Amount to be apportioned between City of San Diego (Impacts B-1/E-2 and C-1/F-1) and Caltrans (Impact E-1) based upon affected right-of-way. Caltrans portion is \$9,356 (R) and \$4,561 (SH). ⁵ Total fair-share amount is \$538,461 (R) + \$121,627 (SH) with Mitigation No. 3.2.																

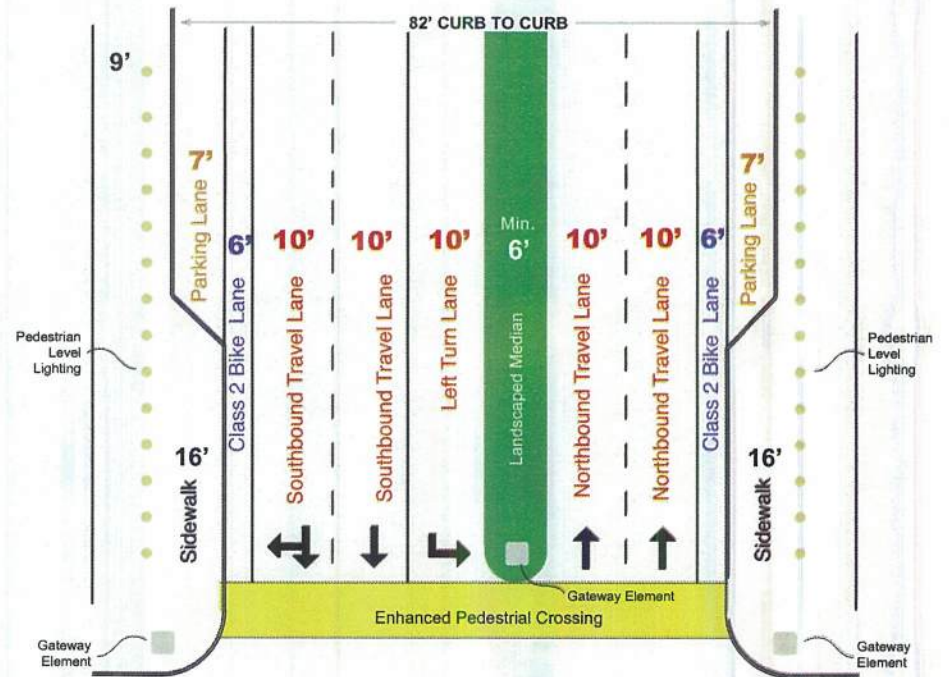
- ### Proposed Plaza Linda Verde

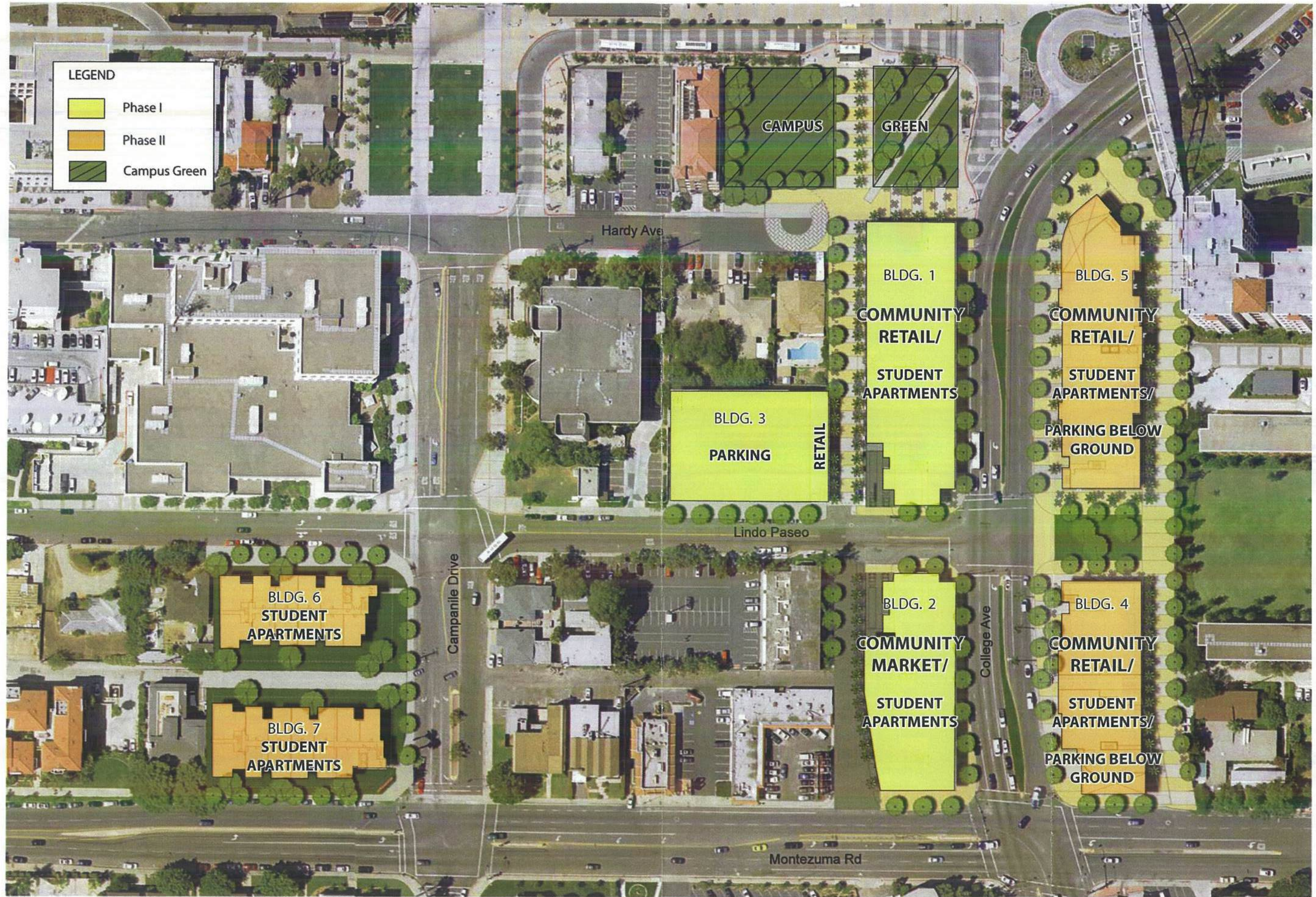
- Phase 1
- Phase 2
- Campus Green

PROPOSED TRADITIONAL MITIGATIONS COLLEGE AVE. & MONTEZUMA RD.



PROPOSED ALTERNATIVE & COLLEGE AVE. AT MONTEZUMA RD.





PROPOSED SITE PLAN
PLAZA LINDA VERDE
SAN DIEGO, CALIFORNIA
JANUARY 8, 2009

11.08.10

City of San Diego
San Diego State University

Notes from meeting regarding SDSU Plaza Linda Verde project

Attendees

Sally Roush, SDSU
Bob Schulz, SDSU
Cecilia Gallardo, City of SD, DSD
Maxx Stalheim, CP CI
Jean Cameron, DSD/EAS
Bill Anderson, City of SD, CPCI
Kendall D. Berkey, Kane, Battmer, & Berkman, Agency Special Counsel
Maureen Ostrye, Redevelopment Agency
Eliana Barrown (sp?), Redevelopment Agency
Amy Benjamin, Mayor's Office
Kelly Broughn, DSD
Kimberly Hale, Public Policy Strategies on behalf of SDSU
Tyler Sherer, SDSU
Laurie Cooper, SDSU

SDSU indicated we are here to present our project and answer questions. We have a duty to negotiate regarding identified impacts under City of Marina ruling.

Cecilia – was introduced as the City's coordinator of response to DEIR
City expressed concerns with respect to adequacy of the EIR.

Main concerns – Redevelopment, Long Range Development, Facilities Financing

Laurie

Presented a brief summary of the SDSU project; the following handouts were provided:

Project Summary Sheet
Project Site Plan indicating proposed uses and phasing
Project Site Plan Statistics Summary
Rendering - Proposed Campus Green looking south to Mixed-Use project
Rendering - Proposed Mixed-Use project looking north to Campus
List - Project Environmental Sustainability Commitments
Chart - Academic Benefits of Living on Campus
Graphic - examples of Project Community Involvement Events
Graphic describing Community Input
Environmental Analysis Summary Chart
Graphic - Proposed Traffic Mitigation Measures
Graphic Comparison between the Traditional and Alternative Traffic Mitigation Measures
Area Site Plan depicting Project adjacency to the Aztec Center project
Campus Master Plan Boundary Extension Graphic
Graphic - Easements to be Vacated
Project Timeline

Table - Project Traffic Mitigation Costs and Fair-Share Amount

City asked questions about the project and university answered.

Mixed use project on corner of College/Montezuma. 2 phases.

Phase 1 - 47000 gsf retail, 600 student beds

Phase 2 – 1000 beds

Total of 1600 beds to house more students and reduce number living in rental housing around the university.

In DEIR we analyzed the usual impacts; we will take care of impacts on our property. For City impacts, we identify mitigations and cost, then negotiate with City.

Our project is self financed including an underground parking structure.
For parking quantities university used city development standards.

Tyler

The university engaged is lots of community involvement going back to Paseo. SDSU went back to community. We held 8 meetings, open houses, and other meetings. 1700 surveys, 1500 returned. People want area cleaned up, lots of interest in a market and student housing.

Bill Anderson

What kind of retail?

Tyler

Beyond the community market, a sit down restaurant– but overall what the market will bear. Sustainability is important to community as well as student housing. Property owners in area looking forward to upgraded area.

Jean Cameron

How do you know the project will only house students?

Sally

We simply use our enrollment information; if you are not enrolled you cannot live in our housing.

Bill

Is the parking for the retail or students as well?

Laurie

All parking in the project is solely for the retail. The students are already incorporated in the parking demand in the 2007 Master Plan.

Kendall Berkey (??)

How do you know students aren't parking there?

Bob

We will deal with it operationally, mostly we just won't accept student permits.

Laurie

All property in phase 1 is owned by University.

Phase 2 – only willing sellers.

Project adds public open space south of the Trolley; adds 900 construction jobs and 150 continuing jobs primarily retail.

Sally

This meeting is to get questions from city, and to be the first meeting to negotiate impact mitigations.

The City raised the following issues:

Does the Master Plan Boundary change include city streets?

Alternative analysis did not include other projects that are planned.

Analysis did not address what would happen if SDSU phase 2 project does not work out.

Project alternative analysis does not specify what would happen if easements not gained.

Project is not compatible with Redevelopment plan, general plan and community plan amendment. This is especially important regarding City Council decisions such as street vacations.

No list of project actions. City not identified as the responsible agency with respect to easement. Cecilia confirmed that CSU Board is lead agency, city is responsible agency.

A Community Plan amendment is necessary because project exceeds density guidelines.

1. Obtain a plan amendment or
2. Redesign project.

Regarding mixed use – exceeds density allowed by zoning regulations. Either apply for a rezoning or bring project into compliance.

City is looking for compliance with urban design and redevelopment plan guidelines.

Urban design element not referenced. Appropriate city documents not referenced in the EIR.

By taking property off the property tax roles, university increases City's affordable housing burden without tax to support. City inquired if other CSU universities have entered into payment-in-lieu-of taxes agreements.

1993 Facilities Financing plan is not current; concerned about low cost of fair share, that traffic mitigations won't actually be accomplished because university will only pay its fair share. There is a gap in financing, would rather have all improvements and money up front.

What is feasibility of restriping instead of widening the street.

Fire department impact -- university will have to pay impact fee and other development impact fees. Even if university permits the development itself, university will still have to pay development impact fees.

Transportation – is university requiring transit pass of student residents? Has university done analysis that the additional impact on transit can be supported?

Sally

For the issues you raised that will be written comments to our DEIR, our response will come pursuant to the normal CEQA process. Fundamentally none of this project's student are new students; all impacts of new enrollment are already considered under the 2007 Master Plan.



Plaza Linda Verde

SAN DIEGO STATE UNIVERSITY

TRAFFIC MITIGATION MEASURES

Opinion of Probable Cost

OCTOBER 18, 2010

PREPARED FOR

Lauren Cooper

Director

SDSU - Facilities Planning, Design & Construction



PREPARED BY

RBF Consulting

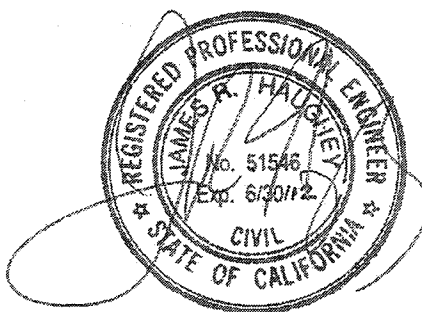
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San Diego, CA 92124

858-614-5000

Contact: James Haughey and Brian Wiese

Job Number: 25-103924.001



San Diego State University - Plaza Linda Verde
Opinion Of Probable Cost
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SUMMARY

	CONSTRUCTION COSTS	SOFT COSTS	PROPERTY ACQUISITION	TOTAL COST
1	\$174,300	\$163,500	\$0	\$337,800
2	\$290,200	\$266,700	\$0	\$556,900
3.1	\$268,800	\$127,900	\$0	\$396,700
3.2	\$77,500	\$100,200	\$0	\$177,700
4	\$338,500	\$194,400	\$472,900	\$1,005,800
5	\$17,500	\$14,700	\$0	\$32,200
6	\$141,500	\$141,200	\$0	\$282,700
7	\$455,200	\$326,400	\$313,300	\$1,094,900
8	\$675,300	\$269,900	\$1,395,000	\$2,340,200
9	\$221,300	\$143,800	\$0	\$365,100

NOTES AND PREPARATION PARAMETERS

The opinion of probable cost is based on the Mitigation Measures as described in the "Mitigation Measures Improvement Assumptions" provided at the end of this estimate.

The following are assumptions/methodology for the preparation of the estimate:

- 1) This estimate is based on various sources including City of San Diego bond prices, professional opinion, and recent bid information for similar projects.
- 2) This estimate is based on direct quantity take-offs from aerial photographs, surveyed topography, and site inspection. Conservative values or allowances were made for those items that are not clearly defined.
- 3) Unit costs include all subcontractor costs including profit, material, labor, and installation.
- 4) This estimate is prepared for use by the University for decision making purposes regarding project costs. These costs are not guaranteed, contractor bids may differ due to market conditions and actual incurred costs by the contractors.
- 5) This estimate is based on the assumption of multiple competitive bids and a stable bidding market.
- 6) The owners of affected properties are not taken in consideration. Although only some of the affected properties are currently owned by SDSU, the affected properties for ROW acquisition may be owned by SDSU in the future. In the case where the property is all SDSU's, any Fair-Share responsibilities of SDSU should not include the project costs associated with property acquisitions.



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Mitigation Measure # 1

Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide an additional (3rd) northbound through lane.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$25,000	\$25,000
AC Pavement (Includes Base)	SF	4000	\$5	\$20,000
Existing Median 8' Removal	LF	530	\$20	\$10,600
4' Median	LF	530	\$60	\$31,800
Signal Modification - Minor	EA	2	\$6,000	\$12,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$5,000	\$5,000
Traffic Control	LS	1	\$25,000	\$25,000
Construction Costs Subtotal				\$139,400
Contingency 25%				\$34,900
Construction Costs Total				\$174,300
SOFT COSTS				
Construction Management			7.00%	\$12,300
Bonding			2.00%	\$3,500
Design	LS	1	\$75,000	\$75,000
Permits & Processing	LS	1	\$20,000	\$20,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$10,000	\$10,000
Soft Costs Subtotal				\$130,800
Contingency 25%				\$32,700
Soft Costs Total				\$163,500

TOTAL MITIGATION COST **\$337,800**

* Assumes no property acquisition required



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Mitigation Measure # 2

Re-stripe College Avenue from 500 feet south of the Canyon Crest Drive Intersection to the I-8 eastbound ramps to provide an additional (3rd) northbound through lane.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$35,000	\$35,000
AC Pavement (Includes Base)	SF	9000	\$5	\$45,000
Existing Median 8' Removal	LF	990	\$20	\$19,800
4' Median	LF	1030	\$60	\$61,800
Signal Modification - Minor	EA	3	\$6,000	\$18,000
Mobilization	LS	1	\$15,000	\$15,000
Stormwater Protection	LS	1	\$7,500	\$7,500
Traffic Control	LS	1	\$30,000	\$30,000
Construction Costs Subtotal				\$232,100
Contingency 25%				\$58,100
Construction Costs Total				\$290,200
SOFT COSTS				
Construction Management			7.00%	\$20,400
Bonding			2.00%	\$5,900
Design	LS	1	\$125,000	\$125,000
Permits & Processing	LS	1	\$30,000	\$30,000
Geotechnical Investigation	LS	1	\$12,000	\$12,000
Survey	LS	1	\$20,000	\$20,000
Soft Costs Subtotal				\$213,300
Contingency 25%				\$53,400
Soft Costs Total				\$266,700
TOTAL MITIGATION COST				\$556,900

* Assumes no property acquisition required

Notes:

1) The estimated cost for Mitigation Measure #2 includes \$337,800 attributable to Mitigation Measure #1.



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Mitigation Measure # 3.1

Provide a traffic signal at the intersection of College Avenue and Zura Way

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$15,000	\$15,000
Signalize Intersection	LS	1	\$150,000	\$150,000
Intersection - Misc Surface Improvements	LS	1	\$20,000	\$20,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$5,000	\$5,000
Traffic Control	LS	1	\$15,000	\$15,000
Construction Costs Subtotal				\$215,000
Contingency 25%				\$53,800
Construction Costs Total				\$268,800
SOFT COSTS				
Construction Management			7.00%	\$18,900
Bonding			2.00%	\$5,400
Design	LS	1	\$40,000.00	\$40,000
Permits & Processing	LS	1	\$20,000.00	\$20,000
Geotechnical Investigation	LS	1	\$8,000.00	\$8,000
Survey	LS	1	\$10,000.00	\$10,000
Soft Costs Subtotal				\$102,300
Contingency 25%				\$25,600
Soft Costs Total				\$127,900

TOTAL MITIGATION COST **\$396,700**

* Assumes no property acquisition required



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Mitigation Measure # 3.2

Provide an additional southbound left-turn lane at the College Avenue/Montezuma Road intersection.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$7,500	\$7,500
AC Pavement (Includes Base)	SF	1300	\$5	\$6,500
Existing median 10' Removal	LF	150	\$23	\$3,500
2' Median	LF	140	\$50	\$7,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$7,500	\$7,500
Traffic Control	LS	1	\$20,000	\$20,000
Construction Costs Subtotal				\$62,000
Contingency 25%				\$15,500
Construction Costs Total				\$77,500
SOFT COSTS				
Construction Management			7.00%	\$5,500
Bonding			2.00%	\$1,600
Design	LS	1	\$40,000.00	\$40,000
Permits & Processing	LS	1	\$15,000.00	\$15,000
Geotechnical Investigation	LS	1	\$8,000.00	\$8,000
Survey	LS	1	\$10,000.00	\$10,000
Soft Costs Subtotal				\$80,100
Contingency 25%				\$20,100
Soft Costs Total				\$100,200

TOTAL MITIGATION COST **\$177,700**

* Assumes no property acquisition required



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Mitigation Measure # 4

Widen the College Avenue/Montezuma Road intersection to provide an additional (2nd) left turn lane on the southbound and westbound approaches.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$20,000	\$20,000
Demolition - Curb, Gutter, Sidewalk, Driveway	LF	420	\$25	\$10,500
Curb, Gutter, Sidewalk, Driveway	LF	420	\$80	\$33,600
AC Pavement (Includes Base)	SF	3800	\$5	\$19,000
Existing Median 4' Removal	LF	230	\$15	\$3,500
Existing median 10' Removal	LF	180	\$23	\$4,200
4' Median	LF	150	\$60	\$9,000
2' Median	LF	140	\$50	\$7,000
Intersection - Misc Surface Improvements	LS	1	\$15,000	\$15,000
Signal Modification - Major	EA	2	\$30,000	\$60,000
Miscellaneous Utility Relocation	LS	1	\$44,000	\$44,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$10,000	\$10,000
Traffic Control	LS	1	\$25,000	\$25,000
Construction Costs Subtotal				\$270,800
Contingency 25%				\$67,700
Construction Costs Total				\$338,500
SOFT COSTS				
Construction Management			7.00%	\$23,700
Bonding			2.00%	\$6,800
Design	LS	1	\$75,000	\$75,000
Permits & Processing	LS	1	\$30,000	\$30,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$10,000	\$10,000
Soft Costs Subtotal				\$155,500
Contingency 25%				\$38,900
Soft Costs Total				\$194,400
TOTAL MITIGATION COST				\$532,900
Right-of-Way Acquisition				
	AC	0.07	\$6,200,000	\$434,000
Property Acquisition Subtotal				\$434,000
Contingency 25%				\$38,900
Property Acquisition Total				\$472,900
TOTAL MITIGATION COST WITH PROPERTY ACQUISITION				\$1,005,800



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Mitigation Measure # 5

Provide a right-turn overlap phase for the westbound right turn lane at the 55th Street/Montezuma Road intersection

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signal Modification - Minor	EA	1	\$10,000	\$10,000
Mobilization	LS	1	\$2,000	\$2,000
Traffic Control	LS	1	\$2,000	\$2,000
Construction Costs Subtotal				\$14,000
Contingency 25%				\$3,500
Construction Costs Total				\$17,500
SOFT COSTS				
Construction Management			7.00%	\$1,300
Bonding			2.00%	\$400
Design	LS	1	\$5,000.00	\$5,000
Permits & Processing	LS	1	\$5,000.00	\$5,000
Geotechnical Investigation	LS	1	\$0.00	\$0
Survey	LS	1	\$0.00	\$0
Soft Costs Subtotal				\$11,700
Contingency 25%				\$3,000
Soft Costs Total				\$14,700

TOTAL MITIGATION COST **\$32,200**

* Assumes no property acquisition required



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Mitigation Measure # 6

Widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach at the Montezuma Road/Campanile Drive intersection.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$10,000	\$10,000
Demolition - Curb, Gutter, Sidewalk, Driveway	LF	140	\$25	\$3,500
Curb, Gutter, Sidewalk, Driveway	LF	140	\$80	\$11,200
AC Pavement (Includes Base)	SF	800	\$5	\$4,000
Intersection - Misc Surface Improvements	LS	1	\$10,000	\$10,000
Signal Modification - Major	EA	1	\$30,000	\$30,000
Miscellaneous Utility Relocation	LS	1	\$12,000	\$12,000
Landscaping and Irrigation	LS	1	\$5,000	\$5,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$7,500	\$7,500
Traffic Control	LS	1	\$10,000	\$10,000
Construction Costs Subtotal				\$113,200
Contingency 25%				\$28,300
Construction Costs Total				\$141,500

SOFT COSTS				
Construction Management			7.00%	\$10,000
Bonding			2.00%	\$2,900
Design	LS	1	\$60,000	\$60,000
Permits & Processing	LS	1	\$20,000	\$20,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$10,000	\$10,000
Soft Costs Subtotal				\$112,900
Contingency 25%				\$28,300
Soft Costs Total				\$141,200

TOTAL MITIGATION COST **\$282,700**

* Assumes no property acquisition required



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Mitigation Measure # 7

Re-stripe College Avenue to provide an additional (3rd) northbound through lane between I-8 eastbound ramps and Zura Way.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$40,000	\$40,000
AC Pavement (Includes Base)	SF	10000	\$5	\$50,000
Existing Median 8' Removal	LF	990	\$20	\$19,800
4' Median	LF	1330	\$60	\$79,800
2' Median Barrier (K-rail)	LF	300	\$55	\$16,500
6' Masonry Retaining Wall	LF	300	\$300	\$90,000
Signal Modification - Minor	EA	3	\$6,000	\$18,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$10,000	\$10,000
Traffic Control	LS	1	\$30,000	\$30,000
Construction Costs Subtotal				\$364,100
Contingency 25%				\$91,100
Construction Costs Total				\$455,200
SOFT COSTS				
Construction Management			7.00%	\$31,900
Bonding			2.00%	\$9,200
Design	LS	1	\$150,000	\$150,000
Permits & Processing	LS	1	\$30,000	\$30,000
Geotechnical Investigation	LS	1	\$15,000	\$15,000
Survey	LS	1	\$25,000	\$25,000
Soft Costs Subtotal				\$261,100
Contingency 25%				\$65,300
Soft Costs Total				\$326,400
TOTAL MITIGATION COST				\$781,600
Right-of-Way Acquisition				
	AC	0.04	\$6,200,000	\$248,000
Property Acquisition Subtotal				\$248,000
Contingency 25%				\$65,300
Property Acquisition Total				\$313,300
TOTAL MITIGATION COST WITH PROPERTY ACQUISITION				\$1,094,900

Notes:

1) The estimated cost for Mitigation Measure #7 includes \$556,900 attributable to Mitigation Measure #2.



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Mitigation Measure # 8

Widen College Avenue to provide an additional (3rd) northbound through lane on College Avenue between Zura Way and Montezuma Road.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$30,000	\$30,000
Demolition - Curb, Gutter, Sidewalk, Driveway	LF	530	\$25	\$13,300
Curb, Gutter, Sidewalk, Driveway	LF	530	\$80	\$42,400
AC Pavement (Includes Base)	SF	10000	\$5	\$50,000
Existing Median 8' Removal	LF	550	\$20	\$11,000
4' Median	LF	950	\$60	\$57,000
Intersection - Misc Surface Improvements	LS	1	\$30,000	\$30,000
Signal Modification - Major	EA	3	\$30,000	\$90,000
Street Light Relocation	EA	3	\$4,500	\$13,500
Storm Drain Relocation	LS	1	\$112,000	\$112,000
Miscellaneous Utility Relocation	LS	1	\$56,000	\$56,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$10,000	\$10,000
Traffic Control	LS	1	\$15,000	\$15,000
Construction Costs Subtotal				\$540,200
25%				\$135,100
Construction Costs Total				\$675,300
SOFT COSTS				
Construction Management			7.00%	\$47,300
Bonding			2.00%	\$13,600
Design	LS	1	\$100,000	\$100,000
Permits & Processing	LS	1	\$30,000	\$30,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$15,000	\$15,000
Soft Costs Subtotal				\$215,900
Contingency 25%				\$54,000
Soft Costs Total				\$269,900
TOTAL MITIGATION COST				\$945,200
Right-of-Way Acquisition				
	AC	0.18	\$6,200,000	\$1,116,000
Property Acquisition Subtotal				\$1,116,000
Contingency 25%				\$279,000
Property Acquisition Total				\$1,395,000
TOTAL MITIGATION COST WITH PROPERTY ACQUISITION				\$2,340,200



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Mitigation Measure # 9

Provide a raised median on Montezuma Road between 55th Street and College Ave

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$20,000	\$20,000
Existing Median 4' Removal	LF	730	\$15	\$11,000
4' Median	LF	1850	\$60	\$111,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$10,000	\$10,000
Traffic Control	LS	1	\$15,000	\$15,000
Construction Costs Subtotal				\$177,000
Contingency 25%				\$44,300
Construction Costs Total				\$221,300
SOFT COSTS				
Construction Management			7.00%	\$15,500
Bonding			2.00%	\$4,500
Design	LS	1	\$50,000	\$50,000
Permits & Processing	LS	1	\$20,000	\$20,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$15,000	\$15,000
Soft Costs Subtotal				\$115,000
Contingency 25%				\$28,800
Soft Costs Total				\$143,800
TOTAL MITIGATION COST				\$365,100

* Assumes no property acquisition required

Mitigation Measure Improvement Assumptions

All assumptions were made for cost estimating purposes only. Due to limited provided design, only the most general guidelines were used in determining feasibility. Any mitigation improvements listed herein may or may not be feasible due to requirements and/or restrictions associated with the project not determined at this time.

MITIGATION MEASURE #1

Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide an additional (3rd) northbound through lane.

To obtain the desired lane configurations through re-striping alone, lane and median widths are assumed to be narrowed from the city design standards. The determined mitigation improvements were based on the following assumptions:

- No widening of College Avenue, only restriping
- Median resizing and relocation is assumed to be required
- Minor signal relocation and adjustment is assumed to be required
- Median to be concrete, no landscaping
- The existing right turn lane from northbound College Avenue onto Alvarado Road will be used for the additional through lane and will no longer be dedicated.

MITIGATION MEASURE #2

Re-stripe College Avenue from 500 feet south of the Canyon Crest Drive Intersection to the I-8 eastbound ramps to provide an additional (3rd) northbound through lane.

To obtain the desired lane configurations through re-striping alone, lane and median widths are assumed to be narrowed from the city design standards. The assumptions associated with the determined mitigation improvements for Measure #2 are the same as those assumed in Mitigation Measure #1.

MITIGATION MEASURE #3.1

Provide a traffic signal at the intersection of College Avenue and Zura Way

The improvements required for Mitigation Measure #3.1 are based on the layout of the existing non-signalized intersection. The determined mitigation improvements were based on the following assumptions:

- The existing curb and sidewalk at the intersection will remain the same with the exception of new pedestrian ramps and curb return modifications
- The configuration of the intersection is to remain the same, with the exception of re-striping

MITIGATION MEASURE #3.2

Provide an additional southbound left-turn lane at the College Avenue/Montezuma Road intersection.

To obtain the desired intersection configuration, turning lane and median widths are assumed to be narrowed from the city design standards. The determined mitigation improvements were based on the following assumptions:

- No widening of College Avenue, restriping and median only
- All other approaches to the intersection will remain unchanged
- The additional left turn lane will be approximately 100 feet long
- Median to be concrete, no landscaping

MITIGATION MEASURE #4

Widen the College Avenue/Montezuma Road intersection to provide an additional (2nd) left turn lane on the southbound and westbound approaches.

The assumptions made in Mitigation Measure #3.2 also apply to the second southbound left-turn lane described in Mitigation Measure #4. To obtain a second westbound left-turn lane, it will be necessary to widen Montezuma Road. In addition, lane and median widths are assumed to be narrowed from the city design standards. The determined mitigation improvements were based on the following assumptions:

- 12 feet of additional Right of Way is assumed to be acquired to allow for the necessary widening of Montezuma Road
- The existing bike lane and right-turn only lane on the westbound approach are to remain, but shifted
- Median resizing and relocation may be required
- Miscellaneous dry utilities may need to be relocated
- Median to be concrete, no landscaping

MITIGATION MEASURE #5

Provide a right-turn overlap phase for the westbound right-turn lane at the 55th Street/Montezuma Road intersection

To accomplish a right-turn overlap phase, a new signal head with right-turn arrows will be required. The determined mitigation improvements for #5 were based on the following assumptions:

- Only one additional signal head will be necessary.
- The new signal head will be mounted on an existing signal pole
- The configuration of the intersection is to remain the same

MITIGATION MEASURE #6

Widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach at the Montezuma Road/Campanile Drive intersection.

The determined mitigation improvements were based on the following assumptions:

- The improvements required in Mitigation Measure #6 are assumed to fit within the existing Right of Way.
- Adding a right-turn lane will require widening of the existing curb and sidewalk
- A new pedestrian ramp and curb return will be required
- All other approaches to the intersection will remain unchanged
- Major signal relocation and adjustment may be required
- Minor landscaping and irrigation may be required to match existing conditions
- Miscellaneous dry utilities may need to be relocated

MITIGATION MEASURE #7

Re-stripe College Avenue to provide an additional (3rd) northbound through lane between I-8 eastbound ramps and Zura Way.

To obtain the desired lane configurations most effectively, lane and median widths are assumed to be narrowed from the city design standards. The assumptions made in Mitigation Measures #1 and #2 also apply to the improvements found in Mitigation Measure #7. However, it was determined for the additional segment that the existing conditions would likely not allow for a third northbound lane on College Avenue through re-striping alone. The determined cost was based on the following assumptions:

- College Avenue would require widening of up to 6 feet for a 250 foot section north of Zura Way due to constrained roadway
- 300 feet of K-rail would be needed in place of a median.
- A 300 foot retaining wall would be needed as part of the widening (to be included in the 6 feet of additional width). It is assumed that this will not conflict with existing pedestrian bridge north of Zura Way.
- Median resizing and relocation may be required
- It is assumed that no sidewalk will be required on the west side of College Avenue (there is none existing)
- Median to be concrete, no landscaping
- The existing right turn lane from northbound College Avenue onto Alvarado Road will be used for the additional through lane and will no longer be dedicated.
- Although property acquisition is assumed for this Mitigation Measure, full survey and mapping may indicate that the proposed improvements can fit within the existing right-of-way.

MITIGATION MEASURE #8

Widen College Avenue to provide an additional (3rd) northbound through lane on College Avenue between Zura Way and Montezuma Road.

To obtain the desired lane configurations most effectively, lane and median widths may need to be narrowed from the city design standards. The determined mitigation improvements were based on the following assumptions:

- It may not be necessary to widen College Avenue between Hardy Lane and Zura Way. Creating a third northbound lane should be possible in this section through re-striping
- The additional area needed to widen College Avenue between Hardy Lane and Montezuma Road falls outside of the existing Right of Way and will need to be acquired. All widening will be done on the east side of College Avenue
- Major signal modifications will be required at the intersection of College Avenue and Lindo Paseo
- New curb, gutter, and sidewalk will be required in the section of College Avenue to be widened
- Existing storm drain systems may need to be relocated
- Miscellaneous dry utilities may need to be relocated
- Median to be concrete, no landscaping
- The existing right turn lane from northbound College Avenue onto Zura Way will be used for the additional through lane and will no longer be dedicated.

MITIGATION MEASURE # 9

Provide a raised median on Montezuma Road between 55th Street and College Avenue.

The proposed raised median is to be located at the same location as the existing striped/raised median. The determined mitigation improvements were based on the following assumptions:

- No modification to the existing lane configurations is to be made
- Median to be concrete, no landscaping

Mitigations - Responses to Impacts

1. Majority of issues were studied and found to have no impact or can be readily mitigated to below a level of significance. These include:

Aesthetics/Visual Quality
Agriculture Resources
Air Quality
Archaeological/paleontological resources
Biological Resources
Cultural Resources
Geology and Soils
Hazards and Hazardous Materials
Hydrology and Water Quality
Land Use Planning
Mineral Resources
Noise
Population and Housing

The majority of *public utilities and service systems* were studied and found to have no impact or can be readily mitigated to below a level of significance. There were two exceptions:

For water and sewer –

Found capacity is available for *water*.

SDSU will pay applicable water supply infrastructure connection fees and capital facilities impact fees.

Capacity available for *sewer* in some cases.

In others, may need to increase capacity, upgrade and/or move lines. SDSU will be responsible for paying these fees.

SDSU will pay sewer infrastructure connection fees and capital facilities fees

SDSU will be responsible for the water and sewer work associated with the project.

SDSU responsible for paying the impact fees.

2. Significant Impact/Mitigation

Transportation/Traffic

SDSU will pay fair-share percentage cost for traffic mitigations. Two scenarios proposed in the DEIR – Traditional concept and Alternative concept (see table and diagrams).

3. No impacts Found

Recreation (Parks)

DEIR studies found SDSU has an abundance of park/recreation space/facilities.

Project adds 1 acre in new open space.

New PLV open space brings SDSU to nearly 34 acres over the City's General Plan requirement (DEIR Table 3.11-11) and nearly 50 acres of park and rec space in total.

Fire

DEIR found fire is not impacted.

GENERAL RESPONSE 1: ATTACHMENT 3

Notes for file, prepared by Sally Roush

Summary of Meetings with City of San Diego

Discussions regarding Plaza Linda Verde project impacts and mitigation payments

Meeting Date and Time: December 18, 2010, 8:00 a.m.

Location: Hob Nob Restaurant, San Diego

Attendees: Kris Michell, Mayor's Office; Sally Roush, SDSU; Kimberly Hale, SDSU

Following two larger meetings between SDSU representatives and City/Redevelopment Agency staff, this meeting was for the purpose of exploring whether SDSU and the City might be able to reach agreement on a mitigation approach for the PLV Project and the 2007 Master Plan, the subject of litigation.

This was a positive discussion where both Kris from the Mayor's Office and Sally from the University agreed there was a possibility such discussions could be productive. Kris indicated that though she was leaving the Mayor's Office she would brief her replacement (Julie Dubick) and facilitate a subsequent meeting.

Meeting Date and Time: January 6, 2011 10:30 a.m.

Location: Mayor's Office

Attendees: Julie Dubick, Mayor's Office; Amy Benjamin, Mayor's Office; Sally Roush, SDSU; Kimberly Hale, SDSU

This was a more substantive meeting in which we reviewed the facts of the PLV project, the Master Plan litigation, as well as the financial and operational challenges facing both the City and the University in reaching a mitigation agreement. Each acknowledged that the other had significant policy and legal considerations. But we agreed to work toward an agreement with a time certain completion of mid-April at the latest. We further agreed to set frequent meetings to work toward this goal.

Meeting Date and Time: February 2, 2011 at 9:30 a.m.

Location: Office of San Diego Mayor Jerry Sanders, City Administration Building, 202 C Street, San Diego, CA 92101

Attendees: Julie Dubick, Mayor's Office; David Graham, Mayor's Office; Sally Roush, SDSU; Betsy Kinsley, SDSU; Kimberly Hale, SDSU

At this meeting, David Graham was introduced as the Mayor's newly appointed Land Use Policy specialist. We recapped the situation once again. The time urgency was reiterated, and I indicated that in reality our work needed to be complete by the end of March.

We discussed PLV issues as they relate to the Redevelopment Agency, and the importance (whether political, financial or policy is not clear to me) of an affordable housing accommodation in the redevelopment area. We discussed whether or not there might be an affordable housing "equivalency" in some University housing, and agreed that Betsy would look into this and report at our next meeting.

Julie emphasized that due to the short time line, we needed to meet frequently, perhaps as much as twice a week, and that the University should make a good first effort to facilitate meaningful discussion. Julie also designated David Graham as the Mayor's point person for these discussions with SDSU. She also stated that if she could not make a scheduled meeting due to scheduling conflicts, David has the authority to attend these meetings on behalf of the Mayor's office. David indicated he would spend time getting up to speed on the litigation and City concerns with both the 2007 EIR and the PLV DEIR.

We agreed to meet again in the Mayor's office on February 10, at which time the University would give a preliminary report on affordable housing and would provide an initial starting point for discussion. The City would determine its team, which we requested be a small number of people who could make effective recommendations and decisions, and would be prepared for more substantive conversation for the next meeting.

Meeting Date and Time: February 10, 2011 9:00 a.m.

Location: Mayor's Office

Attendees: David Graham, Mayor's Office; Kimberly Hale, SDSU; Betsy Kinsley SDSU; Sally Roush SDSU

SDSU provided David with more background information to facilitate the discussion, including information regarding traffic mitigation projects. In response to Redevelopment Agency concerns, SDSU presented information on the number of student beds in our residential program inventory and the number of students receiving a housing subsidy in the form of financial aid. We explained that we presented this information for the City's use in determining whether there could be an "equivalent value" argument made for the City Redevelopment Agency to put forward to demonstrate that the affordable housing requirements in this redevelopment district were being met by another mechanism.

SDSU also provided a list of recently completed, privately developed student housing projects for which it was our understanding that the City had approved an in lieu fee paid by each developer.

David said he would review the information further and discuss it internally within the City and would get back to us.

No next meeting date was set, but David indicated he would contact Kimberly for follow up if he had questions or issues for clarification.

Week of February 21, 2011

I called Kimberly to see if she had heard anything from the City. She had not, but said she would call David and get back to me. Kimberly called back to say David was working with City staff to prepare a proposal for discussion. He was going out of town, returning on March 9. He indicated he would contact Kimberly as soon as he had received and reviewed staff's proposal. Kimberly thought she would have the information by March 10.

GENERAL RESPONSE 1: ATTACHMENT 4

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Friday, January 07, 2011 1:00 PM
To: Michael Haberkorn
Cc: 'Robert Schulz'
Subject: FW: City/SDSU 11-8-10 Meeting Notes
Attachments: City-SDSU PLV DEIR Meeting Notes -- 11 8 10 - revised 12-8-10 .docx

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Friday, January 07, 2011 12:58 PM
To: 'Cecilia Gallardo'
Subject: City/SDSU 11-8-10 Meeting Notes

Cecelia,

Please see attached 11-8-10 meeting notes revised as requested to reflect that SDSU complied the notes. We had revised these notes back in December, but just realized we never sent them to you for your comments.

Best Regards, Laurie

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

11.08.10

City of San Diego
San Diego State University

Meeting regarding SDSU Plaza Linda Verde project:

These meeting notes were prepared by SDSU and provided to the City.

Sally Roush, SDSU

Bob Schulz, SDSU

Cecilia Gallardo, City of SD, DSD

Maxx Stalheim, CP CI

Jean Cameron, DSD/EAS

Bill Anderson, City of SD, CPCI

Kendall D. Berkey, Kane, Battmer, & Berkman, Agency Special Counsel

Maureen Ostrye, Redevelopment Agency

Eliana Barrown (sp?), Redevelopment Agency

Amy Benjamin, Mayor's Office

Kelly Broughn, DSD

Kimberly Hale, Public Policy Strategies on behalf of SDSU

Tyler Sherer, SDSU

Laurie Cooper, SDSU

SDSU indicated we are here to present our project and answer questions. We have a duty to negotiate regarding identified impacts under City of Marina ruling.

Cecilia – was introduced as the City's coordinator of response to DEIR

City expressed concerns with respect to adequacy of the EIR.

Main concerns – Redevelopment, Long Range Development, Facilities Financing

Laurie

Presented a brief summary of the SDSU project; handout was provided. City asked questions about the project and university answered.

Mixed use project on corner of College/Montezuma. 2 phases.

Phase 1 - 47000 gsf retail, 600 student beds

Phase 2 – 1000 beds

Total of 1600 beds to house more students and reduce number living in rental housing around the university.

In DEIR we analyzed the usual impacts; we will take care of impacts on our property. For City impacts, we identify mitigations and cost, then negotiate with City.

Our project is self financed including an underground parking structure.

For parking quantities university used city development standards.

Tyler

The university engaged is lots of community involvement going back to Paseo. SDSU went back to community. We held 8 meetings, open houses, and other meetings. 1700 surveys, 1500 returned. People want area cleaned up, lots of interest in a market and student housing.

Bill Anderson

What kind of retail?

Tyler

Beyond the community market, a sit down restaurant– but overall what the market will bear. Sustainability is important to community as well as student housing. Property owners in area looking forward to upgraded area.

Jean Cameron

How do you know the project will only house students?

Sally

We simply use our enrollment information; if you are not enrolled you cannot live in our housing.

Bill

Is the parking for the retail or students as well?

Laurie

All parking in the project is solely for the retail. The students are already incorporated in the parking demand in the 2007 Master Plan.

Kendall Berkey (??)

How do you know students aren't parking there?

Bob

We will deal with it operationally, mostly we just won't accept student permits.

Laurie

All property in phase 1 is owned by University.

Phase 2 – only willing sellers.

Project adds public open space south of the Trolley; adds 900 construction jobs and 150 continuing jobs primarily retail.

Sally

This meeting is to get questions from city, and to be the first meeting to negotiate impact mitigations.

The City raised the following issues:

Does the Master Plan Boundary change include city streets?

Alternative analysis did not include other projects that are planned.

Analysis did not address what would happen if SDSU phase 2 project does not work out.

Project alternative analysis does not specify what would happen if easements not gained.

Project is not compatible with Redevelopment plan, general plan and community plan amendment. This is especially important regarding City Council decisions such as street vacations.

No list of project actions. City not identified as the responsible agency with respect to easement. Cecilia confirmed that CSU Board is lead agency, city is responsible agency.

A Community Plan amendment is necessary because project exceeds density guidelines.

1. Obtain a plan amendment or
2. Redesign project.

Regarding mixed use – exceeds density allowed by zoning regulations. Either apply for a rezoning or bring project into compliance.

City is looking for compliance with urban design and redevelopment plan guidelines.

Urban design element not referenced. Appropriate city documents not referenced in the EIR.

By taking property off the property tax rolls, university increases City's affordable housing burden without tax to support. City inquired if other CSU universities have entered into payment-in-lieu-of taxes agreements.

1993 Facilities Financing plan is not current; concerned about low cost of fair share, that traffic mitigations won't actually be accomplished because university will only pay its fair share. There is a gap in financing, would rather have all improvements and money up front.

What is feasibility of restriping instead of widening the street.

Fire department impact – university will have to pay impact fee and other development impact fees. Even if university permits the development itself, university will still have to pay development impact fees.

Transportation – is university requiring transit pass of student residents? Has university done analysis that the additional impact on transit can be supported?

Sally

For the issues you raised that will be written comments to our DEIR, our response will come pursuant to the normal CEQA process. Fundamentally none of this project's student are new students; all impacts of new enrollment are considered.

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Monday, January 10, 2011 5:02 PM
To: Michael Haberkorn
Cc: 'Robert Schulz'
Subject: FW: City/SDSU 12-3-10 Meeting Notes
Attachments: City-SDSU PLV Negotiation Meeting Notes 12-3-10.doc

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Monday, January 10, 2011 5:01 PM
To: 'Cecilia Gallardo'
Subject: City/SDSU 12-3-10 Meeting Notes

Cecelia,

Please see attached 12-3-10 meeting notes and provide any comments or changes that the City may have regarding the notes.

Best Regards, Laurie

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

12.3.10

City of San Diego San Diego State University

Meeting regarding SDSU Plaza Linda Verde project:

These meeting notes were prepared by SDSU and provided to the City for comment prior to preparation of a final version.

Sally Roush, SDSU
Bob Schulz, SDSU
Laurie Cooper, SDSU
Tyler Sherer, SDSU
Kimberly Hale, Public Policy Strategies on behalf of SDSU
Cecilia Gallardo, City of SD, DSD
Mary Wright, City of SD
Jean Cameron, DSD/EAS/ City of SD
Kelly Broughton, DSD/ City of SD
Eliaana Barreiros, Redevelopment Agency
Amy Benjamin, Mayor's Office City of SD
Maureen Ostrye, Redevelopment Agency
Ana Fancy-Genzel
Tom T...

Sally

Introductions and asked for corrections to minutes.

Subject of meeting is City of Marina obligations to negotiate cost off-site mitigations. Comments made at the last meeting about the EIR itself were all going to be submitted as EIR comments, and will be responded to appropriately.

Laurie

Described the EIR analysis table. Most categories were determined to contain no impact, or mitigated to less than significant. Remaining issues that we identified as requiring payment to mitigate were water and sewer, and traffic.

SDSU has found possible impacts to both water and sewer and recognizes this and will pay to mitigate consistent with statutory requirements.

As to traffic, SDSU identified two alternative traffic mitigation approaches; the traditional mitigation of impacts approach to provide more capacity, and an alternative version that would not add capacity prepared by Mike Stepner.

SDSU has prepared and provided to the City a fair-share traffic mitigation table that identifies the impacted locations, the total cost of the necessary improvement, SDSU's fair-share calculated using the City's formula, and SDSU's fair-share amount based on those calculations. The original mitigation table

distributed to the City at the previous meeting has been revised to separate the mitigation payments attributable to the student housing component of the project and the retail component.

Maureen

Expressed a concern about meeting without attorneys.

Amy

There will be later meetings that will involve other participants.

Kelly

Expectation will be that SDSU as a developer will pay up front for the mitigation. If your mitigation provides more capacity than you need, we would pay you back at some point in the future through a City facilities financing mechanism.

Bob

Context is probably important. Pre- Marina, we would simply identify off site impacts, and have no further obligations. Post -Marina, we identify those impacts and mitigations and attempt to negotiate costs with the jurisdiction.

Kelly

That is not something that staff could agree to; it is a decision that would need to be put in front of the City Council for decision.

Eliana

You relied on the City redevelopment plans as a basis of your EIR. Now your development precludes that Redevelopment plan and all subsequent revenues. That is a fundamental disconnect in your EIR.

Bob

I don't believe that's correct. The redevelopment share would only be needed if there was subsequent redevelopment activity. If you really didn't do more development, you won't generate a cost.

Eliana

It would be helpful to see the factors that you used to develop your fair share.

Sally

We can certainly share that with you.

Eliana

1993 document reliance not appropriate.

Campus and redevelopment area cannot co-exist. It must be one or the other. City relies on redevelopment to contribute to fair share – when no taxes are collected, redevelopment cannot contribute. We relied on City FFP redevelopment plan but can't rely on that because that is no longer feasible.

Bob

Do you have a preference to either of the traffic mitigations?

Eliana

Neither one is adequate.

Amy

Can we summarize the remaining concerns as traffic and fire, and redevelopment?

Kelly

The way you get our input is to get a development permit from us, like SDG&E.

Kimberly

I want to reassure people we're not reinventing the wheel. This is how we negotiated with the City for the Master Plan.

Eliana

Could you please send a version that says it was prepared by the University?

Sally

We will go through the letter and come up with a list and then write a response that says here is what we did, and then go from there. We'll look at your comments on fire for example, and if we don't understand how it translates into a fair share cost (recognizing you don't agree with the fair share concept) we'll ask.

Kelly

It would be good to know if it is even possible for the University to pay in advance for mitigations.

Amy

Does it make sense to schedule both a traffic and a redevelopment meeting?

Eliana

I don't think you can separate them.

Amy

Target a meeting before January.

Kim

Agree we respond to Cecilia.

During the meeting, SDSU distributed the following materials to the meeting participants:

- 12-3-10 Meeting Agenda
- Environmental Analysis Summary Chart
- Table (revised) - Project Traffic Mitigation Costs and Fair-Share Amount Apportioned
- Graphic - Proposed Traditional Traffic Mitigation Measures
- Graphic Comparison between the Traditional and Alternative Traffic Mitigation Measures
- Project Site Plan indicating proposed uses and phasing
- Meeting Notes from 11-8-10 City of San Diego and SDSU Meeting (compiled by SDSU)
- Traffic Mitigation Measures Opinion of Probable Cost (compiled by RBF Civil Engineers)
- Mitigations Summary and Response to Impacts List

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Tuesday, January 11, 2011 3:10 PM
To: Michael Haberkorn
Subject: FW: City/SDSU 12-3-10 Meeting Notes

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Tuesday, January 11, 2011 3:09 PM
To: 'Gallardo, Cecilia'
Cc: 'Cameron, Jean'
Subject: RE: City/SDSU 12-3-10 Meeting Notes

Thanks Cecilia.

Lauren

From: Gallardo, Cecilia [mailto:CGallardo@san Diego.gov]
Sent: Tuesday, January 11, 2011 2:23 PM
To: 'Lauren Cooper'
Cc: Cameron, Jean
Subject: RE: City/SDSU 12-3-10 Meeting Notes

Hi Lauren,

We will take a look and have those in attendance on the City side review, and get back to you with any revisions to these, and the other meeting notes you sent out in one week.

Thank you,
Cecilia

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Monday, January 10, 2011 5:01 PM
To: Gallardo, Cecilia
Subject: City/SDSU 12-3-10 Meeting Notes

Cecelia,

Please see attached 12-3-10 meeting notes and provide any comments or changes that the City may have regarding the notes.

Best Regards, Laurie

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction

San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Friday, January 21, 2011 4:42 PM
To: Michael Haberkorn
Cc: 'Robert Schulz'
Subject: FW: SDSU Meeting notes of 11/8/10 (Revised 12/8/10) and 12/3/10

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Bumgardner, Terri [mailto:TBumgardner@sandiego.gov]
Sent: Friday, January 21, 2011 4:24 PM
To: 'cooper12@mail.sdsu.edu'
Subject: FW: SDSU Meeting notes of 11/8/10 (Revised 12/8/10) and 12/3/10

From: Cameron, Jean
Sent: Friday, January 21, 2011 4:23 PM
To: Bumgardner, Terri
Subject: FW: SDSU Meeting notes of 11/8/10 (Revised 12/8/10) and 12/3/10

From: Cameron, Jean
Sent: Friday, January 21, 2011 4:18 PM
To: 'cooper12@mail.sdsu.edu'
Cc: 'ebarrios@sandiego.gov'; Gallardo, Cecilia; Broughton, Kelly; Leone, Christine; Gonsalves, Ann; Benjamin, Amy; Cameron, Jean; 'wanderson@sandiego.gov'
Subject: SDSU Meeting notes of 11/8/10 (Revised 12/8/10) and 12/3/10

Ms. Cooper,

The City has received your requests of January 7, 2011 and January 10, 2011 to review and comment on SDSU representative's version of meeting notes of the two meetings between SDSU representatives and city representatives on the above two dates. The City will not be reviewing these notes for accuracy or content.

The City cannot accept SDSU's version of the events of the meeting as the notes do not contain the entirety of the information discussed at the meeting and, in several instances, there are extreme inaccuracies. For example, the City objects to the title of the document containing the notes of the 12/3/10 meeting as "SDSU PLV Negotiation Meeting Notes 12-3-10". This is particularly true when it

3/9/2011

Final EIR, Plaza Linda Verde
General Response 1: Attachment 4

was stated at the meeting by the Mayor's representative, Amy Benjamin, that the meeting is not considered to be official negotiations rather an opportunity to receive SDSU's proposal so that we can review it and ask questions.

This is also true because the meeting occurred several days after SDSU received the DEIR comment letter from the City which states, in general, that the document does not meet CEQA statute and guidelines including but not limited to the project description, impact analysis, and determination of significance. As explained in the letter, the City disagrees with the specific type and extent of the impacts identified by SDSU's DEIR and is therefore unable to negotiate in advance of such agreement the costs of those impacts.


In another example, the first meeting between SDSU and the City on 11/8/10 was verbally characterized by SDSU as a meeting to present the project to the City and answer questions from the City. This meeting occurred at least two weeks before the extended deadline for the City to respond to the DEIR and during which it was stated by the City that they have not completed their review of the document itself. SDSU inserted two references to the meeting as part of a "negotiation of impacts" to the notes. Again, the negotiation of impacts could not possibly be a topic of the meeting at that time as it was very premature.

In sum, although we cannot concur with SDSU's characterization and version of the meetings, we look forward to receiving an EIR which addresses the City's many concerns regarding its adequacy. The Redevelopment Agency may wish to address this issue in a separate response, if they have not done so already.

Do not hesitate to call or e-mail me if you have further questions.

Jean Cameron
Senior Planner
Development Services Department, Environmental Analysis Section
(619) 446-7359

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Thursday, January 27, 2011 9:32 AM
To: Michael Haberkorn
Cc: 'Robert Schulz'
Subject: FW: City/Agency/SDSU RE Fall 2010 Meeting Minutes
Attachments: 01 26 2011 - Agency letter to SDSU RE Meeting Minutes.pdf


From: Barreiros, Eliana [mailto:EBarreiros@sandiego.gov]
Sent: Thursday, January 27, 2011 8:38 AM
To: Lauren Cooper
Cc: Leone, Christine; Ostrye, Maureen; Reisch, Kevin; Tayyab, Monique; Kendall D. Berkey; Broughton, Kelly; St. Bernard, Michele
Subject: City/Agency/SDSU RE Fall 2010 Meeting Minutes

Good morning Lauren,

Please find attached. Thanks for your time, eliana

Eliana Barreiros
Project Manager
San Diego Redevelopment Agency
100 Third Avenue, Suite 1400, MS 56D
San Diego, CA 92101-4110
619.236.6267

3/9/2011



THE CITY OF SAN DIEGO

January 26, 2011

SENT VIA ELECTRONIC MAIL

Lauren Cooper, Director
Facilities Design, Planning & Construction
Business and Financial Affairs
San Diego State University
5500 Campanile Drive
San Diego, California 92182-1624

RE: SDSU Meeting Minutes

Dear Ms. Cooper:

The Redevelopment Agency of the City of San Diego (Redevelopment Agency) is in receipt of San Diego State University's (SDSU) written version of minutes from recent informal meetings among representatives of the Redevelopment Agency, the City of San Diego (City), and SDSU. In this regard, SDSU has requested the Redevelopment Agency to review and comment if necessary on such minutes.

Similar to the statements of the City in its responsive email dated January 21, 2011 from Senior Planner Jean Cameron, the Redevelopment Agency acknowledges receipt of SDSU's written version of minutes but will not review them for content or accuracy of the actual discussions at said meetings.

As already indicated by the City, not only are portions of SDSU's written version of minutes grossly inaccurate and lacking of pertinent items discussed at said meetings (including, without limitation, the Redevelopment Agency's discussion of impacts on affordable housing), SDSU also mischaracterizes the purposes of said meetings as being a form of negotiations of the parties in connection with impacts generated by SDSU's Plaza Linda Verde Project (Project). In this regard, the Redevelopment Agency could not possibly negotiate impacts resulting from the Project at this time since, as stated formally by the Redevelopment Agency in its comment letter dated November 24, 2010 to SDSU's Project Draft EIR, the Draft EIR fails to provide a sufficiently detailed analysis of the subjects required by CEQA and CEQA Guidelines for the Project including, without limitation, the type and extent of all Project related impacts (including, without limitation, impacts on affordable housing and public facilities development), determination of significance, Project description, growth-inducing and cumulative impacts, mitigation measures, and Project alternatives. Thus, until such time SDSU properly and adequately discusses all subjects and Project related impacts as required by CEQA and CEQA Guidelines, SDSU's Draft EIR for the Project is legally inadequate and therefore any negotiations at this point are premature.



Redevelopment Agency

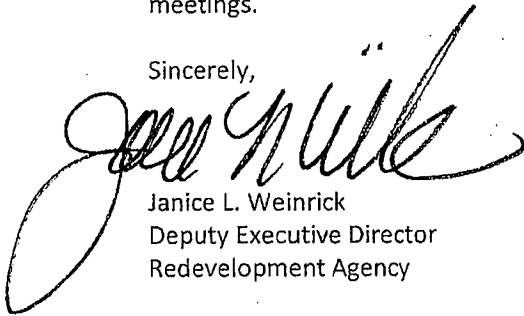
1200 Third Avenue, Suite 1400, MS 56D • San Diego, CA 92101-4110
Tel (619) 236-6700 Fax (619) 533-3219

Final EIR, Plaza Linda Verde
General Response 1: Attachment 4

Lauren Cooper, Director
Facilities Design, Planning & Construction
January 26, 2011
Page 2 of 2

Again, the Redevelopment Agency acknowledges receipt of SDSU's written version of meeting minutes but will not review them for content or accuracy of the actual discussions at said meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Weinrick", with a large, stylized loop at the beginning.

Janice L. Weinrick
Deputy Executive Director
Redevelopment Agency

CC: Christine Leone, Deputy City Attorney
Kevin Reisch, Deputy City Attorney
Monique Tayyab, Deputy City Attorney
Kendall D. Berkey, Agency Special Counsel
Kelly Broughton, Development Services Director
Maureen Ostrye, Redevelopment Project Coordinator
Michele St. Bernard, Affordable Housing Project Manager
Eliana Barreiros, Redevelopment Project Manager
Project File

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Friday, February 04, 2011 11:07 AM
To: Michael Haberkorn
Cc: 'Robert Schulz'
Subject: FW: SDSU Meeting Notes

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Friday, February 04, 2011 11:06 AM
To: 'Janice Weinrick'; 'Jean Cameron'
Subject: SDSU Meeting Notes

Dear Ms. Cameron and Ms. Weinrick:

Thank you for acknowledging receipt of the SDSU meeting notes of November 8, 2010 (revised December 8, 2010) and December 3, 2010. We understand that the City and Redevelopment Agency will not be reviewing the meeting notes for accuracy or content. We also wish to clarify the reasons for sending the meeting notes to you on January 7 and 10, 2011.

At the outset, we want to explain that while you have taken issue with the meeting notes, it was not our intent to frustrate you. We sent the meeting notes in good faith for your review and comment.

We initiated the meetings with you and your representatives in order to create a dialogue and engage in negotiations between the university and the City/Redevelopment Agency. We felt that the meetings were appropriate because you had received the Draft EIR for Plaza Linda Verde project (Project), which discloses the Project's impacts and the recommended fair-share mitigation measures. Our goal was to engage in good-faith discussions over the Project's significant environmental impacts, the required mitigation, and an agreed-upon allocation for the fair-share mitigation. This remains our goal.

We also are puzzled by your statements that you disagree with the analysis in the Draft EIR; therefore, you are "unable to" or "could not possibly" negotiate with the university. The Draft EIR is a good-faith effort at disclosing the Project's impacts, mitigation, and alternatives. We recognize you disagree with the EIR's conclusions. This disagreement is one of the reasons why we initiated the meetings. We wanted to open the dialogue and engage in substantive discussions and negotiations in a good-faith effort to resolve our differences. It becomes difficult to do that if we are met with claims that the EIR is "legally inadequate" and that, therefore, discussions are "premature."

The meetings we initiated were intended to be helpful. We remain available to meet with appropriate representatives from the City. Thank you.

Best Regards,

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

GENERAL RESPONSE 1: ATTACHMENT 5



SAN DIEGO STATE
UNIVERSITY

Business and Financial Affairs
San Diego State University
5500 Campanile Drive
San Diego CA 92182-1620
Tel: 619-594-6017
Fax: 619-594-6022
Email: sally.roush@sdsu.edu

Sally Roush
Vice President

April 19, 2011

Mr. Kelly Broughton
Director, Development Services
City of San Diego
1222 First Avenue, MS-301
San Diego, CA 92101

sent via fax

Re: San Diego State University ("SDSU") Plaza Linda Verde Project

Dear Mr. Broughton,

As you know, over the past several months, my staff and I have met with various City representatives to discuss the project and our mitigation responsibility under CEQA and the *City of Marina* decision, including my meetings with you, focusing primarily on traffic impacts and mitigations and our fair share amount. The amount was calculated by our EIR traffic engineer and totaled \$675,776, an amount that was later changed to \$686,446 as a result of a calculation error.

In response to expressed concerns that the improvements would not actually be accomplished because we would pay only a percentage of the total cost of the improvements (i.e., fair-share) and that there would be a gap in financing the balance of the costs, I suggested that the City identify the most important impacted locations and related improvement projects and perhaps we could apply the total mitigation amount in full to that project and then receive a "credit" from the City for payment towards the other impacted locations/improvements. As our discussions progressed, we were simply unable to reach agreement on this and other important points. I also recognize the City has an interest in resolution of the litigation involving SDSU's 2007 Master Plan prior to engaging any further in negotiations with SDSU on any projects and/or EIRs. The litigation time line is such that we cannot await the outcome of the next phase of the lawsuit before proceeding to a final Board of Trustees decision on our separate Plaza Linda Verde project.

Since we have been unable to reach agreement, we are returning to our initial proposal, which is based on the analysis presented in the Plaza Linda Verde EIR. The EIR identified significant cumulative impacts at six intersections and three road segments. As determined by the University, the project's total fair share amount for traffic mitigation is \$686,446, as stated in the enclosed table, Traffic Mitigation Costs and Fair-Share Amount. We calculated this amount based on a formula commonly used by the City, and the amount is based on an estimate of improvement costs prepared by a civil engineering firm. This amount conforms to all CEQA requirements.

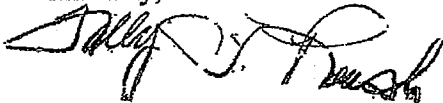
Of the \$686,446 total, \$672,529 is for impacts to roads within the City's jurisdiction. Additionally, of the total amount, \$557,128 is for mitigation attributable to the retail component of the project, and \$129,318 is for mitigation attributable to the student housing component.

As to the retail component of the project, SDSU would advance to the City, on behalf of the future commercial retailers, the sum of \$547,772 (\$557,128 - \$9,356 [Caltrans]) for their fair share of the mitigation cost attributable to the retail component of the project, provided the City's share of the mitigation improvement cost has been allocated and is available for expenditure, thereby triggering SDSU's fair-share contribution payment. As to the project's student housing component, SDSU would request \$124,757 (\$129,318 - \$4,561 [Caltrans]) in capital funding from the Governor and the Legislature for its fair share cost towards off-site traffic mitigation measures within the City's jurisdiction and forward the funds to the City upon appropriation, provided the City's share of the improvement cost is available for expenditure.

Based on the project timeline we provided to City staff at our November 8, 2010 settlement/negotiation meeting, the Plaza Linda Verde project was to go before our Board of Trustees in March 2011; however, to allow further time to negotiate, the project is scheduled to be considered by our Board at its meeting May 10-11, 2011.

We would very much like to have the City's support, but I understand the City's reasons for withholding that support. Our process requires that I present this letter as our best and final offer. I appreciate your personal willingness to assist us. If you have a response to this letter I would need to receive it before Tuesday, April 26 2011, in order to include it in our Board's meeting agenda item. Thank you, again, for your cooperation and consideration.

Sincerely,



Sally F. Roush
Vice President, Business and Financial Affairs

Enclosure

TRAFFIC MITIGATION COSTS AND FAIR-SHARE AMOUNT
APPORTIONED BASED ON TYPE USE

PLAZA LINDA VERDE TRAFFIC MITIGATION FAIR-SHARE						PROJECT FAIR-SHARE IMPACT PERCENTAGE APPORTIONED BASED ON TYPE USE		PRESENT (2010) TOTAL ESTIMATED IMPROVEMENT COST (per RBF Consulting ENR: 8566)	PRESENT (2010) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Present Dollars)		NEAR-TERM (2015) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Dollars Adjusted for Inflation to 2015 ENR: 10060 Multiplier: 1.17441046)		HORIZON YEAR (2030) PROJECT FAIR-SHARE AMOUNT APPORTIONED BASED ON TYPE USE (Dollars Adjusted for Inflation to 2030 ENR: 12799 Multiplier: 1.49416297)		PROJECT FAIR-SHARE AMOUNT TOTAL APPORTIONED BASED ON TYPE USE (Based on Mitigation 3.1)		
	NO.	LLG TRAFFIC REPORT IMPACT AND MITIGATION NO.		IMPACTED INTERSECTION/ROAD SEGMENT	MITIGATION MEASURE DESCRIPTION	Retail	Student Housing		Retail	Student Housing	Retail	Student Housing	Retail	Student Housing	Retail	Student Housing	
INTERSECTIONS	1		E-1	College Avenue/ I-8 Eastbound Ramp	Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	2.77%	1.35%	(Included within Mitigation No. 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	2	B-1	E-2	College Avenue/ Canyon Crest Drive	Re-stripe College Avenue from 500 feet south of the Canyon Crest Drive Intersection to the I-8 eastbound ramps to provide additional (3rd) northbound through lane.	3.53%	2.18%	(Included within Mitigation No. 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	3	B-2	E-3	College Avenue/ Zura Way	3.1 - Provide a traffic signal at the intersection of College Avenue and Zura Way. Or 3.2 - Provide an additional southbound left-turn lane at the College Avenue/Montezuma Road intersection.	3.77%	2.33%	\$396,700 ¹	\$14,956 ²	\$9,243	\$17,564 ³	\$10,855	N/A	N/A	\$17,564	\$10,855	
	4	B-3	E-4	College Avenue/ Montezuma Road	Widen the College Avenue/Montezuma Road intersection to provide an additional (2nd) left turn lane on the southbound and westbound approaches.	3.21%	1.80%	\$1,005,800	\$32,286	\$18,105	\$37,917	\$21,263	N/A	N/A	\$37,917	\$21,263	
	5		E-5	Montezuma Road/ 55th Street	Provide a right-turn overlap phase for the westbound right-turn lane at the 55th Street/Montezuma Road intersection.	2.00%	0.88%	\$32,200	\$644	\$283	N/A	N/A	\$962	\$423	\$962	\$423	
	6	B-4	E-6	Montezuma Road/ Campanile Drive	Widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach at the Montezuma Road/Campanile Drive intersection.	5.31%	1.53%	\$282,700	\$15,011	\$4,325	\$17,629	\$5,079	N/A	N/A	\$17,629	\$5,079	
ROAD SEGMENTS	7	C-1	F-1	College Avenue: Canyon Crest to Zura Way	Re-stripe College Avenue to provide an additional (3rd) northbound through lane between I-8 eastbound ramps and Zura Way.	29.49%	5.74%	\$1,094,900	\$322,886 ⁴	\$62,847 ⁴	\$379,201	\$73,808	N/A	N/A	\$379,201	\$73,808	
	8		F-2	College Avenue: Zura Way to Montezuma Way	Widen College Avenue to provide an additional (3rd) northbound through lane on College Avenue between Zura Way and Montezuma Road [segment between Zura Way and Hardy Lane to be re-striped].	2.14%	0.40%	\$2,340,200	\$50,080	\$9,361	N/A	N/A	\$74,828	\$13,987	\$74,828	\$13,987	
	9	C-2	F-3	Montezuma Road: 55th Street to College Avenue	Provide a raised median on Montezuma Road between 55th Street and College Avenue.	6.77%	0.91%	\$365,100	\$24,717	\$3,323	\$29,027	\$3,903	N/A	N/A	\$29,027	\$3,903	
Notes:								\$5,517,603	\$460,580	\$107,487	\$481,338	\$114,908	\$75,790	\$14,410			
SUB-TOTALS																\$557,128	\$129,318
GRAND TOTAL																\$686,446	

Notes:

¹Cost assumes providing a traffic signal at the intersection (MM 3.1). Providing an additional southbound left-turn lane instead (MM 3.2) would cost \$177,700.

²Mitigation No. 3.2 2010 fair-share amount is \$6,700 (R) + \$4,140 (SH).

³Mitigation No. 3.2 2015 fair-share amount is \$7,867 (R) + \$4,863 (SH).

⁴Amount to be apportioned between City of San Diego (Impacts B-1/E-2 and C-1/F-1) and Caltrans (Impact E-1) based upon affected right-of-way. Caltrans portion is \$9,356 (R) and \$4,561 (SH).

GENERAL RESPONSE 1: ATTACHMENT 6

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Friday, January 07, 2011 9:58 AM
To: Michael Haberkorn
Subject: FW: Response to Caltrans November 10, 2010 Letter Regarding SDSU Plaza Linda Verde
Attachments: DEIR Response to Caltrans 1-4-11.pdf

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Tuesday, January 04, 2011 2:50 PM
To: 'Jacob Armstrong'
Subject: Response to Caltrans November 10, 2010 Letter Regarding SDSU Plaza Linda Verde

Dear Mr. Armstrong,

Please find attached SDSU's response to the November 10, 2010 letter you sent after reviewing the SDSU Plaza Linda Verde Draft Environmental Impact Report.

Best Regards,

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

3/9/2011

Final EIR, Plaza Linda Verde
General Response 1: Attachment 6



SAN DIEGO STATE
UNIVERSITY

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

January 4, 2010

Jacob M. Armstrong, Chief
Development Review Branch
Department of Transportation, District 11
4050 Taylor Street, MS 240
San Diego, CA 92110

Re: *SDSU Plaza Linda Verde Draft EIR*

Dear Mr. Armstrong,

I am writing in response to your letter dated November 10, 2010, regarding the Plaza Linda Verde Draft Environmental Impact Report (EIR). San Diego State University (SDSU) will provide written responses to each of the comments contained in the letter as part of the Final EIR responses to comments, which will be presented to the California State University (CSU) Board of Trustees for consideration in 2011. In the meantime, however, I wanted to respond in advance of the Final EIR to your comments regarding the EIR's mitigation for impacts to the College Avenue/I-8 Eastbound (EB) Ramps.

Preliminarily, it is important to distinguish the current project, Plaza Linda Verde, from the previously approved 2007 Campus Master Plan project. Plaza Linda Verde is a proposed mixed-use development that is separate and distinct from the 2007 Campus Master Plan. The proposed Plaza Linda Verde project would provide 390 student housing apartments and 90,000 gross square feet (GSF) of retail uses, and generate approximately 2,400 average daily trips (ADT). Correspondingly, the scope of the Plaza Linda Verde project impacts is substantially less than the Master Plan, as are the necessary mitigation improvements.

As background, and specific to the College Avenue/I-8 Ramps, the existing AM and PM peak hour volumes are 8,896 at the EB ramps and 7,033 at the WB ramps. (See Draft EIR Figures 3.12-2, 3.12-6, and 3.12-7.) The proposed Plaza Linda Verde project would add 109 vehicles to the EB ramps and 88 vehicles to the westbound (WB) ramps during the AM and PM peak hours. Accordingly, project trips would represent approximately 1.25% of the peak hour volumes at the intersection.

As reported in the Draft EIR, the proposed Plaza Linda Verde project would result in a significant impact under the long-term scenario (2030) at the College Avenue/I-8 EB Ramp intersection (LOS F during the PM peak hour). (Draft EIR p. 3.12-49.) Re-striping College Avenue to provide an additional (third) northbound (NB) through lane from 500 feet south of the Canyon Crest Drive intersection to the I-8 EB ramps would mitigate the identified impact, as well as significant impacts at the nearby College Avenue/Canyon Crest Drive intersection. (See Draft EIR, Mitigation Measure TCP-1, pp. 3.12-76 and 3.12-79.) A figure depicting the proposed roadway geometry following implementation of the improvement is enclosed with this letter. (See Figure B, Proposed Roadway Geometry.) With implementation of the improvement, the College Avenue/I-8 EB Ramps intersection would operate at acceptable level of service (LOS) D. (Draft EIR p. 3.12-87.)

Page 1 of your letter, comment number 1, refers to the mitigation proposal as one "to increase storage capacity on the EB I-8 to College Avenue off-ramp and to modify the ramp's terminus with College Avenue." This is not a correct description of the proposed mitigation. The mitigation is to re-stripe College Avenue to provide an additional NB through lane; as explained below, the mitigation does not require physical alterations to either the I-8 EB off-ramp or on-ramp.

We consulted with the EIR traffic engineer Linscott Law & Greenspan (LLG) and civil engineer RBF Consulting (RBF) to determine whether the improvement components referenced in comment number 1 of your letter are necessary to mitigate the identified impact. LLG determined that it is not necessary to increase storage capacity on the EB to College Avenue off-ramp to mitigate the identified impact, nor is it necessary to modify the ramp's terminus with College Avenue (i.e., it is not necessary to modify the ramp alignment so that the lanes terminate at a right angle to College Avenue). Correspondingly, the traffic signals at the intersection do not need to be replaced and relocated. (See enclosed LLG December 2, 2010 letter.) Instead, LLG recommends that College Avenue be re-striped to add an additional (third) NB through lane on College Avenue through the Canyon Crest intersection to the foot of the I-8 EB On-Ramp, as depicted on enclosed Figure B. As noted above, the addition of a third NB through lane would fully mitigate the identified impact.

As to the median island referenced in your comment, RBF agrees that the median will need to be relocated to accommodate the lane re-striping. However, in light of the nature of the proposed improvement (lane re-striping and no physical modifications), RBF determined that the referenced box culvert that runs under I-8 does not need to be modified, nor is a retaining wall required. (See enclosed RBF December 2, 2010 letter.)

With respect to comment 2 on page 2 of your letter, SDSU/CSU acknowledges that a portion of the mitigation identified in the Draft EIR (Mitigation Measure TCP-1) would need to be constructed within the existing Caltrans right-of-way (R/W) on College Avenue, and a portion within the City of San Diego R/W. RBF determined that the estimated cost to construct that portion of the proposed improvement located within the

Mr. Jacob M. Armstrong

January 4, 2010

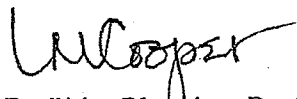
Page 3

Caltrans R/W would be \$337,800. (See enclosed RBF Opinion of Probable Cost, October 18, 2010.) As to the Plaza Linda Verde fair-share of that amount, as noted in the Draft EIR, LLG determined that the project's fair-share towards the improvement is 4.12 percent; this amount is comprised of 2.77 percent attributable to the retail component of the project and 1.35 percent attributable to the student housing component. (Draft EIR Table 3.12-23, Long-Term Mitigation Fair-Share Contributions.) Based on 4.12 percent, the project's total fair-share towards the improvement is \$13,917.36. The final EIR will include revisions to mitigation measure TCP-1 that take into account Caltrans jurisdiction over a portion of the improvement and, thereby, apportion the appropriate amount to Caltrans.

As noted above, Plaza Linda Verde is a proposed mixed-use project, with approximately 90,000 GSF that would be leased for commercial/retail uses. Consistent with existing law, it is appropriate in this instance for the commercial retailers, and not the taxpayers, to contribute to the cost of environmental infrastructure mitigation improvements to support their portion of the project, and CSU intends to collect those contributions from the commercial retailers through the payment of future rents. Under these unique circumstances, we will revise mitigation measure TCP-1 as to Caltrans, and incorporate the University's commitment to advance to Caltrans on behalf of those commercial retailers the sum of \$9,356.64 ($2.77\%/4.12\% = 67.23\% \times \$13,917.36 = \$9,356.64$) for their fair-share of the mitigation cost attributable to the retail component of the project.

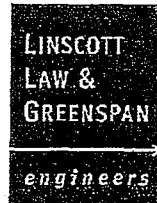
In closing, we trust that the information contained in this letter, along with the related enclosures, satisfactorily addresses your concerns regarding the mitigation proposed in the Draft EIR for impacts to the College Avenue/I-8 EB Ramps. In that regard, we are available to meet with you and your staff to discuss this matter further. Please contact me at 619-594-6619 should you decide a meeting is needed.

Lauren Cooper, Director



Facilities Planning, Design and Construction

Enclosures



December 2, 2010

Lauren Cooper
Director, Facilities Planning, Design and Construction
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

LLG Reference: 3-08-1857

Subject: **SDSU Plaza Linda Verde Traffic Study**

Dear Ms. Cooper,

In response to comments submitted by Caltrans in its letter dated November 10, 2010, Linscott, Law & Greenspan, Engineers (LLG) was asked to prepare this Opinion Letter as to the level and type of mitigation required to mitigate the subject project's significant cumulative impact at the I-8 eastbound ramp/College Avenue intersection.

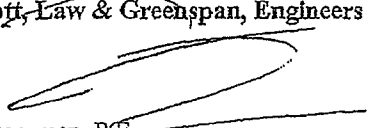
The improvements referenced in the Caltrans letter included increasing the storage capacity on the eastbound to College Avenue off-ramp, modifying the ramp's terminus with College Avenue (i.e. modifying the ramp alignment so that the lanes terminate at a right angle to College Avenue) and replacing and relocating the traffic signals at the intersections. It is our opinion that these improvements are not required to mitigate the project's significant cumulative impact at the intersection.

LLG's analysis shows that the addition of a third northbound through lane on College Avenue between Canyon Crest Drive and the I-8 eastbound on-ramp would fully mitigate the identified impact as shown in Table 21-3 of the traffic study and no further improvements are necessary.

Please call me if you have any questions.

Sincerely,

Linscott, Law & Greenspan, Engineers


John Boorman, P.E.
Principal

Engineers & Planners
Traffic
Transportation
Parking

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Philip M. Linscott, PE (1921-2000)
Jack M. Greenspan, PE (Ret.)
William A. Law, PE (Ret.)
Paul W. Wilkinson, PE
John R. Keating, PE
David S. Shander, PE
John A. Boorman, PE
Clara M. Look-Jaeger, PE
Richard E. Barreto, PE
Keith D. Maberry, PE

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N:\1557\Mitigation Info\LLG Letter_113010 (GDB Rev 120210).doc

December 2, 2010



Lauren Cooper, Director
Facilities Planning, Design and Construction
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Dear Ms. Cooper

We have reviewed the letter from Caltrans in relation to the traffic mitigation measures for the proposed Plaza Linda Verde project at San Diego State University (SDSU).

Per the mitigation measure recommended by LLG, RBF analyzed the impact from a civil engineering perspective required to "re-stripe College Avenue to provide an additional (third) northbound (NB) through lane from 500 feet south of the Canyon Crest Drive intersection to the I-8 EB ramps".

Per the letter sent to Lauren Cooper at SDSU on November 10, 2010, Caltrans had comments on the above referenced mitigation measure. The comments deemed directly applicable to the civil engineering aspect of the mitigation measure, along with responses/opinions, are as follows:

1. "...removal of the median island..."

The median island will be removed and replaced. The restriping of College Avenue to add a third northbound lane will require the removal of the existing raised median. This median is anticipated to be replaced and moved to the west with a raised 2' median to accommodate the traffic signal at College Avenue and delineate the boundary of the two dedicated left turn lanes from Southbound College Avenue onto Alvarado Road.

2. "...the free right to Canyon Crest Drive would be retained."

The existing free right is retained. It is not anticipated to be affected by the restriping of College Avenue.

3. "The box culvert that runs under I-8 may need to be reviewed for possible modification..."

We reviewed the box culvert under I-8, and it will not be affected by the restriping effort. This box culvert is located at the beginning of the I-8 eastbound off ramp onto College Avenue. The restriping occurs on College Avenue itself and is not anticipated to affect the culvert or the off-ramp in the vicinity of the culvert.

PLANNING ■ DESIGN ■ CONSTRUCTION

5755 Claremont Mesa Boulevard, San Diego, CA 92124-1324 ■ 858.614.5000 ■ Fax 858.614.5001

Offices located throughout California, Arizona & Nevada ■ www.RBF.com

4. "...at a minimum, require a retaining wall between the right shoulder and Alvarado Creek."

The restriping is not anticipated to affect the right shoulder of College Avenue or the eastbound offramp. It is our opinion that the addition of a 3rd northbound lane on College Avenue through restriping does not warrant the addition of a retaining wall.

Upon completion of our review, it is our opinion that the mitigation measures recommended by LLG do not adversely affect Alvarado Creek or the accompanying drainage structures. Since improvements to the eastbound I-8 College Avenue off-ramp are not included with the mitigation measures recommended by LLG, no improvements in this area are anticipated.

If you have any questions or require addition information, please do not hesitate to contact either Brian Wiese 858-810-1467 (bwiese@rbf.com) or Jim Haughey 858-614-5038 (jrhaughev@rbf.com).

Sincerely



James Haughey, P.E.
Project Manager



San Diego State University - Plaza Linda Verde
Opinion Of Probable Cost
OCTOBER 18, 2010

JN: 25-103824.001

Mitigation Measure # 1

Re-stripe College Avenue between Canyon Crest Drive and the I-8 eastbound ramps to provide an additional (3rd) northbound through lane.

Item of Work	Unit	Quantity	Unit Price	Cost
CONSTRUCTION COSTS				
Signing, Striping, and Restriping	LS	1	\$25,000	\$25,000
AC Pavement (Includes Base)	SF	4000	\$5	\$20,000
Existing Median 8' Removal	LF	530	\$20	\$10,600
4' Median	LF	530	\$60	\$31,800
Signal Modification - Minor	EA	2	\$6,000	\$12,000
Mobilization	LS	1	\$10,000	\$10,000
Stormwater Protection	LS	1	\$5,000	\$5,000
Traffic Control	LS	1	\$25,000	\$25,000
Construction Costs Subtotal				\$139,400
Contingency 25%				\$34,900
Construction Costs Total				\$174,300
SOFT COSTS				
Construction Management			7.00%	\$12,300
Bonding			2.00%	\$3,500
Design	LS	1	\$75,000	\$75,000
Permits & Processing	LS	1	\$20,000	\$20,000
Geotechnical Investigation	LS	1	\$10,000	\$10,000
Survey	LS	1	\$10,000	\$10,000
Soft Costs Subtotal				\$130,800
Contingency 25%				\$32,700
Soft Costs Total				\$163,500

TOTAL MITIGATION COST

\$337,800

* Assumes no property acquisition required

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Thursday, January 06, 2011 1:39 PM
To: Michael Haberkorn
Cc: rschulz@mail.sdsu.edu
Subject: FW: Response to Caltrans November 10, 2010 Letter Regarding SDSU Plaza Linda Verde
Attachments: DEIR Response to Caltrans 1-4-11.pdf

From: Jacob Armstrong [mailto:jacob_armstrong@dot.ca.gov]
Sent: Thursday, January 06, 2011 12:28 PM
To: Lauren Cooper
Cc: Trent Clark
Subject: Re: Response to Caltrans November 10, 2010 Letter Regarding SDSU Plaza Linda Verde

Dear Ms. Cooper,

We appreciate you providing us with a response and further explanation concerning the comments we made as part of our review of the EIR prior to the official Response to Comments and Final EIR circulation. I am following-up with our traffic engineers pertaining to your comments regarding the mitigation for the I-8/College EB Ramp. However, there was one comment we made in our letter under "Traffic Analysis," comment #1, regarding the baseline analysis that was used. There are significant changes in Level of Service (LOS) at the I-8/College EB Ramp between the "Existing" and "Existing + Near Term Cumulative Baseline" that was used in the EIR traffic analysis. The use of this "Baseline" to analyze potential impacts results in impacts being deferred until the "Long Term" scenario. This comment was not addressed in your letter.

Clarification on this issue may also be helpful prior to the circulation of the Final EIR. The consulting firm LLG could contact us directly if that is the easiest way to facilitate addressing this issue.

In summary, our basic concerns are the actual mitigation that is occurring, which you responded to in your letter and I will verify with our engineers; our ability to collect fair share funds directly, which you addressed in your letter; and the actual timing of when the impacts occur, which still needs to be addressed based on our comments concerning the scenarios and baseline used in the traffic analysis.

We do understand the distinction between the Plaza Linda Verde and the previously approved Campus Master Plan, particularly as it relates to analyzing project specific impacts. However, just as we commented on the Campus Master Plan project, we feel the best and most comprehensive approach to address traffic impacts at the I-8/College Avenue interchange is to develop a Project Study Report (PSR) for the entire interchange, and then determine the appropriate phasing of improvements. This at least identifies an agreed upon engineering strategy for traffic mitigation and phasing. We are open to continuing this dialogue with both the University, as well as the City of San Diego.

Again, we appreciate your coordination to address our concerns.

Thank you,

Jacob Armstrong, Chief
 Development Review Branch

District 11 Planning Dept.
CA Dept. of Transportation
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To 'Jacob Armstrong' <jacob_armstrong@DOT.CA.GOV>

cc

01/04/2011 02:50 PM

Subject Response to Caltrans November 10, 2010 Letter Regarding SDSU Plaza Linda Verde

Dear Mr. Armstrong,

Please find attached SDSU's response to the November 10, 2010 letter you sent after reviewing the SDSU Plaza Linda Verde Draft Environmental Impact Report.

Best Regards,

Lauren Cooper, DPPD
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RESPONSES TO COMMENTS REPORT

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-1	Comments from Department of Toxic Substances Control, 11/8/2010	Response
<p>The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Availability of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The proposed Plaza Linda Verde project, which was developed in coordination with community input, would be a transit-based, mixed-use development that would provide several ground, floor commercial and upper floor student housing buildings, a campus green featuring a public promenade, an apartment complex for student housing, and a five-story above grade (plus one level below grade) parking structure to accommodate primarily retail customers. The Proposed Project would be designed as a pedestrian bicycle-friendly, open-air, sustainable urban village that will utilize "green" building practices, drought-tolerant landscaping, and other environmentally sustainable measures; CSU/SDSU will seek Leadership in Energy and Environmental Design ("LEED") certification for the Proposed Project. The Plaza Linda Verde project would enable SDSU to provide additional on-campus student housing and retail services to support the campus and surrounding community, and represents an opportunity to decrease the prevalence of nuisance rental property housing in the College Area community surrounding SDSU".</p> <p>Based on the review of the submitted document DTSC has the following comments:</p>	<p>The comment is an introduction to comments that follow. No response is required.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-2	Comments from Department of Toxic Substances Control, 11/8/2010	Response
<p>1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:</p> <ul style="list-style-type: none">• National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).• Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).• Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.• Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.• Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.• GeoTracker: A List that is maintained by Regional Water Quality Control Boards.• Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.• The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).	<p>As stated on Draft EIR page 3.5-1, as part of the analysis of the Proposed Project's potential impacts relative to hazards and hazardous materials, a record search was conducted to determine the presence of proximate hazards. The databases searched are listed in Table 3.5-1, Database Search Summary. As shown in the table, the records search included a review of all databases/lists identified by the comment. Additionally, as stated on Draft EIR page 3.5-4, several historic health and safety studies were reviewed to further determine whether onsite or nearby environmental hazards were present.</p> <p>Draft EIR Subsection 3.5.5, Project Impacts, presents an analysis of the potential environmental hazards associated with each of the development parcels. In general, potential hazards relate to soil and groundwater contamination (relating to former gas stations and dry cleaners), and asbestos-containing material (ACM) and lead paint (relating to older buildings constructed before present day regulatory requirements). Each parcel that is known to contain these types of hazards was identified and appropriate mitigation measures are recommended (see Draft EIR Subsection 3.5.7, Mitigation Measures). Implementation of these measures would ensure that all potential hazards to the environment would be appropriately minimized, potential impacts would be reduced to a level below significant, and no residual environmental effects would remain.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-3	Comments from Department of Toxic Substances Control, 11/8/2010	Response
2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.	<p>Draft EIR Subsection 3.5.7, Mitigation Measures, identifies the mitigation measures recommended to mitigate the identified potential impacts to a level below significant. The mitigation measures adopted by the CSU Board of Trustees will be included in the Mitigation Monitoring and Reporting Program adopted at the time of EIR certification to ensure that all mitigation measures are performed in full accordance with the law.</p> <p>Mitigation Measures HAZ-1 through HAZ-5 address potential impacts relating to soil/groundwater contamination and the presence of ACM and lead paint. Each measure would be triggered prior to the commencement of construction activities and includes the mechanism to initiate any required future investigation or remediation. For example, Mitigation Measure HAZ-3 requires soil sampling prior to the commencement of excavation activities on those parcels identified by the analysis to potentially contain contaminated soils (Parcels 6, 7, 10, 11 12 and 18). The mitigation measure specifies the timing and type of sampling analysis to be undertaken, and the steps that must be taken if unacceptable contaminant levels are detected, including preparation of a soil remediation plan in accordance with San Diego County DEH guidelines. The measure further provides that any soil removal must be done in accordance with all applicable federal, state and local regulations, including those of the County DEH, and an official closure letter is to be obtained from DEH prior to the commencement of any grading or excavation activities. Finally, the mitigation measure restricts the type of workers who can remove contaminated soil, and ensures that these workers have undergone the proper hazardous material training pursuant to Occupational Safety and Health Administration (OSHA) guidelines.</p> <p>Depending on the potential contaminant, the Department of Toxic Substances Control (DTSC) may be called upon to assist in overseeing potential hazard remediation activities. Should the agency's regulatory oversight be needed, SDSU acknowledges that DTSC would require an oversight agreement in order to review any hazard materials documents or remediation plans.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-4	Comments from Department of Toxic Substances Control, 11/8/2010	Response
<p>3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.</p>	<p>As outlined in Draft EIR Subsection 3.5.7, Mitigation Measures HAZ-2 and HAZ-3 specify the steps that SDSU, or its designee, shall take to ensure that appropriate and safe environmental testing occurs prior to grading, excavation or trenching activities. Mitigation Measure HAZ-2 states that, if visual contamination indicators are observed during construction activities, work in the vicinity shall be halted immediately until the material is properly characterized and appropriate measures are taken to protect human health and the environment, including compliance with applicable federal, state and local requirements for sampling and testing, and subsequent removal, transport and disposal of hazardous materials which, by definition, includes required regulatory agency oversight.</p>	<p>In the event contaminated groundwater is encountered, the contractor shall document the exact location of the contamination and immediately notify the SDSU Department of Environmental Health and Safety. The mitigation measure further states that all applicable federal, state and local health and safety requirements for testing, handling and disposing of contaminated groundwater shall be followed, which, again by definition, includes required regulatory agency oversight. Notwithstanding, in response to the comment and to clarify appropriate agency oversight, Mitigation Measure HAZ-2, subdivision (iv) is modified as follows:</p>
		<p>(iv) In the event contaminated groundwater is encountered, the contractor shall document the exact location of the contamination and immediately notify the SDSU Department of Environmental Health and Safety. SDSU DEHS shall then comply with all applicable federal, state and local health and safety requirements for testing, handling and disposing of contaminated groundwater, which may include reporting the hazard to the County Department of Environmental Health and other regulatory agencies, including the Regional Water Quality Control Board.</p>
		<p>Similarly, Mitigation Measure HAZ-3, and specifically subdivisions (ii), (iii) and (iv), outline the process by which remediated soils shall be handled and require that all removal and remediation be in accordance with applicable federal, state, and local regulations, which includes required regulatory agency oversight, and the requirement to obtain an official closure letter from the San Diego County Department of Environmental Health. Mitigation Measure HAZ-4 also requires coordination with applicable regulatory</p>

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

agencies in the event of the discovery of groundwater contamination, and removal in accordance with all applicable regulations.

With respect to the findings of any investigations, Draft EIR Subsection 3.5.3.4.1, Project Site Records Review, provides a summary of all previously prepared environmental hazard investigations conducted on the development parcels. In several cases, these previous investigations consisted of formal Phase I or Phase II Environmental Site Assessments. These previously prepared documents were reviewed and utilized throughout the environmental impact analysis to assist in determining the presence of hazards.

A summary of prior sampling activities is provided in Draft EIR Subsection 3.5.5, Project Impacts. Based on this sampling activity, previous clean-up efforts were undertaken resulting in the issuance of closure letters by the County DEH as to four former gas station sites: Parcel 7 (5140 College Avenue), Parcels 10 and 11 (5104 and 5130 College Avenue, respectively), and Parcel 18 (5111 College Avenue). Copies of each of the closure letters issued in connection with the four parcels are included in Final EIR Appendix F3.5.

Comment S-1-5	Comments from Department of Toxic Substances Control, 11/8/2010	Response
4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.		The potential for demolition of buildings that contain asbestos-containing material and lead paint was analyzed in the Draft EIR Subsection 3.5.5., Project Impacts. Based on the results of prior asbestos surveys and the age of the buildings identified for removal (constructed before 1980), it is likely that asbestos-containing material and lead paint will be discovered, resulting in a potentially significant impact. Mitigation is included requiring that, prior to the commencement of demolition activities on the development parcels, an asbestos survey and lead-based paint survey be conducted and appropriate removal activities be conducted, as necessary. The measure requires that any asbestos-containing material and lead paint be removed in accordance with applicable law. (See Draft EIR Mitigation Measure HAZ-5.)

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-6	Comments from Department of Toxic Substances Control, 11/8/2010	Response
5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.		The potential for release of hazards as a result of soil excavation is addressed in Draft EIR Subsection 3.5.3, Project Impacts. To mitigate any potentially significant impacts associated with contaminated soil, Mitigation Measure HAZ-2 requires that workers be appropriately trained to recognize contaminated soils, and, if visual contamination indicators are observed during construction activities, the contractor shall halt work in the immediate vicinity of the discovery until the material is properly characterized and appropriate measures are taken to protect human health and the environment, including compliance with all applicable requirements for sampling and testing, and subsequent removal, transport and disposal. For those sites with a greater potential for contaminated soil, Mitigation Measure HAZ-3 requires that soil samples be collected and analyzed prior to the commencement of construction activities. In the event contaminant levels are detected above Maximum Contaminant Levels, a soil remediation plan is to be prepared in accordance with San Diego County DEH guidelines; all contaminated soils are to be removed and fully remediated in accordance with applicable requirements; an official closure letter is to be obtained from the County DEH prior to the commencement of grading or excavation activities; and, an appropriate construction worker health safety plan is to be prepared based on the soil test results. The Proposed Project would not utilize or require imported fill.
Comment S-1-7	Comments from Department of Toxic Substances Control, 11/8/2010	Response
6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.		Draft EIR Subsection 3.5.7, Mitigation Measures, includes safety precautions that would be taken throughout construction to ensure the protection of human health and the environment. In addition to Mitigation Measures HAZ-2 through HAZ-5, which are summarized in the prior responses, Mitigation Measure HAZ-1 requires that, prior to Project construction, the Project construction contractor develop and implement a construction health and safety plan for construction work crews who may encounter groundwater or soil contaminants. The plan is to include information about potential contaminants, protocols for reporting suspected contaminants, stop work authority, and protocols for conducting further study upon discovery.

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-1-8	Comments from Department of Toxic Substances Control, 11/8/2010	Response
7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.	The Proposed Project consists of the development of residential and commercial/retail uses supported by parking structures, outdoor pedestrian malls, and a Campus Green. Aside from typical household and retail/commercial chemicals, the Project does not include any uses that would result in the routine transport, use or disposal of hazardous materials, or the generation of such materials. (See Draft EIR, p. 3.5-31.)	
Comment S-1-9	Comments from Department of Toxic Substances Control, 11/8/2010	Response
8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields , or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.	The comment is noted.	
If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov , or by phone at (714) 484-5472.		
Comment S-2-1	Comments from Department of Transportation, 11/10/2010	Response
The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Plaza Linda Verde, San Diego State University (SDSU) project. Given Caltrans mission of improving mobility and our direct responsibility as owner/operator of the State Highway System, Caltrans considers itself a key stakeholder in actively working with other public agencies in determining the necessary transportation improvements to accompany land use and development decisions that affect the regional transportation network. Caltrans has the following comments on the Plaza Linda Verde project DEIR:	The comment is an introduction to comments that follow. No further response is required.	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-2-2	Comments from Department of Transportation, 11/10/2010	Response
I The DEIR fails to properly address impacts to the State Highway System		The Draft EIR determined that re-striping College Avenue to provide an additional (third) northbound (NB) through lane from 500 feet south of the Canyon Crest Drive intersection to the I-8 EB ramps would mitigate the identified impact at the College Avenue/I-8 EB Ramps, as well as significant impacts at the College Avenue/Canyon Crest Drive intersection. (Draft EIR, pp. 3.12-79 and 3.12-76.) A figure depicting the proposed roadway geometry following implementation of the improvement is included in this Final EIR, Appendix F3.12. With implementation of the improvement, the College Avenue/I-8 EB ramps intersection would operate at acceptable level of service (LOS) D. (Draft EIR, p. 3.12-87.)
1) The Plaza Lind Verde DEIR only identified impacts to State transportation facilities in the "Long-Term (2030)" scenario at the College Avenue/I-8 eastbound (EB) Ramps. This impact will be mitigated as stated in the DEIR, "through a fair-share contribution towards re-striping College Avenue to provide an additional (third) northbound (NB) through lane from 500 feet south of the Canyon Crest Drive intersection to the I-8 EB ramps..."		
Caltrans preliminary review of this mitigation proposal to increase storage capacity on the EB I-8 to College Avenue off-ramp and to modify the ramp's terminus with College Avenue will involve the removal of the median island, and the ramp alignment would be modified so that the lanes terminate at a right angle to College Avenue. The signals would be replaced and relocated, and the free right to Canyon Crest Drive would be retained. The box culvert that runs under I-8 may need to be reviewed for possible modification, and at a minimum, require a retaining wall between the right shoulder and Alvarado Creek. For these reasons, this mitigation measure needs to be further analyzed. Caltrans suggests that the preferred mitigation approach include the development of a Project Study Report (PSR) to identify specific design improvements to the I-8 and College Avenue Interchange.		The comment refers to the mitigation proposal as one "to increase storage capacity on the EB I-8 to College Avenue off-ramp and to modify the ramp's terminus with College Avenue." However, this is an incorrect description of the proposed mitigation. As noted, the mitigation is to re-stripe College Avenue to provide an additional NB through lane; the mitigation does not require physical alterations to either the I-8 EB off-ramp or on-ramp.
		In response to your comment, we consulted with traffic engineers Linscott Law & Greenspan (LLG) and civil engineers RBF Consulting (RBF) to determine whether the improvement components referenced in the comment are necessary. Following its review, LLG determined that it is not necessary to increase storage capacity on the EB to College Avenue off-ramp to mitigate the identified impact, nor is it necessary to modify the ramp's terminus with College Avenue (i.e., it is not necessary to modify the ramp alignment so that the lanes terminate at a right angle to College Avenue). Correspondingly, the traffic signals at the intersection do not need to be replaced and relocated. Instead, LLG recommends that College Avenue be re-striped to add an additional (third) NB through lane on College Avenue through the Canyon Crest intersection to the foot of the I-8 EB on-ramp. (See Final EIR, General Response 1, City of Marina, Attachment 6 for LLG Opinion Letter.) As noted above, the addition of a third NB through lane would fully mitigate the identified impact.
		With respect to the median island, RBF agrees that the median island will need to be relocated to accommodate the lane re-striping. However, in light of the nature of the proposed improvement (lane re-striping and no physical modifications), RBF determined that the referenced box culvert that runs

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under I-8 does not need to be modified, nor is a retaining wall required. (See Final EIR, General Response 1, City of Marina, Attachment 6 for RBF Opinion Letter.)

In addition to the above response, SDSU also responded to this comment by letter to Caltrans. A copy of the letter, and all supporting documentation, is included in General Response 1, City of Marina, Attachment 6.

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-2-3	Comments from Department of Transportation, 11/10/2010	Response
2) In addition, Caltrans provided to SDSU preliminary engineering cost estimates for proposed mitigation to I-8 and College Avenue identified in the SDSU Campus Master Plan EIR in order to calculate the appropriate fair-share responsibility.		SDSU acknowledges that Caltrans provided the University with preliminary engineering cost estimates for proposed mitigation to I-8 and College Avenue in connection with the 2007 Campus Master Plan EIR. However, those estimates were for mitigation relating to the Master Plan project and not for the project that is currently proposed and the subject of the Draft EIR, Plaza Linda Verde. As discussed in the response to comment S-2-2 above, the mitigation recommended for impacts to Caltrans facilities resulting from the Proposed Project is a re-striping of College Avenue to provide an additional northbound through lane. This mitigation measure was not proposed for the much larger Master Plan project and, therefore, was not included within the cost estimates previously provided by Caltrans.
California Public Resources Code §21002 creates a substantive policy by which agencies cannot approve projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. This policy is restated in the California Environmental Quality Act (CEQA) Guidelines §15002(a), which describes the basic purposes of CEQA as, inter alia, identifying the ways that environmental damage can be avoided or significantly reduced, and preventing damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures that the lead agency finds to be feasible. A lead agency is responsible for mitigating significant impacts or it can make a finding of overriding considerations.		As to the comment's reference to California Public Resources Code section 21002 and CEQA Guidelines section 15002(a), CSU/SDSU agrees that CEQA requires lead agencies to adopt those mitigation measures that it finds feasible, and mitigate significant impacts or make a finding of overriding considerations.
The mitigation measure states in the DEIR for the Plaza Linda Verde that "...SDSU has voluntarily committed to pay to the City of San Diego its fair-share percentage of the mitigation costs..." for the impact identified on State facilities. There should be no relevant distinction between obligations of State agencies vs. Local agencies for off-site mitigation as it pertains to impacts to State transportation facilities. The Lead Agency is responsible for the mitigation. Improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the CEQA Lead Agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement. This includes the actual implementation and collection of any fair-share monies, as well as the appropriate timing of the mitigation. Mitigation language in the DEIR should be revised to identify Caltrans as the recipient of fair-share mitigation for impacts on State facilities at I-8 and College Avenue, not the City of San Diego, and the actual fair-share costs should be identified and disclosed in the DEIR, which could be done through and applied towards Caltrans' recommendation of a PSR.		SDSU/CSU acknowledges that a portion of the mitigation identified in the Draft EIR (Mitigation Measure TCP-1) would need to be constructed within the existing Caltrans right-of-way (R/W) on College Avenue, and a portion within the City of San Diego R/W. RBF determined that the estimated cost to construct that portion of the proposed improvement located within the Caltrans R/W would be \$337,800. (See Final EIR, General Response 1, City of Marina, Attachment 6.) As to the Plaza Linda Verde fair-share of that amount, as noted in the Draft EIR, LLG determined that the project's fair-share towards the improvement is 4.12 percent; this amount is comprised of 2.77 percent attributable to the retail component of the project and 1.35 percent attributable to the student housing component. (Draft EIR Table 3.12-23, Long-Term Mitigation Fair-Share Contributions.) Based on 4.12 percent, the project's total fair-share towards the improvement is \$13,917.36. The final EIR will include revisions to mitigation measure TCP-1 that take into account Caltrans jurisdiction over a portion of the improvement and, thereby, apportion the appropriate amount to Caltrans. See Final EIR, Section 3.12, Mitigation Measure TCP-11.
		In addition to the above response, SDSU also responded to this comment by letter to Caltrans. A copy of the letter, and all supporting documentation, is

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included in General Response 1, City of Marina, Attachment 6.

Comment S-2-4	Comments from Department of Transportation, 11/10/2010	Response
<p>3) Although not identified as an impact in the DEIR, the College Avenue Overcrossing, at a minimum, needs to be widened by one lane for NB traffic. This comment has been brought up by Caltrans on previous development reviews in this area, including SDSUs Campus Master Plan.</p> <p>For the reasons stated, fair-share towards the development of a PSR for the entire interchange would be a preferred mitigation approach. The PSR will also need to take into account all pedestrian and bicycle connectivity and infrastructure.</p>	<p>As the comment recognizes, the Proposed Project would not result in significant impacts to the College Avenue Overcrossing and, therefore, no mitigation is required. (The College Avenue Overcrossing is that portion of College Avenue between the I-8 EB ramps traffic signal and the I-8 WB ramps traffic signal.)</p> <p>With respect to the SDSU 2007 Campus Master Plan, the Proposed Project would generate substantially fewer ADT than the 2007 project (2,500 v. 12,500). Additionally, due to the location of the Proposed Project, the trip distribution patterns would be centered in the College Avenue/Montezuma Road vicinity rather than the College Avenue/I-8 vicinity. As a result, the Proposed Project would not result in a significant impact to the College Avenue Overcrossing and no mitigation is necessary.</p> <p>In comparison, the Draft EIR did determine that a significant impact would occur at the I-8/EB ramps intersection, and mitigation is recommended to provide fair-share funding towards a third NB through lane on College Avenue between Canyon Crest Drive and the I-8 EB on-ramp. No significant impact would occur at the WB ramp traffic signal and, therefore, no mitigation (such as providing an additional NB lane on the Overcrossing as mentioned in the comment) is warranted.</p>	

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Comment S-2-5	Comments from Department of Transportation, 11/10/2010	Response
II Traffic Analysis		
1) Caltrans disagrees with the baseline analysis used in the document. The traffic analysis scenarios should include a project only analysis in the year the project is anticipated to start construction to measure against existing conditions in determining potential traffic impact significance. Existing + Near Term Cumulative is not an appropriate baseline by which to determine project specific impacts. What time frame does this scenario represent? Is it anticipated that the cumulative projects assumed in this analysis would be approved and permitted at the time the Plaza Linda Verde development begins occupancy? Please provide further explanation of this baseline analysis.		Use of an "existing + cumulative projects" baseline is a requirement of the City of San Diego, and a standard baseline against which near-term project impacts are measured in the majority of jurisdictions within San Diego County. These jurisdictions prefer the "existing + cumulative" baseline, as opposed to the "existing-only" baseline, because the former baseline includes traffic volumes from all "reasonably foreseeable" cumulative projects in the study area and, therefore, provides a more realistic view of forecasted traffic volumes. "Reasonably foreseeable" projects are those projects expected to be approved, designed, constructed and occupied within the next 2-5 years, potentially before the Proposed Project is built and occupied.
Including the scenario for the year of anticipated construction as the baseline for determining significance identifies that in the Existing Condition for the College Avenue/I-8 EB ramps in the AM peak operating at Level of Service (LOS) E, and LOS B in the PM peak. In the Existing + Near Term Cumulative baseline that was used shows LOS F in the AM peak and LOS D in the PM peak. Applying this scenario as the baseline assumes other development traffic being in place, and as a result, does not identify an impact from the change in LOS from E to F in the AM peak, and B to D in the PM peak. Therefore, a proposed project only traffic scenario should be used for each phase of the development by which to measure against existing conditions to determine any direct project impacts. The change in LOS from the Existing Condition to the Near Term Cumulative baseline is not accounted for and is not an appropriate baseline to determine project impacts.		This approach also is preferred by the majority of jurisdictions because it provides a conservative baseline against which Project impacts are measured. Adding cumulative projects ahead of the Proposed Project usurps reserve capacity in the roadway system, leaving less capacity for the Proposed Project, and increasing the likelihood that potential direct Project impacts may occur.
		Draft EIR Tables 3.12-11 and 3.12-12 depict the comparative results of the near-term analysis for peak hour intersections and segments. Each table depicts the existing conditions, existing plus near-term cumulative project conditions, and existing plus near-term cumulative plus Project scenarios. A review of these tables shows that the baseline levels of service under the "with cumulative projects" scenario is either similar to or worse than the "existing-only" scenario. Therefore, the analysis is considered conservative.
		Notwithstanding, in response to the comment, CSU/SDSU conducted a supplemental analysis of the I-8 interchange to determine operations at the College Avenue/I-8 interchange that would result from adding Project traffic directly onto existing volumes. The results of the analysis are depicted in Table A, below, which shows that, under this scenario, Project traffic would result in a maximum 0.1 second increase in delay, which would not be considered a significant impact. Additionally, under this scenario, the project actually would result in two fewer significant peak hour intersection impacts than under the existing + cumulative projects baseline; the results for street segments and ILV intersection operations are unchanged. (See Final EIR Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Caltrans Comment S-2-5 (March 10, 2011) for additional

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information. For additional existing plus project analysis, see Final EIR Appendix F3.8 (Noise Analysis) and F3.2 (Air Quality).)

TABLE A
I-8/ COLLEGE AVENUE INTERCHANGE OPERATIONS

Intersection	Control Type	Peak Hour	Existing		Existing + Total Project Traffic		Δ^c Delay
			Delay ^a	LOS ^b	Delay	LOS	
I-8/ College Avenue WB Ramps	SIGNAL	AM	9.3	A	9.3	A	0.0
		PM	8.3	A	8.4	A	0.1
I-8/ College Avenue EB Ramps	SIGNAL	AM	77.0	E	77.1	E	0.1
		PM	15.2	B	15.3	B	0.1

Footnotes:

- a. Average delay expressed in seconds per vehicle.
- b. Level of Service.
- c. Δ denotes an increase in delay due to project.

SIGNALIZED DELAY/LOS THRESHOLDS	
Delay	LOS
0.0 < 10.0	A
10.1 to 20.0	B
20.1 to 35.0	C
35.1 to 55.0	D
55.1 to 80.0	E
> 80.1	F

Comment S-2-6	Comments from Department of Transportation, 11/10/2010	Response
2) SDSU should also work with the San Diego Association of Governments (SANDAG) and the Metropolitan Transit System (MTS) to ensure that opportunities to include transit needs are studied and included in the design process for future transportation improvements, including potential issues and improvements for bicycles and pedestrians. Transportation Demand Management (TDM) strategies such as carpool and vanpool information should also be considered into the overall strategy.	SDSU consulted with MTS prior to preparation of the Draft EIR, and the Project's potential impacts to transit, pedestrians and bicyclists are addressed in Draft EIR Section 3.12, Transportation/Circulation and Parking. With respect to TDM strategies, as part of the SDSU 2007 Campus Master Plan, SDSU will develop a campus TDM program, in consultation with SANDAG and MTS, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel.	

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Comment S-2-7	Comments from Department of Transportation, 11/10/2010	Response
3) Any encroachment into Caltrans right-of-way (R/W) to perform off-site mitigation work will require an Encroachment Permit from Caltrans. The applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans' R/W, mitigation for those impacts, and any corresponding technical studies.	CSU/SDSU acknowledges that Caltrans requires an encroachment permit prior to off-site activities in Caltrans' right-of-way, requiring the submittal of approved final environmental documents. CSU/SDSU notes that the proposed project's proportionate share of impacts within Caltrans R/W (I-8 Eastbound On Ramp) is 4.12 percent in the long range (2030) cumulative condition. (See Response S-2-3.)	

Comment S-2-8	Comments from Department of Transportation, 11/10/2010	Response
4) For mitigation work within CT R/W, copies of all project-related environmental documentation, studies, and clearances, should be included with the project proponent's Encroachment Permit application to Caltrans for work within State's R/W. If these materials are not included with the Encroachment Permit application, the applicant will be required to acquire and provide these to Caltrans before the Permit Application will be accepted. Encroachment Permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.	Please see response to comment S-2-7.	

If you have any questions or require further information, please contact Trent Clark at (619) 688-3140 or Trent.Clark@dot.ca.gov.

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment S-3-1	Comments from State Clearinghouse, 11/12/2010	Response
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The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 10, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

CSU/SDSU acknowledges the comments, which will be made available to the CSU Board of Trustees prior to its consideration of the Proposed Project.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

[Enclosed with the OPR letter were the following comment letters: Department of Toxic Substances Control and Department of Transportation. The two letters are designated herein as letters S-1 and S-2 and responses are provided.]

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Comment R-1-1	Comments from SANDAG, 11/10/2010	Response
<p>Thank you for the opportunity to comment on the above-referenced DEIR. The San Diego Association of Governments' (SANDAG's) comments are made from a regional perspective, emphasize the need for land use and transportation coordination, and are based on policies contained in the Regional Comprehensive Plan (RCP) and the 2030 Regional Transportation Plan (RTP).</p> <p>State law gives SANDAG the authority to determine whether a project or plan will need to be reviewed for regional significance. SANDAG staff has reviewed this project and determined that it is regionally significant due to the amount of traffic generated. Therefore, environmental review of this project should include consideration of applicable policy objectives contained in the RCP and the RTP.</p>	<p>As a state agency, CSU/SDSU is not subject to local government planning, such as SANDAG's Regional Comprehensive Plan (RCP) and the 2030 Regional Transportation Plan, Mobility 2030 (RTP). Notwithstanding, the Proposed Project would be consistent with many of the policy objectives outlined in the RCP. These include providing a mixed-use, accessible, walkable neighborhood community conveniently located to transit that is consistent with smart growth principles, and that would facilitate redevelopment and infill development. Although the Project would add additional vehicle trips to the area roadways and, in that regard, would be inconsistent with these objectives, the student housing component of the Project would contribute to an overall reduction in traffic congestion and vehicle trips by eliminating the need for the students residing in the housing to commute to campus from off-campus locations.</p>	
Comment R-1-2	Comments from SANDAG, 11/10/2010	Response
<p>Multimodal Transportation Analysis</p> <p>The 2030 RTP sets forth a multimodal approach to meeting the region's transportation needs. As such, it is requested that the traffic analysis for this project also consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists and include the following impact analysis. Please note that SANDAG is currently developing the 2050 RTP.</p>	<p>The transportation impact analysis presented in Draft EIR Section 3.12, Transportation/Circulation and Parking, considered the effects of the Proposed Project on motorists (traffic), transit, pedestrians, and bicyclists. (See, e.g., Subsections 3.12.5.5 and 3.12.5.6 [Traffic], 3.12.5.11 [Transit], and 3.12.5.12 [Pedestrians and Bicyclists].) In addition, the Project would facilitate the use of transit as a result of its proximity to the SDSU Transit Center, and also would facilitate pedestrian and bicycle travel by the proposed pedestrian malls and Class II bicycle lanes. As noted below in response R-1-3, SANDAG has commended the Project as a smart growth, walkable, and transit-supportive development.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment R-1-3	Comments from SANDAG, 11/10/2010	Response
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Smart Growth Opportunity Areas

A key goal of the RCP is to focus growth in smart growth opportunity areas. The proposed project is located within two existing smart growth opportunity areas. Community Center 5D-CO-1 and Special Use Center SD-CO-2, identified on the Smart Growth Concept Map. The Community Center calls for a residential density of 20 units per acre with mixed uses, and the Special Use Center calls for an optional residential component and a minimum of 50 employees per acre. Transit service to support these place types currently exists in the project area.

SDSU appreciates SANDAG's acknowledgement and commendation for the University's efforts, via Plaza Linda Verde, in developing smart growth, walkable, and transit-supportive development.

This project contributes toward the project area meeting the density and intensity targets of the Community Center and Special Use Center place types. SANDAG commends San Diego State University (SDSU) for its efforts in developing smart growth, walkable, and transit-supportive development.

Comment R-1-4	Comments from SANDAG, 11/10/2010	Response
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Sraft EIR Specific Comments

The following are a list of concerns that SANDAG has with the DEIR:

1. The DEIR assumes on page 3.12-14 that the 2007 Campus Master Plan (CMP) would add 10,000 average daily trips (ADT) to the area roadways. SANDAG objects to this figure on the grounds that the CMP EIR significantly underestimated vehicle trip rates, as explained in SANDAG's August 2007 comments on the Draft CMP Environmental Impact Report (EIR), and in its briefs in the ongoing litigation of Draft CMP EIR between SDSU, SANDAG, Metropolitan Transit System (MTS) and the City of San Diego (Del Cerro Action Council, et al. v. Board of Trustees of the California State University; San Diego Superior Court Case No. GIC855643; Court of Appeal Case No. D057446).

As the Draft EIR notes, the referenced 10,000 ADT that the EIR assumed would be added to the area roadways by the 2007 Campus Master Plan was arrived at in consultation with City traffic engineering staff. (Draft EIR, p. 3.12-14.) Moreover, the San Diego Superior Court rejected SANDAG's contentions regarding the SDSU 2007 Campus Master Plan traffic impacts analysis and upheld the analysis as adequate under CEQA. (See Appendix F3.12, Statement of Decision, filed February 11, 2010, S.D. Superior Court Case No. GIC 855643.) SANDAG has appealed that decision, by right, to the Fourth District Court of Appeal, which has not yet ruled on the matter. For these reasons, there is no present basis to assume the 10,000 ADT assumption is incorrect. Notwithstanding, in response to the comment, a supplemental analysis was conducted which determined that, even if the 10,000 ADT assumed as part of the analysis was increased to 12,700 ADT, there would be no additional significant impacts beyond those already identified in the Draft EIR. (See Final EIR, Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).) Finally, even if the Court of Appeal were to overturn the trial court ruling on the issue, CEQA provides various alternatives for proceeding under such circumstances.

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment R-1-5	Comments from SANDAG, 11/10/2010	Response
2. Discussion of mitigation in Section 3.12.7.2 (Transportation): SANDAG disagrees with the Interpretation of City of Marina v. Board of Trustees of California State University (2006) 39 Ca1.4th 341 set forth in the DEIR. Specifically, City of Marina should not be taken to mean that the Board of Trustees of the California State University (CSU) need only fund its fair share of mitigation if the Legislature grants its request to do so. CSU/SDSU has an obligation to identify and implement all feasible mitigation. There is no evidence that it would be infeasible for CSU/SDSU to mitigate all traffic impacts of the project even if the Legislature rejects its request. In fact, it appears CSU/SDSU can pay its fair-share percentage regardless of Legislative approval, as demonstrated by the fact that it has agreed to pay its fair-share of the mitigation costs attributable to the retail component to the City of San Diego. CSU/SDSU should pay its fair-share mitigation costs for the student housing component as well, whether or not the Legislature specifically grants it funds to do so. This is true for all roadway improvements identified in the mitigation measures set forth in Section 3.12 of the EIR, including those that were included within mitigation measures adopted by the CSU Board of Trustees in November 2007 in connection with certification and approval of the SDSU 2007 Campus Master Plan (CMP) Revision Final Environmental Impact Report (SCH# 200702102). Failure to explore all feasible means of mitigating the project's traffic impacts will result in unmitigated impacts to State and local facilities, which will in turn impact local and regional transit.	<p>The California Supreme Court ruled, in <i>City of Marina v. Board of Trustees of California State University</i> (2006) 39 Cal.4th 341, that CSU may discharge its duties under CEQA to mitigate the off-site environmental effects of its projects by calculating its fair-share mitigation funding amount, negotiating with local agencies regarding the amount, and requesting the funds from the Legislature. (Id. at pp. 361-362, 367.) Significantly, however, CSU's power and obligation to mitigate a project's effects is not absolute. In this regard, CSU's power to mitigate a campus project's effects through voluntary fair-share mitigation payments is subject ultimately to legislative control: "[I]f the Legislature does not appropriate the money, the power does not exist." (Id. at p. 367.) Without the power to mitigate, mitigation necessarily becomes infeasible. (Cal. Code Regs, tit. 14, §5364.)</p> <p>Accordingly, as to the student housing component of the Proposed Project, CSU/SDSU has calculated its fair-share percentage and funding amount, has negotiated with the affected local agency regarding the amount, and will request the funds from the Legislature if the Proposed Project is approved by the CSU Board of Trustees. (See General Response 1, City of Marina.)</p> <p>As to the retail component, SDSU has voluntarily committed to pay its fair-share percentage of the mitigation costs attributable to the retail component as a voluntary action in response to community requests for, and in support of, community-serving retail uses. This funding commitment is over and above the mitigation payment framework set forth in City of Marina. As noted in the Draft EIR, nothing in SDSU's voluntary commitment limits the University's discretion to recoup from, or pass-through to, the ultimate end user all or any portion of the University's fair-share mitigation costs attributed to the Project's retail component. (Draft EIR, p. 3.12-75.)</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment R-1-6

Comments from SANDAG, 11/10/2010

Response

3. On page 3.12-67: The EIR applied a 25-percent trolley mode split to the Project trip generation to estimate the potential increase in trolley ridership attributable to the proposed Project, which appears consistent with the rates in the Redevelopment EIR upon which the DEIR bases its analysis (Footnote). Appropriately, the Plaza Linda Verde EIR does not assume any additional reduction in vehicle trips based on an expected increase in trolley ridership. While SANDAG agrees with this approach, we note that it is inconsistent with the additional reduction in vehicle trips the CMP EIR took as credit for increased trolley ridership on top of the Redevelopment EIR rate. Please explain the rationale behind this seemingly inconsistent approach.

Footnote: SANDAG has not been able to verify consistency with the Redevelopment EIR because the version of the EIR's traffic appendix (Appendix 3.12) posted to the Plaza Linda Verde EIR webpage (http://newscenter.sdsu.edu/plazalindaverde/images/appendix_3_12.pdf) omits a referenced sub-appendix, Appendix I, which apparently includes excerpts from College "Community Redevelopment Plan EIR" and "The Paseo at SDSU EIR." CEQA requires that appendices "be readily available for public examination." (CEQA Guidelines § 15147.) CSU/SDSU should make this information available immediately and should extend the public comment period for an additional two weeks (minimum) after that.

The mode split assumptions utilized in the 2007 SDSU Campus Master Plan EIR and the Plaza Linda Verde EIR are different from each other because the Proposed Project is substantially different from the 2007 Campus Master Plan project. Therefore, the former has correspondingly different trip generating characteristics and, accordingly, correspondingly different mode split characteristics.

The primary trip generation component associated with the 2007 Campus Master Plan was an increase in student enrollment of 10,000 full-time equivalent students, or an 11,385 headcount increase. Based on SANDAG's own forecasts, a substantial number of these increased students was projected to commute to campus via trolley. In contrast, the Proposed Project would not increase student enrollment and, instead, is a student housing project with a retail component. The students residing in the housing would already be on campus and there would be no need to commute to campus.

With respect to the footnote, the referenced appendix I is a sub-appendix to the LLG Traffic Impact Analysis technical report included in Draft EIR Appendix 3.12. Sub-appendix I is a reference document; its non-inclusion does not alter in any manner the analysis and related conclusions presented in the Draft EIR. Nevertheless, following receipt of this comment, SDSU provided SANDAG and other parties with the referenced sub-appendix I, and provided additional time to comment commensurate with the limited significance of the sub-appendix. A copy of the response letter is included in Final EIR Appendix F3.12.

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Comment R-1-7	Comments from SANDAG, 11/10/2010	Response
4. Bus service impacts should also be mitigated from a service and infrastructure need. Cost increases due to service expansion or any negative impacts to current operations should be mitigated. Critical capital improvements for buses should include a bus-only signal for a left turn from the transit center onto northbound College Avenue. This improvement was previously included in the Paseo EIR and should be included in this DEIR, as it is critically needed to move buses through the transit center and eliminate unnecessary delay.	<p>The Draft EIR includes an analysis of the Proposed Project's impacts to transit buses in Subsection 3.12.5.11, Transit Impacts Analysis. The analysis described the bus routes that serve the SDSU campus, and determined that, based on the results of the trolley analysis (limited increased ridership and less-than-significant impacts) and the related mode-split assumptions, in combination with the view of MTS staff that the proposed project would generate low additional transit ridership, the Project is not expected to result in significant impacts relative to bus system capacity. (Draft EIR, p. 3.12-68.) Because the Proposed Project would not result in significant impacts, no mitigation is necessary.</p> <p>With respect to the referenced bus-only signal for a left turn from the SDSU Transit Center onto northbound College Avenue, the Draft EIR traffic impact analysis did not identify a significant impact requiring implementation of such improvement. That said, however, implementation of the Proposed Project would not preclude the improvement, although CSU/SDSU does not have control or jurisdiction over traffic signals on College Avenue; that authority lies with the City of San Diego.</p>	
Comment R-1-8	Comments from SANDAG, 11/10/2010	Response
5. The DEIR does not consider Transportation Demand Management (TDM) strategies, as requested in SANDAG's Notice of Preparation comment letter to SDSU dated February 13, 2010, that called for promoting alternatives to driving alone during peak periods such as carpooling, vanpooling, bicycling, telecommuting, flexible work hours for employees, and the potential of a TDM plan as a part of this project to help mitigate significant regional transportation impacts. We recommend contacting the SANDAG iCommute program to explore TDM Options.	As part of the SDSU 2007 Campus Master Plan, SDSU will develop a campus transportation demand management (TDM) program, in consultation with SANDAG and MTS, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel.	
Comment R-1-9	Comments from SANDAG, 11/10/2010	Response
Consult with MTS and Caltrans	<p>Prior to preparation of the Draft EIR, SDSU met with MTS to discuss the transit impacts analysis to be presented in the EIR. (See Draft EIR Appendix 1.0.) SDSU also is in contact with Caltrans representatives in response to comments submitted by the agency on the Draft EIR.</p>	
SANDAG advises the project applicant to consult with MTS, the transit service provider within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements.		

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Comment R-1-10	Comments from SANDAG, 11/10/2010	Response
Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the RTP Reasonably Expected funding scenario.	The analysis of long-term future traffic conditions presented in the Draft EIR utilized the RTP Reasonably Expected Funding Scenario transportation network. (See Final EIR, Appendix F3.12, LLG Traffic Impact Analysis, Plaza Linda Verde (Revised) (January 11, 2011).)	

Comment R-1-11	Comments from SANDAG, 11/10/2010	Response
Conclusion	The comment is noted.	
<p>We appreciate the opportunity to comment on the DEIR. We encourage SDSU, where appropriate, to evaluate the project based on the following SANDAG publications: (1) Designing for Smart Growth, Creating Great Places in the San Diego Region, (2) Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region, (3) Trip Generation for Smart Growth, and (4) Parking Strategies for Smart Growth. These publications can be found on our Web site at www.sandag.org/igr.</p> <p>If you have any questions or concerns regarding SANDAG's comments on this project, please contact me at (619) 699-1944 or ccl@sandag.org.</p>		

Comment R-2-1	Comments from SANDAG, 11/29/2010	Response
<p>This second comment letter is being submitted per review of the recently received Sub Appendix 1 to the LLG Technical Impact Analysis Technical Report. We have the following comments to share:</p> <ul style="list-style-type: none">• As a resource, the San Diego Association of Governments (SANDAG) has a smart growth trip generation tool and smart growth parking study available. Please consider the use of these tools in your analysis.	<p>The traffic engineers that prepared the traffic impact analysis (Linscott Law & Greenspan (LLG)) did consider using the Smart Growth Trip Generation tool and the Smart Growth Parking Study. However, LLG chose to use the trip generation rates utilized in two City of San Diego approved traffic studies, The Paseo and College Community Redevelopment Plan traffic studies, as those studies were prepared for projects in the specific area where the Project is proposed to be built. With respect to parking, LLG based the analysis of retail parking demand on the most recent available City of San Diego parking ratios.</p>	

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Comment R-2-2	Comments from SANDAG, 11/29/2010	Response
<p>• Please account for why the old parking studies were included in the appendix. In addition, please explain why the same number of parking spaces were recommended as for the old Paseo project, based on the 2004 parking study.</p> <p>If you have any questions or concerns regarding SANDAG's comments on this project, please contact me at (619) 699-1944 or ccl@sandag.org.</p>		<p>The College Community Plan Redevelopment Project EIR and The Paseo at San Diego State University EIR were both utilized as reference sources for parking rates and, therefore, were included in the EIR as appendices. With respect to the number of parking spaces, the commenter is incorrect; the number of parking spaces proposed for the Project (500-560) is substantially different from the number that was proposed for the Paseo Project (1,950). (See Paseo Traffic Report, October 1, 2004, p. 8-1.)</p>

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Comment L-1-1

Comments from The City of San Diego, 11/3/2010

Response

The City of San Diego has received the Draft Environmental Impact Report for the Plaza Linda Verde project prepared by San Diego State University. The Notice of Availability distributed with the document indicated that the public review and comment period for the DEIR was 45 days and will end on November 10, 2010.

Pursuant to CEQA Guidelines Section 15105(a), the public review period of a draft EIR should be no less than 30 days nor longer than 60 days except in "unusual circumstances." In accordance with the above, the City of San Diego requests a 90-day extension of the public review period of the subject document based on the following facts which the City of San Diego strongly considers to be "unusual circumstances" which warrant the 90-day extension request:

- 1) The length of the draft EIR (approximately 370 pages) and associated appendices of similar length including 11 technical appendices which presumably support the conclusions of the draft EIR;
- 2) The complexity of the project's impacts to the City of San Diego, particularly its impacts to public facilities and services. The length and complexity of the record which must be reviewed and considered in order for all the City Departments to be able to submit an adequate response to the subject DEIR. There are over 15 disciplines within the City of San Diego which must review the document. The EIR References section is 17 pages long and, while there are redundancies in this section, said references are not inclusive of all the documents which the City staff must consider in their review of the draft EIR;
- 3) Related and pending litigation matters between the City of San Diego Redevelopment agency and SDSU which further underscore the need for a careful and thorough review of the draft EIR and the record at large.

The City of San Diego appreciates your consideration of the extension request based on the above reasons.

CEQA provides that the public review period for a draft EIR "should not be less than 30 days nor longer than 60 days except in unusual circumstances." (Cal. Code Regs., tit. 14, §15105a). The comment period for the Plaza Linda Verde Draft EIR was 45 days, with the close of the comment period on November 10, 2010.

CSU/SDSU disagree with the position that there are "unusual circumstances" justifying an extension of the public comment period. Neither the length of the Draft EIR nor the purported "complexity" of the Project's potential impacts are such that additional review time should be necessary. Additionally, the City's review of the Plaza Linda Verde Draft EIR was not affected by the referenced litigation, which relates to the SDSU 2007 Campus Master Plan, a project that is separate and distinct from Plaza Linda Verde.

Notwithstanding, and in response to the City's request, SDSU granted the City of San Diego a two-week extension to submit its comment letter, thereby extending the deadline as to the City until November 24, 2010.

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Comment L-2-1	Comments from The City of San Diego, Redevelopment Agency, 11/8/2010	Response
<p>In response to San Diego State University's (SDSU) release of the Draft Environmental Impact Report (Draft EIR) on September 27, 2010 for the proposed Plaza Linda Verde Project (Project) for public review and comment due on or before November 10, 2010, the Redevelopment Agency for the City of San Diego (Redevelopment Agency) respectfully requests a 35-day extension of the public comment period to allow the Redevelopment Agency and the College Community Redevelopment Project Area Committee (College Community PAC) a reasonable opportunity to review and comment on the voluminous Draft EIR, including its extensive Appendices.</p> <p>The proposed Project is located south of SDSU's existing campus and within the College Community Redevelopment Project Area (Project Area). As such, the Redevelopment Agency and the PAC have significant interests in the details of the proposed Project, the contents of the Draft EIR and Appendices, and the potential impacts of the proposed Project on the Redevelopment Agency's goals and objectives for implementing the Redevelopment Plan and Five-Year Implementation Plan for the Project Area. Accordingly, the draft EIR should take into account prospective plans for development in the area surrounding the subject Property — the details of which can be found in the Redevelopment Plan and the Five-Year Implementation Plan.</p> <p>In accordance with CEQA Guidelines section 15086(a)(3), SDSU is required to solicit comments on the Draft EIR from the Redevelopment Agency — as an agency that exercises jurisdiction over resources which may be affected by the Project. Due to the short review period, the Redevelopment Agency may be unable to provide SDSU with its detailed comments on or before November 10, 2010, for the following reasons:</p> <ul style="list-style-type: none">• Given the magnitude of the proposed Project and the sheer volume and complexity of the Draft EIR, including its extensive Appendices (which may require the need to retain and receive input from independent consultants), the Redevelopment Agency requires more time to analyze and address the issues raised in the Draft EIR.• The Redevelopment Agency significantly relies on the College Community PAC to review and provide input on matters that affect implementation of the Redevelopment Plan and Five-Year Implementation Plan for the Project Area. As the next College Community PAC meeting may not take place until the first	<p>CEQA provides that the public review period for a draft EIR "should not be less than 30 days nor longer than 60 days except in unusual circumstances." (Cal. Code Regs., tit. 14, §15105(a).) The comment period for the Plaza Linda Verde Draft EIR was 45 days, with the close of the comment period on November 10, 2010.</p> <p>CSU/SDSU disagree with the position that there are "unusual circumstances" justifying an extension of the public comment period in this case. Preliminarily, the legal cases cited in support of the position address "unusual circumstances" within the context of categorical exemptions from CEQA, not within the meaning of CEQA Guidelines section 15105(a); therefore, the cases are wholly inapplicable. Additionally, neither the "magnitude" of the Proposed Project nor the length of the Draft EIR are such that additional review time should be necessary.</p> <p>With respect to the referenced Project Area Committee (PAC) meetings, CEQA does not require that the Draft EIR public review period coincide with the referenced meetings. Moreover, in the event a PAC meeting was not scheduled during the public review period, the PAC By-Laws provide for Special Meetings to be called during which the Draft EIR could have been considered. (PAC By-Laws, Art. III, Section 3; see also Sections 1 and 2 regarding Annual and Regular meetings.)</p> <p>As to consultation, SDSU disagrees with the position that the Agency has jurisdiction by law with respect to the Project. Notwithstanding, in April 2009, representatives of SDSU met with Agency representatives to discuss the Proposed Project and obtain Agency input relative to preparation of the Draft EIR. Additionally, SDSU and Agency representatives met again, on November 8, 2010, during the public review period, to further discuss the Project. Accordingly, SDSU has complied fully with any and all requirements of CEQA relative to Agency review of the Draft EIR.</p> <p>Notwithstanding, and in response to the Agency's request, SDSU granted the Redevelopment Agency a two-week extension to submit its comment letter on the Draft EIR, thereby extending the deadline as to the Agency until November 24, 2010.</p>	

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Tuesday of December 2010, the Redevelopment Agency believes a 90-day extension of the public comment period would provide a reasonable amount of time to receive input from the College Community PAC members required by the EIR process. "Public participation is an essential part of the CEQA process." CEQA Guidelines section 15201; Dixon v. Superior Court, 30 Cal. App. 4th 733, 743 (1994), review denied ("Essential to CEQA proceedings is the public comment and review process; its purpose is to inform those who ultimately make important decisions regarding the environment."). Further, although SDSU has been a long term recipient of the notices of College Community PAC meetings, the 45-day comment period was ill-timed as falling in between College Community PAC meetings, which generally occur every other even-numbered month.

- CEQA Guidelines section 15087(e) provides that the comment period shall be combined with the consultation with pertinent agencies (e.g. the Redevelopment Agency) required under CEQA Guidelines section 15086. Extending the comment period by 90 days will help enable SDSU and the Redevelopment Agency to meet their respective statutory obligations to consult with one another on the Draft EIR.

Notably, CEQA does not mandate a 45-day comment period. CEQA section 21091(a) provides the public comment period for a draft EIR shall be at least 45 days (emphasis added). CEQA Guidelines section 15105(a) provides that the public comment period of a draft EIR should not be longer than 45 days (when submitted to the State Clearinghouse) except in "unusual circumstances" (emphasis added). See also Laurel Heights Improvement Association of San Francisco, Inc. v. Regent of the University of California, 6 Cal. 4th 1112, 1123 (1993) ("The comment period is generally no shorter than 30 days and no longer than 90 days [cites omitted].") Thus, there is no requirement that the comment period be limited to 45 days. Here, it is reasonable for the public comment period to be set for a period long enough to afford sufficient time for the College Community PAC to meet, discuss, and provide input and for the Redevelopment Agency to evaluate the Draft FIR and advise SDSU of its comments.

Finally, "unusual circumstances" exist in support of extending the comment period in accordance with CEQA Guidelines section 15105(a). "[T]he unusual circumstances test is satisfied 'where the circumstances of a particular project (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects'..." Banker's Hill,

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et. al v. City of San Diego, et. at, 139 Cal.App.4th 249, 278 citing Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster et al, 52 Cal.App.4th 1165, 1207 (1997) (solving for "unusual circumstances" in the context of CEQA Guidelines section 15300.2(c) for when a categorical exemption should be excepted from applying).

In Azusa Land, 52 Cal.App.4th at 1208, the court applied the "unusual circumstances test" to conclude that there was a host of circumstances that were unusual as a matter of law when compared with the circumstances surrounding typical landfill facilities that warranted excepting the proposed project as categorically exempt. Here, the volume of material in the Draft EIR, the inability to receive input from the College Community PAC -- a key stakeholder group, the significance of the Project and the sensitivity of the pending litigation between SDSU and the Redevelopment Agency demonstrate the proposed Project is more than just "run-of-the-mill"— clearly, unusual circumstances exist to warrant an exception to the 45-day comment period in this matter.

For the foregoing reasons, the Redevelopment Agency respectfully requests that the public comment period for the Draft EIR be extended until December 15, 2010.

We look forward to your anticipated cooperation with the matters discussed above. Should you have any questions or comments, please do not hesitate to contact Eliana Barreiros, Project Manager, at 619.236.6267 or via e-mail at ebarreiros@sandiego.gov.

Comment L-3-1	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
The San Diego Metropolitan Transit System (MTS) provides bus and rail services throughout San Diego County, including the area surrounding San Diego State University (SDSU). The Sohagi Law Group represents MTS for purposes of its review of the above-referenced DEIR under the California Environmental Quality Act (CEQA, Public Resources Code, §21000, et seq.).		The comment is an introduction to comments that follow. The substantive issues raised in the comment are addressed within the responses that follow. No further response is required.
MTS appreciates the opportunity to comment on the DEIR. MTS is concerned, however, that its bus and rail service may be impacted to a greater extent than disclosed in the DEIR. A decreased level of bus and trolley service may result in corresponding environmental impacts on traffic congestion and air emissions. To help address these concerns, MTS submits the following comments.		

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Comment L-3-2	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Capacity and Demand Calculations		
MTS is pleased to see that the DEIR provides a quantitative transit analysis for trolley service. However, MTS requests clarification on the following regarding the trolley capacity calculation:		The peak hour factor utilized in the Draft EIR trolley impacts analysis was obtained from 2008 ridership counts conducted by SANDAG. (See Draft EIR Appendix 3.12, LLG Traffic Impact Analysis (August 6, 2010), p. 69.) The peak hour factor varies by time and direction because it is a function of peak demand, which is variable by time and direction.
<ul style="list-style-type: none">• How was the peak hour factor derived/calculated? Why would capacity be different by time period and direction?• How was existing ridership calculated? (Arrivals+throughs, departure load, ons+offs, etc.) This should be footnoted for clarity.		Existing ridership was calculated based on the passenger loads at the SDSU station (i.e., existing ridership @ SDSU = riders already on the system prior to SDSU station + riders getting onto the system at SDSU station – riders getting off the system at SDSU station).
Comment L-3-3	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
In addition to the quantitative trolley service analysis, MTS believes the EIR should provide a quantitative capacity or projected ridership analysis for bus service. The DEIR asserts on Page 3.12-68 that "the bus system has greater flexibility relative to routes and capacity expansion." However, an assumption that the bus system is infinitely expandable is not correct. In addition to the financial cost of added bus service, there is finite capacity at the SDSU Transit Center. Adding more service into a transit center already at capacity would result in buses circling the area while waiting for an available parking bay to open. This would result in the potential for increased environmental impacts, including traffic and emissions impacts.		The analysis of potential impacts to bus service presented in the Draft EIR focused on the potential increases in demand associated with the Proposed Project. While the analysis is of a qualitative nature, it is based on quantitative evidence: the results of the trolley analysis and the related mode-split assumptions, in combination with the view of MTS staff that the Proposed Project would generate low additional transit ridership. (Draft EIR Appendix 1.0.) For these reasons, the Project is expected to generate a minimal amount of additional bus ridership demand and, correspondingly, an insufficient increase to require additional bus service at the SDSU Transit Center.

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Comment L-3-4	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Further, the DEIR states on page 3.12-66 that the catchment area for neighborhood-oriented retail and commercial uses is expected to be local, and concludes on this basis that transit ridership will not increase significantly as a result of this development. This ignores ridership demand from the workforce. It is reasonable to expect that a sizable percentage of the employees at the new retail and commercial businesses will not be local and will utilize transit service to access these jobs. The EIR should clarify how it accounted for these employment trips in the transit analysis. If the DEIR did not account for them, these trips should be added to the transit trip generation calculation in the Final EIR. If project-specific employment information is not available, MTS suggests using existing data from SDSU's employee base on campus to make reasonable assumptions regarding the number of employees at the new retail and commercial businesses, their trip origins, and the mode share.	The forecasted amount of trolley ridership contained in Draft EIR Table 3.12-21, Trolley Analysis - Volume/Capacity Method, includes both patrons and workforce-related trips. The projections are based on the total estimated amount of people who would choose to use the trolley, which included those who would work at a retail establishment and choose to use the trolley, those retail patrons who would choose to use the trolley, and those people associated with the student housing who would choose to use the trolley.	
Comment L-3-5	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Additionally, the DEIR's discussion of transit impacts only specifically addresses impacts to passenger capacity. The DEIR does not address traffic impacts to bus schedule running times, which could reasonably be expected to increase as a result of increased traffic congestion on roadways stemming from the proposed project. Increased running times requires MTS to use more buses to operate the same schedules, with the associated traffic congestion and emissions implications of added buses in the area.	Draft EIR Tables 3.12-24 and 3.12-26 depict the intersection delays that would result with the addition of Project traffic under both the near-term (2015) and long-term (2030) scenarios. As shown on the tables, the additional Project traffic would result in increased delays of generally two to four seconds at the key study area intersections. With mitigation, delays at each of the intersections would be reduced substantially. (Note that the increase in delay at the unsignalized College Avenue/Zura Way intersection is for traffic on Zura Way not College Avenue, and Zura Way is not traveled by any of the area's bus routes). Therefore, even without mitigation, the increases in delay attributable to the Project would be limited and, as such, the Proposed Project is not expected to increase bus schedule running times to the extent that more buses would be required to operate the same schedules.	

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Comment L-3-6	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Similarly, the quality of bus service degrades when transit trip travel times increase. Ridership models directly correlate travel time changes with ridership, and studies have shown that travel time is a critical indicator of mode choice. (Footnote) Therefore, increases in transit travel time generally result in decreases in transit travel mode share, and a corresponding increase in vehicle travel. MTS suggests that the potential for this increased vehicle travel and the corresponding environmental effects of such an increase be estimated through a bus circulation analysis showing plan impacts on bus routings and run times, including the addition of the Mid-City Rapid bus, scheduled to start in 2012.	As explained in response to comment L-3-5, bus schedule running times are not expected to increase substantially as a result of the Proposed Project and, therefore, vehicle travel would not increase beyond that reported in the Draft EIR.	
Footnote: Frank, Lawrence, "Urban Form, Travel Time, and Cost Relationships with Tour Complexity and Mode Choice," Transportation: Planning, Policy, Research, Practice 35 (2008): 37-54.		

Comment L-3-7	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
MTS suggests the following mitigation measure to reduce impacts to transit travel time: • Stripe an 11' right-turn/bus-only lane on westbound Montezuma Road from Montezuma Place to Campanile Drive.	As discussed above in responses L-3-5 and L-3-6, the Proposed Project would not result in a significant impact relating to transit travel times and, therefore, no mitigation is required.	
This measure would allow buses inbound on Montezuma to the SDSU Transit Center to approach Campanile Drive without waiting for queued westbound traffic to clear.		

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Comment L-3-8	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Inconsistencies with Previous EIR & Campus Master Plan EIR		
The previous EIR reviewed by MTS for this project, then known as the Pasco, included two major transit features that are absent from this draft, without any explanation of why these elements were removed from the plan. These features were:		The Proposed Project is sponsored by CSU/SDSU and is a separate and distinct project from the former Paseo project, which was put forth by the City of San Diego. While the two projects are similar in certain respects, there also are numerous distinctions between the two, and CEQA does not require the Plaza Linda Verde Draft EIR to explain the reasons for the differences in project features.
<ul style="list-style-type: none">• a portal on the south side of the bus lane, with the entrance in what is now planned to be the Village Green. Incorporating this portal would improve access to the station by the community and closer integrate the station with the new development planned.• a bus-only left turn lane and traffic signal from the transit center onto northbound College Avenue. This design would allow MTS buses to exit the transit center to the north without the current long detour around College Avenue, Montezuma Road, Campanile Drive, and Lindo Paseo.		With respect to the referenced portal on the south side of the bus lane, the Campus Green that would be developed as part of the Proposed Project would include a walkway connecting the new development with the Transit Center, thereby providing community access to the center and integrating the center with the proposed development. (See Draft EIR Figure 1.0-11, Proposed Site Plan.)
Please explain why these features have been removed from the Plaza Linda Verde Project.		As to the addition of a bus-only left turn lane and traffic signal from the transit center onto northbound College Avenue, the Proposed Project neither requires such improvements as mitigation, nor does it preclude the improvements from being implemented. Such improvements lie within the jurisdiction of the City of San Diego and any decision to implement the improvements rests with the City. To the extent the City is interested in considering the request of MTS, CSU/SDSU would be supportive of MTS and would be willing to work with the City and MTS, as appropriate.

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Comment L-3-9**Comments from MTS/The Sohagi Law Group, 11/10/2010****Response**

Additionally, the DEIR applied a 25 percent trolley mode split to the Project trip generation to estimate the potential increase in trolley ridership attributable to the proposed Project. This mode split was based on a similar mode split used in the Redevelopment EIR. This approach contrasts with the 2007 Campus Master Plan (CMP) EIR, which also relied on the Redevelopment EIR's mode split assumption, but estimated a significant additional reduction in vehicle trips due to increased trolley ridership. Please explain the rationale behind these different approaches.

The mode split assumptions utilized in the 2007 SDSU Campus Master Plan EIR and Plaza Linda Verde EIR are different from each other because the subject projects are substantially different from each other. Therefore, each project has correspondingly different trip generating characteristics and, accordingly, correspondingly different mode split characteristics.

The primary trip generation component associated with the 2007 Campus Master Plan was an increase in student enrollment of 10,000 additional full-time equivalent students, or approximately an 11,385 headcount. Based on SANDAG's own forecasts, a substantial number of these increased students was projected to commute to campus via trolley. In contrast, Plaza Linda Verde would not increase student enrollment and, instead, is a student housing project with a retail component. The students residing in the housing would already be on campus and there would be no need to commute to campus.

Comment L-3-10**Comments from MTS/The Sohagi Law Group, 11/10/2010****Response**

MTS also objects to the assumption on page 3.12-14 of the DEIR that the 2007 CMP would add 10,000 average daily trips (ADT) to the area roadways. MTS contends that the CMP project will result in significantly more than 10,000 ADT. The CMP EIR's vehicle trip rates are the subject of ongoing litigation between SDSU, SANDAG, MTS and the City of San Diego (Del Cerro Action Council, et al. v. Board of Trustees of the California State University; San Diego Superior Court Case No. GIC855643; Court of Appeal Case No. D057446). Underestimating trips from the CMP project may result in an underreporting of cumulative traffic impacts and an inaccurate projection of vehicle and transit trips.

As the Draft EIR notes, the referenced 10,000 ADT that the EIR assumed would be added to the area roadways by the 2007 Campus Master Plan was arrived at in consultation with City traffic engineering staff. (Draft EIR, p. 3.12-14.) Moreover, the San Diego Superior Court rejected MTS' contentions regarding the SDSU 2007 Campus Master Plan traffic impacts analysis and upheld the analysis as adequate under CEQA. (See Appendix F3.12, Statement of Decision, filed February 11, 2010, S.D. Superior Court Case No. GIC 855643.) MTS has appealed that decision, by right, to the Fourth District Court of Appeal, which has not yet ruled on the matter. For these reasons, there is no present basis to assume the 10,000 ADT assumption is incorrect. Notwithstanding, in response to the comment, a supplemental analysis was conducted which determined that, even if the 10,000 ADT assumed as part of the analysis was increased to 12,700 ADT, there would be no additional significant impacts beyond those already identified in the Draft EIR. (See Final EIR, Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).) Finally, even if the Court of Appeal were to overturn the trial court ruling on the issue, CEQA provides various alternatives for proceeding under such circumstances.

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Comment L-3-11	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Additional Comments		The Proposed Project's fair-share percentage presented in the Draft EIR was calculated based on application of the City of San Diego's formula. (See Draft EIR, pp. 3.12-82 to 3.12-84.) To the extent the City is unable to provide its matching share, the Draft EIR notes that the identified significant impacts would remain significant and unavoidable. (See Draft EIR, p. 3.12-95.)
Feasibility of Mitigation Measures. Each mitigation measure in Section 3.12 of the EIR includes the caveat "provided that the City's share of the mitigation improvement cost has been allocated and is available for expenditure." MTS is concerned that the City of San Diego may be unable to provide a matching share, which would prevent the mitigation from being implemented. The EIR should identify feasible ways to mitigate significant impacts in the event that the City's share of the mitigation improvement cost is not allocated or available for expenditure.		In considering other feasible ways to mitigate the identified impacts, it is necessary to first consider the two sources of the Project's vehicle trip generation -- student housing and retail uses. The student housing component, by its nature, will remove vehicle trips from the area roadways (i.e., students who otherwise would need to commute to campus would be able to walk or bike to campus). Moreover, the student housing component of the Proposed Project generates a relatively small amount of peak hour vehicle trips. Therefore, any mitigation measure designed to further reduce Project-generated trips attributable to the student housing component would have minimal impact in reducing peak hour traffic levels.
		As to the Project's retail component, one of the Project alternatives would substitute "university-serving" retail uses for the Proposed Project's "university/community serving" retail uses. (See Draft EIR Subsection 5.3.4.) Under the proposed alternative, the retail uses that would be developed as part of the Project would be primarily university serving (as compared to community and university serving) and, therefore, these uses would be supported primarily by students, faculty, and staff already on campus. Consequently, this alternative would result in substantially fewer vehicle trips than the Proposed Project (529 ADT v. 2,396 ADT) along with a corresponding reduction in significant impacts. The CSU Board of Trustees will consider this alternative when it considers approval of the Proposed Project.
		In addition, as part of the SDSU 2007 Campus Master Plan, the CSU Board of Trustees adopted a mitigation measure under which SDSU will develop a campus transportation demand management (TDM) program, in consultation with SANDAG and MTS, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel. (See 2007 Campus Master Plan Final EIR, Mitigation Measure TCP-27.)

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Comment L-3-12

Comments from MTS/The Sohagi Law Group, 11/10/2010

Response

Additionally, SDSU should fund its fair-share mitigation costs for the student housing component as well as the retail component of the proposed project, regardless of whether the Legislature specifically grants it funds to do so. This is required by CEQA and is consistent with the ruling in *City of Marina v Board of Trustees of California State University* (2006) 39 Cal.4th 341. The project's impacts on roadways, and its corresponding impacts on local transit, must be mitigated to the greatest extent feasible.

The California Supreme Court ruled in *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, that CSU may discharge its duties under CEQA to mitigate the off-site environmental effects of its projects by calculating its fair-share mitigation funding amount, negotiating with local agencies regarding the amount, and requesting the funds from the Legislature. (Id. at pp. 361-362, 367.) Significantly, however, CSU's power and obligation to mitigate a project's effects is not absolute. In this regard, CSU's power to mitigate a campus project's effects through voluntary fair-share mitigation payments is subject ultimately to legislative control: "[I]f the Legislature does not appropriate the money, the power does not exist." (Id. at p. 367.) Without the power to mitigate, mitigation necessarily becomes infeasible. (Cal. Code Regs., tit. 17, §15364.)

As to the student housing component of the Proposed Project, CSU/SDSU has calculated its fair-share percentage and funding amount, has negotiated with the affected local agency regarding the amount, and will request the funds from the Legislature if the Proposed Project is approved by the CSU Board of Trustees. (See General Response 1, City of Marina.)

As to the retail component of the Project (i.e., the portion of the project that would be leased for commercial/retail uses), it is appropriate in this instance, and consistent with existing law, for the commercial retailers, and not the taxpayers, to contribute to the cost of environmental infrastructure mitigation improvements to support their portion of the Project. As SDSU/CSU intends to collect those contributions from the commercial retailers through the payment of future rents, under these unique circumstances, SDSU/CSU will advance to the City of San Diego and to Caltrans, on behalf of those commercial retailers, their fair-share of the mitigation cost attributable to the retail component of the Proposed Project.

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Comment L-3-13	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Bus Parking Constraints. MTS currently maintains a bus parking space on westbound Hardy Avenue just west of Montezuma Place. The proposed vacation of Montezuma Place would render that location inaccessible to MTS buses and would require a replacement site to be found. This space is used for storing standby buses and buses that are waiting to start their runs. The Transit Center is currently at full capacity and has no ability to absorb additional bus parking. Losing established bus parking would result in buses circling the area while waiting for a vacant parking bay, with the accompanying traffic and emissions impacts of additional bus miles traveled in the area.	In the event the identified Montezuma Place location is vacated and the existing Hardy Avenue bus parking location is rendered inaccessible, SDSU will work with MTS to locate a suitable replacement bus parking site in the immediate vicinity of the present Hardy Avenue site that does not result in additional bus miles traveled in the area.	
Comment L-3-14	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
Project Design Considerations. The San Diego Trolley light rail tunnel, underground station, and associated structures are located near the project footprint. SDSU's architecture and engineering teams should work closely with MTS and SANDAG during the project design phase to ensure that any underground or above ground structures, foundations, utilities, etc., do not conflict with or impact MTS's facilities during or after construction. The EIR should identify any such structures, and SDSU should ensure that the analysis in the EIR considers the potential for modifications to specific project elements to avoid conflict with tunnel and station structures.	<p>Preliminarily, none of the Project's development components would be located over the trolley tunnel or station, and only the Campus Green would be located in the vicinity of the tunnel or station. Additionally, Draft EIR Mitigation Measure GEO-1 requires that, prior to the commencement of design and construction activities relating to the Proposed Project, CSU/SDSU shall conduct a geotechnical investigation in conformance with the requirements of the California Building Code (CBC) and International Building Code (IBC). The site specific geotechnical investigations will include subsurface exploration, laboratory testing, and geotechnical analysis to the extent required by the CBC and IBC. Based on the results of the investigations, geotechnical design recommendations shall be developed and included in the design and construction of the Proposed Project in conformance with applicable regulatory guidelines, including CBC and IBC requirements. (Draft EIR, p. 3.4-12.)</p> <p>Through the geotechnical investigations conducted pursuant to Mitigation Measure GEO-1, the Proposed Project would be designed and constructed in a manner that did not significantly impact MTS' San Diego Trolley light rail tunnel, underground station, and associated structures. Additionally, SDSU will provide detailed engineering analysis to MTS during the project design phase to further ensure that any underground or above ground structures, foundations, utilities, etc., do not conflict with or impact MTS's facilities during or after construction.</p>	

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Comment L-3-15	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
3.12.7.5 — Alternative Mitigation Approach		
MTS agrees with the premise of the Alternative Mitigation Approach, which is to make travel by transit, bicycles, and pedestrians more attractive by improving the physical design of the streetscape. However, the alternative as detailed only provides improvements for pedestrians and bicycles, and does not address the needs of transit vehicles. Without any priority facilities for buses, MTS vehicles are subject to the same time penalties and reduction in level of service as single-occupant vehicles (SOVs). Increasing transit travel time decreases the attractiveness of transit as a modal option. (Footnote) This is especially true for riders not accessing SDSU, but just transferring between routes at the SDSU Transit Center who, if driving, would have the option of avoiding the area altogether.		Under the alternative mitigation approach, delays would be similar to those under the Proposed Project. As discussed above in response to comment L-3-5, because of the limited amount of delay that the Project would add to the surrounding roadways, any effect on transit travel times would be limited. Similarly, under the alternative mitigation, any effect on transit travel times would be limited. Notwithstanding, negotiations between CSU/SDSU and the City of San Diego conducted following release of the Draft EIR regarding traffic mitigation improvements did not result in a determination to implement the alternative mitigation approach. As a result, the mitigation improvements recommended by the Final EIR are mitigation measures TCP-1 through TCP-11, as set forth in EIR Section 3.12.7.2, Transportation/Circulation and Parking.

Footnote: Id.

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Comment L-3-16	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
<p>A specific comment on the alternative approach is that the reduction of all lanes of College Avenue to 10' in width would be hazardous for buses which, including mirrors, are approximately 10.5' in width. Buses would be forced to straddle both lanes, reducing the capacity of the road to one lane anywhere that a bus is moving. Also, the plan generically refers to the intersection of College and Montezuma, but does not specify what (if any) changes would be made to College Avenue south of Montezuma Road. If the south side is intended to mirror the north side, then reducing the current dual left turn lane from northbound College onto westbound Montezuma to a single left turn lane would have severe consequences on the ability of three MTS bus routes (including the future Mid-City Rapid) to maintain their current schedules.</p>	<p>Preliminarily, please see Response L-3-15 regarding the status of the alternative mitigation approach. Nonetheless, in response to the comment, research was conducted to determine transit bus dimensions. Specific to MTS, full size 40-foot buses are 8'-6" (102") wide mirror-to-mirror. The smaller buses are 92" mirror-to-mirror. (See Final EIR Appendix F3.12, MTS Bus Specifications.) Additional research revealed no bus widths in excess of 8' - 6" (102"); although the mirrors may extend beyond that width, they are located at a height above car heights. (See, e.g., http://www.philadelphiatransitvehicles.info/septa-bus-roster.php [listing bus dimensions from seven different bus manufacturers, including New Flyer]; http://del.dot.gov/information/business/drc/pd_files/plan_development/dtc_bus_dimensions.pdf [listing bus dimensions from 3 different manufacturers]; and, http://busforsaleguide.com/mci.htm [listing MCI bus dimensions from 1950's to the present]. Therefore, the evidence indicates that 10-foot lanes would not require buses to "straddle both lanes," thereby reducing the capacity of the road.</p> <p>As to the College Avenue/Montezuma Road intersection, the alternative mitigation described in the Draft EIR would not include any changes or improvements to College Avenue south of Montezuma Road. Because the south side of the intersection is not intended to mirror the north side, the alternative mitigation would not have the referenced consequences to MTS bus routes.</p>	
Comment L-3-17	Comments from MTS/The Sohagi Law Group, 11/10/2010	Response
<p>Conclusion</p> <p>Thank you for your attention to these comments. Please contact Denis Desmond at denis.desmond@sdmts.com or (619) 515-0929 with any follow-up questions or to discuss coordination on any of the items mentioned above.</p>	<p>If necessary, SDSU will contact Mr. Desmond with any follow-up questions or to discuss coordination on any of the items mentioned above.</p>	

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Comment L-4-1	Comments from The City of San Diego, 11/24/2010	Response
The City of San Diego ("City") has received and reviewed the Draft Environmental Impact Report (DEIR) for the proposed Plaza Linda Verde Project. In response to the request for comments on the Draft Environmental Impact Report, the City is requesting that the DEIR and the proposed project be revised. Included below are comments from various city departments on the DEIR and appendices.		The comment is an introduction to comments that follow. Responses are provided below to each of the specific comments. No further response to this comment is required.

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Comment L-4-2	Comments from The City of San Diego, 11/24/2010	Response
Development Services Department, Entitlements Division, Environment Analysis Section: Jean Cameron (619) 446-5379		
General Comments		
The City of San Diego as Responsible Agency		
<p>These comments incorporate the February 13, 2009, letter from the Redevelopment Agency to SDSU (attached). The letter is relevant because the issues discussed in the letter have not been addressed in the DEIR. In particular, the letter provides the reasons why the City of San Diego is a responsible agency as defined by CEQA Sec.21069 which states: "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carry out or approving a project. In addition to the above reasons, the DEIR states that implementation of the project will require the approval of Street Vacations for portions of Hardy Avenue and the easterly side of Montezuma Place between Montezuma Road and Lindo Paseo. Approval of a Street Vacation by the City of San Diego City Council is required. As this is a discretionary action by the City, it qualifies the City as a responsible agency. As a responsible agency, the impact analysis of each environmental issue and proposed mitigation must meet the City of San Diego Significance Thresholds and Mitigation Requirements.</p>	<p>Preliminarily, the referenced Redevelopment Agency letter does not provide the reasons why the City of San Diego is a responsible agency. The Redevelopment Agency addresses reasons that apply only to the Agency and is clear to point out that "the Redevelopment Agency is a separate legal entity distinct from the City." (Draft EIR Appendix 1.0, NOP Comment Letter, Redevelopment Agency, February 13, 2009, p. 1.)</p> <p>Notwithstanding, as noted in Draft EIR Subsection 1.6.3, Responsible Agencies, under CEQA, responsible agencies are state and local agencies other than the lead agency that have discretionary approval power over the Proposed Project. (Cal. Code Regs., tit. 14, §15381.) Similarly, Public Resources Code section 21069 defines "responsible agency" as "a public agency, other than the lead agency, which has responsibility for carrying out or approving a project." In this case, although CSU/SDSU will request that the City of San Diego approve the vacation of certain public rights-of-way to facilitate development of the pedestrian malls and Building 2, the City's approval is not essential to development of the Proposed Project because in the event the City does not approve SDSU's request, SDSU will proceed with development of a project without the referenced pedestrian malls and with development of a modified Building 2 as a five-story mixed-use building as described in the Draft EIR though only on the eastern portion of the site. (See Response L-4-3, Final EIR Figure 1.0-11A, and Final EIR Table 1.0-2A.) Therefore, the City does not have discretionary approval authority over the Project, nor will it be carrying out the Project and, therefore, the City is not a responsible agency within the meaning of CEQA. Nonetheless, CSU, through SDSU, provided the City and its Redevelopment Agency with copies of the Draft EIR Notice of Preparation, and consulted with each agency prior to completing the Draft EIR.</p> <p>Furthermore, even if the City were considered a responsible agency, the comment that "the impact analysis of each environmental issue and proposed mitigation must meet the City of San Diego Significance Thresholds and Mitigation Requirements" is incorrect. As recognized by the Fourth District Court of Appeal, "while the lead agency is responsible for considering all environmental impacts of the project before approving it, a responsible agency has a more specific charge: to consider only those aspects of a project that are subject to the responsible agency's jurisdiction." (Riverwatch v. Olivenhain Municipal Water District (2009) 170 Cal.App.4th 1186, 1201,</p>	

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citing 1 Kostka & Zischke, Practice Under The California Environmental Quality Act (2d ed. 2008), §3.18, p. 122.) In this case, the only aspect of the Proposed Project that is subject to the City's jurisdiction, which is both conditional and contingent in any event, is the grant of street vacations to facilitate development of the pedestrian malls and Building 2. (See Draft EIR Figure 1.0-17, Easements To Be Vacated; pp. 1.0-35 and 1.0-45.)

The City's limited role in this case is consistent with Public Resources Code section 21104(c), which provides that a responsible agency "shall only make substantive comments regarding those activities involved in a project that are within an area of expertise of the agency or that are required to be carried out or approved by the agency." (See also Cal. Code Regs., tit. 14, §§15086, subd. (c), and 15096, subd. (d) ["The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."].)

As to the applicable significance thresholds, lead agencies, such as CSU/SDSU in this case, have discretion under CEQA to formulate standards of significance for use in an EIR. (See, e.g., *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 493.) Further, lead agencies are not required to use the significance standards suggested in regulatory agency guidance documents, assuming the City of San Diego is characterized as such. Instead, as always, the test is whether the lead agency's standard is supported by substantial evidence. (1 Kostka & Zischke, Practice Under The California Environmental Quality Act (2d ed. 2008), §13.14.)

For these reasons, any role the City may have as a responsible agency, even assuming it were one, would be limited to evaluating the environmental impacts associated with the street easement vacations that would be requested in connection with development of the pedestrian malls and Building 2, as determined based on the significance thresholds utilized by CSU/SDSU in the Draft EIR. Any potential environmental impacts in this regard are addressed in Draft EIR Section 3.12, Transportation/Circulation and Parking, specifically Subsection 3.12.5.13, Roadway Closures/Street Vacations Impacts Analysis, and Subsection 3.12.5.10.3, Retail Parking Demand. In this regard, it is noted that the City was provided with a copy of the Draft EIR Notice of Preparation ("NOP") describing the project, and SDSU and its traffic engineer met with the City's traffic engineer to discuss the traffic analysis prior to completing the Draft EIR. The analysis of potential traffic impacts was conducted pursuant to the City's thresholds of significance.

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(Draft EIR, p. 3.12-10.) (See also Draft EIR, Appendix 3.12, Traffic Impacts Analysis, Linscott, Law & Greenspan Engineers (LLG) (August 2010).)

Subsection 3.12.5.13 provides an analysis of the potential impacts associated with the proposed closure of segments of Montezuma Place, Hardy Avenue, Lindo Paseo, and the Alley east of College Avenue. (Draft EIR, pp. 3.12-71 to 3.12-73.) The analysis addressed the existing land uses presently served by these roads, existing traffic volumes, and alternate access for those existing uses that would remain. The analysis determined that the small amount of traffic that would be redistributed to the adjacent circulation system due to the street closure would not result in a significant impact:

"In summary, several small roadways within the Project area are proposed to be modified, vacated or otherwise changed. Based upon field observations, these roadways exist now to serve the current limited parking or retail demands placed upon them by the existing land uses, which would be removed under the Proposed Project. The roadways do not function in any meaningful way as circulation roadways and provide only limited access within the study area. As discussed above, the development of the various buildings within the Project area would remove and replace these existing businesses and residences with new retail and residential uses. Parking will be provided in new locations, and the proposed roadway system (including street vacations) will be designed to accommodate these revised demands. Therefore, the vacation of these roadways would not result in a significant impact to traffic circulation."

(Draft EIR, pp. 3.12-72 to -73.)

With respect to potential impacts on parking, the vacation of Montezuma Place between Lindo Paseo and Montezuma Road would result in the removal of approximately 20 diagonal street parking spaces. As discussed in Draft EIR Subsection 3.12.5.10.3, Retail Parking Demand, based on application of City parking criteria, the Proposed Project would result in a total commercial parking space requirement of 454 spaces, which includes a 20% contingency factor. (Draft EIR, p. 3.12-63.) Because the Proposed Project would add between 500 and 560 spaces, the Proposed Project would provide adequate parking for the approximately 20 diagonal spaces that would be removed as a result of the street vacation and, therefore, no significant parking related impacts would occur.

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Comment L-4-3

Comments from The City of San Diego, 11/24/2010

Response

Project Definition

"Project" means the whole of the action, which has the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect change in the environment. (CEQA Sec.21065, CG 15378). It refers to an activity which is being approved and by which may be subject to several discretionary actions by governmental agencies. The project as described in the DEIR consists of a Master Plan Boundary Adjustment, demolition of existing structures, and the development of mixed-use student housing, student apartments, parking facilities, a campus green, and pedestrian malls. However, the document states that if SDSU is not successful in obtaining ownership of all of the parcels involved, or if they are not successful in obtaining the required street vacations from the City of San Diego, then some reduced or revised version of the project will occur which is not described in the DEIR. The DEIR should be more specific as to the changes and impacts of changes of the project from what is described as build-out.

As noted in Draft EIR Section 1.0, Project Description, "the Pedestrian Malls component of the Proposed Project is contingent upon approval of the vacation of the [designated] streets/alleys. If the approvals are not granted, the Proposed Project would proceed without development of the Pedestrian Malls." (Draft EIR, p. 1.0-45.) With respect to Building 2, "construction of the westerly portion of Building 2 would require vacation of an existing street easement along the easterly side of Montezuma Place, between Lindo Paseo and Montezuma Road. See Figure 1.0-17, Easements To Be Vacated. If the vacation is not approved, construction of Building 2 would proceed with development of a smaller building footprint on the site; however, the use types (student housing and retail) would remain unchanged." (Draft EIR, p. 1.0-35.) Accordingly, in the event the Building 2 street vacation is not approved, development of a modified Building 2 would go forward as a five-story mixed-use building as described in the Draft EIR though only on the easterly portion of the site. (See Final EIR Figure 1.0-11A, Proposed Site Plan - SDSU Ownership, and Table 1.0-2A, Proposed Project/Modified Project Comparison Summary.)

As to those portions of the Proposed Project that would be developed on property presently not owned by CSU/SDSU, CSU/SDSU is confident that over time the University will acquire all property necessary for build-out of the proposed Project. However, in consideration of all potential scenarios, as stated in the Draft EIR, "development of certain portions of the Proposed Project, primarily those along the eastern side of College Avenue, would be contingent upon the acquisition of certain parcels of land presently not owned by the university. If the university is not able to acquire these parcels from willing sellers, the Proposed Project would proceed on a modified basis, as necessary." (Draft EIR, pp. 1.0-1 to 1.0-2.) The modified basis would be the elimination of development on those parcels not acquired by CSU/SDSU. For example, in the event CSU/SDSU is not able to acquire parcel numbers 17 and 18 from willing sellers (see Draft EIR Figure 1.0-9, Existing Parcels), development of a modified Building 4 would go forward as a five-story mixed-use building as described in the Draft EIR, though only on parcel number 16. Final EIR Figure 1.0-11A, Proposed Site Plan - SDSU Ownership, depicts the reduced project footprint were it to proceed without acquisition of those parcels presently not owned by the university. Similarly, in the event CSU/SDSU is not able to acquire parcel numbers 12, 14 and 15 from willing sellers, development of a modified Building 5 would go forward as a five-story

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mixed-use building as described in the Draft EIR, though only on parcel number 13. (See Final EIR Figure 1.0-11A.) Lastly, in the event CSU/SDSU is not able to acquire parcel number 19 from willing sellers, a modified Building 6 would go forward as a four-story residential apartment building as described in the Draft EIR, though only on parcel numbers 20 and 21. (See Final EIR Figure 1.0-11A.). Final EIR Table 1.0-2A, Proposed Project/Modified Project Comparison Summary, depicts the square footage, housing units, student beds, and parking spaces that would be developed under the proposed project and a modified (i.e., reduced size) project. As shown, in all categories development under a modified project would be reduced relative to development under the project as proposed.

Because the Draft EIR analyzes the potential environmental impacts associated with buildout of the full Proposed Project, which assumes grant of the subject street vacations and acquisition of all privately-owned properties, in the event all or a portion of the street vacations are not granted, or all or a portion of the privately owned parcels are not acquired, the scope of the Proposed Project would be correspondingly reduced as would the related potential environmental effects.

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Comment L-4-4

Comments from The City of San Diego, 11/24/2010

Response

The project as described in the EIR is too general to provide for a project level analysis of a development project. Site plans and floor plans are only typical, not parcel specific. In addition, detailed grading plans and building elevations are not included. The lack of details regarding site-specific development results in incomplete analysis. Because all future actions by SDSU or the City of San Diego are not specified, it is unclear at what point full analysis and appropriate mitigation will occur.

SDSU describes the EIR as a Project EIR which requires examination of all phases of the project including planning, construction and operation (CEQA Guidelines Sec. 15161). However, if a Program EIR were prepared for the necessary subsequent actions created by the proposed development, subsequent environmental review and mitigation could be provided at a later date. SDSU does not provide a complete list of future actions by SDSU and the City to implement the project. In some sections of the document, the level of impact analysis and mitigation provided may be adequate if this EIR were a Program EIR, but are inadequate for a project level document.

A "Project" encompasses the whole of the action affecting the environment. It requires the lead agency to analyze the entire project in a single environmental document and refers to the activity that is being approved and that may be subject to several discretionary approvals by governmental agencies. Based on the February 13, 2009, letter to SDSU from the City of San Diego Redevelopment Agency, the project requires numerous discretionary approvals from the City as listed on page 3 of the letter. Since the EIR failed to account for all actions and activities required to approve and implement the project, the analysis described in the document is incomplete. The term "project" does not mean each separate governmental approval. Given the lack of consideration of all required future actions and activities in the DEIR, the responsibility for analyzing reasonable foreseeable impacts of the proposed project cannot be avoided by limiting the description of the project.

CEQA requires that the EIR project description contain certain designated information, as described below, but the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." (Cal. Code Regs., tit. 14, §15124.) Thus, the CEQA Guidelines require a "general description" of a project's characteristics. (Dry Creek Citizens Coalition v. County of Tulare (1999) 70 Cal.App.4th 20, 28.) This means that the EIR must describe the main features of a project, rather than all of the details or particulars.

Consistent with CEQA's requirements, Draft EIR Section 1.0, Project Description, includes a description of the precise location and boundaries of the Proposed Project (Draft EIR, p. 1.0-3, 1.0-16 to -18), including a Regional Map (Figure 1.0-1), Vicinity Map (Figure 1.0-2), Area of Focus Map (Figure 1.0-8), and Existing Parcels Map (Figure 1.0-9); a statement of the objectives sought by the Proposed Project (Draft EIR, p. 1.0-16); a general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities (Draft EIR, pp. 1.0-16 to 1.0-53); and, a statement briefly describing the intended uses of the EIR (Draft EIR, pp. 1.0-54 to 1.0-56.)

Additionally, the EIR provides the size of each development component (in gross square feet or acreage, as appropriate), the rentable retail space, the number of housing units, the number of student housing beds, and the number of parking spaces to be developed. (See, e.g., Draft EIR Table 1.0-2.) The Project Description also includes a proposed site plan (Figure 1.0-11), proposed project sketches (Figure 1.0-12), representative street views (Figure 1.0-13), and preliminary floor plans for the retail uses (Figure 1.0-15), student housing (Figures 1.0-16 and 1.0-18), and parking facilities (Figures 1.0-19 and 1.0-20).

As to building elevations, the Draft EIR notes that mixed-use retail/student housing buildings 1, 2, 4, and 5 each would be five-story structures. (Draft EIR, pp. 1.0-30 to 1.0-38.) The student apartment buildings, Buildings 6 and 7, each would be four-story structures (Draft EIR, pp. 1.0-38 - 1.0-39), and the parking structure, Building 3, would be five stories above ground (Draft EIR, p. 1.0-41). As to grading plans, the Proposed Project would be constructed on previously developed urban lands and, therefore, would require minimal grading. The one exception would be construction of the underground parking

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garage under Buildings 4 and 5 and the Building 3 below grade parking. The garage under Buildings 4 and 5 would be approximately 79,701 sq. ft. in size (125' x 622') with a height of 8 feet. This equates to 21,070 cubic yards of grading. ($79,701 \times 8 \div 27 = 21,070$.) The Building 3 below grade parking would require the removal of approximately 6200 cubic yards of dirt ($20,698 \text{ sq. ft.} \times 8 \div 27 = 6,212$). Potential impacts associated with construction-related grading activities, including haul materials transport, are addressed in Final EIR Section 3.2, Air Quality, and Transportation/Circulation and Parking, Section 3.12.

While the comment contends a lack of details results in incomplete analysis, no specific examples other than the reference to grading plans and building elevations is provided. The Draft EIR adequately analyzes the proposed project and appropriate mitigation is recommended.

As to the "complete list" of future actions by SDSU and the City to implement the project, Draft EIR Subsection 1.6.2 lists the requested project approvals, including those permits and/or approvals by other agencies that may be required. Included among the agency permits listed are the San Diego Regional Water Quality Control Board (National Pollution Discharge Elimination System permit), San Diego County Air Pollution Control District (authority to construct and/or permits to operate), City of San Diego (permits for construction within City rights-of-way, if necessary), and water, wastewater, and sanitation special district approval, if any. (Draft EIR, p. 1.0-54.) The Draft EIR also notes that following project approval by the CSU Board of Trustees, CSU/SDSU will request that the City vacate certain listed rights-of-way to vehicular traffic. (Draft EIR, p. 1.0-55.)

As to the "numerous discretionary approvals" from the City purportedly listed in the Redevelopment Agency February 13, 2009 letter at page 3, CSU/SDSU has reviewed that letter, as well as the other NOP comment letters submitted by the Redevelopment Agency and City, and is unable to locate the referenced list. Notwithstanding, as noted above, the Draft EIR Project Description includes a list of requested project approvals at pp. 1.0-54 to -55.

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Comment L-4-5

Comments from The City of San Diego, 11/24/2010

Response

Deferred Mitigation

For a similar reason, Section 15126.4 of the CEQA Guidelines states that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. This EIR fails to document how the mitigation measures are incorporated into the project itself and, in some sections, defers mitigation to an unspecified point. Therefore, the City cannot be assured that appropriate mitigation will actually take place.

The mitigation measures will be adopted by the CSU Board of Trustees along with a corresponding mitigation monitoring and reporting program and will be fully enforceable. (Pub. Resources Code, §21081.6; Cal. Code Regs, tit. 14, §15097.) Accordingly, the City can be assured that the appropriate mitigation actually will take place.

With respect to the comment "in some sections, [the Draft EIR] defers mitigation to an unspecified point," without further explanation, a specific response cannot be provided. However, as discussed in CEQA Guidelines section 15126.4(a)(1)(B), the "[f]ormulation 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." Accordingly, the "[i]mpermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (City of Long Beach v. Los Angeles Unified School District (2009) 176 Cal.App.4th 889, 915-916.) Stated differently, where it is not practical to define the specifics of a mitigation measure at the time an EIR is prepared, the lead agency may defer formulation of the measure's specific parameters pending further study if the measure describes options that will be considered and includes performance standards. (See *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1273-1277 [finding that mitigation was not improperly deferred where agency committed to mitigating the impact and included criteria to guide the future establishment of refined mitigation]; see also *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029 ["the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval"].)

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Comment L-4-6	Comments from The City of San Diego, 11/24/2010	Response
Mitigation Requirements		
<p>CSU, like all other developers, has a mandatory duty to avoid and mitigate adverse environmental impacts of its projects, including off-campus impacts to surrounding communities. CSU improperly relies on City of Marina v. Board of Trustees of the California State University ("City of Marina") (2006) 39 Cal.4th 341, to support its position that it is not required to guarantee funding for mitigation or take other steps to mitigate identified impacts resulting from the Project. Neither City of Marina, nor the City of San Diego v. CSU case currently up on appeal, exempt CSU from its CEQA mitigation obligations.</p>		<p>Contrary to the comment's contention, CSU/SDSU's interpretation of the City of Marina v. Board of Trustees of California State University (2006) 39 Cal.4th 341 decision is correct and comports with CEQA. Please see General Response 1, City of Marina, for a detailed response to the comment.</p>
<p>Before a public agency may approve a project for which the EIR has identified significant effects on the environment, CEQA requires the public agency to mitigate or avoid the identified impacts to the extent feasible. City of Marina at 349; Pub. Res. Code §§ 21002, 21002.1, 21081, 21100(b)(3), 21151; CEQA Guidelines § 15126.4. Findings of infeasibility must be supported by substantial evidence, CEQA Guidelines §15091(b). Only after an agency properly finds that mitigation and alternatives to avoid or reduce significant impacts are infeasible, may it find that the specific overriding economic, legal or social, technological or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines §15091(a)(3). The findings constitute the principal means chosen by the Legislature to enforce the state's declared policy "that public 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." City of Marina, at 348. Under CEQA and City of Marina, CSU must identify and, to the extent feasible, pay to mitigate for off-campus environmental impacts or adjust the campus expansion project to lessen the environmental impacts. Despite identified impacts due to the Project, CSU interprets City of Marina for the proposition that it discharges all of its CEQA obligations by simply requesting funding from the legislature, through the annual state budget process, to fund the mitigation costs. This position is based upon a misreading of City of Marina and is not supported by CEQA.</p>		

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Comment L-4-7	Comments from The City of San Diego, 11/24/2010	Response
The City believes CSU is required to identify and analyze alternate funding options to pay for identified impacts including but not limited to donor funds, bonds, alumni funds, student fees, and project construction fund. Failure to identify and disclose available funding renders the document inadequate. City requests that CSU, as the expert of its financial processes and procedure, identify all available funding sources to pay for identified mitigation.	The comment's request that CSU/SDSU identify and analyze all alternate funding options/sources available to pay for the off-site mitigation improvements identified in the Draft EIR, including donor and alumni funds, bonds, student fees and the project construction fund, is inconsistent with the City of Marina decision. Please see General Response 1, City of Marina, for additional response to the comment.	
Comment L-4-8	Comments from The City of San Diego, 11/24/2010	Response
CSU's position also fails to consider altering the project on campus to reduce effects off campus and, thus, reduce the mitigation required. The draft EIR does not currently address this issue.	With respect to altering the Project to reduce off-campus effects and the corresponding mitigation, Draft EIR Section 5.0, Alternatives, analyzed the potential impacts associated with alternatives to the Proposed Project, including a no project alternative; a reduced density alternative under which both the student housing and retail components of the Proposed Project would be reduced by 50 percent (i.e., approximately 195 housing units and 38,605 square feet of retail space would be developed); and, a university-serving retail alternative, under which the retail component of the Proposed Project would serve the university community exclusively (SDSU students, faculty, and staff only) rather than serving the university and surrounding neighborhood community (non SDSU-related), thereby resulting in substantially reduced vehicle traffic as a result of the limited retail uses. Each of these alternatives would reduce off-campus effects and the corresponding mitigation, and will be considered by the CSU Board of Trustees.	
Comment L-4-9	Comments from The City of San Diego, 11/24/2010	Response
<p>Section 3.1 Aesthetics and Visual Quality</p> <p>The descriptions and architectural renderings provided do not adequately demonstrate that the proposed project has no potential to impact surrounding development through excessive height, bulk, and location of structures. Of particular concern is the development adjacent to the College Avenue corridor as the renderings are insufficient to achieve the full effect of a vehicle driving through the area. The EIR should also include renderings which depict views of the Parking Structure.</p>	While the height, bulk, and location of the buildings to be developed as part of the Proposed Project differ from that of the surrounding development, there is no indication that the effect of Project development would constitute a significant impact within the meaning of CEQA. The Proposed Project would be developed within a declared redevelopment zone, which is evidence of the existing, run-down nature of the vicinity (i.e., blighted nature). Specific to the College Avenue corridor, the visual simulations included in the Draft EIR provide the reader with sufficient detail of both "before" and "after" views. (See, e.g., Figures 3.1-9 and 3.1-10.) With respect to the Parking Structure, Draft EIR Figure 1.0-12, Proposed Project Sketches, View 4, provides a conceptual drawing of the view looking north from Lindo Paseo, with the Parking Structure on the left or western side.	

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Comment L-4-10	Comments from The City of San Diego, 11/24/2010	Response
The design and architectural style of the buildings is not specified. The large and monotonous appearance of the structures could be mitigated through the use of appropriate design features and landscaping which is not included as part of the project.		The Proposed Project would utilize several architectural themes, including the modern design present in many redeveloping areas in San Diego, accented by elements of the Spanish Colonial or Mission Revival architectural style present in the central campus core. (Draft EIR, pp. 1.0-26 and 1.0-30.) Draft EIR Figure 1.0-12, Proposed Project Sketches, provides a sketch of four different vantage points of the urban vision proposed for the main Project area.

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Comment L-4-11	Comments from The City of San Diego, 11/24/2010	Response
Section 3.2 Air Quality and Global Climate Change		
The EIR must also provide a more detailed analysis to identify and determine if any surrounding sensitive receptors could be directly impacted by increased vehicle and truck traffic and should not merely conclude that additional emissions are minor. A Human Health Risk Assessment should be conducted.		<p>Draft EIR Subsection 3.2.5.2 analyzed the potential impacts of the Proposed Project relative to applicable air quality standards, including whether the Proposed Project would expose sensitive receptors to substantial pollutant concentrations. As to construction- and operation-related emissions, the analysis determined that emissions of all criteria pollutants would be below the significance thresholds; therefore, impacts would be less-than-significant. (Draft EIR, pp. 3.2-29 to 3.2-36.)</p> <p>Subsection 3.2.5.2 also includes a carbon monoxide/hot spots analysis to consider concentrations of carbon monoxide (CO) at intersections. The analysis utilized a conservative approach in that it assumed that sensitive receptors would be located 3 meters (10 feet) from the intersection along the roadways, and thus represents a worst case evaluation of potential impacts. The analysis determined that no exceedances of the CO standard are predicted and, therefore, the Project would not cause or contribute to a violation of the air quality standard for CO. (Draft EIR p. 3.2-36 to 3.2-39.)</p> <p>Draft EIR Subsection 3.2.5.2.4 further addressed whether the Proposed Project would expose sensitive receptors to substantial pollutant concentrations, specifically as to toxic air contaminants (TACs). The analysis notes that retail uses and residential dwellings are not land uses that would emit substantial amounts of TACs. Additionally, while minor amounts of truck traffic would be associated with deliveries to the retail uses, the truck traffic would be minimal and would not result in the substantial emission of diesel particulate matter (PM). As a result, the Draft EIR concluded that the Proposed Project would not expose sensitive receptors to substantial concentrations of TACs. (Draft EIR, p. 3.2-40.)</p> <p>As to the comment that a Human Health Risk Assessment should be conducted, the California Air Resources Board (ARB) and South Coast Air Quality Management District (SCAQMD) guidelines have determined that such analysis is not necessary for retail and residential projects, such as the Proposed Project, due to the low levels of TAC emissions by these uses.</p> <p>Specifically, the ARB has issued guidance on siting of land uses, reflecting the ARB's primary areas of jurisdiction – mobile sources and toxic air contaminants. Given that the comment's concern deals with increased vehicle and truck traffic, it is appropriate to consider the ARB's guidance in</p>

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evaluating whether a Human Health Risk Assessment is warranted. In the ARB's Air Quality and Land Use Handbook, the ARB provides recommendations for the siting of new sensitive land uses and identifies the specific sources of pollutants that are of concern when siting new sensitive receptors. (California Air Resources Board, 2005, Air Quality and Land Use Handbook: A Community Health Perspective.) These specific sources include the following:

- Freeways and high-traffic roads
- Distribution centers
- Rail yards
- Ports
- Refineries
- Chrome platers
- Dry cleaners using perchloroethylene
- Gasoline dispensing facilities

Accordingly, the ARB does not identify residential and retail uses as land uses of concern or specific sources of air pollution that have the potential to result in human health risks to nearby receptors.

The SCAQMD also has issued guidance on the types of sources that are anticipated to generate substantial amounts of truck traffic and recommended methodologies to conduct Human Health Risk Assessment for those sources under CEQA (South Coast Air Quality Management District, 2003, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis.). These sources were identified as a result of the SCAQMD's extensive Multiple Air Toxics Exposure Studies (MATES)(South Coast Air Quality Management District, 2008, Final Report - Multiple Air Toxics Exposure Study in the South Coast Air Basin.), which was conducted to evaluate potential health risks and trends within the South Coast Air Basin. The SCAQMD's Health Risk Assessment Guidance identifies truck stops, distribution centers, transit centers, ports, and train idling locations (such as rail yards) as the types of facilities for which a Human Health Risk Assessment should be conducted because these are the types of facilities that would generate substantial truck trips and/or rail activities that emit diesel particulate matter. The SCAQMD guidance does not identify retail or residential developments as sources of toxic air contaminant that should be addressed in a Human Health Risk Assessment.

The SCAQMD's CEQA Air Quality Handbook, which is cited in the City of San

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Diego's Significance Determination Thresholds as the source of definitions of sensitive receptors, also includes a list of land uses and equipment commonly associated with significant toxic emissions. This list (Table 5-1) "identifies land uses and equipment commonly associated with significant toxic emissions to determine when public health risk assessment should be performed." (SCAQMD 1993, p. 10-2). Neither retail nor residential land uses are identified in Table 5-1 as sources of significant air toxics for which the SCAQMD would recommend that a Human Health Risk Assessment be conducted. (South Coast Air Quality Management District, 1993, as updated 1999, CEQA Air Quality Handbook; City of San Diego, 2007, California Environmental Quality Act Significance Determination Thresholds.

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Comment L-4-12	Comments from The City of San Diego, 11/24/2010	Response
Additional analysis should be provided to demonstrate that the project emissions from mobile sources are within the established thresholds. The EIR cannot conclude that the project's consistency with the General Plan is sufficient to determine an insignificant impact on the RAQ' and Attainment Plan since the project may result in more intense commercial development than anticipated in the General Plan, hence the General Plan amendment requirement.	<p>The premise of the comment is incorrect as the Draft EIR did not conclude that the Project's consistency with the General Plan is sufficient to determine an insignificant impact on the RAQS and Attainment Plan. The Draft EIR determined that the Proposed Project is consistent with current SANDAG growth forecasts for the area and would not increase student enrollment. The SANDAG growth forecasts are used as input to the attainment demonstration that is conducted for the State Implementation Plan (SIP). Because the Proposed Project would not increase enrollment and is more akin to an infill/redevelopment project, emissions are consistent with the attainment demonstration in the SIP and would not be cumulatively considerable.</p> <p>The SIP and RAQS identify specific measures that are designed to reduce emissions of non-attainment pollutants to bring the air basin into attainment. RAQS strategies that are accepted are adopted into San Diego Air Pollution Control District rules and regulations. The measures that have been identified in the latest update to the RAQS mainly focus on stationary sources, but those that apply to the Project will be adopted, including rules governing the VOC content of architectural coatings (see Mitigation Measure AQ-1), as well as design of the Project to provide infill development and pedestrian malls that will encourage pedestrian and bicycle uses, consistent with the transportation control measures and indirect source measures contained within the RAQS.</p> <p>The City has commented that the Project may result in more intense commercial development than anticipated in the General Plan. However, as to the referenced General Plan inconsistency, proposed Buildings 6 and 7, which would be student housing apartment buildings, would be built at a density of 83 units per acre, which slightly exceeds the College Area Community Plan proposed density for this area of 75 units per acre. (Draft EIR, p. 3.7-28.) However, while the Proposed Project would exceed the allowable density for Buildings 6 and 7, it is well below the allowable density for Buildings 1 through 5, meaning that the overall number of DUs associated with the Proposed Project is actually less than what could be placed on those sites. As a result, the Project would be consistent with the denser urban form envisioned by the Community Plan. See Response L-4-18 for additional information regarding the Proposed Project's consistency with the City's General Plan/Community Plan.</p>	

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As noted in the Draft EIR, in addition to the fact that the Proposed Project would not increase student enrollment at the campus, the additional student housing proposed by the Project would eliminate the need for those students to otherwise drive to campus, thereby resulting in a decrease in regional traffic. Development of the Proposed Project would be expected to result in a net decrease in commuter peak hour trips on Interstate 8, and other regional roadways in the area. This is because the student housing component will allow students who would have otherwise needed to commute to campus for classes to be located immediately adjacent to SDSU, thereby essentially converting a regional peak hour vehicle trip into a walk or bike trip. Also, the existing and proposed mixed-uses would provide goods and services for the residents of the proposed student housing component that also would not require a vehicle trip. In sum, because the Project is not increasing the number of students or faculty, no new "to/from SDSU" school trips would occur. To the contrary, the Project is eliminating these trips that would otherwise have occurred. (Draft EIR, p. 3.12-24; Appendix 3.12, LLG Traffic Technical Report, p. 34.)

Because the Project would reduce overall regional traffic, it would reduce vehicle miles traveled within the San Diego Air Basin. This reduction in vehicle miles traveled would result in an associated reduction in regional emissions, which would not result in an inconsistency with the RAQS or Attainment Plan.

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Comment L-4-13	Comments from The City of San Diego, 11/24/2010	Response
Based on comments from the Transportation Development Section, the air quality impacts from mobile sources will have to be reanalyzed with the new traffic calculations. Similarly, a full analysis of the annual vehicle emissions resulting from the new traffic calculations should be included in the impact analysis for Greenhouse Gas Emissions. Please also include a discussion of solid waste generation in the Global Climate Change section.	<p>As explained in Responses L-4-21 through L-4-58, the traffic impact analysis presented in the Draft EIR is adequate under CEQA and no new traffic calculations are necessary. Accordingly, it is not necessary to reanalyze the air quality impacts from mobile sources, nor is it necessary to reanalyze annual vehicle emissions within the analysis of greenhouse gas emissions.</p> <p>With respect to the request to include a discussion of solid waste generation in the Global Climate Change section, neither CEQA nor the CEQA Guidelines delineate the specific types of greenhouse gas (GHG) emission sources that should be considered by lead agencies; instead, that matter is left within the discretion of the lead agency.</p> <p>CSU/SDSU's global climate change consultant, Scientific Resources Associated, recommended that the following GHG emission sources be considered: (i) construction-related activities; (ii) energy use (i.e., electricity and natural gas); (iii) water use consumption; and, (iv) transportation (i.e., vehicle usage). This approach is consistent with existing guidance from the Governor's Office of Planning and Research (OPR). Specifically, on page 5 of OPR's June 2008 Technical Advisory (available at http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf), OPR recommends that "[l]ead agencies make a good-faith effort, based on available information, to calculate, model, or estimate the amount of . . . GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities."</p> <p>Nonetheless, in response to this comment, the GHG emissions attributable to the Project's demand for solid waste handling have been estimated. As explained further in Section 3.2 of the Final EIR, the GHG emissions were estimated using the U.S. Environmental Protection Agency's Waste Reduction Model; and landfill-specific information. With incorporation of solid waste-related emissions, the Project's impacts would still be less-than-significant relative to global climate change. (Please see Section 3.2, as revised in the Final EIR, for additional information regarding the methodology used to quantify the emissions, and the corresponding results.)</p>	

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Comment L-4-14	Comments from The City of San Diego, 11/24/2010	Response
Section 3.5 Hazardous Materials		
The parcels which have been identified as potentially containing contamination should be tested for known contaminants as part of the EIR of a project level document. As the extent of contamination is unknown, it is undetermined if all of the sites can be developed as proposed. SDSU should work with the County Department of Environmental health to dispose of and remediate the affected sites before project approval. The mitigation should not be deferred. The City's significance thresholds also state that sites within 1000 feet of known contamination sites be tested. Therefore the mitigation proposed in this section is too general to address potential project impacts.		<p>Draft EIR mitigation measures HAZ-3 and HAZ-4 address the potential contamination of soil and groundwater. The measures require that prior to the commencement of excavation activities, CSU/SDSU shall require that soil/groundwater samples be collected and analyzed. In the event contaminant levels exceed acceptable levels: (i) a remediation plan shall be prepared in accordance with San Diego County Department of Environmental Health (DEH) guidelines; (ii) all contaminated soils/groundwater shall be removed and fully remediated in accordance with all applicable federal, state and local regulations, including DEH; (iii) an official closure letter shall be obtained from DEH prior to the commencement of any grading or excavation activities on the affected parcels; and (iv) the contamination test results shall be used to determine an appropriate worker health and safety plan. (Draft EIR, pp. 3.5-39 to 3.5-40.)</p> <p>As noted in Response L-4-5, the "[i]mpermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (City of Long Beach v. Los Angeles Unified School District (2009) 176 Cal.App.4th 889, 915-916.) In this case, the mitigation measures recommended to mitigate the potentially significant impacts associated with known contaminants associated with historic use includes appropriate performance standards (e.g., plan shall comply with DEH guidance) and, therefore, are permissible under CEQA.</p> <p>With respect to the referenced 1,000 feet of known contamination threshold, all of the parcels that would be developed as part of the Proposed Project are located within 1,000 feet of known contaminants associated with historic uses. Extensive research and testing previously was conducted on each parcel. Further, Dudek has conducted a site-specific hazardous materials study that included record research in addition to a site investigation. Based on this review, there is a high level of certainty of the type and magnitude of hazards present on each parcel. The mitigation measures included in Draft EIR Section 3.5 would ensure that updated investigations occur at the time of final project planning, prior to the commencement of excavation activities. Incorporation of these mitigation measures would reduce any potential impacts to a level below significant.</p>

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Comment L-4-15	Comments from The City of San Diego, 11/24/2010	Response
Section 3.10 Population and Housing		
The City of San Diego Strategic Framework Plan has been superceded by the 2008 City of San Diego General Plan. Please utilize that document, which includes the College Area Community Plan, for the population and housing analysis.		The comment is correct that the City of San Diego Strategic Framework Plan has been superseded by the 2008 City of San Diego General Plan. The Strategic Framework Plan is now included as a section of the General Plan, and has been referenced accordingly. (See Draft EIR pp. 3.7-4 and 3.7-21 to 3.7-22.) This clarification neither results in any revised significance conclusions nor requires additional analysis.

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Comment L-4-16	Comments from The City of San Diego, 11/24/2010	Response
Section 3.9 Archeological/Paleontological Resources		Draft EIR Mitigation Measure PAL-1 has been revised and now states as follows:
As noted in the document, the San Diego, Mission Valley, and Stadium Conglomerate formations have a high potential for paleontological resources. Although no grading plan is provided, it can be assumed that the grading associated with the documents exceeds our thresholds of over 1,000 cubic yards of cut at a depth of 10 feet or more. As a project level document, this date should be analyzed now. The proposed mitigation of a paleontological resource mitigation plan prepared by a paleontologist should be included in the document as mitigation and not deferred to a later date.		<p>"PAL-1 Prior to commencement of Project construction, CSU/SDSU, or its designee, shall retain a qualified paleontologist. The qualified paleontologist shall coordinate with the grading and excavation contractors, act in accordance with the Society of Vertebrate Paleontology's guidelines, and monitor all on-site activities associated with the original cutting of previously undisturbed sediments of Moderate to High resource sensitivity in order to inspect such cuts for contained fossils.</p> <p>In the event that the monitoring results in the discovery of potentially unique paleontological resources within the meaning of Public Resources Code section 21083.2, the qualified paleontologist will have the authority to halt excavation at that location and immediately evaluate the discovery. Following evaluation, if the resource is determined to be "unique" within the meaning of Public Resources Code section 21083.2, the site shall be treated in accordance with the provisions of that section. Mitigation appropriate to the discovered resource, including recovery, specimen preparation, data analysis, and reporting, shall be carried out in accordance with Society of Vertebrate Paleontology guidelines prior to resuming grading activities at that location. Grading activities may continue on other parts of the building site while paleontological resource mitigation is implemented.</p> <p>Recovered fossils, along with copies of pertinent field notes, photographs, and maps, shall be deposited in an accredited paleontological collection repository. A final summary report that discusses the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils also shall be prepared in a manner that is consistent with Society of Vertebrate Paleontology guidelines."</p> <p>As noted in Response L-4-5, where it is not practical to define the specifics of a mitigation measure at the time an EIR is prepared, the lead agency may defer formulation of the measure's specific parameters pending further study if the measure describes options that will be considered and includes performance standards. In this case, because it is not practical to define the specifics of the mitigation measure until demolition and removal of existing structures and pavement from the Project site has taken place, Mitigation</p>

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Measure PAL-1 includes appropriate performance standards.

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Comment L-4-17

Comments from The City of San Diego, 11/24/2010

Response

Similarly, the proposed mitigation of archeological resource mitigation should also be included in this document and not deferred to a later date. A more detailed analysis of potential archeological resources possibly including a survey should be provided at this time.

Draft EIR Mitigation Measure ARCH-1 has been revised and now states as follows:

"ARCH-1 Subsequent to demolition and removal of existing structures and pavement from the Project site, CSU/SDSU, or its designee, shall retain a qualified archaeologist (i.e., listed on the Register of Professional Archaeologists) to complete an archaeological survey of ground surfaces within the Project area. In the event the survey identifies potentially intact concentrations of prehistoric archaeological materials, focused data recovery archaeological excavations shall be undertaken prior to the commencement of construction in the area of concern. A qualified Native American representative shall be retained to observe all focused data recovery excavations, if any. The focused excavations shall characterize: horizontal and vertical dimensions; chronological placement; site function; artifact/ecofact density and variability; presence/absence of subsurface features; research potential extent; and, the integrity of the resources.

If the archaeological site is determined to be a historical resource within the meaning of CEQA Guidelines section 15064.5(a), the archaeologist shall comply with CEQA Guidelines section 15126.4(b)(3)(A), which notes that preservation in place where feasible is the preferred mitigation approach, or, alternatively, CEQA Guidelines section 15126.4(b)(3)(C), which requires preparation and adoption of a data recovery plan, as well as the submittal of all plans and studies to the California Historical Resources Regional Information Center. Alternatively, if the archaeological site qualifies as a unique archaeological resource (see CEQA Guidelines, §15064.5(c)(3)), the archaeologist shall treat the site in accordance with the provisions of Public Resources Code section 21083.2.

All excavations and excavation and monitoring reports shall be completed consistent with California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format. The archaeological excavation and monitoring reports shall include all appropriate graphics, describing the results, analysis, and conclusions of the monitoring and excavation. All original maps, field notes, non-burial related artifacts, catalog information and final reports shall be curated at a qualified institution within San Diego County that complies with the State Historic Resource Commission's 1993 Guidelines for the curation of archaeological collections,

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as applicable. Grading activities may continue on other parts of the building site while mitigation is implemented."

As noted in Response L-4-5, where it is not practical to define the specifics of a mitigation measure at the time an EIR is prepared, the lead agency may defer formulation of the measure's specific parameters pending further study if the measure describes options that will be considered and includes performance standards. In this case, because it is not practical to define the specifics of the mitigation measure until demolition and removal of existing structures and pavement from the Project site has taken place, Mitigation Measure ARCH-1 includes appropriate performance standards.

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Comment L-4-18	Comments from The City of San Diego, 11/24/2010	Response
Section 3.11 Public Utilities and Service Systems		
In general, consistency with existing plans is not a valid reason to defer analysis and mitigation when considering impacts on all public utilities and service systems since the project is not consistent with the adopted City of San Diego land use policy and development documents.		<p>In responding to the comment, it is important first to clarify the findings of the Draft EIR analysis relative to the Project's consistency with City planning documents, as well as to identify the implications of these inconsistencies.</p> <p>Preliminarily, as a state agency, CSU is not subject to zoning laws and other local land use regulations, such as the City of San Diego General Plan. (Draft EIR, p. 3.7-1.) (See, e.g., <i>Regents of Univ. of Cal. v. City of Santa Monica</i> (1978) 77 Cal.App.3d 130, 136-137 [finding that a city's construction permit fee ordinances had no application to a work of construction undertaken by the state university]; see also <i>Hall v. City of Taft</i> (1956) 47 Cal.2d 177, 183 ["When [the state] engages in such sovereign activities as the construction and maintenance of its buildings, as differentiated from enacting laws for the conduct of the public at large, it is not subject to local regulations unless the Constitution says it is or the Legislature has consented to such regulation."]; <i>City of Orange v. Valenti</i> (1974) 37 Cal.App.3d 240, 244.) Specifically, by way of sovereign immunity, CSU is immune from local regulations unless the State, through statute or provision of the California Constitution, has consented to waive such immunity. (<i>Laidlaw Waste Systems, Inc. v. Bay Cities Services, Inc.</i> (1996) 43 Cal.App.4th 630, 635, 638-639 ["The sovereign immunity of a state agency from local regulation ... depends upon whether consent to regulation has been expressly stated by the Legislature or in the state Constitution."].)</p> <p>For EIR purposes, the relevant analysis under CEQA is whether the Proposed Project would conflict with any "applicable" land use plan. (CEQA Guidelines Appendix G, Environmental Checklist Form, IX Land Use and Planning.) Since the City General Plan nor any other of the City's planning documents apply to CSU/SDSU, the EIR is not required to include an analysis of these plans.</p> <p>Notwithstanding, Draft EIR Section 3.7, Land Use and Planning, does provide, for information purposes, an analysis of the Proposed Project's consistency with the following adopted nine land use plans: City of San Diego General Plan, College Area Community Plan, City of San Diego Land Development Code, College Community Redevelopment Plan, College Community Redevelopment Project – Master Project Plan, College Community Redevelopment Project Area – Third Five-Year Implementation Plan, College Community Redevelopment Project – Core Subarea Design Manual, College</p>

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Area – Public Facilities Financing Plan, and the City of San Diego Bicycle Master Plan. Of these nine land use plans, the Proposed Project was found to be inconsistent with two documents: the College Area Community Plan and the City of San Diego Land Development Code. The EIR analysis relative to each of these two documents is discussed below.

College Area Community Plan

The Proposed Project was found to be inconsistent with two portions of the College Area Community Plan. First, with respect to the campus boundary, the proposed project would expand the campus master plan beyond its present boundaries, which is inconsistent with one of the Community Plan's recommendations for SDSU. (Draft EIR p. 3.7-27.) However, as a recommendation only, the boundary expansion limitation is intended to be non-binding in nature. Furthermore, the analysis of the College Area Community Plan, a local planning document, is provided for informational purposes only. As such, the Proposed Project's campus boundary expansion would not require a Community Plan Amendment. Lastly, expansion of the campus boundary does not have any direct implications for growth that would demonstrate an inconsistency with the growth contemplated in the College Area Community Plan. (See Draft EIR, pp. 3.10-14 to 3.10-15.) Therefore, while an inconsistency has been identified, the inconsistency is in regards to a recommendation contained in the College Area Community Plan regarding boundaries, and does not have any growth implications that would affect the environmental analyses disclosed in the Draft EIR.

Second, with respect to density, Buildings 6 and 7 of the Proposed Project, which are proposed student housing apartment buildings, would be built at a cumulative density of 83 development units (DU) per acre on land designated as High Density Residential (45-75 DU per acre), thereby resulting in an inconsistency with the College Area Community Plan. The difference between 83 DU per acre and the allowable 75 DU on the Building 6 and 7 sites equates to approximately 10 DU. It is important to put this into perspective – while the Proposed Project would exceed the allowable density for Buildings 6 and 7, it is well below the allowable density for Buildings 1 through 5, meaning that the overall number of DUs associated with the Proposed Project is actually less than what could be placed on those sites. Specifically, the allowable density for Buildings 1 through 5 is 110 DU/acre, and the proposed density for these buildings is approximately 92 DU/acre. Therefore, the Proposed Project could increase the unit count in Buildings 1 through 5 by up to 59 units and still be within the allowable density for that area. As such, CSU/SDSU could take the

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10 units out of Building 6 and 7 and move them to Buildings 1 through 5 and still be well below the overall allowable density (by 49 units). In other words, while a portion of the Project would exceed the allowable density, the Project as a whole falls well below the overall allowable density. Thus, while inconsistent with a portion of the College Area Community Plan, the Proposed Project is not inconsistent in such a way that it would allow more units than what is contemplated in the Community Plan. On the contrary, the Project is proposing 49 fewer units than what is allowed by the Community Plan. As a result, while an inconsistency has been identified, the inconsistency does not have any growth implications that would affect the environmental analyses' findings regarding public utilities and service systems.

It is also worth mentioning that if the Proposed Project's total number of DUs were divided by the project site's total area, the overall density of the Project as a whole would be below the allowable densities in all areas. The only reason Buildings 6 and 7 are "singled out" from the rest of the Project site in terms of this analysis is because they are not contiguous to the rest of the site.

City of San Diego Land Development Code

The Draft EIR also determined that the Proposed Project would be inconsistent with the City of San Diego Land Development Code, as it would exceed maximum allowable densities in both the CN-1-2 zone and the RM-3-9 zone, and would also exceed structure heights and potentially lot coverage and setback requirements. (Draft EIR, pp. 3.7-28 to 3.7-29.) Importantly, the City of San Diego Land Development Code (zoning) itself is inconsistent with the City's General Plan as well as the College Area Community Plan, both of which designate the area of the Proposed Project as an Urban Village Center intended to support increased density and mixed-use development. Specifically, the Project proposes a density of 92 units per acre for all buildings located within the Development Code's CN-1-2 zone and a density of 83 units per acre for buildings located within the RM-3-9 zone. The CN-1-2 zone allows 29 DU per acre; however, this same area has an allowable density of 110 DU per acre in the College Area Community Plan. Similarly, the Development Code's RM-3-9 zone allows 73 DU per acre, while the allowable density in the College Area Community Plan is 75 DU per acre.

Thus, both the General Plan and the College Area Community Plan (which constitutes the land use element of the City's General Plan), have identified the area of the Proposed Project as a prime location to support increased

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densities and a mix of uses (which is reflected in their allowable densities), and the College Area Community Plan (i.e., the General Plan) allows greater densities than the Land Development Code. As a result, the City's zoning code is inconsistent with the two documents, resulting in an impermissible conflict. (See Gov. Code, §65860(a) ["County or City zoning ordinances shall be consistent with the general plan. . ."]; see also Governor's Office of Planning and Research, 2003, State of California General Plan Guidelines; Leshner Communications v. City of Walnut Creek (1990) 52 Cal.3d 531, 541 ["A zoning ordinance that is inconsistent with the general plan is invalid when passed. . ."].)

The City's General Plan is the document utilized to determine growth projections, infrastructure needs, and the need for City services – none of this is determined by the zoning code. (Gov. Code, §§65300 and 65302.) Therefore, while an inconsistency has been identified, the inconsistency does not have any growth implications that would affect the environmental impact analysis in the Draft EIR, generally, nor specifically as to the analysis of potential impacts relative to public services and utilities.

Additionally, Draft EIR Subsection 3.11.5.1 analyzes the potential impacts of the Proposed Project relative to Public Services and Utilities. To the extent the analysis relies on a consistency determination with existing plans, the analysis of the potential impacts is not deferred nor is corresponding mitigation. Moreover, the Proposed Project would not induce population growth but, rather, would accommodate the population growth anticipated in the regional growth forecasts used to prepare local housing elements, policies, land use designations, and regulatory processes to accommodate increased housing demand. (Draft EIR, p. 3.10-14.) The Proposed Project is an infill, redevelopment project that would replace existing residential and commercial uses with a higher-density, mixed-use residential and commercial development project. The Project site has been identified in SANDAG's Regional Comprehensive Plan, the City's Strategic Framework Element, the College Area Community Plan, and the College Community Redevelopment Project as a prime location for infill redevelopment to accommodate additional housing units and increased economic opportunities. Additionally, SANDAG's growth projections for this area have accounted for the increased number of housing units and commercial space that would result from the Proposed Project. (Draft EIR, p. 3.10-14.)

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Comment L-4-19	Comments from The City of San Diego, 11/24/2010	Response
In particular, evidence should be provided that the project is below the significance threshold of projects that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling units project for requiring a Water Supply Assessment per Senate Bills 610 and 221.	<p>The requirement to prepare a water supply assessment pursuant to Senate Bills 610 and 221 applies to cities and counties approving development projects of specified proportions. (Wat. Code, §§10910 and 10912) The Proposed Project would be developed by a state entity (CSU/SDSU) and include less than 500 dwelling units and less than 500,000 square feet of retail/commercial floor space. (Wat. Code, §10912(a)(1), (a)(2).) As such, the requirement to prepare a water supply assessment does not apply to the Proposed Project.</p> <p>As to evidence that the Proposed Project would demand less water than the 500 dwelling unit threshold, Draft EIR Subsection 3.11.5.8.2, Water Distribution Infrastructure, outlines the Project's estimated water demand. (Wat. Code, §10912 (a)(7).) As indicated in Table 3.11-12, a gallons/person/day factor was used. The 390 units proposed would house roughly 4 persons per unit. Utilizing the basic water demand factor of 42 gallons per person per day, the residential component of the Project would result in the demand for 64,050 gallons of water per day. Combined with the demand for the commercial/retail Project component, the total Project was estimated to necessitate 68,050 gallons per day. (Draft EIR, pp. 3.11-46 to 3.11-48.)</p> <p>Using the generation factors outlined above, a 500-unit project would equate to approximately 2,000 residents. 2,000 residents would utilize approximately 84,000 gallons of water per day (2,000 x 42 gallons/per person/day). The estimated 68,050 gallons per day estimated for the Proposed Project is under the 84,000 gallons per day demand that would be realized by a 500-unit project.</p> <p>Lastly, as discussed in Response L-4-18, while limited portions of the Proposed Project would result in increased densities relative to existing plans (specifically student housing apartment Buildings 6 and 7), the Proposed Project's overall density is within the City's allowable densities.</p>	

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Comment L-4-20

Comments from The City of San Diego, 11/24/2010

Response

Section 5.0 Alternatives

CEQA requires that the EIR focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level on insignificance, even if the alternative impeded to some degree the attainment of the project objectives, or would be more costly. The proposed alternatives fail to do reduce project impacts. Of particular concern are those impacts which could limit the City of San Diego's ability to provide adequate services to its residents. Please provide a broader range of reasonable project alternatives which mitigate impacts, including those impacts resulting from the additional analysis requested in this letter but not identified in the draft document to date. It should include an alternative which conforms to all applicable City of San Diego land use and development policy documents as stated in the February 13, 2009, letter from the Redevelopment Agency. Please also include the alternative specified in the letter which does not extend the campus boundary to Montezuma Road.

In this case, it unclear why the project objective to provide "on-campus" housing is included if off campus housing could fulfill the same goal.

Draft EIR Section 5.0, Alternatives, analyzes three project alternatives that would reduce the environmental impacts of the Proposed Project. The alternatives include a "No Project Alternative," under which the existing properties would remain and no student housing or retail uses would be built; a "Reduced Density Alternative," under which both the student housing and retail components of the Project would be reduced by 50 percent (i.e., approximately 195 housing units and 38,605 square feet of retail space would be developed); and, a "University-Serving Retail Alternative," under which the retail component of the Project would serve the university community exclusively (SDSU students, faculty, and staff only) rather than serving both the university and surrounding neighborhood community (non SDSU-related), thereby resulting in substantially reduced vehicle traffic. Each of these alternatives would result in reduced impacts relative to the Proposed Project.

In addition, at the request of the Redevelopment Agency of the City of San Diego, the Draft EIR also analyzed the "Former Paseo Project Alternative" under which the Proposed Project would not be built and the site instead would be developed as the former Paseo project. This alternative also serves as the "Increased Density Alternative" because the Paseo project proposed 470 housing units, 153,500 square feet of retail space, and 110,000 square feet of office space, which would result in significantly greater densities than the Proposed Project. (Draft EIR, pp. 5.0-13 to 5.0-17.)

Additionally, also at the request of the Redevelopment Agency, the Draft EIR includes analysis of a "Private Sector Alternative," a "Plan Consistency Alternative," and a "Reduced Campus Boundary Adjustment Alternative." (Draft EIR, pp. 5.0-43 to 5.0-46.) Specific to the comment, under the Plan Consistency Alternative, the Project would be designed to be consistent with the goals, objectives, and policies of the Redevelopment Plan, City of San Diego General Plan, and all other applicable planning documents and regulations. (Draft EIR, p. 5.0-45.) However, as the Draft EIR analysis points out, consistency with the City's Land Development Code would result in a substantially reduced density project and a resulting inconsistency with the City's General Plan, including the College Area Community Plan, the College Community Redevelopment Plan, and other planning documents. Under the Reduced Campus Boundary Adjustment Alternative, the Project would be built, although the proposed Master Plan Boundary Adjustment would include only the proposed development sites, rather than the larger boundary

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adjustment. As the analysis points out, potential impacts under this alternative would be comparable to those under the Proposed Project because SDSU currently is not proposing any development within the proposed campus boundary adjustment area, nor does it have plans to do so in the near future. As a result, revising the proposed campus boundary adjustment to include only the development portion of the Project site would not alter the potential environmental impacts nor the significance of any impacts. (Draft EIR, p. 5.0-46.)

With respect to the comment regarding campus housing, the provision of on-campus student housing reduces the demand for student housing in the neighborhoods adjacent to campus. As a student housing project, the Proposed Project would assist in reducing the number of nuisance rentals (often referred to as "mini-dorm" housing) in the College Area community. (Draft EIR, p. ES-1.)

Comment L-4-21	Comments from The City of San Diego, 11/24/2010	Response
Development Services Department, Transportation Development Section, Victoria Huffman (619) 446-5396		Draft EIR Section 3.12, Transportation/Circulation and Parking, analyzes the potential impacts associated with development of the Project as proposed - 390 student housing units, 90,000 gross square feet of retail uses, and street vacations granted. Significant impacts are identified for this scenario and appropriate mitigation is recommended. In the event the City of San Diego does not grant the subject street vacations, or in the event the necessary land is not acquired from willing sellers, the Project would proceed necessarily on a modified (i.e., reduced) basis in light of the smaller development area, thereby resulting in reduced traffic impacts from those identified in the Draft EIR. Please see Response L-4-3 above for further information responsive to this comment.
General:		
1. The transportation analysis in the DEIR does not seem to adequately evaluate the proposed project as described. Section 1.1.2 of the DEIR states that the project "would proceed on a modified basis" if either the necessary street vacations were not approved by the City or the necessary land was not acquired from willing sellers. The DEIR fails to evaluate any potentially modified project; thus, potential transportation impacts are not identified.		

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Comment L-4-22	Comments from The City of San Diego, 11/24/2010	Response
2. Near term impacts of the proposed project are direct impacts that should be fully mitigated by the project. The proposed project should fully mitigate its direct impacts to the intersections of College Avenue/Canyon Crest Drive, College Avenue/Zura Way, and College Avenue/Montezuma Road, as well as its direct impacts to the street segments of College Avenue between Canyon Crest Drive and Zura Way and Montezuma Road between 55th Street and College Avenue. The proposed payments are not adequate mitigation for the project's direct impacts.	<p>The analysis of near-term impacts presented in the Draft EIR was conducted according to the City of San Diego's methodology, which provides that existing traffic, in combination with cumulative traffic, is to serve as the base condition for the analysis. (City of San Diego Traffic Impact Study Manual, July 1998, p. 9.) The Project traffic is then added to the existing plus near-term cumulative base condition to determine the Project's impacts. (Ibid.)</p> <p>As shown, under this approach, cumulative traffic that is unrelated to the Project is considered as part of the analysis and, ultimately, has the effect of contributing to determinations of significant impacts. Additionally, each of the impacted intersections and segments would operate at deficient levels of service prior to the addition of project traffic. (See Draft EIR Table 3.12-11 and Table 3.12-12.) Accordingly, once the significant impacts were identified and appropriate mitigation proscribed, the traffic engineer calculated the Project's fair-share percentage based on the formula commonly used by the City of San Diego. (Draft EIR, pp. 3.12-82 to 3.12-84.) With one exception, the Project's calculated contribution is below 10%; the one exception is the segment of College Avenue between Canyon Crest Drive and Zura Way, at which the Project's contribution is 35.23%. (Draft EIR, p. 3.12-83.)</p> <p>The approach utilized by CSU/SDSU in this case complies fully with CEQA. CEQA requires that mitigation measures be consistent with all applicable constitutional requirements, including: (i) there must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate governmental interest; and (ii) the mitigation measure must be "roughly proportional" to the impacts of the project. (Cal. Code Regs., tit. 14, §15126.4; City of Marina v. Board of Trustees of California State University (2006) 39 Cal.4th 341, 361-62 [Board's payment should be "roughly proportional" to the effects of the project and the Board "need not pay to mitigate effects caused by others"]; Tracy First v. City of Tracy (2009) 177 Cal.App.4th 912, 937.) Under the City's approach, CSU/SDSU would be required to pay 100% of the cost of the improvements even though it contribution to the impact is generally less than 10% and, in no case, higher than 36%. Thus, under the City's approach, the mitigation would not be "roughly proportional" to the impacts of the Project and, therefore, the City's approach would be inconsistent with CEQA.</p>	

Interestingly, the City requires the same methodology be utilized for the

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analysis of "direct" impacts as the City uses for the "cumulative" or indirect impacts. (City of San Diego CEQA Significance Determination Thresholds, January 2007, p. 69.) As indirect or cumulative impacts, the City requires payment of a fair-share, even though the underlying methodology is the same.

Finally, it also is noted that, as a state entity, CSU/SDSU is not subject to local planning guidelines and, therefore, is not required to utilize the City's methodological approach.

Comment L-4-23	Comments from The City of San Diego, 11/24/2010	Response
3. Based on the City of San Diego Significance Determination Thresholds (January 2007) and the data provided in Table 3.12-11 of the DEIR, the proposed project would also have direct impacts at the intersections of College Avenue/EI Cajon Boulevard and Montezuma Road/Campanile Drive. These impacts should be disclosed in the DEIR and mitigation proposed.	<p>Preliminarily, as discussed in Response L-4-22, based on the City's traffic impact analysis methodology, impacts identified under the near-term scenario are cumulative impacts. Specific to the comment, the near-term impact at the College Avenue/EI Cajon Boulevard intersection is less-than-significant. Draft EIR Table 3.12-11 contains a typographical error. The delay with the Project is correctly stated as 70.9 seconds, with 1.1 seconds of Project-related delay. However, the LOS is mistakenly presented as LOS F. In fact, 70.1 seconds corresponds to LOS E (range: 55.1 seconds to 80.0 seconds). Therefore, the 1.1 seconds of project-related delay does not exceed the 2.0 seconds allowed for LOS E operations, and the impact is not significant. The Final EIR, revised pages, includes the necessary revisions.</p> <p>As to the Montezuma Road/Campanile Drive intersection, Draft EIR Table 3.12-11 identified the "with project" condition under the near-term scenario as operating in the AM Peak at LOS D with a 2.1 second delay increase, and at LOS E in the PM Peak with a 3.5 second delay. This information is correct and represents a significant impact; the Final EIR, revised pages, includes the necessary revisions. Of note, the Draft EIR identified a significant impact at this intersection under the long-term scenario, and appropriate mitigation was included. (See Draft EIR Table 3.12-14, and Mitigation Measure TCP-7.) The mitigation measure included in the Draft EIR for the long-term impact (widen Campanile Drive to provide a 75-foot long dedicated right-turn lane on the northbound approach to the intersection) is also appropriate for the near-term impact and no additional mitigation is necessary.</p>	

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Comment L-4-24	Comments from The City of San Diego, 11/24/2010	Response
4. Based on the City of San Diego Significance Determination Thresholds (January 2007), the University-Serving Commercial Alternative would have cumulative impacts to the roadway segments of College Avenue between Canyon Crest Drive and Zura Way and College Avenue between Zura Way and Montezuma Avenue. These impacts should be disclosed in the DEIR and mitigation proposed.	<p>The Draft EIR reported that the near-term impact for the University Serving Retail alternative for the segment of College Avenue between Canyon Crest Drive and Zura Way is not considered significant because, while the post-Project level of service continues to be LOS F, the V/C contribution is 0.010, which is acceptable based on the City of San Diego's published significance criteria. (Draft EIR, p. 5.0-33; Draft EIR Appendix 3.12, LLG Traffic Report, Table 9-2.) This conclusion was based on a resulting calculation of 0.0101, which was then rounded to 0.01 based on standard rounding procedures. However, to the extent the resulting calculation exceeds 0.01, the impact to this segment of College Avenue would be considered significant under this alternative; the Final EIR contains appropriate revisions. As noted in the Draft EIR, the Proposed Project also would result in a significant impact to this segment of College Avenue and, therefore, the alternative would not result in less impacts at this location. (See Draft EIR Table 3.12-12, Near-Term Segment Operations.)</p> <p>As to the segment between Zura Way and Montezuma Road, the LOS with Project traffic would be LOS D. (Draft EIR, p. 5.0-33; Draft EIR Appendix 3.12, LLG Traffic Report, Table 9-2.) LOS D or better operations under the with Project scenario are considered acceptable; therefore, no additional near-term impacts would result at this location.</p>	

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Comment L-4-25	Comments from The City of San Diego, 11/24/2010	Response
5. The near term cumulative baseline should only include projects expected to be built and occupied between the date of this project's existing counts and this project's expected opening day. It appears that numerous cumulative projects were included in the near term traffic analysis that would not be built and occupied between the date of this project's existing counts and this project's expected opening day. The near-term fair share calculations are thus unrealistic and not consistent with standard methodology.	<p>While there is no published, specific protocol for determining the cumulative projects to include in the analysis, the assessment of near-term cumulative projects considered in the Draft EIR is consistent with the standards of practice both within the City of San Diego and the region. Each potential cumulative project was evaluated individually by the traffic engineers to determine whether it should be included in the near-term analysis. Each Project included was determined to be "ahead" of the Proposed Project in the development process, and each could be expected to be built and occupied prior to, or concurrent with, the Proposed Project. This is the standard methodology utilized by traffic engineers within the City and County in estimating which cumulative projects should be included in the near-term analysis.</p> <p>Additionally, even if certain projects were included that would not be built and occupied by completion of the Proposed Project, this would result in an overstatement of the Proposed Project's impacts. If the analysis, in fact, includes more projects than are likely to be built by buildout of the Proposed Project, the result would be that the "reserve capacity" of the roadway in the baseline would be usurped by the overstated cumulative developments' traffic volumes. This, in turn, would leave less theoretical capacity in the analyses to accommodate the Proposed Project's traffic, making the likelihood of Project-related traffic impacts higher than if fewer cumulative projects had been considered. Thus, under that scenario, the cumulative project assessment would be considered conservative.</p> <p>To illustrate this point, a supplemental analysis was conducted that removed all of the cumulative projects from the analysis. This "existing + project" analysis resulted in two fewer peak hour intersection impacts than resulted under the "existing + near-term cumulative + project" scenario; the results for the street segments and ILVs were the same. (See Final EIR Appendix F3.12, Existing + Project Analysis, for additional information regarding the analysis.) Thus, under these circumstances, the fewer cumulative projects, the fewer impacts.</p>	

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Comment L-4-26	Comments from The City of San Diego, 11/24/2010	Response
6. For the project's cumulative impacts, fair share calculations should be on a percentage basis and not be contingent on other's share of the improvement cost being allocated and available for expenditure.		<p>The fair-share percentages for the Project's significant impacts were calculated according to the formula commonly used by the City of San Diego. (Draft EIR, pp. 3.12-82 to 3.12-84.) As to the requirement that the City's share of the mitigation improvement cost be allocated and available for expenditure as a pre-requisite to CSU's fair-share payment, CEQA requires that fair-share fees be part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, 1189.) In those cases in which there is no plan, enforceable by the subject jurisdiction, that would ensure that required mitigation funds would actually go towards mitigation, a fair-share payment is not required as the mitigation is, effectively, infeasible. (Tracy First v. City of Tracy (2009) 177 Cal.App.4th 912, 937-38.) In this case, the City has represented to CSU that there is no other development to participate in funding the identified improvements. Additionally, CSU/SDSU is not aware of a sufficient capital improvement program in place that would provide adequate funding, in combination with CSU/SDSU's fair-share payment, to fund the subject improvements. As such, it is reasonable and necessary for CSU/SDSU to pre-condition its fair-share payment upon the City's receipt of the balance of necessary funds in order to ensure implementation of the necessary improvements.</p>

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Comment L-4-27	Comments from The City of San Diego, 11/24/2010	Response
7. The DEIR should demonstrate the feasibility of each proposed mitigation measure. Additionally, for any proposed mitigation identified as requiring restriping without roadway widening, the DEIR or its traffic analysis should provide information and conceptual graphics to demonstrate that the minimum standards of the City of San Diego Street Design Manual could be achieved without roadway widening.	<p>Draft EIR Subsection 3.12.7.4, Post-Mitigation Operations, quantitatively illustrates the resulting level of service operations with implementation of the recommended mitigation measures; as shown in the EIR, in each case, the improvements would mitigate the Project's impacts to acceptable levels. (See Draft EIR Tables 3.12-24 through 3.12-27.) As to the feasibility of the measures, as part of the negotiations process between CSU/SDSU and the City of San Diego, CSU/SDSU retained RBF Engineering to determine the cost of the recommended traffic improvements. As part of its analysis, RBF determined that each of the improvements is feasible. (See General Response 1, City of Marina.) Thus, the recommended improvements are feasible and would mitigate the identified impacts; CEQA requires no more.</p> <p>With respect to the City of San Diego Street Design Manual, preliminarily, it is noted that the manual "establishes guidelines to carry out the City's street design functions. It does not establish a legal standard for such functions nor is it intended that it should do so."</p> <p>Specific to College Avenue and roadway widening, civil engineers have determined that the existing physical constraints in the area limit the feasibility to widen College Avenue. From a civil engineering review and perspective, much of the roadway is aligned between sloping terrain. On the west side of the road, the adjacent side slope is steep with existing structures/facilities at the top making the possibility of widening largely infeasible. If high retaining walls are used to create additional room for road widening, their significant height may make them undesirable from an aesthetic standpoint of the community.</p> <p>On the east side of the road, the feasibility of a road widening is limited by the existing parking lots and parking structure immediately at the top/bottom of adjacent slopes. Additionally, part of the sloping area on the east side contains mature pine trees, the removal of which may detract from the visual appeal and character of a main transportation corridor in the College Area. In addition to the slopes, College Avenue crosses beneath three existing pedestrian bridges, at least one of which would require full replacement. Thus, the existing physical constraints in the area limit the feasibility to widen College Avenue. (See Final EIR Appendix F3.12, Letter, RBF Consulting, Re: Plaza Linda Verde - College Avenue Street Widening, March 14, 2011.)</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

The addition of a third northbound lane on College Avenue through restriping has been determined by LLG to be sufficient in mitigating traffic impacts of the Project for both the near and long term. The post-mitigation LOS analysis shows that the amount of widening which can be accomplished through restriping mitigates the impacts to below a level of significance. (See Draft EIR, pp. 3.12-84 to 3.12-88.) Widening is not necessary to mitigate to below a level of significance. Minimum lane widths for through lanes of 11 feet and turn lanes of 10 feet can be attained through restriping.

Comment L-4-28	Comments from The City of San Diego, 11/24/2010	Response
8. It is likely that City staff would not be able to support proposed street vacations if the privately owned parcels are not acquired and part of the project, as the adjacent streets would be needed for public access.	<p>Draft EIR Figure 1.0-17, Easements to be Vacated, depicts the easements that would be vacated to facilitate development of the Proposed Project. (See also, Draft EIR, pp. 1.0-35, 1.0-43, and 1.0-45.) Draft EIR Table 1.0-1, Development Parcels/Ownership/Existing Uses, lists the ownership status of each of the development parcels, and Figure 1.0-11 illustrates the Proposed Site Plan. When viewed together, the information shows that CSU/SDSU owns all of the parcels necessary for the development of Phase I. (See Figure 1.0-11.) Accordingly, based on the comment, City staff would be able to support vacation of the designated segments west of College Avenue, as depicted on Figure 1.0-17.</p> <p>As to the easements located east of College Avenue, the subject parcels on that side of College would be developed as part of Phase II of the Proposed Project, following their acquisition from willing sellers. The vacation of these streets would not be necessary until the subject parcels are acquired and development ready to move forward.</p>	

Comment L-4-29	Comments from The City of San Diego, 11/24/2010	Response
9. The proposed project's impacts to its surrounding roadway facilities may be underestimated for the following reasons related to trip generation assumptions:		
a) A trip credit is taken for the elimination of uses on private parcels whose acquisition is not assured. If these parcels are not acquired, the project would generate at least 2,710 more ADT than evaluated in the DEIR, more than twice the trip generation assumed. The DEIR and its traffic impact analysis should be revised to also include an evaluation of the modified project that would be constructed in the event the private parcels were not acquired.		<p>The comment is incorrect in that it assumes the total trip generation would remain unchanged in the event the private parcels are not acquired and, hence, not developed. Under a scenario in which the private parcels are not acquired, the Proposed Project would be reduced in size in light of the reduced number of development parcels and, therefore, the credit that was taken for their removal would be offset by the fact that the Project would generate proportionately fewer trips as a result of the reduced development parcels. Please see Response L-4-3 for additional information responsive to this comment.</p>

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Comment L-4-30	Comments from The City of San Diego, 11/24/2010	Response
b) The trip generation for the 90,000 sf community serving retail component is based on the assumption that 44,000 sf would be restaurant/grocery store and that the remaining 46,000 sf would be retail. There is no assurance that the community serving commercial component will be comprised of this ratio. When the project is built and occupied, a greater portion of the retail may be restaurant/grocery store uses in which case the project would generate more trips than analyzed in the DEIR. The DEIR should assume the entire retail component is the higher trip generating rate in order to adequately cover the potential project.	<p>The assumptions utilized in the Draft EIR as to the specific type of commercial uses that the Proposed Project ultimately would house represent a reasoned estimate of the potential commercial uses. Under CEQA, an evaluation of the environmental effects of the Proposed Project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. (CEQA Guidelines section 15151.)</p> <p>In this case, for purposes of the impacts analysis, the traffic engineer considered that the demographic for the proposed uses would include both students and non-students living in the College Area neighborhood, as well as adjacent communities. (Draft EIR, p. 3.12-24.) Based on these demographics, the analysis reasonably assumed that approximately one-half of the commercial uses would be developed as high trip-generating uses, such as grocery/restaurant, while the other half of the uses would be lower trip-generating uses, such as general retail, bike shop, dry cleaners, etc. Notwithstanding, even if the commercial component of the Project ultimately included only high trip-generating uses, CEQA includes provisions to address any such changed circumstance following Project approval.</p>	
Comment L-4-31	Comments from The City of San Diego, 11/24/2010	Response
c) The DEIR and its traffic impact analysis use only cumulative trip generation rates. Driveway trips should be used in all analyses for roadway segments and intersections abutting and nearby the project. Cumulative trips should only be used for roadway facilities farther away.	<p>The trip rates utilized in the Draft EIR traffic impacts analysis were derived from the trip rates used in the City-approved The Paseo at San Diego State University EIR (SCH No. 2003061060) and College Community Redevelopment Project EIR (SCH No. 92091036) traffic studies. The rates utilized in those two studies are not labeled as “driveway” or “cumulative” rates. If City of San Diego driveway rates were utilized, the only intersection where it may be appropriate to use such rates would be the College Avenue/Lindo Paseo intersection. An analysis of the College Avenue/Lindo Paseo intersection was conducted to determine the LOS and delays using City of San Diego book driveway rates. The analysis, included in Final EIR Appendix F3.12, shows continued LOS D or better operations at this intersection in both the near-term and long-term time frames, and therefore, no new significant impacts would occur at this location even if City of San Diego driveway rates were utilized. See Final EIR Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).</p>	

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Comment L-4-32	Comments from The City of San Diego, 11/24/2010	Response
d) The trip generation characteristics of the "Plaza Green" component of the proposed project should be evaluated and included.	The Campus Green would consist of approximately one acre of active and passive open space bisected by a public promenade that would facilitate pedestrian movement between the main campus, SDSU Transit Center, and Proposed Project. (Draft EIR, p. 1.0-43.) The public promenade could include pedestrian plazas, benches, and public art. The western portion would be minimally landscaped to allow for open play, while the eastern portion would feature trees, swales, and a pathway leading north towards the campus. (Draft EIR p. 1.043.) Thus, the Campus Green primarily would serve to facilitate pedestrian movement and, as such, is not likely to independently generate vehicle trips.	
Comment L-4-33	Comments from The City of San Diego, 11/24/2010	Response
e) The DEIR does not specify the mechanism to guarantee that only students will occupy the proposed residences. The DEIR should clearly state that the housing proposed in Buildings No. 1, 2, 4, 5, and 6 would be managed by the SDSU Housing Administration.	The student housing component of the Proposed Project will be operated and managed by the SDSU Office of Housing Administration. In response to the comment, as part of the lease process, all potential tenants are required to provide confirmation of current SDSU enrollment prior to the assignment of housing.	
Comment L-4-34	Comments from The City of San Diego, 11/24/2010	Response
f) The DEIR should indicate how it would be guaranteed that the new residents of the proposed apartments would be from the local San Diego area. If the students would be moving to these buildings from outside the local San Diego area, then there would not be a decrease in regional traffic as assumed in the DEIR.	The point made in the Draft EIR is that without the student housing that would be built as part of the Proposed Project, the students that would reside in the new housing otherwise would need to live off-campus and commute to SDSU, thereby potentially causing a new regional trip regardless of where they are "from." (Draft EIR, p. 3.12-37.) In any event, the Draft EIR traffic impact analysis did not quantitatively reduce the amount of vehicle trips that would be generated based on this scenario; thus, there is no effect on the analysis or the EIR's findings one way or the other. (Draft EIR, p. 3.12-37.)	

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Comment L-4-35	Comments from The City of San Diego, 11/24/2010	Response
g) The City of San Diego Trip Generation Manual requires trip generation studies to be conducted to establish a trip rate for land uses not listed in the manual. However, the DEIR used a 50% reduction of the neighborhood-serving retail trip rate for the university-serving retail rate. Therefore, the University-Serving Retail Alternative trip rate may be underestimated and the impacts disclosed in the DEIR for the University-Serving Alternative to its surrounding roadway facilities may be underestimated.	Under the University-Serving Retail Alternative, the retail component of the Proposed Project would focus exclusively on the University community rather than both the University and the local community as the Proposed Project. (Draft EIR, p. 5.0-17.) The demographic for university-serving retail uses would include faculty/staff and students living on campus or already on campus attending or teaching classes, working, using the library, etc. University-serving retail uses would be smaller, independent businesses catering to the university community, such as bookstores, coffee shops and small restaurants, which would rely primarily on the nearby concentration of students and faculty/staff for their business.	Based on the above, it was reasonable for the traffic engineer to assume that University-Serving retail land uses located directly on campus would have much lower trip rates than the general trip rates contained in the City Manual. Moreover, even assuming 50% of University-Serving retail trips would be generated from off-campus entities is an overstatement and, therefore, a conservative assumption.
Comment L-4-36	Comments from The City of San Diego, 11/24/2010	Response
10. The proposed project may have additional impacts undisclosed to the public street system based on the following: a) The following roadway segments should be evaluated in the DEIR: • College Avenue between the Interstate 8 eastbound ramps and the Interstate 8 westbound ramps • College Avenue between Lindo Paseo and Montezuma Road • Montezuma Road between Campanile Drive and College Avenue	College Avenue between Lindo Paseo and Montezuma Road, and Montezuma Road between Campanile Road and College Avenue, were both analyzed in the Draft EIR. (See Table 3.12-12, Near-Term Segment Operations, and 3.12-15, Long-Term (2030) Segment Operations). These street segments are included within the longer segments described in the table, College Avenue between Zura Way and Montezuma Road, and Montezuma Road between 55th Street and College Avenue, respectively. As for College Avenue between the I-8 eastbound and westbound ramps, the Proposed Project would add less than 50 directional peak hour trips to this segment of College Avenue and, hence, an analysis is not required per the City standards. It also is noted that both College Avenue/I-8 westbound and eastbound ramp intersections were analyzed as part of the Draft EIR on a peak hour basis in both the near-term and long-term scenarios. (See Draft EIR Table 3.12-11, Near-Term Peak Hour Intersection Operations, and Table 3.12-14, Long-Term (2030) Peak Hour Intersection Operations.)	

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Comment L-4-37	Comments from The City of San Diego, 11/24/2010	Response
b) The proposed project's access points to the public street system should be evaluated and level of service and project impact disclosed and mitigated. A site plan that clearly shows the location of the proposed project's access points should also be provided in the DEIR.		As noted in Draft EIR Section 1.0, Project Description, the Proposed Project would include entry point locations to the Building 3 parking structure and to the belowground parking lot(s) beneath Buildings 4 and 5. (Draft EIR, p. 1.0-47.) All vehicular traffic would access Building 3 from Lindo Paseo via College Avenue to the east, or Campanile Drive to the west. All vehicular access to and from the parking lot(s) beneath Buildings 4 and 5 would occur via Montezuma Road and College Avenue and, specifically, via the existing segment of Lindo Paseo located east of College Avenue. Exit points from the parking structures would be located adjacent to the entry points. (Draft EIR, p. 1.0-47; see also Figure 1.0-21, Proposed Circulation Patterns.) Please see Response L-4-38 for additional information responsive to this comment.

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Comment L-4-38	Comments from The City of San Diego, 11/24/2010	Response
c) Conceptual site plans for Buildings 4 and 5 should be provided in the DEIR given the DEIR indicates that the east leg of College Avenue/Lindo Paseo would need to be configured a certain way to avoid impacts, and inbound queues from the access points for Buildings 4 and 5 may create a significant impact that should be identified and avoided. If gates would be proposed at any of these access points, a turnaround should be provided so vehicles would not have to back onto College Avenue. Additionally, these gates should be placed on the project site so that vehicles entering the project site would not queue onto College Avenue.	<p>Draft EIR Subsection 3.12.5.9, College Avenue/Lindo Paseo Driveway Access, analyzes the potential impacts of the Proposed Project relative to access into the subterranean parking garage to be constructed under Buildings 4 and 5. Based on the impacts analysis presented in the Draft EIR, the traffic engineer recommended that a westbound left/thru lane and a dedicated right-turn lane on Lindo Paseo be provided to allow for adequate queuing of outbound trips from Buildings 4 and 5. The analysis shows that LOS D or better operations can be maintained at the College Avenue/Lindo Paseo intersection with this westbound geometry. The Final EIR includes the recommended improvements as a project design feature. (Draft EIR, p. 3.12-55 and 3.12-58.)</p> <p>The Draft EIR notes further that the specific dimensions and locations of the entry points to the subterranean parking garage under Buildings 4 and 5 have not yet been developed. (Draft EIR, p. 3.12-58.) However, inbound queues to/from the parking garage could spill back and affect operations at the College Avenue/Lindo Paseo intersection, resulting in a potentially significant impact. Accordingly, the garage entry should be designed to ensure that adequate throating and appropriate entry-gate controls (if any) are designed to accommodate peak traffic volumes. (Draft EIR, p. 3.12-58.) Thus, Mitigation Measure TCP-10 provides that during design of the Buildings 4 and 5 subterranean garage, the University is to take those steps necessary to ensure that the ultimate site plan, including any access control to the garage, is designed in a manner that ensures adequate throating and that appropriate entry-gate controls (if any) are designed to accommodate peak traffic volumes. (Draft EIR, p. 3.12-82.) The comments regarding the location of entry gates and the provision of a turnaround are noted and will be considered during preparation of ultimate site plans.</p> <p>With respect to access to the Building 3 parking structure, as noted in Response L-4-37, access to the structure is planned via Lindo Paseo. In response to the comment, a supplemental year 2030 LOS analysis was conducted, which determined that the access would operate at LOS C or better at the intersection and, therefore, no significant impacts are calculated and no additional mitigation is necessary. (See Final EIR Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).)</p>	

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Comment	Comments from The City of San Diego, 11/24/2010	Response
Comment L-4-39		
d) Existing signal timing, including coordinated cycle lengths and splits, should be used for existing and near term intersection analysis. Montezuma Road is currently a coordinated signal system; however, its signalized intersections were not evaluated in the DEIR and its traffic study using its coordinated signal timing. Therefore, the delays reported for these signals do not accurately reflect the expected delays at these intersections. Additionally, a pedestrian call each cycle should be assumed in the analyses of signalized intersections surrounding the project cycle given the heavy amount of pedestrian activity already in the area and anticipated by the project.	The planning level HCM signalized intersection analyses presented in the DEIR traffic study were conducted in accordance with "inputs and assumptions for intersection capacity analysis using HCM method" (Table 6, page 19), published in the City of San Diego's guidelines (Traffic Impact Study Manual, July 1998). Traffic signal timing inputs were based on field data collection (e.g. signal phase type, cycle length, etc) as well as the parameters presented in the aforementioned Table 6 (e.g. peak hour factor, minimum pedestrians, cycle length and ideal saturation flow rates, etc.). The purpose of signal coordination is to provide more efficiency through a corridor. In the DEIR traffic analysis, the signals along Montezuma Road were analyzed as uncoordinated, which does not take advantage of coordinated efficiencies (such as network offsets, network cycle lengths etc.) and therefore provides a conservative (overstated delays) analysis.	
Comment L-4-40		
e) The DEIR and transportation impact study should include queuing analyses should be provided between closely spaced intersections where there may be additional project impacts. These locations include, at a minimum, between the intersections of:	The City's Traffic Impact Study Manual utilizes overall average intersection delay as the established means for determining impacts, and this is the methodology utilized in the Draft EIR; the City's guidelines do not utilize queues as a means for determining impacts. In any event, the Draft EIR traffic impacts analysis included each of the locations referenced in the comment as part of the study area, and determined the Proposed Project would result in significant impacts at each of the locations, with the exception of the Interstate 8 Westbound Ramps/College Avenue intersection. (See Draft EIR, pp. 3.12-2 to -4; Table 3.12-11, Near-Term Peak Hour Intersection Operations, and Table 3.12-14, Long-Term (2030) Peak Hour Intersection Operations.)	
	<ul style="list-style-type: none">• College Avenue/Montezuma Road and Campanile Road/Montezuma Road• College Avenue/Montezuma Road and College Avenue/Lindo Paseo• Canyon Crest Drive/College Avenue and Interstate 8/Eastbound ramps• Interstate 8 Eastbound ramps/College Avenue and Interstate 8 Westbound ramps/College Avenue	
Comment L-4-41		
f) Freeway ramp meter analysis should be provided if the proposed project would send 20 or more directional peak hour trips to metered freeway on-ramps. Although the DEIR, with its current assumed trip generation rate, shows the proposed project would send fewer than 20 peak trips to the Interstate 8 metered on-ramps, given the DEIR appears to be underestimating the number of trips the proposed project would generate, ramp meter analysis may be required.	The trip generation calculations in the Draft EIR traffic impact analysis are accurate, and, as a result, the analysis does not underestimate the number of trips the Proposed Project would generate. Therefore, the additional vehicle trips that would be generated by the Proposed Project at the existing metered on-ramp locations are correct, and no ramp meter analyses are required.	

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Comment L-4-42	Comments from The City of San Diego, 11/24/2010	Response
11. The proposed project may have parking impacts based on the following: a) The traffic impact analysis indicates that a transit station parking lot will be removed by this project. The DEIR should be revised to discuss the loss of this transit station parking lot and provide information on where transit users will park once this lot is removed.		As discussed in the Draft EIR, the parking lots that will be removed to facilitate development of the Proposed Project include three SDSU campus parking facilities providing parking-by-permit only, and a 5-Star Parking Lot owned by the SDSU Foundation and currently leased to 5-Star Parking Management as a public, for-pay parking facility. (Draft EIR, p. 3.12-59.) None of the parking lots are "transit station parking lots," including the 5 Star lot as it pre-dates construction of the MTS Transit Center. Further, based on discussions between SDSU staff and the commercial operator of the lot, the parking lot supports visitors to the campus. The lot is being closed temporarily to serve as a construction staging area, and the operator has asked for possible replacement space on campus, with no mention of any need for adjacency to the MTS Transit Center. It also is noted that the subject lot is a pay lot and free transit station parking is available at the trolley station immediately east of SDSU (Alvarado) and at an MTS-owned lot serving the 70th Street station. Thus, there is no evidence that closure of the 5 Star Parking Lot would result in a significant impact related to parking within the meaning of CEQA.

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Comment L-4-43	Comments from The City of San Diego, 11/24/2010	Response
b) The DEIR does not indicate whether residents of the proposed project would have to pay for parking on campus or whether this parking would be provided to them for free. If residents of the proposed project must pay for parking, then they may seek on-street parking instead, thereby creating a parking impact.	<p>The parking facilities that would be built as part of the Proposed Project would be open to patrons of the retail uses and may include a shopping validation program. Residents of the student housing apartments would not receive reserved spaces in the structures and would be expected to purchase campus parking permits to park in existing on-campus student parking areas. (Draft EIR, pp. 1.0-41 and 1.0-43.) This is the case as to all (including existing) resident students.</p> <p>Draft EIR Subsection 3.12.5.10, Parking Impacts Analysis, analyzes the potential parking-related impacts of the Proposed Project. Specific to residential parking demand, the analysis determined that the parking demand for the student housing component of the Proposed Project would be 748 spaces. (Draft EIR, p. 3.12-59 to 3.12-60.) Based on the parking demand study conducted in connection with the 2007 Campus Master Plan, there is an overall parking supply of 15,591 parking spaces on campus and an overall demand of 12,103 spaces, resulting in a campus-wide surplus of 3,488 spaces. (See Final EIR Appendix F3.12, Excerpts, 2007 Campus Master Plan EIR, Parking Analysis.) This surplus can more than accommodate the student housing demand of 748 spaces, and the loss of the existing 288 surface spaces that would be eliminated with development of the Project and, therefore, the Project is not expected to result in significant parking-related impacts. (Draft EIR, p. 3.12-60.)</p>	

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Comment L-4-44	Comments from The City of San Diego, 11/24/2010	Response
c) The DEIR states the removal of the existing surface parking lots would not significantly impact existing nearby businesses since these businesses would be removed by the proposed project. However, the DEIR also notes there is no guarantee that these businesses will be acquired by the proposed project. Therefore, the discussion of potential parking impact is flawed and inadequate.	Preliminarily, the Draft EIR determined that because adjacent retail uses would be replaced by the Proposed Project, the loss of existing parking would not be significant as the Proposed Project would provide adequate parking to serve the new retail uses. (Draft EIR, p. 3.12-59.) Specific to the comment, as noted on page 3.12-59, of the 288 surface parking spaces that would be removed with development of the Proposed Project, SDSU estimates that a maximum of five percent of the demand for the spaces is non-SDSU related (i.e., of the 288 spaces, approximately 15 are utilized by patrons of the adjacent retail uses). Therefore, even if the scenario envisioned by the comment were correct and all of the spaces were removed and the existing businesses remained, the impact on these businesses associated with the removal of 15 spaces would be minimal. Moreover, as the Project would be developed in phases, the removal of existing parking lots would occur concurrent with Project development and, therefore, the removal of the existing lots absent acquisition of the parcels necessary to develop the Project as proposed is unlikely.	
Comment L-4-45	Comments from The City of San Diego, 11/24/2010	Response
d) The DEIR should provide information on the number and location of bicycle parking spaces that would be provided on-site.	The Proposed Project would provide a sufficient amount of bicycle parking spaces consistent with applicable CSU design standards.	
Comment L-4-46	Comments from The City of San Diego, 11/24/2010	Response
e) Empirical data should be provided to support the assumption that 5% of the surface parking to be removed by the proposed project is used by the patrons of the adjacent retail uses and that the other 95% is used by SDSU related activities. It cannot be concluded that the proposed project will not have an impact on nearby existing business until this assumption is verified.	The assumption that 5% of the existing surface parking to be removed is used by the patrons of the adjacent retail uses and the remaining 95% by SDSU-related activity persons is based on several factors, including that three of the four parking lots to be removed are SDSU campus parking facilities providing parking-by-campus permit only. The fourth lot is managed by 5-Star Parking Management as a public, for-pay parking facility. (Draft EIR, p. 3.12-59; Table 3.12-19, SDSU Parking To Be Removed.) Because the adjacent retail uses serve primarily the campus community, rather than the College Area community at large, and the fact that a patron must pay to park, it is rare for non-SDSU-related persons to utilize the facility. Based on SDSU staff observations, the 5-Star lot is used primarily by SDSU-related persons who visit the university on an infrequent or irregular basis and, therefore, elect to pay for parking on a daily basis, rather than purchase a campus parking permit.	

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Comment L-4-47	Comments from The City of San Diego, 11/24/2010	Response
f) The University Serving Commercial Alternative, which the DEIR acknowledges may create some vehicle trips from outside the immediate area, may have a parking impact since it does not propose any additional parking beyond that already included in the SDSU campus parking inventory.	The University-Serving Retail alternative would focus exclusively on the university community, rather than both the university and community at large like the Proposed Project. (See Draft EIR, p. 5.0-17.) As noted in the Draft EIR, the demographic for the retail uses under the alternative would include faculty/staff and students living on campus or already on campus attending or teaching classes, working, using the library, etc. As a result, the patrons of the retail uses would generate little parking demand since the majority of the commercial patrons would already be on the campus. As discussed in Draft EIR Subsection 3.12.5.10, Parking Impacts Analysis, there is a surplus of 3,488 spaces on-campus, less the student housing demand of 748 spaces and the 288 surface lot spaces, which would yield a post-Project surplus of over 2,400 available parking spaces on campus. The limited parking demand that would be generated by the University-Serving Retail alternative can readily be accommodated within the 2,400 spaces.	
Comment L-4-48	Comments from The City of San Diego, 11/24/2010	Response
12. The proposed project should provide a Transportation Demand Management (TDM) plan to reduce peak-hour vehicle trips, and this TDM plan should be discussed in the DEIR. The TDM Plan should consider including carpooling, vanpooling, bicycling, telecommuting, flexible work hours for employees, and subsidized transit passes for residents of the project and employees of the commercial portion of the proposed project.	Preliminarily, there are no significant impacts identified in the Draft EIR that would require the preparation of a TDM plan and, therefore, there is no nexus requirement to prepare such a plan. Moreover, as part of its approval of the 2007 SDSU Campus Master Plan, the CSU Board of Trustees adopted a mitigation measure requiring that SDSU develop a TDM program that facilitates a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel. (See, SDSU 2007 Campus Master Plan Revisions Final EIR (SCH No. 2007021020), Mitigation Measure TCP-27.)	
Comment L-4-49	Comments from The City of San Diego, 11/24/2010	Response
13. The proposed project is considered by the City of San Diego to be responsible for half-width street improvements including the installation of curb, cutter, sidewalk, raised median(s), and bike lanes in all areas where elements of the project front City public streets.	CSU/SDSU acknowledges that the City typically requires that private development projects be responsible for half-width improvements including curb, gutter and sidewalks, and bike lanes, etc. As to that portion of College Avenue that would require widening as a mitigation improvement, the improvements would include curb, gutter and sidewalks, as necessary. (See General Response 1, City of Marina, Attachment 2, RBF Opinion of Probable Costs.) As to bike lanes, the Proposed Project includes sufficient right of way on College Avenue for the ultimate development of Class II bicycle lanes in the areas fronting the Project. (See Project Description, Section 1.5.5.)	

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Comment L-4-50	Comments from The City of San Diego, 11/24/2010	Response
Specific: 1. Page 1.0-16, Project Goals and Objectives: One project goal identified is to "reduce regional traffic by providing additional on-campus student housing and creating a pedestrian/bicycle friendly, transit-orientated environment." The DEIR or its traffic impact analysis should demonstrate with specific data how the proposed project would reduce regional traffic.	<p>As reported in the Draft EIR, the inclusion of student housing as a Project component effectively eliminates the need for those students who will live in the housing to otherwise drive to campus. Accordingly, development of the Proposed Project is expected to result in a net decrease in commuter trips on I-8, and other regional roadways in the area (e.g., College Avenue, Montezuma Road). This is because the student housing component will allow students who would have otherwise commuted to campus to be located immediately adjacent to SDSU, essentially translating a regional peak hour vehicle trip into a walk or bike trip. The Proposed Project is not increasing the enrolled number of students or faculty, so no new "to/from SDSU" school trips would occur; to the contrary, the Project would eliminate trips that otherwise would have occurred. (Draft EIR, p. 3.12-24.)</p> <p>While Project development is expected to result in a net decrease in commuter (i.e., peak hour) trips on the regional roadways, in light of the relatively small difference in trip generation (about 1,200 ADT) that would result from assuming that the student housing would eliminate some trips (which would be reflected in a reduced trip generation rate), and the fact that the number of significant impacts would be unchanged if the analysis made this assumption, the traffic analysis does not factor into the calculations the potential decrease in commuter trips that would result. Therefore, the impact analysis overstates trip generation. (Draft EIR Appendix 3.12, LLG Traffic Report, p. 32.) CEQA does not require further quantification.</p>	

Comment L-4-51	Comments from The City of San Diego, 11/24/2010	Response
2. Section 3.12, Transportation/Circulation and Parking: A figure should be provided which combines the data provided on Figures 3.12-6 and Figures 3.12-7 in order to demonstrate that the geographic study area assumed meets the standards of the City of San Diego Traffic Impact Study Manual and the SANTEC/ITE Guidelines for Traffic Impact Studies (TIS) in the San Diego Region.	The requested figure has been prepared, and is included in Final EIR Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).	

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Comment L-4-52	Comments from The City of San Diego, 11/24/2010	Response
<p>3. Section 5.0, Alternatives: The parking impacts of the Reduced Density Alternative and Former Paseo Project Alternative should be addressed.</p>	<p>Under the Reduced Density Alternative, the student housing and retail components of the Proposed Project would be reduced by approximately 50 percent, resulting in a mixed-use project at a lower density/intensity than the Proposed Project. This alternative would include approximately 195 housing units, 38,605 square feet of retail space, and 251-281 parking spaces. (Draft EIR, p. 5.0-9.) This alternative would include the same land uses and would utilize the same site (i.e., "footprint") as the Proposed Project; however, it would do so at a reduced density/intensity.</p> <p>As to parking, the student housing component of the Proposed Project would generate a parking demand of 748 spaces, in addition to the loss of 288 existing surface lot spaces. (Draft EIR, p. 3.12-60.) Because the Reduced Density Alternative would include approximately 50% of the student housing units as the Proposed Project, it is reasonable to assume the alternative would generate a resident parking demand equivalent to 50% of the Proposed Project, or 374 spaces. Assuming all 288 existing surface lot spaces would be removed under the alternative since the development footprint would be comparable to the Proposed Project, the Reduced Density Alternative would have a residential parking demand of 662 spaces (374 + 288). Because there is a campus-wide surplus of 3,488 spaces (Draft EIR p. 3.12-60), residential parking-related impacts under this alternative would be less-than-significant. Likewise, under the Proposed Project, residential parking-related impacts would be less-than-significant. (Draft EIR, pp. 3.12-59 to 3.12-60.)</p> <p>As to retail parking, the retail component of the Proposed Project would generate a parking demand of 454 spaces. (Draft EIR p. 3.12-63.) Because the Reduced Density Alternative would include approximately 50% of the net commercial square footage as the Proposed Project, it is reasonable to assume the alternative would generate a retail parking demand equivalent to 50% of the Proposed Project, or 227 spaces. Because the alternative would provide between 251-281 parking spaces for retail use, retail parking-related impacts under this alternative would be less-than-significant. Likewise, under the Proposed Project, retail parking related impacts would be less-than-significant. (Draft EIR, pp. 3.12-60 to 3.12-63.) Therefore, considering both residential and retail parking demand, the impacts of this alternative would be comparable to those of the Proposed Project.</p> <p>As to the Former Paseo Project Alternative, the Draft EIR description of the</p>	

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potential impacts associated with this alternative is based on the Final EIR for The Paseo project, SCH#2003061060. (Draft EIR, p. 5.0-13 to 5.0-14.) That EIR determined that impacts associated with parking would be less-than-significant. (Paseo EIR, p. 4.2-71.) Similarly, the parking-related impacts of the proposed Plaza Linda Verde project would be less-than-significant. (Draft EIR, pp. 3.12-58 to 3.12-63.) Therefore, the Former Paseo Project Alternative would result in parking-related impacts comparable to those of the Proposed Project.

Comment L-4-53	Comments from The City of San Diego, 11/24/2010	Response
<p>The following specific comments are regarding the August 6, 2010 Linscott Law & Greenspan traffic impact analysis in Appendix F of the DEIR:</p> <p>4. Page 5, Existing Street Network: This figure should indicate how many lanes each roadway is supposed to provide per its ultimate classification, how many lanes are currently provided, and the curb to curb width.</p>	<p>Draft EIR Subsection 3.12.2.4, Existing Road Network, provides a text description of each of the roads within the study area, and includes the classification of the road and the existing number of lanes.</p>	
Comment L-4-54	Comments from The City of San Diego, 11/24/2010	Response
<p>5. Page 6, Existing Traffic Volumes: Indicate the exact dates counts were taken and whether final exams were being given at that time.</p>	<p>The traffic counts conducted in connection with the Draft EIR traffic impacts analysis were collected on the following dates: February 6-7, 2008; November 13, 2008; November 20, 2008; December 10, 2008; and May 7, 2009. (See Draft EIR Appendix 3.12, LLG Traffic Report, Appendix B, Intersection and Segment Manual Count Sheets.) Final exams were not being given during the dates the traffic counts were conducted. (See Final EIR Appendix F3.12, LLG Traffic Count Data.)</p>	
Comment L-4-55	Comments from The City of San Diego, 11/24/2010	Response
<p>6. Page 6, Table 3-1: The street segment of Montezuma Road from Campanile Drive to College Avenue should be evaluated.</p>	<p>The segment of Montezuma Road from Campanile Drive to College Avenue was analyzed in the traffic study within the segment identified as "Montezuma Road between 55th Street and College Avenue."</p>	

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Comment L-4-56	Comments from The City of San Diego, 11/24/2010	Response
7. Page 19, Table 7-1: Clarify which cumulative projects listed in this table were assumed in the near term analysis. Only projects which would be expected to be built and occupied at the time of the project's opening day should be included as near-term cumulative projects.	<p>Traffic volumes from the following cumulative projects (which are listed in Table 7-1 of the LLG Traffic Impact Analysis, DEIR Appendix 3.12) were determined to affect intersections and segments within the Project study area, and were used to develop the near-term baseline analysis:</p> <ul style="list-style-type: none">• Mesa Commons I• Mesa Commons II• Chollas Triangle Redevelopment Project• 5566 Lindo Paseo• Village Lindo Paseo (formerly "Plaza Lindo Paseo")• 6195 Montezuma Road• Wesley House• SDSU Religious Centers Project• Sorority Row Housing Project• 5030 College LLC• Collwood Apartments• Aztec Court Apartments• Parc @ 54 (formerly "Park at 54th Street")• Centrepointhe-Grantville• Montezuma South• Grantville Trolley Station Transit Oriented Development• Kohl's Department Store• Alvarado Campus-Alvarado Medical Center• Adobe Falls Phase I• Coleman College Site• Jessie Avenue• Parks Avenue Townhomes• Commanche Apartments• Park Station Specific Plan• Alvarado Apartments <p>Please see Response L-4-25 for additional information responsive to this comment.</p>	

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Comment L-4-57	Comments from The City of San Diego, 11/24/2010	Response
8. Page 31, University/Community-Serving Retail Scenario – Trip Generation: A combined pass-by reduction of 48% should not be applied since the rate applied is already cumulative.		The 48% reduction is taken directly from the rates used in the City-approved The Paseo EIR traffic study, shown on Table 3-1 (page 3-9). The "Sit-down Restaurant" line-item in that table shows the trip rate as follows: "100 /1,000(.52)", or "52% of one hundred trips per thousand square feet". This is the same as a 48% reduction of the 100/1000 rate. The rate accounts not only for the pass-by/diverted/mixed use phenomena, but also for the fact that the uses would be located on the SDSU campus and, therefore, will attract a high percentage of trips from SDSU itself, which are not new trips to the street system. Since these rates and reductions were approved for use by the City in The Paseo project, and the Proposed Project would be located in the exact vicinity of The Paseo project, the rates/reductions correctly were applied to the Proposed Project assumed "restaurant" square footage of 44,000 square feet.
Comment L-4-58	Comments from The City of San Diego, 11/24/2010	Response
9. Page 50, Analysis of Long-Term Scenarios: The Year 2030 traffic volumes were derived from the SANDAG Series 10 model. However, SANDAG Series 11 model is the current accepted model. The traffic study should explain and justify use of the Series 10 rather than the SANDAG Series 11 model in terms of forecast volumes, mode split and other relevant information.		The EIR traffic engineer utilized the SANDAG Series 10 model because it included all necessary inputs for the SDSU 2007 Campus Master Plan and, therefore, was the most accurate model available for use in conducting the Project's traffic impacts analysis. Importantly, the Series 11 (Year 2030) traffic volumes actually are less than the Year 2030 volumes included in the model that was used, which means a more conservative Year 2030 analysis was provided than had the Series 11 model been used. Additionally, a review of the Series 11 traffic volumes shows that the forecast volumes on Montezuma Road are less than the existing volumes and, therefore, the Series 11 volumes were not considered accurate for use in the Project's traffic study. (See Final EIR, Appendix F3.12, Supplement to LLG Tech Report dated August 6, 2010; Responses to Comments (March 10, 2011).)

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Comment L-4-59	Comments from The City of San Diego, 11/24/2010	Response
Community Planning and Capital Investment Department: Community Planning Division: Maxx Stalheim (619) 236-6153		As a state entity, CSU/SDSU is not subject to local government planning directives, such as the Urban Design Element of the City of San Diego General Plan or the Core Sub-area Design Manual. (Draft EIR, p. 3.7-1.) For EIR purposes, the relevant analysis under CEQA is whether Project would conflict with any "applicable" land use plan. (CEQA Guidelines Appendix G, Environmental Checklist Form, IX Land Use and Planning.) Since neither the City General Plan nor the Core Sub-are Design Manual apply to CSU/SDSU, the EIR is not required to include an analysis of these plans.
Section 3.1 Aesthetics and Visual Quality		
The proposed project should be analyzed in accordance with the goals and policies of the Urban Design Element of the City of San Diego General Plan (2008), and the Core Sub-area Design Manual (1997). Without such analysis, this section is incomplete and fails to disclose potential impacts. Although all sections of the referenced sources should be considered during the evaluation, of particular importance are the sections of the Urban Design Element relating to General Urban Design (Section A, beginning on page UD-5) and Mixed-Use Villages and Commercial Areas (Section C, beginning on page UD-20), as well as the Architectural Guidelines in the Core Sub-area Design Guidelines, beginning on page 39.		Notwithstanding, Draft EIR Section 3.7, Land Use and Planning, does provide, for information purposes, an analysis of the Proposed Project's consistency with the: General Plan Guiding Principles, Strategic Framework Element, and Land Use Maps (pp. 3.7-18 to 3.7-22); College Area Community Plan Goals and Objectives, SDSU Recommendations, and Land Use Maps (pp. 3.7-22 to 3.7-28); City Land Development Code (pp. 3.7-28 to 3.7-29); City Transit-Oriented Development Design Guidelines (pp. 3.7-29 to 3.7-32); College Community Redevelopment Plan Objectives (pp. 3.7-32 to 3.7-35); College Community Redevelopment Project Master Project Plan Objectives (pp. 3.7-35 to 3.7-37); Core Subarea Design Manual Urban Design Goals (pp. 3.7-37 to 3.7-40); Redevelopment Project Area Third Five-Year Implementation Plan (p. 3.7-40); College Area Public Facilities Financing Plan (p. 3.7-41); and City of San Diego Bicycle Master Plan (p. 3.7-41).

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Comment L-4-60	Comments from The City of San Diego, 11/24/2010	Response
The City considers the visual impacts associated with the proposed 5-story structure on College Avenue to be potentially significant. As indicated in Figures 3.1-9 and 3.1-10, Visual Simulations 1 and 2, the proposed structure presents a large monolithic façade with minimal articulation, fenestration, roofline variation, and upper-story step-backs. Lack of architectural detail is contrary to the goals and policies of the Urban Design Element and the design intent of the Core Sub-area Design Guidelines.	<p>Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Specific to Draft EIR Figures 3.1-9 and 3.1-10, the photosimulations presented in Draft EIR Section 3.1 are intended to allow the reader to obtain a rough idea of height, bulk, scale and a general understanding of how the visual environment would change once the building is constructed.</p> <p>As discussed in the Draft EIR, several architectural themes would be utilized for the Proposed Project, including the "modern designs present in many redeveloping areas in the City of San Diego, accented by elements of the Mission Revival architectural style present in the central SDSU campus core." (Draft EIR, p. 3.1-23.) These themes would be utilized in a manner that would create a cohesive development schematic on the Project parcels. As such, the post-Project conditions are considered "positive and not adverse" because the existing land uses are considered blighted and characterized by non-unified land uses. The Project would result in the revitalization of the site with new uses that are the subject of a cohesive design schematic. As discussed in the Draft EIR:</p> <p>"In summary, the Proposed Project would contribute to redevelopment of the existing blighted condition to a coordinated, mixed-use neighborhood that proposes increased economic activity, additional residences, and enhanced outdoor spaces, thereby resulting in a beneficial change to aesthetic and visual qualities of the Project site and surrounding areas. In addition, the development would utilize a modern architectural theme accented by elements of the Mission Revival architecture style present in the central campus core to help tie into the visual character envisioned in the college area. As such, the Proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings relative to the viewing public; therefore, the Project would not result in potentially significant impacts in this regard."</p> <p>(Draft EIR, p. 3.1-28.)</p> <p>Lastly, it also is noted that SDSU must follow a rigorous design review process through the CSU system, which would ensure that new structures are designed in an architecturally appropriate and tasteful manner.</p>	

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Comment L-4-61	Comments from The City of San Diego, 11/24/2010	Response
Section 3.2 Air Quality and Global Climate Change		
The proposed project should be analyzed in accordance with the goals and policies of the Conservation Element of the City of San Diego General Plan (2008). Without such analysis, this section is incomplete and fails to disclose potential impacts. Of particular importance are the sections of the Conservation Element relating to Climate Change & Sustainable Development (Section A, beginning on page CE-7) and Air Quality (Section F, beginning on page CE-31) of the City of San Diego General Plan (2008).		Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Draft EIR Section 3.2, Air Quality and Global Climate Change, presents a comprehensive analysis of the Proposed Project's impacts relative to air quality and global climate change consistent with all applicable regulatory requirements.
Comment L-4-62	Comments from The City of San Diego, 11/24/2010	Response
Section 3.3 Historical Resources		
The proposed project should be analyzed in accordance with the goals and policies of the Historic Preservation Element of the City of San Diego General Plan (2008). Without such analysis, this section is incomplete and fails to disclose potential impacts.		Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Draft EIR Section 3.3, historical resources, presents a comprehensive analysis of the Proposed Project's impacts relative to Historical Resources consistent with all applicable regulatory requirements.

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Comment L-4-63	Comments from The City of San Diego, 11/24/2010	Response
1. The property at 5178 College Avenue does not have the correct date of construction or historic use. According to water and sewer permits, the building was constructed in 1958 (not 1980s) for St. Dunstan's Episcopal Church. The construction date and use should be corrected, the building re-evaluated within that context, and DPR forms should be prepared.	<p>The referenced St. Dunstan's Episcopal Church previously was located on the site of 5178 College Avenue between 1948 and 1967; it had been moved to the site from its original location at 8th and C Streets in San Diego in the spring of 1948. However, in the late 1960's the church was moved to Lemon Grove, where it ultimately became St. Philip's Parish Church. The EIR's assessment of the date of construction of the building that presently is located on the site (estimate 1980s) was based on the structural and stylistic characteristics of the building. The current building is a modern commercial space and is reflective of this throughout its entire design and use. Specifically, the siding, modern windows and doors, steel girder based concrete side staircase, amongst other features, suggest a date of construction in the early 1970s, if not later.</p> <p>In conclusion, a church was present at 5178-5198 College Avenue between 1948 and 1967. The church subsequently was moved to Lemon Grove. The current commercial building was constructed sometime after 1967, a date consistent with the structural and stylistic features of the building. Given the date of construction, this building does not meet the age threshold for eligibility to the California Register of Historic Resources, the City of San Diego Historic Resources Register, or the National Register of Historic Places. Please see Final EIR, Appendix F3.3, Letter dated March 23, 2011, ASM Affiliates, Re: Supplemental Historic Research 5178 College Avenue, for additional information.</p>	

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Comment L-4-64	Comments from The City of San Diego, 11/24/2010	Response
2. Based on water and sewer permit records, the date of construction for the property 5157 College Avenue is not correct. The building was constructed in 1946, not 1958. The report should be corrected.	The EIR consultant, ASM Affiliates, conducted archival research in an effort to determine the date of construction of all buildings within the project area. Their research included accessing County of San Diego Assessor records for the parcels. The date of construction provided by the County Assessor records for 5157 College Avenue was 1958. According to the comment, the water and sewer records indicate a date of construction of 1946 for this building. Sewer and water connection dates are generally used to determine when water services were first provided to a lot. They can be a good source of information regarding dates of construction for buildings on the lot. However, they are not 100 percent accurate, as buildings present at the time of the first water connection can be moved, demolished and replaced. County Assessor records are generally thought to be more accurate as they reflect either the original date of construction, or the date when substantial alterations to the building were completed, thereby requiring a re-assessment of the building's value for taxation purposes. It is possible that the building at 5157 College Avenue was constructed as early as 1946, however it is not possible, given the sources available, to state that categorically. The earlier date of construction does not change the recommendation that this building is not eligible for listing in the National Register of Historic Places, the California Register of Historic Resources, or the City of San Diego Historical Resources Register. Please see Final EIR, Appendix F3.3, Letter dated March 23, 2011, ASM Affiliates, Re: Supplemental Historic Research 5157 College Avenue, for additional information.	
Comment L-4-65	Comments from The City of San Diego, 11/24/2010	Response
3. We concur that the buildings to be impacted are not eligible for listing on the State or National Register.	CSU/SDSU acknowledges the comment, which will be made available to the CSU Board of Trustees, with all other comments, prior to the Board's consideration of the Proposed Project for approval.	
Comment L-4-66	Comments from The City of San Diego, 11/24/2010	Response
Please note that Historic Resources (Plan-Historic) staff did not review the Archaeological/Paleontological Resources section of the EIR and therefore does not have comments.	The comment is noted.	

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Comment L-4-67	Comments from The City of San Diego, 11/24/2010	Response
<p>Section 3.6 Hydrology and Water Quality</p> <p>The proposed project should be analyzed in accordance with the goals and policies of the Conservation Element of the City of San Diego General Plan (2008). Without such analysis, this section is incomplete and fails to disclose potential impacts. Of particular importance are the sections of the Conservation Element pertaining to Water Resources Management (Section D, beginning on page CE-21) and Urban Runoff Management (Section E, beginning on page CE-26).</p>		<p>Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Draft EIR Section 3.6, Hydrology and Water Quality, presents a comprehensive analysis of the Proposed Project's impacts relative to hydrology and water quality consistent with all applicable regulatory requirements.</p>
Comment L-4-68	Comments from The City of San Diego, 11/24/2010	Response
<p>Section 3.7 Land Use and Planning</p> <p>As stated on page 3.7-27, the proposed expansion of the campus boundary is inconsistent with the College Area Community plan. The City considers this to be a significant impact due to the potential of secondary and indirect environmental impacts associated with unforeseen effects on the adjacent community. The proposed campus boundary expansion will require a Community Plan Amendment to incorporate the new boundary, or the expansion of the campus boundary should be omitted from the scope of the proposed project.</p>		<p>Please see Responses L-4-18 and L-4-59 regarding the Draft EIR's analysis of the Proposed Project's consistency with the College Area Community Plan. Please also see Responses L-4-18 and L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Any potential impacts associated with the Proposed Project relative to the campus boundary expansion are adequately addressed in the Draft EIR. Additionally, because CSU/SDSU, as a state entity, is not subject to the City's Community Plan, the University is not required to obtain a Community Plan Amendment.</p>
Comment L-4-69	Comments from The City of San Diego, 11/24/2010	Response
<p>As stated on page 3.7-28, the proposed project exceeds the allowable density as identified in the College Area Community Plan. Therefore, the proposed project is inconsistent with the land use plan. The City considers this to be a significant impact due to the potential of unanticipated indirect or secondary environmental impacts associated with demands on City facilities, services, and infrastructure. The proposed project will require a Community Plan Amendment to accommodate the proposed density, or the development intensity of the project should be reduced to meet the current land use designation.</p>		<p>Please see Responses L-4-18 and L-4-59 regarding the Draft EIR's analysis of the Proposed Project's consistency with the College Area Community Plan. Please also see Responses L-4-18 and L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Any potential impacts associated with the Proposed Project relative to the increased density are adequately addressed in the Draft EIR. See, e.g., Draft EIR Section 3.11, Public Services and Utilities, which analyzes the potential impacts on public services and utilities based on the actual development that would occur as part of the Proposed Project. Additionally, because CSU/SDSU, as a state entity, is not subject to the City's Community Plan, the University is not required to obtain a Community Plan Amendment.</p>

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Comment L-4-70	Comments from The City of San Diego, 11/24/2010	Response
As stated on page 3.7-28, the proposed project exceeds the development regulations as outlined in the CN-1-2 and RM-3-9 zones. Therefore, the proposed project is inconsistent with the current zoning. The City considers this to be a significant impact due to the potential of indirect or secondary environmental impacts associated with unanticipated demands on City facilities, services, and infrastructure. The proposed project will require a rezone to accommodate the proposed intensity of development, or the proposal should be redesigned to meet the current zoning regulations.	Please see Responses L-4-18 and L-4-59 regarding the Draft EIR's analysis of the Proposed Project's consistency with the City's Land Development (Zoning) Code. Please also see Responses L-4-18 and L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. While the Draft EIR identified an inconsistency between the Proposed Project and the City's Land Development Code, the inconsistency would not have any growth implications that would affect the environmental analysis disclosed in the EIR. Additionally, because CSU/SDSU, as a state entity, is not subject to the City's Land Development Code, the University is not required to complete a rezone of the subject parcels.	
Comment L-4-71	Comments from The City of San Diego, 11/24/2010	Response
Section 3.10 Population and Housing The proposed project should be analyzed in accordance with the goals and policies of the City of San Diego General Plan Housing Element FY 2005-2010. Without such analysis, this section is incomplete and fails to disclose potential impacts. Specifically, the analysis should evaluate whether or not the proposed project meets the student housing goals identified on page HE-28 of the Housing Element, and the goal of the student housing program as described on page HE-33.	Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. Please also see EIR Section 3.10, which analyzes the potential environmental impacts of the proposed project relative to population and housing based on the applicable CEQA Guidelines Appendix G thresholds.	

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Comment L-4-72	Comments from The City of San Diego, 11/24/2010	Response
Section 3.11 Transportation/Circulation and Parking		Please see Response L-4-59 regarding the relevance of the City's planning directives to CSU/SDSU, generally, and the EIR impacts analysis, specifically. In any event, the Proposed Project would be consistent with the City's General Plan Mobility Element, including the Walkable Communities goals, which include a safe and comfortable pedestrian environment (ME p. 6); Transit First goals, which include increased transit ridership (ME p. 16); Traffic Demand Management Goals, which include expanded travel options and improved personal mobility (ME p. 34); Bicycling Goals, which include a safe and comprehensive local and regional bikeway network (ME p. 36); and Parking Management Goals, which include new development with adequate parking through the application of innovative citywide parking regulations (ME p. 39).
The proposed project should be analyzed in accordance with the goals and policies of the Mobility Element of the City of San Diego General Plan (2008). Without such analysis, this section is incomplete and fails to disclose potential direct and/or secondary environmental impacts. Although all sections of the Mobility Element should be considered during the evaluation, of particular importance are the sections pertaining to Walkable Communities (Section A, beginning on page ME-6), Transit First (Section B, beginning on page ME-16), Street and Freeway System (Section C, beginning on page ME-20), Traffic Demand Management (Section E, beginning on page ME-34), Bicycling (Section F, beginning on page ME-36), and Parking Management (Section F, beginning on page ME-39).		

Comment L-4-73	Comments from The City of San Diego, 11/24/2010	Response
Section 2.0 Cumulative Impacts		The comment is noted. The Final EIR includes the appropriate revisions.
The status of item #15, Alvarado Apartments, Table 2.1, page 2.0-5, should be changed from "In planning process", to "Approved." (City Council Resolution R-305185, July 28, 2009)		
The status of item #17, Aztec Court Apartments, Table 2.1, page 2.0-6, should be changed from "In planning process", to "Approved". (City Council Resolution R-305582, January 26, 2010)		

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Comment L-4-74	Comments from The City of San Diego, 11/24/2010	Response
Section 8.0 References		
The City recommends that the following changes be made to Section 8.0 – References:		As discussed in Response L-4-59, as a state entity, CSU/SDSU is not subject to local government planning directives and, therefore, the EIR is not required to include an analysis of the Proposed Project's consistency relative to these plans. Moreover, even if the City's land use plans were applicable, which they are not, the level of consistency review that was conducted and presented in Draft EIR Section 3.7, Land Use and Planning, is the appropriate level of analysis; further analysis of specific elements of the City's General Plan is not required. Accordingly, it is not necessary to revise Draft EIR Section 8.0, References, to incorporate the referenced General Plan Elements.
Section 3.1 – Aesthetics and Visual Quality: Please cite the Urban Design Element of the City of San Diego General Plan and the Core Sub-Area Design Manual as source material.		
Section 3.2 – Air Quality and Global Climate Change: Please cite the Conservation Element of the City of San Diego General Plan as source material.		
Section 3.3 – Historical Resources: Please cite the Historic Preservation Element of the City of San Diego General Plan as source material.		
Section 3.6 – Hydrology and Water Quality: Please cite the Conservation Element of the City of San Diego General Plan as source material.		
Section 3.7 – Land Use and Planning: Please amend the reference and identify the specific elements cited.		
Section 3.10 – Population and Housing: Please cite the Housing Element FY 2005-2010 of the City of San Diego General Plan as source material.		
Section 3.12 – Transportation/Circulation and Parking: Please cite the Mobility Element of the City of San Diego General Plan (2008) as source material.		

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Comment L-4-75	Comments from The City of San Diego, 11/24/2010	Response
Community Planning and Capital Investment Department: Facilities Financing Division: Charlene Gabriel (619) 533-3686		The comment is an introduction to comments that follow and includes general statements that cannot be responded to absent specific references to the Draft EIR. To the extent the commentor provides such necessary references in the subsequent comments, appropriate responses are provided.
Overall, the University should pay a fee or build facilities to offset the impact of the Project on the surrounding community. In many instances the draft EIR dismisses any impact because they make certain assumptions which may or may not be the case. Unless they can show some evidence of these assumptions, then infrastructure construction or funding would be required. It is preferred that they construct relevant infrastructure in conjunction with project construction.		

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Comment L-4-76	Comments from The City of San Diego, 11/24/2010	Response
Sec. 3.11 Public Utilities and Service Systems		
Fire – Because the City of San Diego Fire Department is the primary responder to fires on the SDSU campus, a service agreement needs to be put in place. This will allow the City of San Diego to recoup costs related to any calls to SDSU. On page 3.11-38, the Draft EIR refers to the 1993 College Area Public Facilities Financing Plan (PFFP) to infer that fire facilities in the area adequate. This is not the case. This is an outdated financing plan and does not reflect the current status of fire adequacy in the community. In a draft update of the PFFP, an enhancement of station 10 has been identified. This is necessary to meet the future needs of the community. In order to mitigate the impact the SDSU campus has on City fire services, a service agreement is necessary. A fire fee may also be required in proportion to the additional growth. Additional comments from the Fire Rescue Department are included below.		<p>As to the comment that a service agreement between the campus and City of San Diego Fire Department ("SDFD") "needs to be put in place," and that a "fire fee" may be required in proportion to the additional growth, the analysis presented in the Draft EIR determined that the Proposed Project would not result in significant impacts relative to fire protection and, therefore, mitigation, generally, or a service agreement or fire fee, specifically, is not required as a consequence of the Proposed Project. (Draft EIR, pp. 3.11-37 to 3.11-39.) As to the reference to the 1993 College Area Public Facilities Financing Plan (PFFP), the 1993 PFFP is the City's current approved plan detailing capital infrastructure improvements planned for and funded by College Area development. While an "enhancement of Station 10" may be identified in a "draft update" of the PFFP, the 1993 PFFP remains the controlling document for purposes of EIR analysis as the current approved City document. (Draft EIR, p. 3.11-38; see <i>Chaparral Greens v. City of Chula Vista</i> (1996) 50 Cal.App.4th 1134 [consistency with draft plans need not be evaluated].)</p> <p>Preliminarily, it is important to note that SDSU has a campus Police Department that is available to and does assist with emergency calls. Emergency calls made from on-campus telephones as well as many cellular phones are retrieved by the SDSU emergency response system. The operator evaluates the situation and either notifies the appropriate SDSU Police Department contact or the City of San Diego Fire Rescue Department, or both in the case of medical emergencies. If assistance from the San Diego Fire Rescue Department is requested, a member of the SDSU Police Services Department will meet the City of San Diego Fire Rescue Department response unit at a pre-specified meeting location to escort the City vehicle to the scene of the emergency. This process ensures that the Fire Rescue Department apparatus arrives at the scene without having to navigate interior campus roadways and buildings access points. In addition to the SDSU Police Department unit dispatched to meet the Fire Rescue Department, a second SDSU unit is dispatched to the scene of the emergency for immediate assistance (i.e., medical attention, security, etc.). Consistent with the SDSU Police Department's goal of providing "enhanced policing services" to the campus community, the SDSU Police Department "first responder" is often on the scene of the emergency before the arrival of San Diego Fire Rescue Department vehicles and/or personnel.</p>

It is expected that the majority of the Project's emergency calls (in excess of

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90% for Stations 10, 17, and 31) would be medical or rescue related. (Fire Service Standards of Response Coverage Deployment Study for the City of San Diego Fire-Rescue Department, February 14, 2011 ("2011 Citygate Study"), p. 55.) The SDSU campus police are provided basic life support training and are first aid and CPR certified. All SDSU campus police vehicles are equipped with an emergency medical bag and carry automated external defibrillators. These trained campus police officers provide initial contact with the emergency situation and provide basic life support and victim stabilization. (Secka, pers. comm. March 9, 2011.) Potential delays in SDFD's response from call-stacking, traffic or other sources, therefore, are fully or partially negated, easing the pressure on SDFD's goal to respond within five minutes and extending the effective response time through alternative initial medical response. With respect to fire-related calls, based on an extrapolation of City response data, fire calls resulting from the proposed retail/commercial space and/or campus housing are projected to be minimal, at less than seven per year. (2011 Citygate Study, p. 55.) The buildings constructed as part of the Proposed Project would be fully-sprinklered facilities, which would effectively slow the effect of a fire in the initial stages, extending the period of flashover (advanced stage where structure is likely lost) or extinguishing the fire and easing critical fire response time pressure.

Additionally, as discussed in the Draft EIR, a recent study, the May 2010 Citygate fire services study commissioned by the County of San Diego, addressed current levels of service and identified future facility needs within the County, including additional fire stations. (Draft EIR, p. 3.11-6.) Although the study identified 11 areas, including central portions of the City of San Diego where additional fire stations are recommended based on current response times, the areas identified for additional stations did not include the SDSU campus, generally, nor the site of the Proposed Project, specifically. (Draft EIR, p. 3.11-6, 3.11-38.)

In February 2011, Citygate released a subsequent study conducted for the City of San Diego, entitled "Fire Service Standards of Response Coverage Deployment Study for the City of San Diego Fire-Rescue Department," February 14, 2011 ("2011 Citygate Study"). A copy of the 2011 Citygate Study is included in Final EIR, Appendix F3.11. The 2011 Citygate Study states that it "needs to be taken in the context of a 'best practices tune-up' for a good agency that does very well with the limited resources given to it." (2011 Citygate Study, p. 1.) A summary of the Study's recommendations follows.

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Citygate Performance Measure Recommendations - The 2011 Citygate Study makes several recommendations, including (as "Short-Term Priority One") the adoption of revised performance measures to direct fire crew planning and to monitor the operation of the SDFD. (2011 Citygate Study, p. 13.) On this point, the study notes that "there are no mandatory federal or state regulations directing the level of fire service staffing, response times and outcomes. Thus, communities have the level of fire services that they can afford, which is not always what they would desire." (2011 Citygate Study, p. 2.) The 2011 Citygate Study recommends the following performance measures:

(1) To treat medical patients and control small fires, the first-due unit should arrive within 7:30 minutes, 90 percent of the time from the receipt of the 911 call in fire dispatch. This equates to 1-minute dispatch time, 1:30 minutes company turnout time, and 5 minutes drive time in the most populated areas; and

(2) To confine fires near the room of origin, to stop wildland fires to under 3 acres when noticed promptly, and to treat up to 5 medical patients at once, a multiple-unit response of at least 17 personnel should arrive within 10:30 minutes from the time of 911-call receipt in fire dispatch, 90 percent of the time. This equates to 1-minute dispatch time, 1:30 minutes company turnout time, and 8 minutes drive time spacing for multiple units in the most populated areas. (2011 Citygate Study, pp. 8-9.)

Current City Performance Measures - The current City of San Diego General Plan performance measures, as interpreted by the SDFD, are as follows: (1) A first responding four-person engine company shall arrive at the scene of an emergency within an average of five minutes or less from the time of page received (the five minutes includes one minute turnout and four minutes travel); (2) A unit with advanced life support capability will arrive at emergency medical incidents within five minutes (one minute turnout and four minutes travel) 90 percent of the time, from point of dispatch; (3) Truck companies will arrive at the scene of an emergency within an average of nine minutes (one minute turnout and eight minutes travel) from the time of page received; and (4) An effective response force will arrive at the scene of an emergency within 9 minutes or less 95 percent of the time from the time of page received. (2011 Citygate Study, p. 26.) Thus, the 2011 Citygate Study recommends that the City normalize the tracking of total response by including dispatch time of an average of one minute, and that the City adopt performance measures less stringent than those currently in place.

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Current City Response Time Performance - In February 2010, the City initiated a "Brownout Plan," which entails the temporary idling of up to eight fire engines per day, depending on firefighter sick and vacation levels. (Report to the City Council, Engine Company Brownout and Lifeguard Reductions Monthly Report, January 26, 2011 (Brownout Report), p. 1. A copy of the Brownout Report is included in Final EIR, Appendix F3.11.) The Brownout Report identifies the average response times for the City's Brownout districts, which includes the SDSU College Area, for the period February 6, 2010 through January 14, 2011. (Brownout Report, p. 3.) As defined in the report, "response time" is the elapsed time between when "an engine or truck company was notified of an emergency response and their arrival at the scene of the emergency." (Brownout Report, p. 3.) Specific to the College Area, the current average response time for the first arriving engine or truck is reported as 5 minutes 17 seconds. (Brownout Report, p. 4.) This represents an increase of 16 seconds over pre-Brownout Plan response times. (Brownout Report, p. 4.) As to the average response times for the assembly of 14-15 firefighters needed to complete the tasks necessary to combat a typical residential structure fire ("effective fire force"), the current average response time is 7.82 minutes. (Brownout Report, p. 5.) This represents an increase of .03 minute over pre-Brownout Plan response times (i.e., 7.79 minutes). (Ibid.) Thus, while the average response times for the College Area are slightly above (17 seconds) the City's response time goal of five minutes or less for first responders (six minute actual goal when dispatch time is included), the average response times are below the 2011 Citygate Study recommended performance measures. Additionally, as to the effective fire force response time, the average response times are below the City's goal of nine minutes, as well as below the 2011 Citygate Study recommended performance measure.

College Area Fire Station - The 2011 Citygate Study includes a second recommendation relevant to SDSU -- if the City wants to deliver fire service to the level of its current performance standards, the City needs additional fire stations over time as fiscal conditions allow. (2011 Citygate Study, p. 3.) In this regard, the Study recommends that the City "adopt the priority criteria of this study for where to add resources." (2011 Citygate Study, p. 10.) Specifically, "[i]f the City can provide the revenue to improve response times, these are Citygate's recommended sites in Citygate priority order to improve service in the identified gap areas..." (2011 Citygate Study, p. 11.) The College Area is listed as the third priority on the list. (Ibid.) Thus, the 2011 Citygate Study recommends that the City adopt its priority criteria for where to add resources in the future. However, the Study does not state that it is

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necessary to add these resources in order to maintain and/or achieve acceptable response time levels of service; rather, the Study states that if the money is available, such construction or expansion would improve response times.

While the addition of a College Area fire station may reduce overall response times and reduce call stacking generally, the Proposed Project does not trigger the need for construction of a new fire station for the following reasons:

1. Engine 17 (City Heights) currently averages response times well under five minutes, consistent with General Plan and National Fire Protection Association (NFPA) 1710 suggested standards. (Final EIR, Table 3.11-9.)
2. Engine 10 (Del Cerro) currently averages response times just over five minutes, substantially conforming with the General Plan and NFPA 1710 suggested standards. (Final EIR, Table 3.11-9.)
3. Engine 31 (Rolando) currently averages response times (for turnout and travel) within six minutes, above the suggested General Plan and NFPA 1710 standards, but within a reasonable timeframe for rounding out the first full alarm for fire emergencies. (Final EIR, Table 3.11-9.)
4. The three stations can provide a total effective force or can be assisted by a unit from a nearby SDFD station or an Automatic Aid station if one of the engines is unavailable, and can arrive within the full first alarm response goal of 9 minutes (or Citygate 10:30 goal). As of spring 2011, a regional computer interface manages automatic aid and boundary drop closest unit, resulting in a more efficient coverage in edge areas. (2011 Citygate Study, p. 36.)
5. The retail/commercial component of the Proposed Project is projected to add an incremental increase in emergency response calls of five per year, or 0.014 calls per day. (Final EIR, Table 3.11-8.) This additional call volume is too small to affect Stations 10 or 31, which average under five calls per day, respectively. (<http://www.sandiego.gov/fireandems/about/apparatus.shtml>.) Similarly, the incremental increase to the current Station 17 call volume would be minor.
6. The student housing component of the Proposed Project would add a projected 75 calls per year for primarily medical/rescue response. (Final EIR, Table 3.11-8.) The addition of 0.2 calls per day is not anticipated to significantly delay emergency response from Station 10 or 17 based on their

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current call volume. Moreover, the average call volume within SDFD jurisdiction is at its peak during the hours of 9:00 am to 8:00 pm and drops significantly, by as much as 50%, during the hours of 8:00 pm to 9:00 am. (2011 Citygate Study, p. 59.) The student housing component of the Proposed Project would increase campus population primarily during the off-peak hours, as the students would be on campus attending class during the peak hours regardless of whether the proposed student housing is constructed. Therefore, emergency calls associated with the proposed student housing would be primarily during off-peak hours and the likelihood of call-stacking would be much lower due to historical call volume lows occurring overnight.

7. The 2011 Citygate Study includes two recommendations that can be made with little cost to the City in order to improve the fire response as affected by the budget induced "brown outs." First, the Study recommends use of "Fast Response Squads," which would include two firefighters per light apparatus vehicle, who are able to respond quickly and provide initial medical support or initial fire assessment. (2011 Citygate Study, pp. 79-81; 83.) Second, Citygate recommends reducing several operating engines from 4 firefighters to three, which will enable up to four of the brown out engines to be brought back online, although at a reduced capacity. (Ibid.) Either of these recommendations would provide improvement by making available additional resources and reducing the resources that are left idle.

8. The 2011 Citygate Study reports that actual response time can be improved through replacement of the current dispatch processing computer system, which is over 20 years old and obsolete. (2011 Citygate Study, pp. 8, 84.) Citygate indicated that the City's dispatch processing is slower than most and significant time could be saved with implementation of a new computer system. (Ibid.) Assuming resources are allotted for that system upgrade, actual responses to SDSU, and elsewhere in SDFD's jurisdiction will improve.

Comment L-4-77	Comments from The City of San Diego, 11/24/2010	Response
1. Page 3.11-3: Delete the term "passenger-carrying platform."	In response to the comment, Draft EIR p. 3.11-3 will be revised to delete the term "passenger-carrying platform" from the description of a fire truck. The revised page is included in the Final EIR.	

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Comment	Comments from The City of San Diego, 11/24/2010	Response
Comment L-4-78		
2.	Page 3.11-5: Table 3.11-2 shows 2007/2008 data may no longer be the most up-to-date data to be used for comparison to this study, because the City's mandated "brown out" affects current response call data. We suggest incorporating additional Table that shows current response call data in this document.	Please see Response L-4-76 regarding current City response times under the Brownout Plan.
Comment L-4-79		
3.	Page 3.11-6: Document includes the Citygate Study which identifies the area for the proposed development as not having a need for additional fire station(s). However, this study does not take into account current brown-out schedule.	Please see Response L-4-76 regarding current response times under the Brownout Plan and the related Citygate study. However, as explained below, there is no indication that the Brownout Plan would affect the less-than-significant impact conclusion reached in the Draft EIR relative to fire protection. As noted in the Draft EIR, there are three fire stations that service the College Area Community: Stations 10, 17 and 31. (Draft EIR pp. 3.11-2 to 3.11-3.) Stations 10 and 31 are affected by the Brownout while Station 17 is not. Because Station 17 currently meets the response time goal of a first-in engine company reaching its destination within 5 minutes, 90 percent of the time, the Project area would continue to be serviced by a fire station whose staff is able to respond in an adequate manner. Additionally, the solution to the Brownout issue is adequate City funding, not the construction of new fire station facilities. Therefore, any effect the Brownout Plan may have on increased response times would not be remedied by the construction of a new fire station, but rather would be remedied by the restoration of the pre-Brownout firefighting force levels. As such, the conclusions reached in EIR Subsection 3.11.5.1 relative to fire protection would remain unchanged by the effects of the Brownout Plan.
Comment L-4-80		
4.	Pages 3.11-35 & 38: Section 3.11.4(a) Remove the following statement: "...new...governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times..." Until the site location for such facility has been identified, one cannot determine the level of environmental impacts.	The referenced phrase is taken directly from CEQA Guidelines Appendix G, Environmental Checklist Form, XIII, Public Services, and provides the criteria by which potential impacts are to be assessed.

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Comment L-4-81	Comments from The City of San Diego, 11/24/2010	Response
5. Page 3.11-37: Table 3.11-8 shows the projected on-campus calls for Fire Rescue will only generate 3 additional calls per year with the 33,009 SF retail/commercial development. We question the accuracy of this data. Additional analysis on this data, in consultation with the department is essential.	The anticipated calls generated by the Project's retail/commercial development were calculated utilizing 2007 and 2008 call data originating from SDSU on-campus retail businesses. (The 2007 and 2008 call data is presented in Table 3.11-2.) Although Draft EIR Table 3.11-8 states that the proposed retail/commercial development would generate three additional calls, the net square footage associated with proposed retail/commercial uses has been updated. As shown in Final EIR Table 3.11-8, based on existing call data originating on-campus, the proposed retail/commercial uses would annually generate five calls to the SDFD. It is reasonable to assume that generally similar type uses, intensities, and demographics would utilize the Proposed Project's commercial/retail and housing facilities as currently utilize these similar resources on campus, and also reasonable to assume these new uses would generate fire service calls at a rate comparable to existing rates. For these reasons, the generation factors of 0.049 calls per student per 10,000 square feet of new housing and 1.04 annual calls per 10,000 square feet of commercial/retail uses were used and remain appropriate in the context of this EIR.	

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Comment L-4-82	Comments from The City of San Diego, 11/24/2010	Response
6. Page 3.11-38: Table 3.11-9 shows that Station 10 (closest in distance) exceeds the 5-minute objectives, as well as Station 31, while Station 17 which is farther in distance is meeting the objective. We request further inquiry on this data, to ensure that it's accurate.	<p>The response times of Fire Stations 10, 31, and 17 included in the Draft EIR were obtained from the most recent, publically available annual report (Fiscal Year 2006) prepared by the SDFD, and have been augmented by response data from 2010. (See Final EIR, Table 3.11-9.) The Fiscal Year 2006 Annual Report and the Fiscal Year 2010 call volume and response times are available on the SDFD's website.</p> <p>The response times presented in Draft EIR Table 3.11-9 are provided for information purposes and are not intended to imply a projected response time from the identified station to the Project site. The data is provided to disclose the average response times of the stations closest to the Proposed Project as presented in the Fiscal Year 2006 Annual Report, and Fiscal Year 2010 data as detailed by Fire Station on the SDFD Website. (http://www.sandiego.gov/fireandems/about/apparatus.shtml.) Additionally, current response times for Station 10, inclusive of Brownout Plan operations, are presented in Response L-4-76.</p> <p>With respect to distances, Fire Station 10 is located 1.8 miles from campus. Using a 35 miles per hour (MPH) average speed, as recommended by the NFPA, it would take 3 minutes, 14 seconds to get to the center of the Project site (the northwest corner of Lindo Paseo and College Ave). Fire Station 31 is located 1.7 miles from campus. Using a 35 MPH average speed, it would take 3 minutes, 5 seconds to get to the center of the Project site. (Note: 35 MPH was calculated by the Rand Corporation working with ISO distance standards. (NFPA 2004; West 2008.) Rand conducted extensive studies of fire department response times and concluded that the average speed for a fire apparatus responding with emergency lights and siren is 35 mph. That speed considers average terrain, average traffic, weather, and slowing down for intersections. The speed is often used in calculations for NFPA 1710 response time conformance.)</p>	

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Comment L-4-83	Comments from The City of San Diego, 11/24/2010	Response
7. Page 3.11-38: The City's College Area Public Facilities Financing Plan (PFFP), dated 1993 is grossly out of date and will need to be updated. Therefore, it should be noted in the document that an update to the PFFP is necessary in order to adequately determine the adequacy of the existing Fire facilities in relation to the proposed development. In addition, the statement regarding the fully-sprinkled facilities would limit the number of additional calls to fire service is not an accurate statement. Majority of the fire-rescue calls are medical related and therefore could still significantly increase the number of calls for emergency service.	<p>Please see Response L-4-76 regarding the status of both the 1993 PFFP and the City's update efforts. This comment and Response L-4-76, as well as all of the comments on the Draft EIR and responses thereto, will be included in the Final EIR and made available to the CSU Board of Trustees prior to consideration of the Proposed Project for approval.</p> <p>With respect to fully-sprinklered facilities, it is unclear where the commentor is reading that fully-sprinklered facilities would limit the number of additional calls to fire service. Draft EIR Subsection 3.11.5.1, page 3.11-38, states that "the buildings constructed as part of the proposed project would be fully-sprinklered facilities, which would effectively slow the effect of a fire in the initial stages." The Final EIR includes the following additional text at the end of the sentence -- "extending the period of flashover (advanced stage where structure is likely lost) or extinguishing the fire and easing critical fire response time pressure."</p> <p>As to the comment that the majority of fire-rescue calls are medical related and, therefore, the Proposed Project could still significantly increase the number of calls for emergency service, the projected fire call volumes identified in the Draft EIR that would result from the Proposed Project were derived based on historic/existing call data that includes all students (both resident and non-resident), and both fire- and medical-related calls. (See Draft EIR, pp. 3.11-5 and 3.11-37.) That is, the historic fire call data consists of all of the calls made to the fire department by SDSU, including emergency medical response, true fire emergencies, and any other urgent issues. The existing data served as the basis in forecasting future call volume attributable to the Proposed Project; because it is reasonable to assume that past campus call volume characteristics would continue and apply proportionately to the Proposed Project, the projected call volumes were derived based on the existing/historic data. In summary, the projected call volumes account for the projected increase in medical-related calls, as well as fire-related calls. Moreover, as noted in Response L-4-76, emergency medical call volumes primarily would occur during non-instructional hours, coinciding with SDFD's historically reduced call volume period where calls rapidly decline by up to 50% or more between the hours of 8:00 pm and 9:00 am. (2011 Citygate Study, p. 59). The off-peak call volume increase attributable to the Proposed Project would be incremental, and based on the corresponding off-peak lower call volumes and reduced traffic, response times are anticipated to be faster</p>	

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than current responses.

Comment L-4-84	Comments from The City of San Diego, 11/24/2010	Response
8. Page 3.11-44: Section 3.11.5.6 states that the proposed project would not increase the student enrollment at SDSU and therefore the project is not expected to significantly increase the emergency response. We find this statement to be inaccurate. The proposed project would increase the number of students that will physically be on-campus and therefore, would potentially increase the emergency calls.		Please see Response L-4-83 regarding the methodology utilized to determine projected future call volumes. As explained in Response L-4-83, the number of potential future calls was determined based on existing/historic data that includes both resident and non-resident students; therefore, it is reasonable to assume future call volume characteristics would be proportionately similar to existing/historic calls, though increased as reported in the Draft EIR. (Draft EIR, p. 3.11-37.) Additionally, since the Proposed Project would not result in a campus population increase, but rather only an increase in students living on-campus, emergency medical call volumes received during instructional hours are not projected to increase over existing levels. As noted in Responses L-4-76 and L-4-83, emergency medical call volumes primarily would occur during non-instructional hours, coinciding with SDFD's historically reduced call volume period where calls rapidly decline by up to 50% or more between the hours of 8:00 pm and 9:00 am. (2011 Citygate Study, p. 59). The off-peak call volume increase attributable to the Proposed Project would be incremental, and based on the corresponding off-peak lower call volumes and reduced traffic, response times are anticipated to be faster than current responses. It also is noted that the on-campus Calpulli Center for medical treatment would remain available to both resident and non-resident students. Therefore, the Proposed Project is not expected to result in a significant increase in the number of emergency calls over existing call volumes.

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Comment L-4-85	Comments from The City of San Diego, 11/24/2010	Response
Although, emergency vehicles equipped with sirens, would aid in maneuvering through traffic, this project significantly increases the traffic on local roadways and such vehicles are not exempt from gridlock. Time response is affected. We will closely examine the project's proposed traffic mitigation.	The comment is noted. Additionally, the Draft EIR traffic impact analysis addressed the potential impacts of the Proposed Project relative to emergency vehicle access. The EIR notes that emergency vehicles have the right-of-way and, therefore, are able to bypass traffic when driving to their destination. (Draft EIR, p. 3.12-73.) Additionally, non-emergency vehicle drivers are required to pull to the right side of the road and stop to allow emergency vehicles to pass. If required, drivers of emergency vehicles are trained to utilize center turn lanes or to travel in opposing through lanes to pass through crowded intersections. The access entitled to emergency vehicles allows these vehicles to negotiate typical street conditions in urban areas such as the College Area. (Draft EIR, p. 3.12-73.) Additionally, the campus enrollment will not increase, although the number of students on campus during the nighttime (and weekend) hours will be higher than existing levels. Therefore, any increase in the number of calls and the subsequent need for emergency vehicle access will be associated primarily with off-peak hours when traffic is reduced.	
Comment L-4-86	Comments from The City of San Diego, 11/24/2010	Response
9. Page 3.11-51: A reduced fire flow by 25% is significant and has a large impact on Fire's ability to respond adequately during emergency. Include in your document how you plan to mitigate the inadequate water distribution infrastructure.	Mitigation Measure PSF-1, which includes the payment of fair-share capital facilities fees for improved water infrastructure in the College Area, would compensate for the inadequate water distribution facilities that exist in the Project area. Because the Proposed Project would not be the only user/beneficiary of new, upgraded/upsized water facilities, a fair share contribution is the most appropriate way to ensure that needed infrastructure is constructed in an equitable manner.	
Comment L-4-87	Comments from The City of San Diego, 11/24/2010	Response
10. Page 3.11.-66: There are no proposed mitigation measures for Fire Rescue in this document, to state that the impacts are at a level below significant. Include substantive mitigation measures that will ensure that the levels of service are not drastically decreased, as a result of the development. For example, modifications, additions to the current fire facilities may be required in order to provide adequate levels of service. This could be done through a service agreement and assessing fire fees to offset the additional impacts to the existing community.	The analysis of potential impacts relative to fire services presented in the Draft EIR determined that the Proposed Project would not result in potentially significant impacts and, therefore, no mitigation is required. As the analysis in the Draft EIR concludes, the Project would result in a limited increase in calls for fire services and, as such, would not result in "drastically decreased" levels of service as the comment contends.	

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Comment L-4-88	Comments from The City of San Diego, 11/24/2010	Response
Parks and Recreation – The proposed project could have an impact on facilities in the community. We defer to the Park Planning section of the Community Planning and Community Investment to address this issue. See the Park Planning comments below.	Draft EIR Section 3.11, Public Services and Utilities, analyzed the potential impacts of the Proposed Project on parks and recreational facilities at pages 3.11-10 to 3.11-15 and 3.11-42 to 3.11-43. The analysis determined that the Proposed Project would not result in potentially significant impacts. Subsequent comments relating to this subject are addressed in Response L-4-91.	
Comment L-4-89	Comments from The City of San Diego, 11/24/2010	Response
Transportation/Circulation and Parking – The Draft EIR states on page 3.12-24 that “the proposed project is not increasing the enrolled number of students or faculty, so no new “to/from” school trips would occur;” and implies that the project would eliminate trips. While students currently living in the vicinity of the college may move into housing provided by the Project, it is an unproven assumption that students living in other communities in San Diego would want to move to the new housing.	Please see Response L-4-50.	
Comment L-4-90	Comments from The City of San Diego, 11/24/2010	Response
Many of the intersection impacted serve the college community almost exclusively. Any improvements needed for these areas should be borne by the University. Rather than identify percentages of a variety of improvements necessary to mitigate the projects impacts, the Community would be better served to have the University do one improvement equal to the costs of the many improvements identified. We would defer to Transportation Planning on this as well. See Transportation Planning Comments below.	Preliminarily, College Avenue and Montezuma Road, and the corresponding intersections of these streets, serve both university and regional traffic; accordingly, the statement that the impacted intersections serve the college community “almost exclusively” is inaccurate. As to the statement that any necessary improvements should be borne by the University, the analysis presented in the Draft EIR calculated the Proposed Project's fair-share percentage of the identified improvement costs according to the formula commonly used by the City of San Diego. (Draft EIR, p. 3.12-82 to 3.12-84.) As to the statement that the community would be better served to have the University do one improvement equal to the costs of the many improvements identified, the comment is noted.	

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Comment L-4-91**Comments from The City of San Diego, 11/24/2010****Response**

Community Investment and Capital Investment Department, Park Planning, Jeff Harkness (619) 533-6595

The proposed increase in density from the current Community Plan designation of 75 units/acre to 83 units/acre, would affect 6 parcels that total approximately .64 acres. Doing our typical population-based park calculation for 5 units at a 2.33pph per SANDAG, SDSU would owe the City \$76,000 above the current DIF, for .03 acres of population-based park to address the project's increase in density.

As discussed in Response L-4-18, while a portion of the Proposed Project would exceed the allowable Community Plan density, the Proposed Project as a whole falls below the overall allowable density. Therefore, the premise of the comment is incorrect. Moreover, as discussed in Draft EIR Section 3.11, Public Services and Utilities, the Proposed Project would not result in potentially significant impacts to park and recreational facilities due in part to the Campus Green park space that would be developed as part of the project and, therefore, no mitigation is necessary. (See Draft EIR, pp. 3.11-10 to 3.11-15, 3.11-42 to 3.11-43.)

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Comment L-4-92	Comments from The City of San Diego, 11/24/2010	Response
<p data-bbox="52 300 976 365">The City of San Diego Environmental Services Department, Samantha Garcia (858) 627-3302</p> <p data-bbox="52 389 997 576">This document states the "existing on-campus solid waste diversion program" as a means of diverting at least 50% of on campus generated solid waste. However, no further information is provided as to how construction impacts will be mitigated. This should be provided demonstrating how this program will bring impacts of this project in both the construction and operation below a level of significance.</p>		<p data-bbox="1029 292 1953 633">Solid waste generated from construction and operation of the Proposed Project would be subject to the existing on-campus solid waste diversion program, which historically has been successful at diverting at least 50 percent of on-campus generated solid waste from a landfill to an appropriate recycling facility. (Draft EIR, p. 3.11-62.) SDSU employs several waste reduction and diversion programs, including a construction/demolition program applicable to all construction projects on campus, which diverts (or recycles) a variety of materials, including concrete, asphalt, wood, sheet rock, and metal from landfills to recycling facilities or other uses. Maintaining the existing diversion rate would ensure compliance with AB 75, which requires all large state facilities to divert at least 50 percent of solid waste from landfills.</p> <p data-bbox="1029 657 1942 1023">In addition, the Proposed Project would include recycling bins within the on-campus student housing and retail components of the Project. Recyclable materials would be transported to a certified recycling facility by a certified recyclable materials collector at least once per week. (Draft EIR, p. 3.11-62.) Mitigation measure PSF-3 requires that CSU/SDSU implement these existing and future programs by requiring that the University dispose of all recyclable demolition waste products at a construction waste recycling facility, and maintain an active recycling program to reduce solid waste generated by the Project. (Draft EIR, pp. 3.11-66 to 3.11-67.) It also is worth noting that in 2009, SDSU was recognized by the City's Environmental Services Department for its waste diversion and recycling efforts and was presented with the Director's Recycling Award.</p> <p data-bbox="1029 1047 1942 1258">Because the region's limited solid waste facilities constitute regional issues, each individual development or redevelopment project has limited ability to solve the issue. Cities, the County, and state agencies are expected to continue to promote waste diversion and disposal reduction measures that could extend the projected life of area landfills, as well as other methods such as landfill space management, exporting waste out of the County, and the construction of additional recycling facilities.</p>

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment L-4-93	Comments from The City of San Diego, 11/24/2010	Response
Section 3.11 Public Services and Utilities also states the Proposed Project would be served by a landfill with insufficient permitted capacity resulting in a potentially significant impact. No rationale is provided how this solid waste impact will also be brought to a level below significance as stated on page 3.11-62 of the document.	Please see Response L-4-92.	
Comment L-4-94	Comments from The City of San Diego, 11/24/2010	Response
<p>The City of San Diego Public Utilities Department, Water and Sewer Development Section, Mehdi Rastakhiz (619) 533-5155.</p> <p>The Water and Sewer Development Section of the Public Utilities Department (PUD) reviewed the draft environmental document referenced above and has the following comments:</p> <p>Sewer and water mains serving one entity/ownership will be converted to private per the City policy. Please revisit all proposed water and sewer facilities serving SDSU and make them private. Provide a copy of the revised SDSU's master plan indicating all private utilities and documentation of payment of all capacity fees. Pay all fees that outstanding.</p>	<p>CSU/SDSU acknowledges private ownership of the water and sewer facilities that would serve the Proposed Project up to the point of connection with City facilities. As to the remainder of the comment, the Draft EIR addresses the potential impacts to City water and sewer facilities that would result with implementation of the Proposed Project. (Draft EIR Section 3.11, Public Services and Utilities.) Potentially significant impacts have been identified and mitigation is provided requiring the University to pay applicable City of San Diego connection and fair-share capital facilities fees. (Draft EIR, p. 3.11-66.)</p>	
Comment L-4-95	Comments from The City of San Diego, 11/24/2010	Response
SDSU will be required to pay capacity fees associated with this expansion based upon the agreed number of Equivalent Dwelling Units (EDU's) being added.	Please see Response L-4-94.	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment L-4-96	Comments from The City of San Diego, 11/24/2010	Response
Section 3.11.5.9.1, Wastewater Generation		
<p>Connection to the existing 6-inch CP sewer mains located in Lindo Paseo and in the alley behind the proposed building to the east of College Avenue will not be allowed since the minimum pipe size is 8-inch, these pipes were installed in early 1930's and sized per the zoning of that time. Furthermore, there will most likely be a capacity problem associated with the additional flow.</p>		
		<p>The Draft EIR acknowledges the Proposed Project may result in potentially significant impacts relative to sewer capacity. In response, the Draft EIR includes mitigation measure PSF-2, which provides that prior to occupancy of the Plaza Linda Verde Project, CSU/SDSU shall pay applicable City of San Diego sewer infrastructure connection fees and applicable fair-share capital facilities fees consistent with Government Code section 54999.3, to the extent the payment of such fees is made necessary by the Proposed Project. (Draft EIR, p. 3.11-66.) The sewer infrastructure connection fees and applicable fair-share capital facilities fees cover the nondiscriminatory fees and costs of the physical facilities necessary to establish new or expand existing service and directly connect the Project to the service. (Gov. Code, §54999.1.) The payment of such fees would mitigate the Project's impacts relative to sewer infrastructure and no further mitigation on the part of the Project is necessary.</p>
		<p>Government Code section 54999.3 limits the fees public entities like CSU/SDSU may be charged to those nondiscriminatory fees necessary to defray the actual costs of serving the public entity:</p>
		<p>"the imposition of a capital facilities fee on . . . the California State University . . . shall be subject to the following: (a) Where necessary to defray the actual construction costs of that portion of a public utility facility actually serving a public agency . . . " (Gov. Code, §54999.3, subd. (a).)</p>
		<p>A "capital facilities fee" includes "a nondiscriminatory connection fee, a nondiscriminatory capacity charge, or both. 'Capital facilities fee' does not include any other rate, charge, or surcharge, or any capital component thereof." (Gov. Code, §54999.1, subd. (c)(1).) A "connection fee" includes a fee "to recover the costs of the physical facilities necessary to directly connect a public agency facility to a public utility service provided by a public agency, including, but not limited to, meters, meter boxes, and pipelines to make the connection, and the actual cost of labor and materials for the installation of those facilities." A "capacity charge" is a "one-time charge to recover the costs of public utility facilities necessary to establish new or expand existing public utility service to a public agency." (Gov. Code, §54999.1, subd. (d).) Additionally, CSU/SDSU is not required to pay an increased amount unless and until the City "produc[es] evidence to establish that the [increase in] capital facilities fee is nondiscriminatory and that the amount of the capital facilities fee does not exceed the amount necessary to provide capital</p>

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

facilities for which the fee is charged." (Gov. Code, §54999.3, subd. (c).)

With respect to the size of the existing sewer mains, the Final EIR includes mitigation measure PSF-4, which provides that during the final planning and design of each building to be constructed as part of the Plaza Linda Verde Project, CSU/SDSU shall prepare a site-specific sewer study to determine the on-site wastewater improvements necessary to support the intensification of land use consistent with applicable California Building Code standards; such improvements shall be incorporated into the final design plans. Accordingly, the Project will provide the necessary connections to the City's system consistent with applicable building code standards.

Comment L-4-97	Comments from The City of San Diego, 11/24/2010	Response
3.11.5.9.3, Sewer Capacity The analysis indicates what the pipe slopes should be in order for the pipe to flow half full, with a velocity of 2 feet per seconds, please use the actual existing pipe slope with the current and proposed flows to find the capacity and the velocity of the existing pipe.	In preparing Draft EIR Section 3.11, Public Services and Utilities, CSU/SDSU consultants calculated a worse-case scenario, which assumes that sewer infrastructure located in Lindo Paseo, Montezuma Place, the east-west alley between Lindo Paseo and Montezuma Road, and the north-south alley east of College Avenue, is operating at capacity and that the wastewater generated by the Proposed Project likely would exceed the capacity of existing sewer mains. (See Draft EIR, p. 3.11-53). As a result, the Draft EIR includes Mitigation Measure PSF-2, which requires that prior to Project occupancy, the University is to pay the applicable City of San Diego sewer infrastructure connection fees and applicable fair-share capital facilities fees consistent with Government Code section 54999.3, to the extent the payment of such fees is made necessary by the Proposed Project. (Draft EIR, p. 3.11-66.)	
Comment L-4-98	Comments from The City of San Diego, 11/24/2010	Response
3.11.5.9.3, Sewer Capacity It is unclear if the entire additional 73,200 gallons of wastewater generated per day is going into one segment of the pipe or will it be coming from two directions. In any event, that combined with the existing flow will most likely exceed the capacity of the pipe. Please indicate how you plan to resolve this problem.	Please see Response L-4-97. The exact amount of wastewater flows that would be generated by the Proposed Project, including the specifics of flow distribution, will be determined during final project design and engineering.	

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Comment	Comments from The City of San Diego, 11/24/2010	Response
Comment L-4-99		
This document is very general and does not indicate where the proposed sewer laterals connect. A sewer study shall be submitted to ensure that the existing and/or proposed facilities can service the needs of the project.	CSU/SDSU contracted with P2S Engineering, Inc., in February 2009 to prepare a preliminary utility study for the Proposed Project, which outlines the condition of the existing sewer infrastructure. (See Draft EIR Section 8.0, References, p. 8.0-14, P2S Engineering, Plaza Linda Verde Complex Utility Study (February 2009).) During final planning and design of each building, a site-specific sewer study would be conducted to determine the on-site wastewater improvements needed to support the intensification of land use. In response to the comment, the following mitigation measure is included in the Final EIR: PSF-4: During final planning and design of each building to be constructed as part of the Plaza Linda Verde project, CSU/SDSU shall prepare a site-specific sewer study to determine the on-site wastewater improvements necessary to support the intensification of land use consistent with applicable California Building Code standards; and such improvements shall be incorporated into the final design plans.	
Comment L-4-100		
All proposed public water and sewer facilities shall be designed and constructed in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide and City regulations, standards and practices.	The proposed public water and sewer facilities will be designed and constructed in accordance with California Building Code standards.	
Comment L-4-101		
Please change all reference to the departments in charge from the Metropolitan Wastewater Department or Water Department to the Public Utilities Department (PUD) since the two departments have been merged.	The comment is noted. The Final EIR contains the relevant revisions.	
Comment L-4-102		
No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main.	The comment is noted. Please see Response L-4-100 regarding compliance with applicable standards.	

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Comment L-4-103	Comments from The City of San Diego, 11/24/2010	Response
Engineering and Capital Project Department, Traffic Section, Farah Mahzari (619) 533-3836		Draft EIR Section 3.12, Transportation/Circulation and Parking, analyzed the potential impacts of the Proposed Project on the area roadway system. The analysis identified significant impacts and the EIR includes recommended improvements that, if implemented, would mitigate the identified impacts to a level below significant. (See, e.g., Draft EIR, pp. 3.12-84 to 3.12-88.) Specific to College Avenue, the recommended mitigation improvements would provide for re-striping portions of College Avenue to provide additional lanes/capacity, and widening other portions where re-striping is not sufficient. (See Draft EIR, Mitigation Measures TCP-1 through TCP-4, and TCP-8.) Based on the analysis presented in the Draft EIR, it is not necessary to improve College Avenue to a 6-lane Major from Montezuma Road to Interstate-8 in order to mitigate the impacts of the Proposed Project. As to the comment that the Proposed Project should dedicate additional right-of-way and make the necessary improvements, consistent with the requirements of CEQA, the EIR mitigation measures require that CSU/SDSU contribute its fair-share towards the cost of implementing the recommended improvements. See Response L-4-22.
The Engineering & Capital Projects has reviewed the Plaza Linda Verde Draft EIR consisting of four ground floor retail and upper-floor residential buildings located south of Hardy Avenue, north of Montezuma Road, and west and east of College Avenue. Collectively, the four buildings would contain approximately 294 apartments to house approximately 1,216 students, and approximately 90,000 gross square feet (or approximately 77,000 square feet of rentable retail space) of university/community-serving retail; and has the following comments:		
1. College Avenue is classified as a 6 lane major from Montezuma Road to I-8. Project should dedicate additional right of way and make the necessary improvements in order to comply with the community plan. The proposed project has significant impact at the following segments:		
a. College Ave from Canyon Crest Dr. to Zura Way		
b. College Ave from Zura Way to Montezuma Road		
c. College Ave from Montezuma Road to El Cajon Blvd		

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Comment L-4-104	Comments from The City of San Diego, 11/24/2010	Response
<p>2. Montezuma Road is classified as a 4 lane major street. Project should dedicate additional right of way to make necessary improvements in order to comply with the community plan. The proposed project has significant impact at the following segment:</p> <p>a. Montezuma Road from 55th to College Avenue</p>		<p>As noted in Response L-4-103, Draft EIR Section 3.12, Transportation/Circulation and Parking, analyzed the potential impacts of the Proposed Project on the area roadway system. The analysis identified significant impacts and the EIR includes recommended improvements that, if implemented, would mitigate the identified impacts to a level below significant. (See, e.g., Draft EIR, pp. 3.12-84 to 3.12-88.) Specific to Montezuma Road, the recommended mitigation improvement for the segment of Montezuma between 55th Street and College Avenue is the installation of a raised median, which will provide the additional daily capacity on Montezuma Road to mitigate the project's contribution in daily vehicle traffic. (See Draft EIR, Mitigation Measure TCP-5.) Based on the analysis presented in the Draft EIR, it is not necessary to improve Montezuma Road to a 4-lane Major Street in order to mitigate the impacts of the Proposed Project. As to the comment that the Proposed Project should dedicate additional right-of-way to make the necessary improvements, consistent with the requirements of CEQA, the EIR mitigation measures require that CSU/SDSU contribute its fair-share towards the cost of implementing the recommended improvements. See Response L-4-22.</p>
Comment L-4-105	Comments from The City of San Diego, 11/24/2010	Response
<p>3. The following intersections operate at LOS F in the Long Term (2030) Peak Hour Intersection Operations and are in the community plan as locations which need Street and/or signal improvements.</p> <p>a. 55th Street and Montezuma Road b. College Avenue and Montezuma Road f. Campanile Drive and Montezuma Road h. College Avenue and I-8 Eastbound Off Ramp i. College Avenue and San Diego State University parking access</p> <p>Please provide appropriate mitigation to comply with the community plan.</p>		<p>As noted in Responses L-4-103 and L-4-104, Draft EIR Section 3.12, Transportation/Circulation and Parking, analyzed the potential impacts of the Proposed Project on the area roadway system. The analysis identified significant impacts and the EIR includes recommended improvements that, if implemented, would mitigate the identified impacts to a level below significant. (See, e.g., Draft EIR, pp. 3.12-84 to 3.12-88.) Specific to the intersections referenced in the comment, the recommended mitigation includes street and/or signal improvements, as referenced. (See Draft EIR, Mitigation Measures TCP-6, TCP-3, TCP-7, TCP-1, and TCP-2.)</p>

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Comment L-4-106	Comments from The City of San Diego, 11/24/2010	Response
4. Intersection of College Ave and Montezuma Road should be widened to accommodate appropriate turn lanes and the existing signal should be modified.	The Draft EIR impacts analysis determined that the Proposed Project would result in a significant impact at the intersection of College Avenue and Montezuma Road and recommends that CSU/SDSU pay its fair-share of the costs to widen the intersection to provide an additional (second) left-turn lane on the southbound and westbound approaches to the intersection. (Mitigation Measure TCP-3; see also TCP-8.) If implemented, the recommended improvements would mitigate the identified impacts to a level below significant. (See, e.g., Draft EIR, pp. 3.12-84 to 3.12-88.) Based on the analysis presented in the Draft EIR, no further improvements are necessary to mitigate the impacts of the Proposed Project.	
Comment L-4-107	Comments from The City of San Diego, 11/24/2010	Response
5. Provide Class II bike lane along College Avenue.	The Proposed Project includes sufficient right-of-way on College Avenue for the ultimate development of Class II bicycle lanes in the areas fronting the Project. Specifically, Buildings 1, 2, 4, and 5 have been designed to provide adequate setback to facilitate the placement of Class II bicycle lanes within the College Avenue right-of-way. (Draft EIR, p. 3.12-70.)	
Comment L-4-108	Comments from The City of San Diego, 11/24/2010	Response
Please contact the appropriate above-named individuals if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in a revised EIR.	The comment is noted and responses to each of the comments will be included in the Final EIR prepared for the project.	
Comment L-5-1	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
Please accept this letter in response to San Diego State University's (SDSU) release of the September 27, 2010 Draft Environmental Impact Report (Draft EIR) for the proposed Plaza Linda Verde Project (SDSU Project). This letter is submitted by the Redevelopment Agency of the City of San Diego (Redevelopment Agency) in accordance with the California Environmental Quality Act ("CEQA", set forth at California Public Resources Code §§ 21000 et seq.) and CEQA's implementing state guidelines ("CEQA Guidelines", set forth at California Code of Regulations, Title 14, §§ 15000 et seq.).	This comment is an introduction to comments that follow. As the comment does not raise an environmental issue within the meaning of CEQA, no further response is required.	

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Comment L-5-2	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>The Redevelopment Agency submitted to SDSU a written response dated February 13, 2009 to the Notice of Preparation (NOP) of the Draft EIR and Initial Study for the proposed SDSU Project. Because the Draft EIR fails to adequately address and respond to the comments raised by the Redevelopment Agency in its response to the NOP, the Redevelopment Agency hereby incorporates by reference its written response to the NOP dated February 13, 2009 and hereby reasserts herein all such comments as comments to the Draft EIR. In addition to those previously stated comments, the Redevelopment Agency herein supplements its comments to the Draft EIR.</p>		<p>The comment refers to and incorporates by reference the Redevelopment Agency's February 13, 2009 letter, which was submitted in response to the Notice of Preparation (NOP) for the Proposed Project, and contends that the Draft EIR fails to adequately address and respond to the issues raised in that letter. However, the referenced letter, which is located in Appendix 1.0 of the Draft EIR, was considered by CSU/SDSU in preparing the Draft EIR. For example, in its February 13, 2009 letter, the Redevelopment Agency requested that the Draft EIR include as part of the alternative analysis: (1) a project that would be carried out by the Redevelopment Agency in conjunction with the private sector; (2) a project that would be consistent with the policies and objectives of specified planning documents; and, (3) a project that would not extend the campus boundaries into the Redevelopment Project Area. CSU/SDSU considered each of the alternatives identified by the Redevelopment Agency in Section 5.4, City of San Diego Redevelopment Agency Alternatives, of the Draft EIR. As the comment does not identify any specific aspect of the February 13, 2009 comment letter that were inadequately addressed, no more specific of a response can be provided.</p>

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Comment L-5-3

Comments from The City of San Diego, Redevelopment Agency, 11/24/2010

Response

The Redevelopment Agency also notes that while the CSU Board of Trustee may have authority over the use of state properties and development of associated facilities, the Trustees may not take actions that are inconsistent with other laws of the state (See, Cal. Education Code § 89030). The public purpose of the Redevelopment Plan adopted pursuant to the State of California Health and Safety Code, is entirely undermined by the proposed SDSU Project for the reasons stated herein.

Although the comment acknowledges that CSU has authority over state property, and the development of associated facilities, the comment incorrectly argues that the 1993 College Community Redevelopment Plan is "entirely undermined" by the Proposed Project. Although this issue is discussed in further responses below, preliminarily, it bears noting that the Redevelopment Plan:

"[W]as adopted to eliminate blight, and facilitate revitalization and upgrading of residential, commercial, office, and public properties and facilities within and surrounding the Project area. The Redevelopment Plan [also] is intended to provide additional student housing directly adjacent to the SDSU campus in order to reduce traffic and parking problems created by commuting students. Further, the increased student housing would help reduce the number of students now housed in the surrounding neighborhoods that are poorly suited for such purpose."

(Draft EIR, p. 3.7-13.) The Proposed Project would accomplish the very same primary objectives of the Redevelopment Plan; namely, the Project would eliminate blight and deterioration of the Project development parcels and would increase the availability of student housing in the immediate vicinity of the central SDSU campus. (See also id. at pp. 3.7-32 to -40.) Accordingly, it is disingenuous to state that the Redevelopment Plan is "entirely undermined" when the Proposed Project is consistent with the Plan's general objectives.

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Comment L-5-4	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
As noted in the Draft EIR, the proposed SDSU Project is located south of SDSU'S existing campus and within the College Community Redevelopment Project Area (Project Area). As such, the Redevelopment Agency has significant interests in the details of the proposed SDSU Project, the contents of the Draft EIR including its Appendices, and the potential impacts of the proposed SDSU Project on both the resulting affordable housing obligations imposed on the Redevelopment Agency and the Redevelopment Agency's goals and objectives for implementing the Redevelopment Plan and current Five-Year Implementation Plan for the Project Area. Accordingly, the Draft EIR should take into account the impacts from additional affordable housing and the prospective plans of the Redevelopment Agency for development in the area surrounding the proposed SDSU Project, as detailed in the Redevelopment Plan and the current Five - Year Implementation Plan for the Project Area.	CSU/SDSU acknowledges and appreciates the Redevelopment Agency's role in revitalizing the College Community. Accordingly, the Redevelopment Agency's "prospective plans" are disclosed and assessed in Section 3.7, Land Use and Planning, of the Draft EIR. As discussed on pages 3.7-32 to -40 of the Draft EIR, the Proposed Project is consistent with those plans. For information responsive to the comment's discussion of the "resulting affordable housing obligations imposed on the Redevelopment Agency" as a result of the Proposed Project, please see Responses L-5-14 through L-5-18 below. As discussed in those responses, the Proposed Project would not require the Redevelopment Agency to plan for or construct additional affordable housing. As to the Agency's prospective plans for development in the area, all reasonably, foreseeable development projects, both near-term and long-term, were considered as part of the cumulative impacts analysis presented in the Draft EIR. See Response L-5-21.	

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Comment L-5-5

Comments from The City of San Diego, Redevelopment Agency, 11/24/2010

Response

As a preliminary comment, the Draft EIR, on Page 1.0-56, asserts that because SDSU is a state agency, SDSU is not subject to the Redevelopment Plan for the Project Area and thus, the Redevelopment Agency does not have review and approval authority over the Project. The Redevelopment Agency disagrees with the basic premise of such assertion. Specifically, like CSU/SDSU, the Redevelopment Agency is a state based entity established and governed by state law. The authority under which a redevelopment agency functions and operates is granted by the Community Redevelopment Law of the State of California set forth at California Health and Safety Code §§ 33000 et seq. (Redevelopment Law). As such, a redevelopment agency is a creature of state statute and direct or implied authority for its actions is provided by the Redevelopment Law. See *Andrews v. City of San Bernardino*, 175 Cal. App. 2d 459 (1959). Moreover, a redevelopment agency is an "agency of the state for the local performance of governmental or proprietary function within limited boundaries." *Kehoe v. City of Berkeley*, 67 Cal. App. 3d 666 (1977).

In light of the above, the assertion made by SDSU in the Draft EIR that the powers of the Redevelopment Agency are less authoritative or inferior to the powers of CSU/SDSU as a state agency is unfounded and lacks merit.

Although the comment "disagrees with the basic premise" of the Draft EIR that the Proposed Project is not subject to the Redevelopment Plan, as a state agency, CSU is not subject to zoning laws and other local land use regulations. (See, e.g., *Regents of Univ. of Cal. v. City of Santa Monica* (1978) 77 Cal.App.3d 130, 136-137 [finding that a city's construction permit fee ordinances had no application to a work of construction undertaken by the state university]; see also *Hall v. City of Taft* (1956) 47 Cal.2d 177, 183 ["When [the state] engages in such sovereign activities as the construction and maintenance of its buildings, as differentiated from enacting laws for the conduct of the public at large, it is not subject to local regulations unless the Constitution says it is or the Legislature has consented to such regulation."]; *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240, 244.) Specifically, by way of sovereign immunity, CSU is immune from local regulations unless the State, through statute or provision of the California Constitution, has consented to waive such immunity. (*Laidlaw Waste Systems, Inc. v. Bay Cities Services, Inc.* (1996) 43 Cal.App.4th 630, 635, 638-639 ["The sovereign immunity of a state agency from local regulation ... depends upon whether consent to regulation has been expressly stated by the Legislature or in the state Constitution."].)

Further, as to the comment's suggestion that the Redevelopment Agency essentially is on par with CSU, the Community Redevelopment Law states that a redevelopment agency is "a public body, corporate and politic" and may be created by any local city or county through the adoption of an ordinance. (Health & Saf. Code, §§33100, 33101.) The Community Redevelopment Law does not refer to a redevelopment agency as a "state agency." As a body politic, each redevelopment agency "exercises governmental functions and has the powers prescribed" by the statute. (Id. at §§33100, 33122.) Thus, a redevelopment agency is a creature of statute with a local origin, and direct or implied authority for its actions must be found within the Community Redevelopment Law. (*Andrews v. City of San Bernardino* (1959) 175 Cal.App.2d 459, 462 [redevelopment agency does not function independently of state law and may not exercise powers not vested or recognized by that law].)

In *Kehoe v. City of Berkeley* (1977) 67 Cal.App.3d 666, the court found the limited jurisdiction of a redevelopment agency dispositive in ruling that the Berkeley Redevelopment Agency is a local agency within the meaning of

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Government Code section 53090. (See also Health & Saf. Code, §33120.) The issue in Kehoe was whether the redevelopment agency was required to comply with local city ordinances applicable to the redevelopment project area. Government Code sections 53090 through 53094 create a statutory exception to the rule that state agencies are to be regulated only by the state. Under these sections, "all local agencies are required to comply" with all applicable city or county building and zoning ordinances. Section 53090 defines "local agency" as "an agency of the state for the local performance of governmental or proprietary function within limited boundaries." The court provided the following explanation in support of its ruling:

"It has been suggested that 'as a general proposition, any district, agency, or authority created or authorized by state law and exercising governmental functions within limited territorial boundaries ... is an agency of the State for the local operation of some governmental function,' and hence should be deemed a local agency within the purview of Government Code section 53090. [Citation.] A community redevelopment agency such as respondent clearly falls within this definition. [Citations.] We conclude that the Agency is a local agency within the meaning of Government Code section 53090. Therefore, it must comply with all applicable building and zoning ordinances of the City of Berkeley."

(Kehoe, 67 Cal.App.3d at p. 673; see also Lynch v. San Francisco Housing Authority (1997) 55 Cal.App.4th 527, 534 ["[l]abeling an entity as a 'state agency' in one context does not compel treatment of that entity as a 'state agency' in all contexts"]; Torres v. Bd. of Comrs. (1979) 89 Cal.App.3d 545, 550 ["housing authority is local in scope and character, restricted geographically in its area of operation, and does not have statewide power or jurisdiction even though it is created by, and is an agent of, the state"]; City of Malibu v. Santa Monica Mountains Conservancy (2002) 98 Cal.App.4th 1379, 1384.) (Footnote: While some of the cited cases do not address redevelopment agencies, housing authorities are created pursuant to provisions of the California Health & Safety Code that are comparable to those for redevelopment agencies. In addition, redevelopment agencies and housing authorities both are identified as public bodies, corporate and politic, which lends support that case law regarding each is analogous. (See Andrews v. City of San Bernardino, 175 Cal.App.2d at p. 462 ["As a consequence, when operating pursuant to the Community Redevelopment Law, the same rules apply as with respect to the Housing Authority Law wherein it has been held that the city and Housing Authorities function as administrative arms of the state because they pursue a state concern and

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effectuate a state legislative objective."].))

In short, the Redevelopment Agency's powers are not co-extensive with those of CSU, and, pursuant to well-established legal principles, CSU is not required to surrender its sovereign immunity and subject its projects to the review and approval/disapproval of a locally created redevelopment agency.

It also bears mentioning that pursuant to the Settlement Agreement and Mutual Releases, entered into effective October 12, 2009, the Redevelopment Agency released CSU from any claims that CSU/SDSU-sponsored projects must comply with Redevelopment Agency planning documents and/or obtain Redevelopment Agency approval. A copy of the Settlement Agreement and Mutual Releases is included in Appendix F3.7 of the Final EIR.

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Comment L-5-6	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>Section 15362 of the CEQA Guidelines states that an EIR "means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects." The Draft EIR is required to include an analysis of all subjects set forth in CEQA Guidelines §§ 15122 through 15131 and CEQA § 21100. Specifically, the Draft EIR shall include a sufficiently detailed analysis of the following subjects, among others, (1) the proposed project and its consequences; (2) the proposed project's location and a description of the regional and local environmental setting; (3) inconsistencies between the proposed project and applicable general and/or regional plans (which includes the Redevelopment Plan for the Project Area); (4) a description of the significant environmental effects of the proposed project and an explanation of those effects that can be mitigated; (5) a statement of the proposed mitigation measures; (6) an analysis of a range of reasonable alternatives to the proposed project (including a no project alternative); (7) an analysis of the proposed project's growth-inducing impacts (such as the increase in affordable housing and impacts associated therewith); (8) a statement explaining why any impacts are identified as insignificant; and (9) an analysis of cumulative impacts (such as the impacts associated with the increase in affordable housing and any impacts in conjunction with development goals set forth in the Redevelopment Plan for the Project Area).</p> <p>"A legally adequate EIR . . . must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." <i>Kings County Farm Bureau v. City of Hanford</i>, 221 Cal. App. 3d 692, 733 (1990).</p>	<p>The comment does not raise an issue regarding the adequacy of the analysis provided in the Draft EIR; instead, the comment provides a brief recitation of the contents of EIRs, as outlined in sections 15120 through 15132 of the CEQA Guidelines and serves as an introduction to comments that follow. As such, no further response is required. For example, for information regarding the Proposed Project's effect on the Redevelopment Agency's affordable housing obligations, please see Responses L-5-14 through L-5-18 below. As discussed in those responses, the Proposed Project would not require the Redevelopment Agency to plan for or construct additional affordable housing; therefore, in this respect and contrary to the comment's suggestion, the Project would neither be growth inducing nor result in cumulative impacts.</p>	
Comment L-5-7	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>For the reasons set forth herein, the Draft EIR fails to provide a sufficiently detailed analysis of the above referenced subjects required by CEQA and CEQA Guidelines and is therefore legally inadequate.</p>	<p>This comment is an introduction to comments that follow. As such, no further response is required.</p>	

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Comment L-5-8

Comments from The City of San Diego, Redevelopment Agency, 11/24/2010

Response

(1) The Draft EIR fails to adequately describe the project as required by CEQA § 21100 and CEQA Guidelines § 15124.

"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, 71 Cal. App. 3rd 185, 193 (1977). "A curtailed or distorted project description may stultify the objectives of the reporting process... Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." County of Inyo, supra, 71 Cal. App. 3rd at pp. 192-193.

The goals and objectives of the SDSU Project as described in the Draft EIR, on Page 1.0- 16, fail to identify how the proposed campus boundary expansion relates to the stated goals and objectives. Yet, the proposed campus boundary expansion appears to be an integral part of the SDSU Project. Further, the Draft EIR notes on Page 1.0-22 that the newly proposed campus boundary is intended to "provide for the physical requirements of the campus to accommodate... approved educational programs and auxiliary activities supporting the academic mission of the university" (the phrase shown in italics above is in quotation marks in the draft EIR, yet no reference for source document is identified. Further the statement is not noted under the Project Goals and Objectives heading, page 1.0-16). The draft EIR does not define "approved educational programs and auxiliary activities" further nor are these concepts discussed in the goals and objectives of the SDSU Project Draft EIR. The reader is therefore required to guess at their meaning.

"A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary." CEQA Guidelines § 15124(b). Moreover, the identification of clear project objectives is integral to the CEQA process as the project alternatives analysis relies on whether the project objectives can be generally met. "An EIR shall 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."

Although the comment states that the Draft EIR does not explain how the goals and objectives of the Proposed Project relate to the proposed Campus Master Plan boundary expansion, as noted in Section 1.4, Project Goals and Objectives, "the overall goal of the Proposed Project is the removal of existing substandard and deteriorated properties, and the subsequent development of high density housing with commercial/retail uses to serve the university and community." (Draft EIR, p. 1.0-16.) Specific goals and objectives include eliminating further deterioration in the area of the Proposed Project, and improving the existing architecture, landscape, and urban design within the Project site. (Ibid.) These goals and objectives would not be fully realized absent the Campus Master Plan boundary expansion.

To further clarify the relationship of the boundary expansion to the Proposed Project, the Final EIR includes, in Section 1.4, an additional goal/objective to facilitate comprehensive long-range planning for the campus. This goal/objective is consistent with the Draft EIR goals and objectives, and specific to that portion of the boundary expansion not proposed for development as part of the Proposed Project, and was inadvertently omitted from the Draft EIR.

As for the Draft EIR's discussion of the need to "to accommodate . . . approved educational programs and auxiliary activities" supporting the academic mission of CSU/SDSU (Draft EIR, p. 1.0-22), the quoted text is based on the State University Administrative Manual, Capital Planning, Design and Construction, Section II, §9007. Specifically, Section 9007 provides:

"The Board requires that every campus have a master plan, showing existing and anticipated facilities necessary to accommodate a specified enrollment at an estimated target date, in accordance with approved educational policies and objectives. Each campus master plan reflects the ultimate physical requirements of academic programs and auxiliary activities."

Auxiliary activities are provided by auxiliary organizations, which are non-profit organizations organized by the respective campus as separate legal entities under parameters outlined in the California Education Code. (See Ed. Code, §89900 et seq.; see also Cal. Code Reg., tit. 5, §42400 et seq.) These organizations operate in association with the campuses pursuant to special

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CEQA Guidelines § 15126.6(a). Thus, compatibility with project objectives is one of the criteria for selecting a reasonable range of project alternatives and clear project objectives simplify the selection process by providing a standard against which to measure possible alternatives. Because the project description in the Draft EIR is insufficient in connection with the proposed campus boundary expansion, the alternatives analysis set forth in the Draft EIR is likewise insufficient and therefore cannot be justifiably relied on.

written agreements and are chartered solely for the purpose of performing functions that contribute to the educational mission of CSU.

More specifically, pursuant to Section 42401 of Title 5 of the California Code of Regulations:

"Auxiliary organization activities are essential to the educational program of a campus, including service functions, and are an integral part of the campus program and shall be so operated. The objectives of the auxiliary organizations are as follows:

- (a) To provide for student self-government, and
- (b) To provide the fiscal means and the management procedures that allow the campus to carry on activities providing those instructional and service aids not normally furnished by the State budget, and
- (c) To provide effective operation and to eliminate the undue difficulty which would otherwise arise under the usual governmental budgetary, purchasing, and other fiscal controls, and
- (d) To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the campus in accordance with sound business practices."

As described in Section 1.0, Project Description, existing examples of auxiliary uses include sporting and entertainment venues, as well as various parking lots. (Draft EIR, p. 1.0-8.) Other examples of auxiliary uses include student body organization programs; bookstores and food services; housing; student union programs; instructional-related programs, including athletics, radio and television stations, and newspapers; public relations; and, acquisition, development, sale and transfer of real and personal property. (See Cal. Code Regs., tit. 5, §42500.) For more information on auxiliary organizations, including a list of CSU/SDSU auxiliary organizations, please refer to the website of the California State University Auxiliary Organizations Association: <http://www.csuaoa.org>.

The proposed campus boundary expansion also would accommodate approved educational programs, or programs approved by CSU/SDSU in furtherance of the agency's academic mission.

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Contrary to the comment's suggestion, the alternatives analysis provided in Section 5.0 of the Draft EIR is not inadequate. The response provided herein offers clarifying information as to the analysis presented in the Draft EIR in response to the comment; however, the responsive information does not evidence or support a claim of CEQA inadequacy.

Comment L-5-9	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>(2) The Draft EIR fails to adequately describe the inconsistencies between the project and the applicable plans as required by CEQA § 21100 and CEQA Guidelines § 15125.</p> <p>"Knowledge of the regional setting is critical to the assessment of environmental impacts The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." CEQA Guidelines § 15125(c). Further, "[T]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." CEQA Guidelines § 15125(d), CEQA § 21100(e) provides that "[P]reviously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis."</p> <p>The Draft EIR fails to analyze how the proposed SDSU Project results in piecemeal development and eliminates the prospect for implementation of a sizable mixed-use redevelopment project and other projects within the Core Sub-Area of the Project Area, as envisioned in the Redevelopment Plan and implementing documents (see, the Master Project Plan and the Core Sub-Area Design Plan) for the Project Area.</p>	<p>The comment incorrectly states that the Proposed Project would result in piecemeal development and eliminate the potential for a "sizable mixed-use redevelopment project and other projects . . . as envisioned in the Redevelopment Plan."</p> <p>First, the Proposed Project would not result in piecemeal development. The area contemplated for development is immediately adjacent to existing campus facilities and represents a logical extension of campus growth. To the extent that the comment suggests that the entirety of the Core Subarea must be redeveloped as one development project, such a development strategy is not required by CEQA.</p> <p>Second, in addition to the comment's failure to provide a metric by which to assess whether a project is "sizable," suffice it to say that the Proposed Project is a mixed-use redevelopment project and is not unsubstantial in character. As discussed in Section 1.0, the Proposed Project includes four ground-floor retail and upper-floor student housing buildings; two student housing buildings; one parking structure; a campus park; and, two pedestrian malls.</p> <p>Third, the Proposed Project does not impair the Redevelopment Agency's ability or authority to proceed with "other projects" envisioned in the Redevelopment Plan and related documents. As illustrated in Figure 1.0-7 of the Draft EIR, the Project proposes to develop 24 parcels within the Core Subarea. The Redevelopment Agency's ability to redevelop other parcels not owned by CSU/SDSU within the Core Subarea is not limited by this Project.</p> <p>Fourth and finally, as mentioned in Response L-5-5, pursuant to the Settlement Agreement and Mutual Releases, entered into effective October 12, 2009, the Redevelopment Agency released CSU from any claims that CSU/SDSU-sponsored projects must comply with Redevelopment Agency planning documents and/or obtain Redevelopment Agency approval.</p>	

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Comment L-5-10	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>The Draft EIR further fails to analyze how the SDSU Project precludes implementation of the local and regional plans' goal for circulation and traffic solutions to be developed in a comprehensive manner and impedes the much more efficient use of limited space which is only achievable through master planning efforts.</p>		<p>Preliminarily, as noted in Response L-5-5, CSU/SDSU, as a state agency, is not subject to local and regional planning. Notwithstanding, for information purposes, Draft EIR Section 3.7, Land Use and Planning, analyzed the Proposed Project's consistency with the following documents: (1) City of San Diego General Plan; (2) College Area Community Plan; (3) City of San Diego Land Development Code; (4) City of San Diego Transit-Oriented Development Design Guidelines; (5) College Community Redevelopment Plan; (6) College Community Redevelopment Project - Master Plan Project; (7) College Community Redevelopment Project - Core Subarea Design Manual; (8) College Community Redevelopment Project Area - Third Five-Year Implementation Plan; (9) College Area - Public Facilities Financing Plan; and, (10) City of San Diego Bicycle Plan. As to transportation and circulation, the Proposed Project is a pedestrian friendly infill development that would be located adjacent to the SDSU Transit Center that would provide additional on-campus student housing, thereby eliminating the need for those students to drive to campus. (Draft EIR p. 3.12-24.) In fact, SANDAG "commends SDSU for its efforts in developing smart growth, walkable, and transit-supportive development." (See SANDAG Comment Letter, November 10, 2010, Comment R-1-3.)</p>

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Comment L-5-11	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>Moreover, the Draft EIR relies on the analysis and conclusions of the Environmental Impact Report (Footnote) (Redevelopment Plan EIR) approved by the Redevelopment Agency and the City of San Diego in connection with the adoption of the Redevelopment Plan for the Project Area, while the proposed SDSU Project will entirely obliterate implementation of the goals and objectives of the Redevelopment Plan. Specifically, SDSU, presumably in its frail attempt to rely on the Redevelopment EIR for its environmental analysis, contends throughout the Draft EIR that the proposed SDSU Project is consistent with the Redevelopment Plan. This contention is wholly unfounded and lacks any merit.</p>	<p>With respect to the comment that the "analysis and conclusions" presented in the Draft EIR rely on the College Community Redevelopment Project Final Program Environmental Impact Report (Redevelopment EIR; State Clearinghouse No. 92091036; July 1993), to the extent the Plaza Linda Verde Draft EIR utilized the Redevelopment EIR as an information source, the comment is correct. For example, the analysis presented in Section 3.12, Transportation/Circulation and Parking, considered the Redevelopment EIR when selecting the trip generation rates for the various Project components, and utilized the rates presented in the Redevelopment EIR as those rates resulted in the most conservative analysis. (See Draft EIR Section 3.12.5.3, Trip Generation.) The Section 3.12 analysis also considered the Redevelopment EIR's student housing and retail parking ratios. (See Draft EIR Section 3.12.5.10.2, Residential Parking Demand, and Section 3.12.5.10.3, Retail Parking Demand.) Finally, the Section 3.12 analysis considered the Redevelopment EIR in connection with establishing the appropriate mode split assumption for transit-related uses. (See Draft EIR, p. 3.12-67.)</p>	<p>With respect to the Proposed Project's consistency with the Redevelopment Plan, Draft EIR Section 3.7, addressed the Proposed Project's consistency with several redevelopment plan-related documents and determined that the Proposed Project would be consistent with the overall objectives of the Plan. (Draft EIR, pp. 3.7-32 to 3.7-40.) The objectives of the redevelopment program focus on developing an urban village adjacent to SDSU that would provide housing for students in order to minimize student dispersal into established family neighborhoods, create a mixed-use activity center, and develop a strong pedestrian character within the Core Subarea so that walking, biking, and the use of transit is encouraged. (Draft EIR, p. 3.7-35.) The Proposed Plaza Linda Verde Project contains all of these features and, therefore, would accomplish the overall goals of the Plan.</p>
<p>Footnote: College Community Redevelopment Project Final Program Environmental Impact Report, SCH #92091036 - July 1993</p>	<p>The Draft EIR has complied with CEQA's requirements relative to the assessment of land use plan inconsistencies. Specifically, pursuant to CEQA Guidelines section 15125, subdivision (d), an EIR must "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans." (Note: As discussed in Response L-5-5, as a state agency, CSU/SDSU is not subject to the regulatory authority of the Redevelopment Agency. Therefore, a consistency analysis is not even</p>	

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required in the first instance by CEQA Guidelines section 15125, which is limited to "applicable" plans. (See, e.g., *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 543 [EIR on project that would be annexed into city was not legally inadequate on ground that it did not discuss potential inconsistencies with county general plan].) As stated in a recognized CEQA treatise:

"Neither CEQA nor the Guidelines set forth any standard for determining when a project is inconsistent with an applicable plan, but the final determination that a project is consistent with an applicable plan should be made by the agency responsible for approving the project. ...

Strict consistency with all aspects of a plan is not usually required. For example, a proposed project should be considered to be consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. . . . Generally, given that land use plans reflect a range of competing interests, a project must be consistent with the plan overall. *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 CA4th 807, 815, 65 CR3d 251 (upholding overall consistency finding even though project deviated from some particular planning provisions)."

(1 Kostka & Zischke, *Practice Under The California Environmental Quality Act* (2d ed. 2010), §12.33, p. 610.) Relatedly, an inconsistency between a proposed project and an applicable plan is a legal determination, and does not necessarily correlate to a physical impact on the environment absent evidence that the inconsistency demonstrates environmental harm resulting from the project. As discussed in Response L-5-3 and at length in Section 3.7, Land Use and Planning, the consistency of the Proposed Project with various Redevelopment Agency planning documents was considered. The Proposed Project was determined to be consistent with the primary objectives of the Redevelopment Plan; accordingly, the Project would not "entirely obliterate implementation" of that Plan.

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Comment L-5-12	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>The primary funding source relied on by the Redevelopment Agency to finance its activities under the Redevelopment Law is tax increment revenue. Tax increment revenue is the Redevelopment Agency's ability to receive and spend a portion of property tax revenues from the increase in assessed value of real property that has occurred after adoption of a redevelopment plan for a project area. Cal. Health & Safety Code §§ 33670, 33678. Tax increment revenue is used "to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project." Cal. Health & Safety Code § 33670(b); Cal. Const. art. XVI, § 16.</p> <p>Thus, in accordance with the Redevelopment Law, the Redevelopment Agency's primary funding source in connection with the Project Area is tax increment revenue generated from real property within the Project Area. This funding is the source of the Agency's ability to implement the Redevelopment Plan for the Project Area. The proposed SDSU Project will extend the SDSU campus boundaries to include all of the Core Sub-Area of the Project Area. The resulting impacts of the proposed SDSU Project will be the removal from the property tax rolls of all properties intended for the proposed SDSU Project, including those properties that are currently in private ownership and generating tax increment revenue. The Redevelopment Agency does not receive any tax increment to implement the Redevelopment Plan from any properties that are taken off the tax rolls. The adverse impacts of the SDSU Project are further compounded by the acquisition of over \$35 Million worth of real estate from private parties by SDSU auxiliaries within the last year as well as the removal of many other properties from the tax rolls by SDSU and its auxiliaries since the adoption of the Redevelopment Plan. Therefore, the proposed SDSU Project is wholly inconsistent with the Redevelopment Plan and will significantly impact the redevelopment and revitalization of the Project Area and the ultimate elimination of blight by the Redevelopment Agency since the Redevelopment Agency will receive little to no tax increment from the Project Area because most of the properties will be removed from the property tax rolls.</p>	<p>While the comment correctly notes that the Proposed Project would extend the Campus Master Plan boundary to include all of the Core Subarea, the comment incorrectly anticipates the immediate ramifications of that boundary adjustment. Specifically, the comment assumes that the Project would result in the "removal from the property tax rolls of all properties." However, the extension of the Campus Master Plan boundary would not result in such a removal. Instead, privately-owned properties that currently are generating tax increment revenue would continue to generate such revenue absent their future acquisition by CSU/SDSU.</p> <p>Also, the comment's suggestion that the Proposed Project would "significantly impact the redevelopment and revitalization of the Project area and the ultimate elimination of blight" is disingenuous. As evidenced in Draft EIR Section 1.4, Project Goals and Objectives, the objectives of the Proposed Plaza Linda Verde Project would assist in redeveloping and revitalizing the Core Subarea, and eliminating blight. See also Response L-5-3, above.</p> <p>Relatedly, pursuant to Health & Safety Code section 33670, subdivision (b), tax increment funding shall be placed in a special fund that is used to "pay the principal of and interest on loans, moneys advanced to, or indebtedness . . . incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project." In other words, tax increment funding is used to pay down debt incurred by redevelopment agencies in implementing redevelopment activities. Here, by CSU/SDSU undertaking the redevelopment effort in the Core Subarea, the Redevelopment Agency's potential indebtedness is reduced. Therefore, instead of being characterized as a foe of redevelopment efforts, CSU/SDSU is a partner to the Redevelopment Agency's mission.</p> <p>To the extent that the comment takes issue with the acquisition of property within the Core Subarea by tax exempt agencies, such as CSU/SDSU, such acquisition is not unlawful and its ramifications have been addressed by the California Supreme Court. Specifically, in <i>Redevelopment Agency v. County of San Bernardino</i> (1978) 21 Cal.3d 255, the California Supreme Court addressed the treatment of property located in a redevelopment project area, for tax purposes, which is transferred to public ownership subsequent to the adoption of a redevelopment plan. Acknowledging that such publicly-owned property is tax exempt, the Court determined the formula that is to be used for</p>	

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tax allocation between the taxing agency and redevelopment agency under such circumstances:

"To summarize, we have attempted to set forth the reasonable and accepted interpretation of the Constitution's language 'assessed value of the taxable property in the redevelopment project' when project property is acquired by a tax-exempt agency. We think 'taxable property' means property currently taxable; we believe that the assessed value of the taxable property should be redetermined so that the loss of the revenue resulting from the acquisition should be divided proportionately between the redevelopment agency special fund and the taxing agencies. In so doing we not only follow the interpretation of the Attorney General and the courts; we apply a practical and common sense approach, eschewing the reversal of decisions which would result in the destruction of the security of many millions of dollars of outstanding tax allocation bonds." (Redevelopment Agency v. County of San Bernardino (1978) 21 Cal.3d 255, 267.)

Comment L-5-13	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
The public purpose of the Redevelopment Plan is entirely undermined by the proposed SDSU project. As such, the proposed projects, including without limitation necessary infrastructure, described in the Redevelopment Plan and the current Five-Year Implementation Plan for the Project Area necessary to eliminate blight and redevelopment and revitalize the Project Area will now be thwarted and unachievable as a result of the proposed SDSU Project. The Draft EIR fails to analyze or even mention these significant environmental impacts as a result of the proposed SDSU Project's inconsistencies with the Redevelopment Plan.	As discussed in previous responses above, the Redevelopment Plan is not "entirely undermined" by the Proposed Project. The Proposed Plaza Linda Verde Project would provide for the infrastructure necessary to accommodate the contemplated land uses, eliminate blight, and redevelop and revitalize the Core Subarea. There is no evidence that adoption of the Project would render continued implementation of the Redevelopment Plan "unachievable," or that adoption of the Project would preclude revitalization of the balance of the Core Subarea.	

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Comment L-5-14	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>(3) The Draft EIR fails to adequately consider and discuss the significant environmental impacts resulting from the project as required by CEQA § 21100 and CEQA Guidelines §§ 15126 and 15126.2.</p> <p>The Draft EIR must identify and focus on the possible significant environmental impacts of the proposed SDSU Project. See, CEQA § 21100(b) and CEQA Guidelines §§ 15126 and 15126.2. Such impacts include growth-inducing impacts of the proposed SDSU Project such as the construction of additional housing, either directly or indirectly, in the surrounding environment. See, CEQA Guidelines § 15126.2(d).</p> <p>The Redevelopment Law imposes certain affordable housing obligations on the Redevelopment Agency when dwelling units are developed within an established redevelopment project area. Specifically, the Redevelopment Law requires that at least 15 percent of all new and substantially rehabilitated dwelling units developed within a project area under the jurisdiction of the agency by public or private entities or persons other than the agency shall be available at affordable housing cost (Footnote) to, and occupied by, persons and families of low or moderate income (Footnote). Cal. Health & Safety Code § 33413(b)(2)(A)(i). Additionally, not less than 40 percent of the dwelling units required to be available at affordable housing cost to, or occupied by, persons and families of low or moderate income shall be available at affordable housing cost to, and occupied by, very low income households. Cal. Health & Safety Code § 33413(b)(2)(A)(i).</p> <p>The proposed SDSU Project includes the construction of 390 housing units which shall then obligate the Redevelopment Agency to provide 59 affordable housing units in accordance with the Redevelopment Law. The Draft EIR fails to address the impact of additional affordable housing units required to be developed in the Project Area as a direct result of the proposed SDSU Project.</p> <p>Footnote: The term affordable housing cost is defined in Cal. Health & Safety Code §§ 50052.2 and 50053.</p> <p>Footnote: The terms lower income households, low income households, moderate income households, very low income households and extremely low income households are defined in Cal. Health & Safety Code §§ 50079.5, 50093, 50105, and 50106. The income levels for extremely low, very low, lower</p>	<p>The comment incorrectly states that the Proposed Project would impose an obligation on the Redevelopment Agency to construct 59 affordable housing units. While the Community Redevelopment Law contains inclusionary housing requirements, such requirements do not apply to the on-campus student housing proposed by the Project.</p> <p>Specifically, Health & Safety Code section 33413, subdivision (b)(2)(A)(i), requires that "at least 15 percent of all new and substantially rehabilitated dwelling units developed within a project area under the jurisdiction of an agency by public or private entities or persons other than the agency shall be available to affordable housing cost." This inclusionary housing requirement is not applicable to and misinterpreted by the comment for the following reasons:</p> <ol style="list-style-type: none">1. On-campus student housing is not a "dwelling unit" within the parameters of section 33413, and is not subject to the very low, low and moderate income classifications in Health & Safety Code section 50052.5, as referenced in the comment. The policy underlying the inclusionary housing requirement is designed to ensure that, where redevelopment activities result in additional housing opportunities available to the general public, sufficient provisions are made to accommodate affordable housing needs. The housing proposed by the Project would not be available to accommodate the demands of the general public either through sale or rental options. Rather, the proposed on-campus student housing would be available exclusively to students enrolled at SDSU. <p>Of note, the City of San Diego adopted an inclusionary housing ordinance in 2003. The ordinance requires that all new residential development, of two units or more, provide affordable housing; specifically, home builders are required to set aside at least 10 percent of the total number of dwelling units in the project for households with income at or below 65 percent of the area median income for rental units, or at or below 100 percent of the area median income for for-sale units. For more information on the City's ordinance, which assists the Redevelopment Agency in achieving its affordable housing objectives, see the City of San Diego's Information Bulletin 532: Information Regarding Inclusionary Housing (September 2010), available at http://www.sandiego.gov/development-services/industry/pdf/infobulletin/ib532.pdf. As discussed in Response L-5-5,</p>	

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and moderate income households are established by the, Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

however, CSU/SDSU is not subject to the City's zoning ordinances.

2. The inclusionary housing requirement only applies "within a project area under the jurisdiction of an agency." As discussed in Response L-5-5, CSU/SDSU is not under the Redevelopment Agency's jurisdiction.

Comment L-5-15	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
Further, due to the proposed SDSU Project and the dwindling supply of property in private ownership in the Project Area, the Redevelopment Agency will not be able to provide this required affordable housing due to a lack of available property within the Project Area and the lack of tax increment funding. The Draft EIR fails to analyze this impact.		Even assuming, contrary to the information provided in Response L-5-14, that the Proposed Project would impose on the Redevelopment Agency an obligation to construct additional affordable housing, there is no evidence that the failure to construct such housing, due to the purported lack of property and tax increment funding, would result in an environmental impact within the meaning of CEQA. Instead, the absence of future development would result in the maintenance of existing environmental conditions.

Comment L-5-16	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
The Redevelopment Law authorizes a redevelopment agency to satisfy the requirements stated in Cal. Health & Safety Code § 33413(b)(2)(A)(i) in whole or in part, by causing to be available, by regulation or agreement, two affordable housing units outside of a project area for each unit that otherwise would have been required to be available inside the project area. Cal. Health & Safety Code § 33413(b)(2)(A)(ii).		The comment correctly notes that, in lieu of providing units within a redevelopment project area, a redevelopment agency may meet its inclusionary housing responsibilities by causing to be available two units outside a redevelopment project area for each unit that otherwise would have to be available inside of a redevelopment project area. However, as discussed in Response L-5-14, the Proposed Project would not trigger the inclusionary housing requirements of Health & Safety Code section 33413, subdivision (b)(2)(A)(i). As such, the parameters of subdivision (b)(2)(A)(ii) also are not applicable because the Redevelopment Agency would not be required to provide 119 affordable housing units outside of the redevelopment area as a result of the Proposed Project.
If the Redevelopment Agency is therefore required to satisfy the inclusionary housing obligation of the Redevelopment Law by providing affordable housing outside of the Project Area as a result of the proposed SDSU Project, then the affordable housing obligation created by the proposed SDSU Project is 119 affordable housing units, 48 of which, pursuant to Health & Safety Code Section 33413(b)(2)(A)(ii), must be made available to very low income households. The Draft EIR fails to analyze the impacts associated with the increase in affordable housing units resulting from the proposed SDSU Project.		

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Comment L-5-17

Comments from The City of San Diego, Redevelopment Agency, 11/24/2010

Response

Further, the Draft EIR fails to adequately examine the impacts of the proposed SDSU Project on the provision of public improvements, facilities and services as envisioned in the College Area Facilities Financing Plan (City of San Diego - October 1993). The College Area Facilities Financing Plan was amended concurrently with the adoption of the Redevelopment Plan as it was then presumed that the Redevelopment Agency would provide funding to address some of the community needs pertaining to public improvements, facilities and services. In addressing these needs, the City of San Diego relies on impact fees paid as part of the customary development entitlement process (to which SDSU affirms it is not subject) and funds from the Redevelopment Agency which the Redevelopment Agency no longer has at its disposal nor can it reasonably expect to collect as a result of the SDSU Project. This impact is a direct result of the actions of SDSU and its auxiliaries given the large number of parcels removed from the tax rolls since the adoption of the Redevelopment Plan for the development of the proposed SDSU Project, which envisions acquiring all of the properties currently owned by private parties within the Core Sub-Area of the Project Area.

The Draft EIR addressed the Project's impacts on the Public Facilities Financing Plan (PFFP) for the College Area in Section 3.7, Land Use and Planning (pp. 3.7-17, 3.7-41). As the comment does not provide a specific objection to that analysis, no more specific of a response can be provided.

In an effort to provide additional responsive information, the PFFP was premised on the assumption that, over a 20-year period, approximately 2,300 new residential dwelling units and 850,000 square feet of new commercial/industrial development would be constructed. (PFFP, p. 2 (available at <http://www.sandiego.gov/planning/facilitiesfinancing/plans/pdf/collegepffpfv.pdf>)). In order to provide the funding necessary to accommodate this new development's demand for transportation, library, fire station, and parks and recreation facilities, the PFFP identified a number of potential funding mechanisms available to the City:

- Development impact fees, although the payment of such fees "is not required in redevelopment project areas where redevelopment plans provide for the fair share funding of needed facilities by redevelopment;"
- Transnet, gas tax, and other programs such as a state-local partnership program;
- Assessment districts;
- General obligation bond issues;
- Annual allocations;
- Facilities benefit assessments; or
- Redevelopment Agency funding.

(PFFP, pp. 16-18.) The PFFP noted that because the College Area community was nearly built out, as of 1993, development impact fees would "provide only a small portion of the financing needed for the facilities." (Id. at p. 19.) And notably, the PFFP assumed that "[w]ithin the Redevelopment Project Area, the Redevelopment Agency will negotiate the provision of public facilities in lieu of payment of impact fees." (Id. at p. 18.)

It bears emphasizing that CSU/SDSU's fair share obligations increase in proportion to its property ownership interests in the College Area. That is, as CSU/SDSU ownership increases, so does its responsibility for infrastructure improvements in the College Area community that are necessitated by

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campus-related development. Therefore, there would be no deficit in financing to provide the needed facilities, assuming the Legislature appropriates the requested funding.

To the extent that the comment takes issue with CSU/SDSU's and the SDSU Research Foundation's acquisition of private property in the redevelopment area from willing private parties, that objection is not an environmental issue within the purview of CEQA. Relatedly, such transactions are separate and apart from the Proposed Project. And, as a final note, the acquisition of private property by CSU/SDSU and/or the SDSU Research Foundation for campus-related development purposes does not violate any existing law and represents the lawful execution of CSU's obligation to provide higher education opportunities to the residents of the State of California.

Comment L-5-18	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
In addition, the Draft EIR fails to clarify how the California State University system addresses CEQA analysis, impacts and applicable mitigation measures within versus outside campus boundaries (existing and proposed). Any and all such distinctions should be explicitly identified in the Draft EIR. This comment was specifically made by the Redevelopment Agency in response to the NOP.	<p>The Draft EIR's analysis of the Proposed Project's impacts is not designed or intended to distinguish on-campus from off-campus environmental impacts. Instead, the Draft EIR identifies all potential direct and indirect environmental impacts of the Proposed Project, irrespective of their geographic relationship to the SDSU campus boundary.</p> <p>With respect to mitigation measures, as discussed in the Draft EIR and in accordance with <i>City of Marina v. Board of Trustees of California State University</i> (2006) 39 Cal.4th 341, CSU's power and obligation to mitigate a project's effects is not absolute. That being said, with the exception of traffic, all Project-related significant impacts would be mitigated to a less-than-significant level by CSU/SDSU. For related information, see Response L-4-6 and Table ES-2, Summary Table of Project Impacts and Mitigation Measures, of the Draft EIR.</p>	

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Comment L-5-19

Comments from The City of San Diego, Redevelopment Agency, 11/24/2010

Response

(4) The DRAFT EIR fails to adequately consider and discuss the mitigation measures proposed to minimize significant environmental impacts of the project and the alternatives to the proposed project as required by CEQA § 21100 and CEQA Guidelines §§ 15126.4 and 15126.6.

The Draft EIR lacks substantial evidence to support its conclusion stated on Pages 5.0-43 and 5.0-44 that the only difference between the SDSU Project and the private sector alternative is the ability of SDSU to secure funds towards its "fair share" (as calculated in the subject Draft EIR) of payment to address traffic improvements. Further, the payment of SDSU's "fair share" (as calculated in the Draft EIR) towards traffic mitigation measures is conditioned on the City of San Diego's ability to collect all remainder funds required to implement traffic improvements; yet, the actions of SDSU and its auxiliary agencies preclude the City of San Diego from reaching this financing milestone as noted above (See the College Area Facilities Financing Plan).

The comment is unclear in stating that the Draft EIR "lacks substantial evidence" in support of its determination that one difference between the Proposed Project and Private Sector Alternative is the former's mitigation limitations, as articulated in the City of Marina decision (see Section 5.4.1 of the Draft EIR). As noted in the Draft EIR, the Redevelopment Agency requested that a Private Sector Alternative be analyzed, indicating that "a project carried out by the private sector in partnership with the Redevelopment Agency would be subject to all applicable City exactions and, as such, it is expected to result in lesser environmental impacts." (Draft EIR p. 5.0-43.) While the comment is correct that such an alternative would be subject to all applicable City exactions, there is no evidence that a Private Sector Alternative would result in lesser environmental impacts than the Proposed Project, with the possible exception of off-site traffic impacts due to the contingent nature of the Proposed Project's payment of its fair-share mitigation as a result of the City of Marina ruling.

Under the City of Marina decision, CSU/SDSU is to seek funding from the legislature for off-site mitigation payments and the ultimate payment of such mitigation is subject to legislative appropriation; this is to be distinguished from a private sector alternative under which the payment of off-site mitigation would not be subject to legislative appropriation. (Please see the response to City of San Diego comment L-4-6 for an assessment of CSU/SDSU's interpretation of and compliance with the City of Marina decision.) Because Marina does not apply to on-site mitigation, CSU/SDSU is required to mitigate fully the Proposed Project's on-site impacts without pre-condition. Therefore, the resulting environmental impacts under CEQA would be similar to a comparable project developed by the private sector.

Relatedly, a Private Sector Alternative would be subject to the City's adopted developer impact fees. Although this is a distinction between the Proposed Project and Private Sector Alternative, because CEQA requires CSU/SDSU to mitigate the Proposed Project's identified significant impacts (the CEQA functional equivalent of impact fee payments), it is a distinction without a difference. In other words, the mitigation recommended for the Proposed Project would reduce impacts to a level below significant, as would, presumably, the imposition of impact fees on a private sector development.

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In addition to the City of Marina distinction, the Draft EIR also noted that a Private Sector Alternative would be subject to local land use and planning directives (i.e., Community Plan, Zoning Code); however, the Proposed Project generally is consistent with these local plans and any discrepancies are relatively minor. (Draft EIR, p. 5.0-44.)

Also, based on the limited information available regarding the Agency's Private Sector Alternative (i.e., no indication from the Redevelopment Agency's Request for Qualifications how many student housing units or commercial/retail square footage would be provided), it was assumed the project scope would be comparable and, therefore, impacts are "expected to be similar." (Draft EIR, p. 5.0-44.)

With respect to the comment regarding the City's ability to collect the "remainder funds" required to implement traffic improvements, please see Response L-5-17, above, regarding the College Area Public Facilities Financing Plan.

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Comment L-5-20	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>CEQA requires the mitigation or avoidance of significant impacts to the extent feasible See, City of Marina v. Board of Trustees of the California State University - 2006; Public Resources Code §§ 21002, 21002.1, 21081, 21100(b)(3), 21151; CEQA Guidelines § 15126.4. Findings of infeasibility must be supported by substantial evidence. CEQA Guidelines § 15091(b). Only after a lead agency properly finds that mitigation and alternatives to avoid or reduce significant impacts are infeasible, the lead agency may find that the specific overriding economic, legal or social, technological or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines § 15091(a)(3). Said findings constitute the principal means chosen by the Legislature to enforce the state's declared policy "that public 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". City of Marina, supra, at 348.</p> <p>Under CEQA and City of Marina, SDSU must identify and, to the extent feasible, mitigate off-campus environmental impacts or adjust the SDSU Project to lessen the environmental impacts. Pursuant to the Draft EIR, SDSU interprets City of Marina to discharge all of its CEQA obligations by simply requesting funding from the legislature through the annual state budget process to fund the mitigation costs (as pertaining to the retail component of the proposed SDSU project, see for example page 3.12-95). This position is based upon a misreading of City of Marina and is not supported by CEQA. SDSU is required to identify and analyze alternate funding options to pay for identified impacts, including but not limited to, donor funds, bonds, alumni funds, student fees, and project construction fund. Failure to identify and disclose available funding renders the document inadequate. SDSU must identify all available funding sources to pay for expenses associated with meeting its mitigation obligations. SDSU also fails to consider altering the project in order to reduce effects off campus and, thus, reduce the mitigation required.</p>	<p>For information responsive to this comment, please see responses to City of San Diego comments, Responses L-4-6 and L-4-7. As discussed in those responses, CSU/SDSU's execution of its mitigation obligations relative to all environmental impact categories, including traffic/transportation, is consistent with the City of Marina decision and CEQA.</p>	

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Comment L-5-21	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>(5) The DRAFT EIR fails to adequately consider and discuss the Cumulative impacts of the project as required by CEQA § 21100 and CEQA Guidelines § 15130.</p> <p>"Cumulative impacts" refers to two or more individual impacts which, when considered together, are considerable or which compound or increase other environmental impacts. CEQA Guidelines § 15355. The cumulative analysis fails to adequately analyze the SDSU Project given that no substantial evidence is provided to support the conclusions that the SDSU Project leads to no cumulative impacts. Further, the cumulative impact analysis does not take into account previous actions by SDSU and its auxiliaries and their impact on the provision of public improvements, facilities and services including those actions that may have been exempt from CEQA such as the numerous property acquisitions.</p>	<p>The scope of the cumulative impacts assessment is discussed in Section 2.0, Cumulative Impacts Methodology, of the Draft EIR. As discussed in that section, CEQA Guidelines section 15130, subdivision (b)(1), provides that an adequate discussion of cumulative impacts can be based on a "list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency." Accordingly, one of the retained environmental consultants, DUDEK, prepared a list of approved and proposed development projects in the vicinity of the Proposed Project. That list is presented in Table 2-1, Cumulative Projects, of the Draft EIR.</p> <p>The comment is incorrect with respect to the determination of significant cumulative impacts. The analysis of potential traffic-related impacts presented in Section 3.12, Transportation/Circulation and Parking, evaluated the potential impacts of the Proposed Project under two cumulative scenarios -- near-term (2015) and long-term (2030). The 2015 analysis included projected traffic volumes from each of the future projects included in Table 3.12-7, Near-Term Cumulative Projects Summary. The long-term (2030) cumulative projects were forecast utilizing the SANDAG model. (Draft EIR p. 3.12-14.) The Draft EIR determined that the Proposed Project would result in significant impacts under both near-term and long-term cumulative impact scenarios. (Draft EIR p. 3.12-74.)</p> <p>As for the referenced "previous actions," the Draft EIR's analysis was premised upon an accurate determination of the existing, baseline environmental conditions in the Project's vicinity. That baseline necessarily accounts for and reflects the environmental impacts, if any, of previous real estate transactions undertaken by CSU/SDSU or the SDSU Research Foundation.</p>	

Comment L-5-22	Comments from The City of San Diego, Redevelopment Agency, 11/24/2010	Response
<p>Conclusion</p> <p>For the reasons stated above, the Draft EIR fails to provide a sufficiently detailed analysis of the above referenced subjects required by CEQA and CEQA Guidelines and is therefore legally inadequate.</p>	<p>Please see the prior responses to this comment letter for information that refutes the contention that the Draft EIR has failed to comply with the parameters of CEQA and the CEQA Guidelines.</p>	

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Comment O-1-1	Comments from San Diego County Archaeological Society, Inc., 10/11/2010	Response
<p>I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.</p> <p>Based on the information contained in the DEIR and its appendices 3.3 and 3.9, we have the following comments:</p> <p>1) We agree with the assessment of the structures to be impacted as part of the project, and the conclusion that no significant impacts will result from their demolition.</p>	<p>The comment expresses concurrence with the Draft EIR's assessment of the structures that would be impacted as a result of the Proposed Project, and the determination that significant environmental impacts would not result from the demolition of existing structures located on the Project site. CSU/SDSU acknowledges the comment's conclusions and agreement with the environmental analysis presented in Section 3.3, Historical Resources, and Section 3.9, Archaeological/Paleontological Resources, of the Draft EIR.</p>	

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Comment O-1-2	Comments from San Diego County Archaeological Society, Inc., 10/11/2010	Response
<p>2) Regarding archaeological resources, mitigation measure ARCH-1 should be expanded to require archaeological and Native American monitoring of initial excavation in areas that have not been previously excavated for structures, utility lines, etc. This particularly applies to areas under streets and alleys, where portions of any cultural deposits would actually have been protected by the pavement. Also, it should be made clear that any cultural material (other than human remains and associated grave goods) that is recovered is to be curated at a facility meeting the standards of 36 CFR 79 and/or Guidelines for the Curation of Archaeological Collections (State Historic Resources Commission, May 7, 1993).</p> <p>Thank you for including SDCAS in the public review of this DEIR.</p>	<p>Mitigation Measure ARCH-1 as revised provides, in part, that:</p> <p>"Subsequent to demolition and removal of existing structures and pavement from the Project site, CSU/SDSU, or its designee, shall retain a qualified archaeologist (i.e., listed on the Register of Professional Archaeologists) to complete an archaeological survey of ground surfaces within the Project area."</p> <p>As such, the referenced mitigation measure provides the coverage requested by the comment in that all areas disturbed by the Proposed Project, including any areas that have never been disturbed/excavated, shall be inspected by a qualified archaeologist following demolition and removal of existing structures and pavement. The qualified archaeologist will have the requisite training to identify any potentially intact concentrations of prehistoric archaeological materials, including Native American resources. In the event that potentially significant archaeological resources are identified, which, by definition includes Native American resources, data recovery excavations are to be undertaken prior to the commencement of construction.</p> <p>While not dispositive, it bears noting that the potential for the discovery of Native American artifacts on the Project site is low.</p> <p>"Four previous investigations have occurred within the Project vicinity, but none have uncovered recorded Native American sites. Further, the Project site is not listed on the NAHC's Sacred Lands Inventory, and it is unlikely that there are contemporary Native American heritage resources located within this urbanized area." (Draft EIR, p. 3.9-10.)</p> <p>In addition, it should be noted that the Native American Heritage Commission (NAHC) has not provided any evidence of cultural resources important to Native Americans within the project site. Additionally, no responses from any of the Native American tribes or individuals listed by the NAHC as potentially being aware of such cultural resources were received during consultation associated with preparation of the Draft EIR.</p> <p>Based on this assessment, CSU/SDSU does not believe the presence of a Native American monitor during construction excavation, as requested, is necessary to ensure that environmental impacts remain below a level of significance. This is particularly the case as Mitigation Measure NA-1,</p>	

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consistent with existing state law, delineates the procedures to be followed in the event human remains are discovered in any location other than a dedicated cemetery. For these reasons, it is not necessary to "expand" Mitigation Measure ARCH-1 as suggested by the comment.

As to the comment that Mitigation Measure ARCH-1 should require that recovered cultural material, with the exception of human remains and associated grave goods, be curated at a facility meeting the standards of Part 79 of Title 36 of the Code of Federal Regulations and/or the State Historic Resources Commission's Guidelines for the Curation of Archaeological Collections (May 1993), Part 79, Curation of Federally-Owned and Administered Archaeological Collections, is not applicable to state agencies, such as CSU/SDSU. Specifically, as stated in Section 79.1(a), "[t]he regulations in this part establish definitions, standards, procedures and guidelines to be followed by Federal agencies to preserve collections of prehistoric and historic material remains, and associated records." (36 C.F.R. §79.1(a).)

On the other hand, the State Historic Resources Commission's guidance is relevant for purposes of the Proposed Project -- "[t]hese guidelines pertain to collections that are excavated or removed from prehistoric or archaeological sites on non-federal public and private land in the State of California." (State Historical Resources Commission, Guidelines for the Curation of Archaeological Collections (May 7, 1993), p. 4, available online at <http://www.parks.ca.gov/pages/1054/files/guide93.pdf>.) As such, in response to the comment, Mitigation Measure ARCH-1 has been revised, and now states as follows:

"ARCH-1 Subsequent to demolition and removal of existing structures and pavement from the Project site, CSU/SDSU, or its designee, shall retain a qualified archaeologist (i.e., listed on the Register of Professional Archaeologists) to complete an archaeological survey of ground surfaces within the Project area. In the event the survey identifies potentially intact concentrations of prehistoric archaeological materials, focused data recovery archaeological excavations shall be undertaken prior to the commencement of construction in the area of concern. A qualified Native American representative shall be retained to observe all focused data recovery excavations, if any. The focused excavations shall characterize: horizontal and vertical dimensions; chronological placement; site function; artifact/ecofact density and variability; presence/absence of subsurface features; research potential extent; and, the integrity of the resources.

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If the archaeological site is determined to be a historical resource within the meaning of CEQA Guidelines section 15064.5(a), the archaeologist shall comply with CEQA Guidelines section 15126.4(b)(3)(A), which notes that preservation in place where feasible is the preferred mitigation approach, or, alternatively, CEQA Guidelines section 15126.4(b)(3)(C), which requires preparation and adoption of a data recovery plan, as well as the submittal of all plans and studies to the California Historical Resources Regional Information Center. Alternatively, if the archaeological site qualifies as a unique archaeological resource (see CEQA Guidelines, §15064.5(c)(3)), the archaeologist shall treat the site in accordance with the provisions of Public Resources Code section 21083.2.

All excavations and excavation and monitoring reports shall be completed consistent with California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format. The archaeological excavation and monitoring reports shall include all appropriate graphics, describing the results, analysis, and conclusions of the monitoring and excavation. All original maps, field notes, non-burial related artifacts, catalog information and final reports shall be curated at a qualified institution within San Diego County that complies with the State Historic Resource Commission's 1993 Guidelines for the curation of archaeological collections, as applicable. Grading activities may continue on other parts of the building site while mitigation is implemented."

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Comment O-2-1	Comments from College Area Community Planning Board, 11/10/2010	Response
General 1. The EIR should consider possible impacts on the project if: a) The 5th District Court of Appeals rules that the 2007 SDSU Master Plan EIR is inadequate, AND/OR b) The State Legislature appropriates funding for a CSU South Bay campus in Chula Vista, which could conceivably reduce enrollment on the main campus.	<p>By way of background, the San Diego County Superior Court upheld the 2007 Campus Master Plan Revision EIR, finding that CSU/SDSU complied with CEQA and affirming the adequacy of that EIR. Several parties to that litigation appealed the trial court's decision, and the appeal currently is pending before the Fourth District Court of Appeal.</p> <p>Importantly, the Proposed Project is distinct from the 2007 Campus Master Plan Revision. As such, the Draft EIR is a stand alone document, the adequacy of which is not contingent upon any future judicial determination relating to the 2007 Campus Master Plan Revision EIR. Therefore, in response to the comment, any future judicial determination relating to the 2007 Campus Master Plan Revision EIR would not impact the Proposed Project.</p> <p>The comment also requests that the EIR address possible impacts to the Proposed Project should the California Legislature appropriate funding for the development of a CSU campus in Chula Vista (south San Diego County). The comment opines that the presence of an additional CSU campus in San Diego County "could conceivably reduce enrollment on the main campus" (i.e., the SDSU campus). At this time, however, there is no pending or proposed request before the Legislature for the development of a Chula Vista campus.</p> <p>In the past, SDSU has explored the establishment of off-campus centers in the South Bay region. As part of this effort, SDSU intermittently has discussed with Chula Vista officials the possibility of developing a satellite campus in that city for many years. However, it is not presently feasible from a student demand perspective and, consequently, cost perspective, to develop a South Bay campus. It is important to emphasize that one key factor contributing to the student demand statistics is the number of high school graduates eligible for entry into the University of California or CSU higher education systems. At present time, the eligibility rate for South Bay high school graduates is not high enough to warrant operation of a Chula Vista campus. (See also Final Environmental Impact Report for the SDSU 2007 Campus Master Plan Revision (State Clearinghouse No. 2007021020; November 2007), Section 5.0.)</p>	

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Comment O-2-2	Comments from College Area Community Planning Board, 11/10/2010	Response
2. The EIR should specify what "enrollment conditions" would need to be met prior to implementation of this project.		With respect to the "enrollment conditions" that would trigger Project implementation, there are no contingencies related to enrollment conditions, as that term is used in the comment, for this Project. (While the comment encloses the term, enrollment conditions, in quotations, no reference is provided for the source of that term.) As discussed in Draft EIR Subsection 1.5.7, Construction Activities and Phasing, the Project would be built out in two phases. Phase I development would entail build-out on properties currently owned by CSU/SDSU, whereas Phase II development would entail build-out on properties currently owned by CSU/SDSU, the SDSU Research Foundation, and private property owners not yet acquired by CSU/SDSU. The phasing of Project implementation is illustrated in Figure 1.0-22, Construction Phasing Plan.
Comment O-2-3	Comments from College Area Community Planning Board, 11/10/2010	Response
Population and Housing 1. The SDSU Housing Demand Study (Brailsford & Dunlavey) needs to be updated to reflect changed market and enrollment conditions.		The referenced study -- titled, San Diego State University Student Housing Demand Study, was prepared by Brailsford & Dunlavey in 2004; a copy of the study is included in Appendix 3.10 of the Draft EIR. The study assessed "the demand for student housing on or within walking distance to the SDSU campus. Also studied were opportunities for University administered housing and overall demand in light of future enrollment increases and the addition of a new Trolley line that will pass through the SDSU campus." (Brailsford & Dunlavey study, Preface.) While CSU/SDSU acknowledges the comment's request for an updated study, the 2004 Brailsford & Dunlavey study constitutes the most current available data. Moreover, the student housing component of the Proposed Project is in response to community requests for additional campus housing.

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Comment O-2-4	Comments from College Area Community Planning Board, 11/10/2010	Response
2. The ten year old census data re: the number of occupied house in the College Area needs to be updated to reflect changed market conditions.	<p>The analysis of the Proposed Project's impacts relative to population and housing presented in Draft EIR Section 3.10 was based on data obtained from SANDAG's 2030 Regional Growth Forecast Update (September 2006), which is often referred to as the "Series 11" forecast. On February 26, 2010 the SANDAG Board of Directors accepted the "Series 12" 2050 Regional Growth Forecast for planning purposes. In response to the comment, Draft EIR Table 3.10-5, SANDAG Existing and Forecasted Housing Stock within the College Area Community Planning Area, has been revised to incorporate the 2050 Regional Growth Forecast projections. The revised table appears in the revised pages section of this Final EIR.</p> <p>The revised figures reflect a higher population growth than those previously anticipated for the College Area Community Planning Area, in part due to the fact that the forecasts now extend through 2050 rather than 2030. The revised numbers show an increased reliance on multi-family residential units to meet the College Area community population forecasts through 2050.</p> <p>The analysis presented in the Draft EIR determined that the Proposed Project would not displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere, nor would the Proposed Project induce population growth, but, instead, would accommodate the growth anticipated in the regional growth forecasts that are used to prepare local housing elements, policies, land use designations, and regulatory processes to accommodate increased housing demands. (Draft EIR, pp. 3.10-10 to 3.10-15.) The revised population and housing forecasts do not change these conclusions.</p>	

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Comment O-2-5	Comments from College Area Community Planning Board, 11/10/2010	Response
3. The EIR needs to present evidence to support its claim that an increase in campus multi-family housing will in fact decrease the number of nuisance rentals (mini-dorms).	<p>As discussed in Subsection 3.10.5.1.3, Nuisance Rentals, of the Draft EIR:</p> <p>"The Proposed Project's 1,632 student beds would help alleviate the demand for nuisance rentals in the surrounding single-family residential neighborhoods by providing an alternative housing option to students. The City of San Diego and SDSU are working together to reduce the prominence of nuisance rentals in neighborhoods adjacent to the university."</p> <p>(Draft EIR, p. 3.10-13.) Where university students elect to reside is admittedly beyond the control of CSU/SDSU, and is subject to a multitude of factors, including market conditions (e.g., housing availability, location, amenities, rental price bracket, etc.). That being said, the provision of additional student beds presumably would assist in satisfying some increased proportion of the demand for student housing, such that the demand for other off-campus alternatives would be diminished. In other words, as the amount of CSU/SDSU-sponsored student housing increases, the demand for non-campus-sponsored student housing decreases.</p>	

Comment O-2-6	Comments from College Area Community Planning Board, 11/10/2010	Response
4. If SANDAG has done a regional Population Forecast update since 2004, the updated figures should be incorporated in the EIR.	<p>Please see the response to comment O-2-4 above regarding the status of updates to the SANDAG regional growth forecasts utilized in the Draft EIR. Specific to population forecasts, based on the 2050 Regional Growth Forecast, the following three Draft EIR tables have been revised to incorporate the updated information: Table 3.10-1, SANDAG Regional Population Forecasts; Table 3.10-2, SANDAG Existing and Projected Housing Units; and, Table 3.10-3, SANDAG Local Population Forecasts. The revised tables are included in the revised pages section of this Final EIR.</p> <p>The analysis presented in the Draft EIR determined that the Proposed Project would not displace substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere, nor would the Proposed Project induce population growth, but, instead, would accommodate the growth anticipated in the regional growth forecasts that are used to prepare local housing elements, policies, land use designations, and regulatory processes to accommodate increased housing demands. (Draft EIR, pp. 3.10-10 to 3.10-15.) The revised regional population and housing forecasts do not change these conclusions.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment O-2-7	Comments from College Area Community Planning Board, 11/10/2010	Response
5. The EIR should incorporate the findings of the 2010 SANDAG Housing Needs Assessment. (The 2006 SANDAG study projects a vacancy rate of 2.2% for housing stock in the College Area. This has obviously changed.)	The SANDAG Board of Directors approved the current Regional Housing Needs Assessment, which is for the 2005-2010 housing element cycle, on February 25, 2005. The process for the updated assessment, the housing element cycle January 1, 2013 to December 31, 2020, currently is underway. Public review of a draft updated assessment is anticipated to occur in Spring 2011, and a final approved version would be available sometime thereafter. (See SANDAG Regional Planning Committee Agenda, Agenda Item #7, December 3, 2010.)	
Comment O-2-8	Comments from College Area Community Planning Board, 11/10/2010	Response
6. In light of all the new multi-family housing stock planned for the College Area (discussed under Cumulative Impact), the EIR should present evidence as to why this project would be considered beneficial for the community, notwithstanding the City's plan to increase density in this location. (As the DEIR is at pains to point out, SDSU is not subject to local planning regulations, and can disregard this call for increased density unless there is a cogent reason to provide it.)	The comment does not raise an issue that appears to relate to any physical effect on the environment; as such, the comment is beyond the purview of CEQA. That being said, in response, CSU/SDSU has designed the Proposed Project to provide a combination of university and community serving uses. As discussed throughout the Draft EIR, the Proposed Project would redevelop and revitalize 24 parcels with a cohesive mix of uses, including student housing, retail, parking, a campus green, and pedestrian malls.	
Comment O-2-9	Comments from College Area Community Planning Board, 11/10/2010	Response
7. Three lots in Phase 2 of the project are currently leased to fraternities and sororities (1 fraternity, 2 sororities). Provision for relocation of these groups needs to be addressed in the EIR.	As presented in Draft EIR Table 3.10-6, Existing Structures Located on the Project Site, two fraternity houses are located at 5721 and 5723 Lindo Paseo, and one sorority house is located at 5734 Montezuma Road. These three houses provide a combined total of 35 beds. As the Proposed Project would provide for a total of 390 apartments, the existing fraternity and sorority students could be accommodated by the Project. An alternative option is nearby Fraternity Row, which provides housing and chapter houses for up to 264 students.	
Comment O-2-10	Comments from College Area Community Planning Board, 11/10/2010	Response
8. Loading zones for residential areas (for furniture, etc.) need to be shown in the EIR.	Loading zones for residential areas will be provided on Montezuma Place and the alley east of College Avenue; in both instances, these zones would be immediately adjacent to the student housing building.	

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Comment O-2-11	Comments from College Area Community Planning Board, 11/10/2010	Response
Commercial/Retail		
1. The EIR should address the fact that, by spreading retail uses among six different buildings, the project loses the synergy which could be achieved in one unified, dynamic shopping area, and increases traffic congestion.		The Proposed Project, as designed, does provide for "one unified, dynamic shopping area." Specifically, Buildings 1, 2, 4 and 5 consist of 5-story, mixed-use structures all oriented around College Avenue, just north of Montezuma Road. Parking for these mixed-use structures would be provided in Building 3, which is located immediately adjacent to Building 1 and along Lindo Paseo. Finally, Buildings 6 and 7, located along Campanile Drive between Montezuma Road and Lindo Paseo, would provide student apartments. (See Draft EIR, Figure 1.0-11, Proposed Site Plan.) Contrary to the comment's characterization, the Proposed Project represents a cohesive redevelopment and infill project that maximizes retail uses along a central corridor.

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment O-2-12	Comments from College Area Community Planning Board, 11/10/2010	Response
2. The EIR should address the absence of easy pedestrian access between the retail in Buildings 1 & 2, and the retail in Buildings 4 & 5 (if ever built). It is likely that the majority of patrons will be unwilling or unable to use the SDSU "sky bridge".	<p>The pedestrian circulation patterns for the Proposed Project are discussed in Draft EIR Subsection 1.5.5, Proposed Circulation, and illustrated in Figure 1.0-21, Proposed Circulation Patterns. While "easy pedestrian access" is not a defined term for purposes of transportation analysis, the type of pedestrian access provided by the Proposed Project, which includes sidewalks and crosswalks, is typical of an urban environment that accommodates vehicular, pedestrian, and bicycle circulation.</p> <p>As for pedestrian access across College Avenue, "current controlled pedestrian crossings on College Avenue will continue to exist at both the Lindo Paseo and Montezuma Road intersections, providing safe crossings for pedestrians and bicyclists at these locations. The proposed Project would include the construction of sidewalks along the College Avenue frontage from Montezuma Road north to the new pedestrian bridge, which will facilitate pedestrian and bicyclist movements outside the vehicular right of way." (Draft EIR, pp. 3.12-70 to -71.) Relatedly, as discussed in Section 3.12.5.12, Pedestrian/Bicycle Circulation Impacts Analysis:</p> <p>"There are no physical elements of the Proposed Project that would increase traffic hazards to pedestrians or bicyclists. Additionally, although the Proposed Project would increase vehicle traffic volumes in the vicinity of the campus, the increase in the vehicle traffic volumes would not be substantial enough to result in or cause increased safety risks to pedestrian[s] or bicyclists."</p> <p>(Draft EIR, p. 3.12-70.)</p> <p>As a final note, the comment does not provide any evidence in support of the opinion that "the majority of patrons will be unwilling or unable to use the SDSU 'sky bridge.'" Currently, the skybridge located along College Avenue, just north of Hardy Avenue, is utilized by pedestrians in the Project area. CSU/SDSU is aware of no evidence tending to suggest a decline in use of the skybridge.</p>	

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Comment O-2-13	Comments from College Area Community Planning Board, 11/10/2010	Response
3. The EIR should address the impaired "walkability" of College Avenue between Montezuma Avenue and the SDSU Campus as a result of this project as currently designed.	<p>The Proposed Project as designed is "pedestrian friendly" and does not impair walkability within the Project area. As an example of the Project's pedestrian friendly design, the Proposed Project includes two pedestrian malls, in lieu of existing streets/alleys, along the western and eastern flanks of the mixed-use building areas located along College Avenue. As discussed in the Draft EIR: "These corridors would facilitate non-motorized movement between the Project site and main campus, and would support meeting/resting space and outdoor eating facilities associated with the adjacent retail shops." (Draft EIR, p. 1.0-3; see also id. at p. 1.0-45.) The Campus Green, located north of Hardy Avenue and to the west of College Avenue, also would facilitate pedestrian movement. This public promenade would not accommodate vehicular traffic, and exclusively permit pedestrian and bicycle circulation. (Id. at p. 1.0-43; see also Figure 1.0-21, Proposed Circulation Patterns.)</p> <p>Please also refer to response to comment O-2-12, above, for information regarding the EIR's analysis of impacts to pedestrians.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment O-2-14	Comments from College Area Community Planning Board, 11/10/2010	Response
4. The EIR should consider the feasibility of creating pedestrian articulation into the development from College Avenue, to avoid a monolithic appearance along College.	<p>While the term "pedestrian articulation" is not defined by the comment, adequate pedestrian movement areas would be provided along College Avenue. Please see responses to comments O-2-12 and O-2-13, above, for related information.</p> <p>Additionally, consistent with one of the Project goals and objectives, which requires that the landscape within the Project site be improved (see Draft EIR, p. 1.0-16), a combination of landscape and hardscape features would be installed throughout the Project site. For example, "[l]arge trees and planters would be installed adjacent to College Avenue and Montezuma Road near the Project components." (Draft EIR, p. 1.0-45.) In addition, the existing median in College Avenue would be landscaped. (Ibid.)</p> <p>Finally, with respect to the comment's concerns regarding the "monolithic appearance" of the Proposed Project along College Avenue, the Project's impacts to visual resources were studied at length in Section 3.1, Aesthetics and Visual Quality, of the Draft EIR. That section concluded that, although the Proposed Project would result in a significant change to the existing visual environs, that change would be positive and not adverse. The comment does not raise any specific issue regarding that analysis and, therefore, a more specific response cannot be provided.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment O-2-15	Comments from College Area Community Planning Board, 11/10/2010	Response
5. The EIR should address the question of how customers parking in Building 3 (parking structure) will get across Lindo Paseo to the retail in Building 1, given that the street will have heavy truck traffic from the loading docks.	Customers parking at Building 3 would not need to cross Lindo Paseo in order to reach Building 1. Instead, as illustrated in Figure 1.0-11, Proposed Site Plan, Lindo Paseo lies to the south of Buildings 1 and 3 and does not interfere with pedestrian access between the two structures. Customers parking in Building 3 and desiring to go to Building 2 can walk the short distance down Lindo Paseo to College Avenue and cross Lindo Paseo at the intersection with College. As also illustrated in Figure 1.0-11, a pedestrian mall would facilitate access between Buildings 1 and 3. Specifically, as discussed on page 1.0-45 of the Draft EIR, a pedestrian mall would be developed on Montezuma Place between Lindo Paseo and Hardy Avenue. This pedestrian mall would "connect the Proposed Project to the SDSU Transit Center and main campus, and would be accessible only to pedestrians, and emergency and service vehicles; existing vehicular access would be eliminated." (Draft EIR, p. 1.0-45.) The pedestrian mall between Buildings 1 and 3 also is illustrated in Figure 1.0-21, Proposed Circulation Patterns.	
Comment O-2-16	Comments from College Area Community Planning Board, 11/10/2010	Response
6. The EIR should present solid market research as to what types of retail the project can reasonably expect to attract. It is highly questionable whether this project could attract a Whole Foods or a Trader Joe's. These stores typically locate in neighborhoods with higher median incomes than that of the College Area. Further, if it is considered that most specialty grocery stores do not locate within 15 minutes travel time of each other, the Trader Joe's located near Grossmont Center would appear to rule out a Trader Joe's location in the College Area. Likewise, the Whole Foods and Trader Joe's in Hillcrest are 15 minutes away on a good traffic day. These questions should be addressed, to avoid the danger of misleading anyone.	As acknowledged in the Draft EIR, CSU/SDSU does not know, at this time, what specific grocery provider may end up utilizing the retail space. "Potential retail uses include a community grocery store (for example, Trader Joe's, Fresh & Easy, or Whole Foods, etc.), sit-down restaurant (for example, Chili's, Islands, or TGI Fridays, etc.), bicycle shop, dry cleaners, etc." (Draft EIR, p. 1.0-30; emphasis added.) If the CSU Board of Trustees approves the Proposed Project, tenant selection and negotiations will commence to determine the actual tenant mix. In this regard, prior to release of the Draft EIR, SDSU was contacted by a broker representing Trader Joe's who expressed interest in opening a store in the College Area community, notwithstanding the purported "15 minute rule" and "higher median income neighborhood" prerequisites referenced in the comment.	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment O-2-17	Comments from College Area Community Planning Board, 11/10/2010	Response
5. The EIR should clarify the distinction between the 77,000 s.f. of retail used in some analyses, and the 90,000 s.f. of retail used in others. The EIR should also clarify that this project will create a net increase of only 33,000 s.f. of retail space.	<p>As discussed in the Draft EIR, the Project proposes four ground-floor retail and upper-floor residential buildings that collectively would contain "approximately 90,000 gross square feet (GSF) (or approximately 77,000 square feet of rentable retail space) of university/community-serving retail uses." (Draft EIR, p. 1.0-2; see also Draft EIR, Table 1.0-2, Proposed Project Summary.) The distinction between the 90,000 and 77,000 square footage references relates to whether the text is addressing the gross or rentable/net square footage of the retail component.</p> <p>The comment also states that the Proposed Project "will create a net increase of only 33,000 s.f. of retail space." As illustrated in Table 1.0-1, Development/Parcels/Ownership/Existing Uses, the 24 existing parcels that comprise the Project site accommodate approximately 44,200 square feet of commercial/retail/office uses. Accordingly, the Proposed Project would result in a net increase of 45,800 gross square feet. The Final EIR includes the necessary revisions to the Draft EIR relating to the 33,000 v. 45,800 correction.</p>	

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Comment O-2-18	Comments from College Area Community Planning Board, 11/10/2010	Response
Transportation and Parking		
1. The mitigation measures presented in the DEIR are conditioned upon the City having funds and moving forward with these measures. Given the existing and projected levels of service at most intersections and street segments in this project (LOS E and F), the build-out of this project should be conditioned upon the City moving forward with these improvements. The detrimental effects of the increased traffic congestion from this project may well over-ride any possible gains to the community.		<p>The Draft EIR acknowledges that the City may not have the necessary funds to complete implementation of the recommended mitigation improvements even with the Project's participation and, accordingly, the EIR determined that the Project's traffic impacts may be significant and unavoidable. (Draft EIR, p. 3.12-95.) Under CEQA, a project can be approved with significant unavoidable impacts if the lead agency determines there are overriding considerations justifying development of the project. (Cal. Code Regs., tit. 14, §15093.) When considering the project for approval, the lead agency is to balance the benefits of the project against its unavoidable environmental risks. If the benefits outweigh the adverse effects, the adverse effects may be considered "acceptable."</p> <p>In this case, the benefits of the Proposed Project include increasing on-campus student housing options, thereby reducing the demand for student housing in the neighborhoods adjacent to campus; providing a vibrant commercial environment adjacent to the main campus with food, entertainment, and shopping opportunities for students, faculty, staff, campus visitors, and local members of the College Area community; eliminating further deterioration in the area of the Proposed Project; improving the urban design within the Project site; developing additional local job opportunities; and reducing regional traffic by providing additional on-campus student housing and creating a pedestrian/bicycle-friendly, transit-oriented development.</p>
Comment O-2-19	Comments from College Area Community Planning Board, 11/10/2010	Response
2. The EIR should clarify the "combined pass-by/diverted/mixed use reduction of 48%" utilized in calculating the trips generated by the 44,000 s.f. of retail space assumed to generate 100 trips per 1,000 s.f.		<p>The referenced 48% reduction in trip rates attributable to pass-by traffic, diverted trips, and the proposed mixed-use, is taken directly from the approved City rates used in The Paseo EIR traffic study, shown on Table 3-1 (page 3-9) of that study. (See Final EIR Appendix F3.12, LLG Report Appx. I.) The "Sit-down Restaurant" line-item in that table shows the trip rate as follows: "100 [trips]/1,000 [sq. ft.](.52)," or "52% of one hundred trips per thousand square feet." This is the same as a 48% reduction of the 100/1,000 rate. Since these rates were approved for use by the City in The Paseo project, and the Proposed Project is located in the exact vicinity of The Paseo project, these rates were applied to the Proposed Project "restaurant" square footage of 44,000 gross square feet.</p>

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Comment O-2-20	Comments from College Area Community Planning Board, 11/10/2010	Response
3. It is unlikely that most pedestrian patrons of the project's commercial areas would be willing or able to use the existing "sky bridge" to get across College Avenue, from the Phase 1 commercial areas to the Phase 2 commercial areas. Instead, project planners seem to be assuming they will use the surface streets at the intersection of College and Montezuma to cross College. In order for this to be feasible, pedestrian crossing traffic lights at this intersection would likely have to be "on demand". This would result in major impacts in signal phasing and thus on traffic congestion at this already heavily impacted area. The EIR should discuss how this traffic impact will be addressed and/or mitigated.	Preliminary, as noted above in response to comment O-2-12, the referenced skybridge is utilized currently by pedestrians and there is no evidence that most pedestrian patrons of the commercial areas would be unwilling or able to use the skybridge to access the Project area. In any event, the existing College Avenue/Montezuma Road signalized intersection currently has pedestrian crosswalks on all legs, which include a push-button activated system to accommodate pedestrian calls. Pedestrian movement at this intersection is already "on demand" and that will continue to be the case with the additional Project-generated pedestrian traffic. In addition, pedestrian volumes were included in the HCM computer analysis conducted as part of the traffic impacts analysis for the intersection to account for the effects of pedestrians. The analysis assumes 30 pedestrian crossings for each approach over the hour. This amount represents a critical mass of pedestrians, and enough to ensure that their influence on the traffic signal is represented, meaning overall vehicular delays are longer as pedestrian calls are assumed to occur during each signal cycle.	
Comment O-2-21	Comments from College Area Community Planning Board, 11/10/2010	Response
4. The traffic study should address how the widening of the various intersections outlined in the DEIR as mitigation measures will impact bike lanes, since it is important to maintain bike access throughout the project area.	As noted in the Draft EIR, the Proposed Project includes sufficient right-of-way on College Avenue for the ultimate development of Class II bicycle lanes in the area fronting the Project. Specifically, Buildings 1, 2, 4, and 5 have been designed to provide adequate setback to facilitate the placement of Class II bicycle lanes within the College Avenue right-of-way. Because these improvements would be implemented within the City of San Diego right-of-way, the improvements would require the approval of the City and would be implemented by the City. (Draft EIR, p. 3.12-70.)	
Comment O-2-22	Comments from College Area Community Planning Board, 11/10/2010	Response
5. The EIR should stress the need for the City of San Diego to engage the community in a process to seriously consider both the current and alternative traffic mitigation plans outlined in the EIR for College Avenue.	The purpose of the Draft EIR is to describe the two alternative proposals for College Avenue mitigation and analyze the associated impacts, which it has done. The City will engage the community in consideration of each to the extent it deems appropriate.	

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Comment O-2-23	Comments from College Area Community Planning Board, 11/10/2010	Response
6. 288 parking spaces would be lost to students on campus as a result of this project. The DEIR sites a 2007 parking demand study that showed a surplus of 3,488 student parking spaces on campus, and therefore concludes that the loss is not significant. The EIR should clarify whether the study takes into account the 10,000 new students postulated to be added to enrollment in SDSU's 2007 Master Plan.		The referenced 2007 parking demand study was conducted in connection with preparation of the SDSU 2007 Campus Master Plan EIR to determine whether adequate on-campus parking facilities would be available for the projected enrollment increase of 10,000 students. As noted in the Draft EIR, the study determined that adequate on-campus parking would be available, and that there would be a surplus sufficient to accommodate the project parking demand associated with the Proposed Project. (Draft EIR, p. 3.12-60.)
Comment O-2-24	Comments from College Area Community Planning Board, 11/10/2010	Response
7. The EIR should address where the cars that are going to be displaced from Lots 3 & 6 will mostly likely be parking, and what would be the traffic impact of such a change.		The four existing parking lots that would be removed as a result of the Proposed Project are SDSU Lots O, P, and S, and the 5 Star lot north of Hardy and west of College. (Draft EIR, p. 3.12-59.) Based on proximity, it is likely the displaced students will utilize Parking Structure 3, 6 or 2. Due to the limited amount of vehicles and the proximate travel distance and travel patterns, it is not expected that the shift in distribution would result in traffic impacts.

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Comment O-2-25

Comments from College Area Community Planning Board, 11/10/2010

Response

8. The EIR should examine the possible impact on parking on streets adjacent to the project during hours when the Residential Parking Permit system isn't in effect, and develop mitigating measures for any impact found.

Draft EIR Section 3.12, Transportation/Circulation and Parking, analyzed the potential impacts of the Proposed Project relative to parking at pages 3.12-58 to 3.12-63. The analysis determined that the retail component of the Proposed Project would require 454 spaces, which includes a contingency factor of 20%. Because the Project would provide between 500 and 560 spaces, there would be more than adequate parking available in the Proposed Project parking facilities, thereby eliminating any need for the retail patrons to park in the surrounding residential neighborhoods.

Similarly, specific to student housing-related parking, the Draft EIR determined, based on the detailed parking study prepared in connection with the 2007 Campus Master Plan, that there is adequate parking on-campus to accommodate the projected increase in student housing parking demand associated with the Proposed Project. (Draft EIR, pp. 3.12-58 to 3.12-60.) Accordingly, there would be no need for the residents of the student housing to park in the surrounding off-campus areas. Notwithstanding, all law enforcement procedures presently in effect to limit the number of SDSU students parking in the surrounding residential neighborhoods would remain in effect under the Proposed Project.

The City of San Diego describes the Residential Permit Parking program as "removing non-residents from the competition for on-street parking. It is intended for residential areas that are severely impacted by all-day commuter parking generated by a nearby facility or institution. ... The advantage of this program is that on-street parking is available for residents only, not commuter vehicles which may inundate the area." (<http://www.sandiego.gov/parking/permits/geninfo.shtml>) Accordingly, if the Residential Parking System is not in effect, as the comment posits, the City has determined that the need to protect the residents from SDSU related parking is not significant enough to warrant regulatory restrictions on that parking.

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Comment O-2-26

Comments from College Area Community Planning Board, 11/10/2010

Response

Aesthetics

1. The DEIR does not address questions submitted in response to the original NOP with regard to the mass and set-backs of the four 5- story buildings proposed for College Avenue. The EIR should address these questions.

The referenced questions submitted in response to the Notice of Preparation are included in Appendix 1.0 of the Draft EIR. However, the impacts to visual resources associated with the mass and setbacks of the proposed structures located along College Avenue are assessed throughout Section 3.1 of the Draft EIR via the inclusion and analysis of photosimulations depicting post-Project conditions. These photosimulations accurately depict the mass of each building and the approximate setbacks, which would be wide enough to accommodate pedestrian sidewalks and Class II bicycle lanes within the College Avenue right-of-way. (See Draft EIR, pp. 1.0-49, 3.12-69, 3.12-71, 3.12-89 to -91.) As discussed in Section 3.1, the Proposed Project's impacts to visual resources would not be significant.

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Comment O-2-27

Comments from College Area Community Planning Board, 11/10/2010

Response

2. The visual simulations presented in the DEIR (Figures 3.1.9 and 3.1.10) present the appearance of massive, featureless, indistinguishable monoliths with inadequate street setbacks, which arguably offer no improvement over the present blighted conditions, and indeed could be considered a new form of blight. It is questionable whether these structures reminiscent of Soviet era apartment blocks would foster the "lively urban environment" to which the DEIR professes to aspire. There is considerable room for disagreement as to whether these changes would be "positive and not adverse." This finding should be justified in the EIR.

Preliminarily, the assessment of impacts to visual resources typically is littered with subjectivities due to the varying preferences of individuals regarding design aesthetics. As such, it is not uncommon for there to be disagreement regarding whether a structure is visually pleasing (or not). The photosimulations presented in Draft EIR Section 3.1 are intended to provide a reasonably accurate assessment of post-Project conditions, in light of information currently available regarding the site plans and designs.

As discussed in the Draft EIR, several architectural themes would be utilized for the Proposed Project, including the "modern designs present in many redeveloping areas in the City of San Diego, accented by elements of the Mission Revival architectural style present in the central SDSU campus core." (Draft EIR, p. 3.1-23.) These themes would be utilized in a manner that would create a cohesive development schematic on the Project parcels. As such, the post-Project conditions are considered "positive and not adverse" because the existing land uses are considered blighted and characterized by non-unified land uses. The Project would result in the revitalization of the site with new uses that are the subject of a cohesive design schematic. As discussed in the Draft EIR:

"In summary, the Proposed Project would contribute to redevelopment of the existing blighted condition to a coordinated, mixed-use neighborhood that proposes increased economic activity, additional residences, and enhanced outdoor spaces, thereby resulting in a beneficial change to aesthetic and visual qualities of the Project site and surrounding areas. In addition, the development would utilize a modern architectural theme accented by elements of the Mission Revival architecture style present in the central campus core to help tie into the visual character envisioned in the college area. As such, the Proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings relative to the viewing public; therefore, the Project would not result in potentially significant impacts in this regard."

(Draft EIR, p. 3.1-28.)

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Comment O-2-28	Comments from College Area Community Planning Board, 11/10/2010	Response
3. The College Area Community Council requests to review the architectural renderings for any buildings in proposed project prior to construction.	CSU/SDSU is committed to continuing their efforts to coordinate campus-related development with the College Area Community Council and, should the Project be approved, SDSU will continue to work with the Council to obtain their input as more detailed design review plans become available.	

Comment O-2-29	Comments from College Area Community Planning Board, 11/10/2010	Response
Planning 1. The DEIR extends the borders of SDSU south to Montezuma and, in the case of University Towers, south of Montezuma. Since Montezuma Road represents a physical boundary in the community, the SDSU boundary should not be extended south of Montezuma until any future plan for that land is endorsed by the community.	As illustrated in Draft EIR Figure 1.0-8, Area of Focus, the Project does propose to extend the campus boundary south of Montezuma Road. However, this extension is narrowly tailored so as to only encompass the existing University Towers residence complex. Specifically, as discussed in the Draft EIR: "The boundary also would be extended further south of Montezuma Road at the southeast corner of the Montezuma Road/55th Street intersection to incorporate the University Towers complex and adjacent parking lot." (Draft EIR, p. 1.0-22; see also Draft EIR, Figure 1.0-10, Proposed Campus Master Plan.) While the comment opines that "Montezuma Road represents a physical boundary in the community," it bears noting that the existing University Towers residence complex is located south of Montezuma Road. As such, there is some limited, existing campus-related development south of the perceived physical boundary. With that said, the Project parcels for Buildings 1 through 7 all are located north of Montezuma Road. (See Draft EIR, Figure 1.0-11, Proposed Site Plan.)	

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Comment O-2-30	Comments from College Area Community Planning Board, 11/10/2010	Response
2. The extension of the SDSU boundaries south to Montezuma would include the entire Fraternity Designated Area in the College Area Community Plan. Lots acquired by the University would not be subject to this designation. The EIR should address the impact of this change on the availability of future fraternity houses, and how it would be handled.	The Proposed Project would provide for a total of 390 apartments, which, as noted in the response to comment O-2-9, would provide sufficient housing for the 35 students presently residing in existing fraternity and sorority houses that would be displaced by the proposed project. Additionally, as also noted in the prior response, housing also is available in nearby Fraternity Row, which provides housing and chapter houses for up to 264 students. With respect to the Fraternity Designated Area referenced in the comment, the inclusion of these parcels in the Campus Master Plan is simply a means by whichuniver CSU/SDSU provides notice to the community of its interest to expand the campus boundary and acquire the privately owned parcels within at some time in the future. However, the designation has no regulatory effect on the privately owned parcels and, therefore, the parcels would remain subject to existing City of San Diego land use designations. As to future acquisition, the University has no present or reasonably foreseeable plans to develop those parcels outside of the proposed Plaza Linda Verde development. Thus, any potential effect that may arise as a result of the development of such parcels is uncertain from a timing and location standpoint, and it is speculative to anticipate the specific characteristics of any development that may arise as a result of, or the types of environmental impacts that would be associated with, such development. In the event such future development of these parcels results in a "project" within the meaning of CEQA, such project necessarily would be subject to CEQA compliance and analysis and, at that time, appropriate consideration would be given to any change on the availability of future fraternity houses. (See Draft EIR, p. 1.0-24.)	
Comment O-2-31	Comments from College Area Community Planning Board, 11/10/2010	Response
3. SDSU should make a definitive statement as to whether or not it plans to respect the intent of the Fraternity Designated Area.	Please see response to comment O-2-30.	

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Comment I-1-1	Comments from The Sloan Family, 9/28/2010	Response
Today, Vacant rental homes with "For Rent" signs sit idle in College View Estates, 5400 Block of Hewlett Dr. 9/10, why are you planning to build more apartments?	While the current rental market in the vicinity of the SDSU campus may be weak, applications for admissions to SDSU remain strong, as does the long-term demand for on-campus student housing. It will be several years before the Proposed Project is fully developed and it is expected that by that time there will be substantial demand for additional on-campus student housing. The comment will be considered by the CSU Board of Trustees when it considers and reviews the Project for approval.	

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Comment I-2-1	Comments from Gilbert, Steve, 10/1/2010	Response
<p>I attended several meetings @ SDSU regarding the proposed faculty housing on the Adobe Falls property, one of the big concerns of myself & neighbors (I live 3 blocks from site) is the increased traffic flow through our residential area.</p> <p>A great deal of that traffic could be eliminated if you used the existing tunnel under I-8 for walking/bicycling to the campus from the Adobe Falls area.</p> <p>I proposed this @ 1 meeting and at the next meeting the site draftsman had drawn in a proposed "trail" from the faculty housing to the tunnel leading onto the campus.</p> <p>The next meeting the trail was eliminated and their reason for its elimination was one of cost of grading a trail through the rough terrain of the area.</p> <p>I still strongly believe if you accessed this tunnel as a way for faculty to walk or bike to campus it would be a "win-win" situation.</p> <p>In this "green-eco friendly" age we now live in you are eliminating dozens of car-trips per day, cutting down on green-house gases and also cutting the percentage of traffic in our neighborhood by approx. 85%.</p> <p>Granted, the creation of a walking-biking trail would be challenging, but once it was installed it would be so beneficial and just "smart." I've been in the tunnel under I-8 and it would need some retro-fitting of light fixtures (for nighttime), a possible boardwalk or level catwalk/sidewalk over water drain and possible 2 - 3 steel beam pillars spaced evenly through the tunnel to bring it up to earthquake standards of today.</p> <p>I truly hope you would take another look at the tunnel option as a way to access your campus in the future.</p>	<p>The Adobe Falls Faculty/Staff housing, which is the subject of the comment, was a component of the SDSU 2007 Campus Master Plan that was approved by the CSU Board of Trustees in November 2007. The current proposed project, Plaza Linda Verde, is a mixed-use student housing/retail project that would be built in the vicinity of the College Avenue/Montezuma Road intersection. No part of the Adobe Falls housing would be developed as part of Plaza Linda Verde. Your comments regarding Adobe Falls and the suggested tunnel access will be considered by SDSU at the time development of the Adobe Falls housing project gets underway.</p>	

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Comment I-3-1	Comments from Josephs, Stuart R. and Yoelles, 10/7/2010	Response
<p>We are greatly concerned that your proposed mixed-use student housing project would considerably add to the already almost-saturated congestion (at peak times) at the I-8/College Avenue intersection;</p> <p>SDSU should not aggravate the existing intolerable conditions caused by SDSU overbuilding above and beyond the capacity afforded by the space it presently occupies.</p> <p>A relocation of the excess student population to a new campus in Chula Vista or elsewhere will be a more practical and humane resolution of the problems caused by your continued expansion and growth.</p>	<p>While the Proposed Project would add additional vehicle traffic to the area roadways, including the I-8/College Avenue intersection, the Draft EIR proposes mitigation that, if implemented, would reduce the identified impacts to a level below significant. With respect to relocating the student population to a new campus in Chula Vista or elsewhere, when/if the demand for a South Bay campus reaches levels sufficient to support a CSU campus in the South Bay, the appropriate studies will be undertaken and due consideration given to such a proposal.</p>	
Comment I-4-1	Comments from Banks, Susan, 11/3/2010	Response
<p>Saw plans to add extra No. bound lane on College - Please follow thru & make College: from Montezuma to the freeway accessible - It's a traffic jam - Sept. to June.</p>	<p>The Draft EIR includes mitigation that requires SDSU to contribute its fair-share towards the addition of a third northbound lane on College Avenue between Montezuma Road and I-8. SDSU is committed to paying the City of San Diego a portion of its fair-share amount and seeking the balance of the fair-share funding from the State Legislature.</p>	
Comment I-5-1	Comments from Hanson, Justin, 11/3/2010	Response
<p>It is apparent the LEED design of the student union is merely trying to collect points and create a greater perception of their impact. The green roof will be promoted even though it is very small, the person I spoke to didn't know how many kw's of PV will be on the roof - - get rid of clay roof & be courageous to truly make this a sustainable/living building.</p>	<p>The comment relates to the Aztec Center Student Union project, which was approved as part of the 2007 Campus Master Plan project and is not part of the Proposed Project.</p>	
Comment I-5-2	Comments from Hanson, Justin, 11/3/2010	Response
<p>Create a more efficient bus system to mitigate traffic rather than rely on the engineers to create larger roads. We need to step away from a car based school. Many universities have their own transit system.</p>	<p>The creation of a more efficient bus system to mitigate traffic is the responsibility of the MTS; SDSU does not operate or control the area transit system. However, as part of the 2007 Campus Master Plan project, SDSU will develop a campus transportation demand management (TDM) program, in consultation with MTS, to facilitate a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel. Additionally, the Proposed Project is consistent with the comment's request to "step away from a car based school" through its inclusion of additional on-campus student housing options.</p>	

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Comment I-6-1	Comments from Conaty, Don, 11/8/2010	Response
I am a 20-year resident of the College/Rolando area. While I am a proponent of the proposed project, as described below there are aspects of it that I believe could be enhanced either through project modification or additional mitigation Measures.	SDSU appreciates the commenter's support of the Project.	
Comment I-6-2	Comments from Conaty, Don, 11/8/2010	Response
Project Description: The project seems to miss an opportunity to define a grand entrance to campus via Campanile past the KPBS 'Gateway' Center. As I recommended during a public workshop, starting north from College the project should include a wide center median (e.g., with monument entrance sign and drought-tolerant landscaping) along this wide street to essentially 'extend' the grass median on campus. This is identified in the DEIR as the main vehicle point of access to the project site from the west, and therefore the university should appropriately consider inclusion of improvements to beautify this portion of Campanile. Also, as mitigation the project should require retention where possible of the large palms and other beautiful mature trees near the corner of Campanile / College Avenue.	SDSU appreciates the comment and will consider the suggested improvements to Campanile Drive as Project development moves forward.	
Comment I-6-3	Comments from Conaty, Don, 11/8/2010	Response
Section 3.1, Aesthetics: In this section the word 'blighted' is carefully sprinkled throughout to describe our neighborhood. Use of this extreme term, borrowed from Redevelopment law, is inappropriate in the context of assessing current environmental conditions. Most of the 'urban decay' has occurred over the years as a result of inattention on both private and public properties due to long-pending redevelopment plans for the site and surrounding area. Indeed, these conditions are partly the university's responsibility; the long-ago removal of two gas stations in favor of interim parking-lot usage are two examples. Successfully-operating businesses on the project site (such as Jack-in-the-Box, Domino's Pizza, Starbucks, among several others) have been recently refurbished and are not appropriately represented by the term 'blight.' Put another way, would the university want to be accused of managing 'blighted' properties for several years running?	As the comment notes, the term "blighted" is a term of art specific to redevelopment law and a necessary prerequisite to the formation of a redevelopment area. As the Project site lies within a redevelopment area, it is appropriate to describe the site as such. The comments regarding the referenced businesses currently operating in the Project vicinity are noted.	

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Comment I-6-4	Comments from Conaty, Don, 11/8/2010	Response
Apparently the purpose of using the term 'blight' is to demonstrate the aesthetic benefit of the proposed project. In this regard, I don't believe the environmental document hits the target. Firstly, use of architectural renderings (see Figure 3.1-8) to demonstrate the aesthetic value of the project seems inappropriate. As we all know, the perspective provided by an architect is intended to 'sell' a project, and almost always looks better than the actual product. Secondly, the photographic renderings look hideous, and do not match the description provided in the analysis that the project would include "modern designs present in many redevelopment areas in the City of San Diego, accented by elements of the Mission Revival architectural style present in the central SDSU campus core." This description itself sounds very pedestrian considering the high visibility nature of the project site at the main entrance to the university. This project deserves more attention than the "typical redevelopment area."	The architectural renderings included in the Draft EIR are intended to provide the reader with a general idea of what the Project would look like upon completion; the renderings are not intended to "sell" the project. Instead the referenced photographic renderings are intended to provide the reader with a sense of the bulk and scale of the Project relative to the existing buildings. The comments referring to the design description as "pedestrian" are noted.	
Comment I-6-5	Comments from Conaty, Don, 11/8/2010	Response
The View 4 perspective on Figure 3.1-8 shows a four story building that doesn't look like a five story parking garage planned at that location. See also Figure 1.0-12 of Project Description in this regard.	The comment regarding the parking structure as a five-storey structure is noted. However, the parking structure would include 2,000 square feet of ground level retail space, consistent with the view depicted in View 4. (See Draft EIR, p. 1.0-41.)	
Comment I-6-6	Comments from Conaty, Don, 11/8/2010	Response
On p. 3.1-24, the analysis of the views to motorists along College Avenue says that the landscaping along the perimeter of the proposed buildings would shield a large percentage of the structure (sic) from mobile viewers, resulting in mostly interrupted views of the proposed buildings." This sugar-coated perspective doesn't seem consistent with Figure 3.1-10 visual simulation.	The view referenced in the Draft EIR at p. 3.1-24 references Figure 3.1-9, not Figure 3.1-10; Figure 3.1-9 is consistent with the text description.	
Comment I-6-7	Comments from Conaty, Don, 11/8/2010	Response
Given the above considerations, the university should seriously consider inclusion of a few select community members in the review of architectural and landscape plans for the project. There are capable people in our neighborhood that would provide valuable insight in this regard.	SDSU appreciates the comments and will consider them as Project development moves forward.	
Thank you in advance for your consideration of these remarks.		

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Comment I-7-1	Comments from KB Books, 11/10/2010	Response
	<p>This letter serves as the written identification of environmental issues in the above referenced DEIR from KB Books and its' President, Mr. Ken Appel, regarding the inadequacies found in the DEIR for the Plaza Linda Verde proposed development ("Project"). KB Books has a vested interest in the Project as a property lessee and business owner at 5178 College Avenue, within the boundary of the Project as defined in the DEIR. The KB Books store has occupied this location as a successful business serving the students of SDSU and other local schools and colleges as well as local residents for over 20 years. We have reviewed the DEIR and raise the following issues with respect to the DEIR's adequacy:</p>	<p>The comment is an introduction to comments that follow and does not raise a specific environmental issue within the meaning of CEQA. Therefore, no further response is provided or required.</p>

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Comment I-7-2	Comments from KB Books, 11/10/2010	Response
The DEIR provides for the expansion of the current campus master plan boundary to the south. This expansion would generally be from Aztec Walk three (3) blocks further to the south to Montezuma Road ("Expanded Boundary"). Section 1.0, page 22, of the DEIR states, "Parcels within the proposed Campus Master Plan boundary adjustment that are not currently owned by SDSU/CSU (California State University) would be designated for "Future Acquisition." The "Future Acquisition" label is an incorrect environmental assumption that causes significant adverse financial impacts for private land and business owners trapped in the proposed Expanded Boundary.	<p>The Future Acquisition label is simply a means by which CSU/SDSU provides notice to the community of its interest to expand the campus boundary and acquire the privately owned parcels within. The designation has no regulatory effect and in no way restricts or encumbers the property. As a result, the designation causes neither significant adverse financial impacts nor environmental impacts. Thus, the terminology utilized in the Draft EIR for the Proposed Project accurately establishes the parameters by which environmental impacts are assessed.</p> <p>As stated in the Draft EIR:</p> <p>"Parcels within the proposed Campus Master Plan boundary adjustment that are not currently owned by SDSU/CSU would be designated for 'Future Acquisition.' The parcels are included to provide for the physical requirements of the campus 'to accommodate...approved educational programs and auxiliary activities' supporting the academic mission of the university. 'Future Acquisition' designates property that is either presently needed or will be needed for future development. Inclusion of such property in the Campus Master Plan triggers two authorizations by the CSU Board of Trustees. First, the inclusion of such property in the campus master plan authorizes the campus president to accept any gift of such property, subject to satisfactory completion of due diligence. Second, the inclusion of such property in the campus master plan authorizes the CSU chancellor to acquire (purchase) such property. Thus, the inclusion of such parcels in the campus master plan authorizes the acquisition by gift or purchase of such property in the future; however, it does not authorize acquisition by eminent domain, nor does it authorize the development of such parcels."</p> <p>(Draft EIR, p. 1.0-22.) As illustrated in Draft EIR Table 1.0-1, Development Parcels/Ownership/Existing Uses, six (6) of the twenty four (24) parcels that comprise the Project development area are privately owned. As such, these parcels would be designated as "Future Acquisition" parcels, that is, the University does not presently own these parcels, and they would be intended for future acquisition.</p> <p>In conducting the environmental impact analysis, the Draft EIR assumed the six privately owned parcels contemplated for development as part of the Proposed Project, would, in fact, be developed. CSU/SDSU only would</p>	

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acquire the Future Acquisition parcels from willing sellers; if there are no willing sellers, the Proposed Project would proceed on a modified basis and no CSU/SDSU-sponsored development would occur on those parcels. (See Draft EIR, pp. 1.0-2, -16, -18.) As a result, all potential environmental impacts have been accounted for in the Draft EIR.

Specifically, the modified basis would be the elimination of development on those parcels not acquired by CSU/SDSU. For example, in the event CSU/SDSU is not able to acquire parcel numbers 17 and 18 from willing sellers (see Draft EIR Figure 1.0-9, Existing Parcels), development of a modified Building 4 would go forward as a five-story mixed-use building as described in the Draft EIR, though only on parcel number 16. (See Final EIR Figure 1.0-11A.) Similarly, in the event CSU/SDSU is not able to acquire parcel numbers 12, 14 and 15 from willing sellers, development of a modified Building 5 would go forward as a five-story mixed-use building as described in the Draft EIR, though only on parcel number 13. (See Final EIR Figure 1.0-11A.) Lastly, in the event CSU/SDSU is not able to acquire parcel number 19 from willing sellers, a modified Building 6 would go forward as a four-story residential apartment building as described in the Draft EIR, though only on parcel numbers 20 and 21. Final EIR Figure 1.0-11A, Proposed Site Plan - SDSU Ownership, depicts the reduced footprint of the project were it to proceed without acquisition of those parcels presently not owned by the university. Final EIR Table 1.0-2A, Proposed Project/Modified Project Comparison Summary, provides a comparison of the size, rentable retail space, number of housing units, student beds, and parking spaces that would be developed under the proposed and modified projects.

As to the potential financial impacts presumed by the comment, CEQA does not require analysis of a project's anticipated economic advantages or disadvantages, with the exception that an economic change related to a physical change may be considered in determining whether the physical change is environmentally significant. (See, e.g., Cal. Code Regs., tit. 14, §§15064(e), 15064(f)(6), 15382.) For example, in *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120-1121, an appellate court upheld an EIR against an economic impact claim because there was no evidence supporting the assertion that potential reductions in the value of neighboring properties would have environmental consequences. (See also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.)

Here, there is no evidence that the Proposed Project would adversely affect the value of private property located within the area contemplated for the

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Campus Master Plan boundary expansion. More specifically, there is no evidence that the "Future Acquisition" label would result in an economic change related to a physical change to the environment. Instead, as the Project would revitalize and redevelop an existing blighted area, and as the adjacent CSU/SDSU-owned properties located in Phase I would be developed prior to development of the Phase II privately owned parcels, the designation of Future Acquisition for the privately owned parcels could have a beneficial impact on property values. However, even if one assumed for the purpose of responding to the comment that the designation of Future Acquisition would result in a decline in property values, there is no evidence such decline would lead to potentially significant environmental impacts.

Comment I-7-3	Comments from KB Books, 11/10/2010	Response
<p>The Project as proposed in the DEIR (Section 1.0, pages 50 & 51 / Construction Activities & Phasing) consists of two (2) building phases with Phase I consisting of Buildings 1, 2 and 3 being constructed on properties already controlled by the University. However, Phase II of the Project (Buildings 4, 5, 6 and 7) contains a mixture of parcels that are privately owned (by six different owners) as well as University controlled on every land area for each proposed building. Specific to Buildings 4 & 5, the DER (Section 1.0 pages 1 & 2) also states:</p> <p>"Additionally, development of certain portions of the Proposed Project, primarily those along the eastern side of College Avenue, would be contingent upon the acquisition of certain parcels of land presently not owned by the University. If the University is not able to acquire these parcels from willing sellers, the Proposed Project would proceed on a modified basis, as necessary." The DEIR is incomplete with respect to analyzing whether the private parcels can be feasibly acquired from "willing sellers".</p>		<p>Preliminarily, CSU/SDSU is confident that over time the University will acquire all the property necessary for build-out of the Proposed Project. To date, no property owner within the development area has expressed objection to the Proposed Project. As to the commentor, SDSU has expressed its willingness to provide tenant space in the final development. CEQA does not require analysis of whether CSU/SDSU can feasibly acquire private property contemplated for development. Rather, CEQA requires that the Draft EIR analyze the potential environmental impacts associated with the project as proposed. As discussed in the Draft EIR, privately owned parcels only would be acquired from "willing sellers" to a real estate transaction. The terms of such transactions are not known at this time and not necessary for purposes of assessing the Proposed Project's environmental impacts.</p>

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Comment I-7-4**Comments from KB Books, 11/10/2010****Response**

In addition, the DEIR has no analysis of what the "modified basis" of development would be even though as shown below the Project is almost sure to proceed on a "modified basis" if at all.

As described in Response I-7-2, in the event the university were unable to acquire the non-university owned parcels, the project would proceed on a reduced or "modified" basis. As to the environmental impacts of the Proposed Project, should it proceed on a "modified basis" and without the acquisition of privately owned parcels, the environmental impacts would be less than those disclosed in the Draft EIR because the overall Project development area would decrease, resulting in reduced impacts, including reduced traffic, air quality, and noise impacts. That is, while Phase I would proceed as proposed, Phase II would be reduced in scale based on the amount of private property, if any, acquired by CSU/SDSU. (See Draft EIR, pp. 1.0-50 to 1.0-53.) See Response I-7-2 for additional information responsive to this comment.

Comment I-7-5**Comments from KB Books, 11/10/2010****Response**

Section 1.0, page 16 of the Draft EIR states, "in contrast to the Paseo Project, build-out of the Proposed Project would not require the condemnation of private property; necessary property acquisitions would be made from willing sellers only." Assuming anymore "willing sellers" exist is a faulty assumption in the DEIR, as the University through the SDSU Research Foundation ("Foundation") was not successful in its' prior efforts to acquire these same properties between 1994 through 2005. Foundation efforts included appraisals of properties and offer letters to the owners. Before extending the campus boundary over properties the University has not been able to purchase since 1994, the University should contact private property owners and make new offers to assess the viability of acquiring these properties from "willing sellers".

The approach utilized in the Draft EIR is correct for purposes of CEQA because it analyzes the environmental impacts of the whole of the Proposed Project. As such, the Draft EIR provides an accurate, albeit worst- case assessment of the potential environmental impacts. Moreover, should the Project be approved, CSU/SDSU would contact individual land owners to discuss whether mutually acceptable terms are available relating to the sale of such parcels.

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Comment I-7-6	Comments from KB Books, 11/10/2010	Response
<p>Furthermore, the DEIR's own summary of the standards (Executive Summary, page 5) for evaluating the DEIR, per the California Environmental Quality Act ("CEQA") state:</p> <p>"An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible."</p> <p>Given the previous attempts and more importantly the lack of results in acquiring the six (6) privately owned properties, the DEIR's analysis of environmental conditions with respect to property acquisition is not "reasonably feasible" for Phase II of the Project.</p>		<p>Preliminarily, the response misinterprets the Draft EIR excerpt, which stands for the proposition that the EIR's evaluation of environmental effects need not be exhaustive, but need only be what is reasonably feasible. (See Cal. Code Regs., tit. 14, §15151.) Thus, the excerpt limits, rather than expands, the university's requirements in this regard and does not refer to the feasibility of property acquisition as the comment contends.</p> <p>Furthermore, as discussed in Response I-7-2, the approach taken in the Draft EIR conservatively accounts for all reasonably foreseeable aspects of the Project. This is consistent with CEQA's prohibition against piecemealing, which is the division of a single large project into small pieces so as to avoid environmental review. Here, the Project proposed by CSU/SDSU and the Project that will be considered for approval is the development of 7 structures on 24 parcels. Segregating the environmental analysis into two separate camps -- the CSU/SDSU-owned project and the non-CSU/SDSU-owned project, would violate CEQA's requirements that the whole of the Project be considered.</p>

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Comment I-7-7**Comments from KB Books, 11/10/2010****Response**

Therefore, all properties not currently controlled by the University should NOT be included in the Expanded Boundary of the DEIR.

In response to the comment's request that all properties not owned by CSU/SDSU be excluded from the Campus Master Plan boundary adjustment, as discussed in the Draft EIR, the inclusion of non-CSU/SDSU-owned parcels in the Campus Master Plan authorizes the acquisition of such properties by gift or purchase. The inclusion does not, however, authorize acquisition by eminent domain, nor does it authorize the development of such parcels (with the exception that the 6 privately owned parcels located within the Project development area would be authorized for development, assuming "willing sellers" exist). (Draft EIR, p. 1.0-22.) Additionally, as is the case with the Future Acquisition label addressed in response to comment I-7-2, the inclusion of private property within a Campus Master Plan is simply a means by which CSU/SDSU provides notice to the community of its interest to expand the campus boundary and acquire the privately owned parcels within. The designation has no regulatory effect and in no way restricts or encumbers the property. Therefore, while CSU/SDSU acknowledges the comment's request, the comment does not raise an environmental issue within the meaning of CEQA as the inclusion of such parcels within the Campus Master Plan, in and of itself, would not result in direct or indirect environmental impacts. (Id. at p. 1.0-24.)

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Comment I-7-8	Comments from KB Books, 11/10/2010	Response
Section 1.0, page 22 of the DEIR discusses "auxiliary activities supporting the academic mission of the university" as justification for the Expanded Boundary. The DEIR does not give a definition as to what "auxiliary" uses are. The DEIR's analysis incomplete until an explicit explanation of what "auxiliary" uses are and how "auxiliary" uses relate to fulfilling the University's mission is defined in the DEIR, due to these "auxiliary" uses and needs being the stated reason for the University's Expanded Boundary request, per the DEIR.	<p>The comment correctly notes that the proposed Campus Master Plan boundary adjustment would designate certain parcels for "Future Acquisition" in order to enable CSU/SDSU to "provide for the physical requirements of the campus 'to accommodate . . . approved educational programs and auxiliary activities' supporting the academic mission of the university." (Draft EIR, p. 1.0-22; see also State University Administrative Manual, Capital Planning, Design and Construction, Section II, §9007 ["The Board requires that every campus have a master plan, showing existing and anticipated facilities necessary to accommodate a specified enrollment at an estimated target date, in accordance with approved educational policies and objectives. Each campus master plan reflects the ultimate physical requirements of academic programs and auxiliary activities."].)</p> <p>Auxiliary activities and uses are provided by auxiliary organizations, which are non-profit organizations organized by the respective campus as separate legal entities under parameters outlined in the California Education Code. (See Ed. Code, §89900 et seq.; see also Cal. Code Reg., tit. 5, §42400 et seq.) These organizations operate in association with the campuses pursuant to special written agreements and are chartered solely for the purpose of performing functions that contribute to the educational mission of CSU.</p> <p>More specifically, pursuant to Section 42401 of Title 5 of the California Code of Regulations:</p> <p>"Auxiliary organization activities are essential to the educational program of a campus, including service functions, and are an integral part of the campus program and shall be so operated. The objectives of the auxiliary organizations are as follows:</p> <ul style="list-style-type: none">(a) To provide for student self-government, and(b) To provide the fiscal means and the management procedures that allow the campus to carry on activities providing those instructional and service aids not normally furnished by the State budget, and(c) To provide effective operation and to eliminate the undue difficulty which would otherwise arise under the usual governmental budgetary, purchasing, and other fiscal controls, and	

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(d) To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the campus in accordance with sound business practices."

As described in Section 1.0, Project Description, existing examples of auxiliary uses include sporting and entertainment venues, as well as various parking lots. (Draft EIR, p. 1.0-8.) Other examples of auxiliary uses include student body organization programs; bookstores and food services; housing; student union programs; instructional-related programs, including athletics, radio and television stations, and newspapers; public relations; and, acquisition, development, sale and transfer of real and personal property. (See Cal. Code Regs., tit. 5, §42500.) For more information on auxiliary organizations, including a list of CSU/SDSU auxiliary organizations, please refer to the website of the California State University Auxiliary Organizations Association: <http://www.csuaoa.org>.

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Comment I-7-9	Comments from KB Books, 11/10/2010	Response
The DEIR should analyze the actual Phase II project that is likely to take place, not a Project that the University cannot obtain the land for. Placing private properties in the Expanded Boundary with no factual basis that they can be acquired only serves to cloud the title and uses of the same private properties. The labeling of private property as "Future Acquisition" by a government agency (SDSU) and placing these same private properties in the Expanded Boundary with land use controlled by the same government entity (discussed below - Land Use & Planning Authority), gives cause to an inverse condemnation condition for these private property and business owners. Therefore, KB Books is requesting the DEIR be amended to exclude all buildings in Phase II (particularly Building 5) from the proposed Expanded Boundary, until a feasible method of private property and business acquisition can be analyzed in the DEIR.	<p>The comment incorrectly opines that the "Future Acquisition" label gives rise to an inverse condemnation claim. By way of background, the term "inverse condemnation" is used to describe a legal action, based on federal and/or state constitutional law, by a property owner to recover damages for injury to his/her property as a result of a public works undertaking or other activity of an agency with the power to condemn. Here, application of the "Future Acquisition" label does not provide the basis for such a claim because: (i) there would be no physical taking of or damage to the parcels; and, (ii) there would be no regulatory taking as the "Future Acquisition" label would not deprive the property owner of all reasonable use or value of the property. Specific to regulatory takings, the question is whether the regulation would completely deprive a landowner of "all economically beneficial use" of his/her property. (<i>Allegretti & Co. v. County of Imperial</i> (2006) 138 Cal.App.4th 1261, 1270; see also <i>Lucas v. South Carolina Coastal Council</i>, 505 U.S. 1003 (1992) ["[W]hen the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking."].)</p> <p>In those instances when a regulation does not result in a physical invasion or a deprivation of complete economic value, courts undertake what is referred to as a Penn Central analysis, which is based on the U.S. Supreme Court's decision in <i>Penn Central Transp. Co. v. City of New York</i>, 438 U.S. 104 (1978). That analysis focuses on: (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation interferes with distinct investment-backed expectations; and, (3) the character of the governmental action. (<i>Allegretti & Co. v. County of Imperial</i> (2006) 138 Cal.App.4th 1261, 1277.)</p> <p>As discussed in the prior responses, adoption of the Campus Master Plan boundary adjustment and application of the "Future Acquisition" label to the privately owned parcels would have no appreciable effect on the parcels other than providing CSU/SDSU with authorization to acquire such parcels by purchase, or otherwise and providing notice to the property owner and community of CSU's interest to expand the campus boundary and acquire the subject properties. Inclusion of these parcels within the Campus Master Plan boundary does not provide CSU/SDSU with authority to condemn the parcels; does not physically impact the parcels; and does not restrict, by regulation or otherwise, the existing or future use of the parcels by the private property</p>	

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owners.

Thus, there is no evidence that the Proposed Project would "unreasonably impair" the value or use of private property within the proposed Campus Master Plan boundary expansion. (See id. at p. 1278.) There also is no evidence that the Proposed Project would interfere with distinct investment-backed expectations; instead, CSU/SDSU would only acquire private property from "willing sellers." As such, any "interference" would be desired by the private property owner and not adverse. Finally, the character of the governmental action -- the application of the "Future Acquisition" label -- is benign for the reasons discussed in the responses to this comment letter.

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Comment I-7-10	Comments from KB Books, 11/10/2010	Response
Section 5.0 (Alternatives) of the DEIR is inadequate in its' environmental review due to the lack of analysis of the same Project, without any Expanded Boundary. Page 46, of Section 5.0 in the DEIR analyzes a "Reduced Campus Boundary Adjustment Alternative" (Section/Alternative 5.4.3) consisting of the same Project with the expanded campus master plan boundary only imposed over parcels which are needed for the actual building sites for the Project. The DEIR concludes that; "This alternative (5.4.3) would attain all of the Project objectives". Given this assessment and SDSU's position that as a State entity it is not subject to local land use ordinances, there does not appear to be any justification or need for the Expanded Boundary sought by the University, particularly an Expanded Boundary imposed on private property.	<p>While the comment opines that the analysis provided in Section 5.4.3, Reduced Campus Boundary Adjustment Alternative, of the Draft EIR confirms that "there does not appear to be any justification or need for the Expanded Boundary sought by the University," the boundary expansion is proposed for three discrete reasons:</p> <ol style="list-style-type: none">1. The expansion would facilitate coherent and comprehensive long-range planning for the campus. The proposed expansion covers an area located immediately adjacent to the existing campus core and provides the potential for a logical extension of the campus to neighboring areas as additional campus development is required to accommodate future growth. As noted in response to comment I-7-8, the CSU Board of Trustees "requires that every campus have a master plan, showing existing and anticipated facilities necessary to accommodate a specified enrollment at an estimated target date, in accordance with approved educational policies and objectives. Each campus master plan reflects the ultimate physical requirements of academic programs and auxiliary activities." (State University Administrative Manual, Capital Planning, Design and Construction, Section II, §9007.)2. As illustrated in Final EIR Appendix F1.0, Figure 1.0-9A, a large portion of non-development parcels located within the Campus Master Plan expansion boundary are owned by CSU/SDSU and its auxiliaries. As such, the area is "primed" for campus-related development and uses.3. As discussed in the prior responses, the inclusion of privately held property within a Campus Master Plan provides notice to the community and property owner of the university's interest to expand the campus boundary and acquire the privately held parcels. <p>Additionally, the statement in Draft EIR Section 5.0, Alternatives, page 5.0-46, that the Reduced Campus Boundary Adjustment Alternative would attain all of the Project objectives is in error; in fact, the alternative would not attain all of the Project objectives.</p> <p>As noted in Draft EIR Subsection 1.4, Project Goals and Objectives, "the overall goal of the Proposed Project is the removal of existing substandard and deteriorated properties, and the subsequent development of high density housing with commercial/retail uses to serve the university and community."</p>	

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(Draft EIR, p. 1.0-16.) Specific goals and objectives include eliminating further deterioration in the area of the Proposed Project, and improving the existing architecture, landscape, and urban design within the Project site. (Ibid., p. 1.0-16.) These goals and objectives would not be fully realized under the Reduced Campus Boundary Adjustment Alternative, which would expand the Campus Master Plan boundary only as to those parcels to be developed as part of the Proposed Project.

Accordingly, this Final EIR contains revised page 5.0-46, corrected to state: "This alternative would not attain all of the Project objectives." To further clarify, the Final EIR includes revised Draft EIR Subsection 1.4, Project Goals and Objectives, revised to include the additional goal/objective to facilitate comprehensive long-range planning for the campus, a goal/objective that is specific to that portion of the proposed expanded Master Plan Boundary not proposed for development as part of the Proposed Project and which was inadvertently omitted from the Draft EIR.

Comment I-7-11	Comments from KB Books, 11/10/2010	Response
Section 1.0, page 22 of the DEIR identifies the two (2) procedural reasons for the Expanded Boundary are to be able to acquire properties inside the Expanded Boundary by purchase or gift. Is the DEIR implying that if the University received a gift of property located outside the Expanded Boundary, such as an inheritance from deceased alumni, the University could not accept the gift of property? Given the University does accept gifts of property and currently owns property outside of the existing campus master plan boundary there appears to be no procedural requirement for this vast extension of the University's Campus Master Plan Boundary, unless the Expanded Boundary is a procedural step for the University to later pursue eminent domain actions in its' Expanded Boundary, to complete the Project after the DEIR is Final.	The Draft EIR states that inclusion of privately held parcels in a Campus Master Plan authorizes the campus president to accept such property as a gift, or authorizes the CSU Chancellor to purchase such property. (Draft EIR, p. 10-22.) To be distinguished, a gift of property located outside a campus master plan boundary would need to be accepted by the CSU Board of Trustees, a procedure more complex than acceptance by a campus president. Please see response to comment I-7-10 for the reasons for the proposed Campus Master Plan boundary expansion.	

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Comment I-7-12	Comments from KB Books, 11/10/2010	Response
Section 3.7, page 1 of the DEIR states, "As a state entity, CSU/SDSU is not subject to local government planning, such as the City of San Diego General Plan or Redevelopment Plan for the College Area Community." In addition, beginning at the bottom page 22, in Section 1.0 the DEIR carefully states that the University will not change land uses for "non-development parcels," or those parcels that are not part of the twenty-four (24) parcels needed to complete Phase I and II of the Project. However, this is contradicted in the DEIR by the University's proposed Expanded Boundary and the University's statement that it "is not subject to local government planning." These two (2) factors of an Expanded Boundary or sphere of University influence over private properties combined with the University asserting it is not subject to local governing planning lead the reader of the DEIR to assume that the University is the sole regulatory authority with respect to land use decisions and enforcement of same land use authority, in the proposed Expanded Boundary.	<p>Contrary to the comment, there is no contradiction in the Draft EIR relating to CSU/SDSU's immunity from local land use regulation and the implications of the proposed Campus Master Plan boundary expansion. As a state entity, CSU/SDSU is not subject to local government planning. Therefore, in analyzing the potential impacts of the Proposed Project relative to City of San Diego zoning requirements, for example, the analysis recognizes that CSU/SDSU is not subject to such local regulations and, therefore, any potential inconsistencies is not a significant impact within the meaning of CEQA. (See Draft EIR Section 3.7, Land Use and Planning.) However, third-party property owners within the Campus Master Plan boundary are subject to local government planning, to the extent that such owners seek discretionary or ministerial action from a local agency (e.g., the City of San Diego) relating to land use matters.</p> <p>In other words, privately owned parcels (non-CSU/SDSU owned or controlled parcels) that are proposed for inclusion within the Campus Master Plan boundary expansion would be subject to City regulations; as noted in the prior responses, the inclusion of privately held properties within a campus master plan has no regulatory effect on such parcels. Until such time as CSU/SDSU acquired such properties and proposed a plan for their development, those parcels (and their property owners) would remain subject to the land use authority of the local jurisdiction (in this case, the City of San Diego).</p>	
Comment I-7-13	Comments from KB Books, 11/10/2010	Response
The DEIR must clearly address the University's role with respect to land use regulatory police powers over private property the University is now stating is in its' sphere of influence through the Expanded Boundary, particularly the six (6) private properties the University seeks for Phase II of the Project. Until this inadequacy is addressed, the DEIR with respect to land use is incomplete.	As a state agency with a statutorily-established mission to further the education of Californians, CSU/SDSU does not exercise the police powers afforded to local land use planning jurisdictions. As discussed in response to comment I-7-12, above, CSU/SDSU does not have any land use regulatory police powers over private property within the proposed Campus Master Plan boundary expansion until such time as CSU/SDSU acquires the private property. Thus, applicants would apply for and process their land use entitlements via the City of San Diego (or other applicable local agency).	

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Comment I-7-14	Comments from KB Books, 11/10/2010	Response
Furthermore, the DEIR must address LAFCO's (Local Agency Formation Commission for California) role or why a lack of role in extending University's sphere of influence over land it does not control, particularly the six (6) privately owned properties the University seeks for Phase II of the Project.	<p>The establishment and revision of local government boundaries is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, §56000 et seq.). As indicated by the comment, local agency formation commissions (LAFCOs), which are established in each county throughout the State, assist in matters relating to the modification of local agency jurisdictional boundaries.</p> <p>"Among the purposes of a [LAFCO] are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the [LAFCO] is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for present and future needs of each county and its community."</p> <p>(Gov. Code, §56301; see also Gov. Code, §56054 [defining "local agency" to include a city, county, or district].)</p> <p>The types of matters specifically considered by LAFCOs include the following examples:</p> <ul style="list-style-type: none">• Formation or dissolution of a special district;• Incorporation or un-incorporation of a city;• Annexations or detachments from a city. <p>State agencies, however, are not subject to LAFCO proceedings and requirements; instead, as indicated above, LAFCOs address local agency matters. (See Gov. Code, §56054.) As such, CSU/SDSU is not required to secure LAFCO approval prior to modifying its Campus Master Plan boundary.</p>	

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Comment I-7-15	Comments from KB Books, 11/10/2010	Response
The DEIR assertion of University land use authority in the imposed Expanded Boundary and "Future Acquisition" label essentially condemns the six (6) private properties needed to implement Phase II of the Project to selling exclusively to the University.	<p>The Draft EIR does not assert University land use authority over the privately held properties located within the Project area. As discussed in response to comment I-7-12, because CSU/SDSU as a state entity is not subject to local land use planning, for purposes of EIR analysis, any project inconsistencies with City planning laws, for example, are not considered a significant impact within the meaning of CEQA. As previously noted, until such time as CSU/SDSU acquires these properties, privately owned parcels and their property owners would remain subject to the local jurisdiction.</p> <p>Additionally, as discussed above, in response to comment I-7-9, neither the inclusion of private property within the proposed Campus Master Plan boundary expansion nor the related "Future Acquisition" label results in the condemnation of the six privately owned parcels contemplated for development during Phase II of the Proposed Project. As stated above and in the Draft EIR, CSU/SDSU will acquire the property from "willing sellers" only. Therefore, it is factually incorrect to state that designating the properties "Future Acquisition" would "condemn" the properties "to selling exclusively to the University."</p>	
Comment I-7-16	Comments from KB Books, 11/10/2010	Response
The DEIR is inadequate in that it is void of any analysis regarding the loss of private property and business value due to the University eliminating the open market for private property and business transactions, in the Expanded Boundary. Approval of the DEIR in its' current form would subject the six (6) private property owners for Phase II of the Project and any on-site businesses to a condition of inverse condemnation. This arises from the University identifying in a government planning document, these six (6) private properties as "Future Acquisition" where the University is the sole exclusive decision maker on matters of land use, in the University's Expanded Boundary. The DEIR must address how the issues above will affect the land and business values of the six (6) private properties the University seeks for Phase II of the Project, where the University is now the only purchaser of the private businesses or property.	<p>Please see responses to comments I-7-2, I-7-9, I-7-12 and I-7-13, above, for information responsive to the comment's inverse condemnation claim and the suggestion that CSU/SDSU serves as the "sole exclusive decision maker on matters of land use" within the Campus Master Plan boundary.</p> <p>As to the perceived "loss of private property and business value," as discussed in the Draft EIR, CSU/SDSU only would acquire property from "willing sellers." Therefore, if a private property owner is unwilling to enter into a real estate transaction with CSU/SDSU, he/she is free to sell the property to another third party. In light of the CSU/SDSU's position (i.e., that it will not use eminent domain to acquire property), there is no evidence of a loss in property or business value. It also bears emphasizing that, as discussed in response to comment I-7-2, economic considerations are beyond the purview of CEQA absent some evidence that the economic matters relate to physical impacts.</p>	

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Comment I-7-17**Comments from KB Books, 11/10/2010****Response**

Section 3.7, of the DEIR needs to address how land use disputes will be resolved, including determination of approved uses and responsibility for code compliance, due to the DEIR stating that the University as a State entity will have land use and planning authority over public and private properties located in Phase II of the Project.

As explained in response to comment I-7-15, CSU/SDSU will not have land use and planning authority over private parcels located within the Campus Master Plan. For purposes of CSU/SDSU-owned properties that are the subject of campus-sponsored development, as discussed in Section 3.7, CSU/SDSU would have exclusive authority over the development of such properties with respect to building design and standards. However, as to privately owned property, approved uses and code compliance would be assessed by the local land use planning jurisdiction (i.e., the City of San Diego). As discussed in the Draft EIR, if CSU/SDSU does not acquire the privately owned parcels identified for Phase II development, the Proposed Project would proceed on a modified basis (i.e., with those parcels excluded); those parcels would remain under private ownership and remain subject to the City's land use authority.

Please see Response I-7-2 for additional information responsive to this comment.

Comment I-7-18**Comments from KB Books, 11/10/2010****Response**

Furthermore, the DEIR needs to clarify if private land owners who choose not to sell their properties and businesses to the University, as part of Phase II still have the legal right to develop their private properties, as part of the City of San Diego's ("City") College Area Redevelopment Project (Footnote), or will the proposed Expanded Boundary and the University's assumption of land use authority eliminate private land owner's ability to opt-out of the University imposed Project in the DEIR?

As CSU/SDSU will only acquire the private property contemplated for Phase II development from willing sellers, private land owners may "opt out," as that term is used in the comment, and seek to develop their properties as they choose. The proposed Campus Master Plan boundary expansion would not usurp the property rights of private landowners, who would continue to retain all of their existing legal rights and obligations with respect to their property.

Footnote: Note the projects anticipated in College Area Redevelopment Plan generally evaluated and anticipated more intensive land uses.

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Comment I-7-19	Comments from KB Books, 11/10/2010	Response
While Section 3.7, page 1 of the DEIR states that the University is not subject to local land use or redevelopment requirements. Section 3.8, page 14 of the DEIR states the Project will comply with City noise ordinances and page 45, of Section 1.0 and others areas of the DEIR state the University requires City approval for street and alley vacations for pedestrian corridors. The DEIR needs to address the inconsistencies of how it will manage land use and planning authority over its' "Future Acquisition" properties, along with inconsistencies regarding noise ordinances and street/alley vacations ordinances.	With respect to the referenced Mitigation Measure NOI-1, as noted by the comment, CSU/SDSU voluntarily has elected to comply with the City of San Diego's noise ordinance criteria relative to construction activities. Although CSU/SDSU is not required to comply with these criteria because of its sovereign immunity relative to local land use plans and regulations, CSU/SDSU will comply with these criteria in an effort to minimize noise disturbances related to construction activities.	With respect to the need for City approval in cooperation with street and alley vacations, this precondition is not so dissimilar from CSU/SDSU's decision to only acquire private property from willing sellers. Specifically, as the City is the local land use authority charged with responsibility for public roads and thoroughfares, CSU/SDSU only would proceed with the Project, as proposed, if the City vacates certain existing vehicular rights-of-way. If these easement vacations are not secured, then the Proposed Project would proceed on a modified basis (i.e., without the development of certain pedestrian malls and/or the campus green, and/or a smaller footprint for Building 2). (See Response I-7-2; Draft EIR, Section 1.0, Project Description.) This is consistent with the approach proposed for the "Future Acquisition" parcels -- if the parcel owners are not willing sellers, the Project would proceed on a modified basis.

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Comment 1-7-20	Comments from KB Books, 11/10/2010	Response
	<p>While addressing some of the impacts of full implementation of the Project, the DEIR does not adequately address the adverse impacts of any partial implementation of the Project - i.e., in the event that only some or none of the privately owned properties east of College Avenue are acquired, even though this is the far more likely scenario. Many of the businesses on the east side of College Avenue are community as well as university serving and proposals to eliminate alleys and close streets would have a significant adverse financial impact on these business. In addition reducing motor vehicle access to these and other businesses located in the Expanded Boundary, would further physically divided the single-family detached residential community to the south and east of the University. These residents generally rely on motor vehicle transportation to access the businesses currently in the Expanded Boundary, as noted by full parking lots and a motor vehicle serving gas station and motor vehicle drive-through facilities for fast food restaurants.</p> <p>This analysis of partial implementation must include the impacts of alley vacations, loss of right- of-way, loss of existing street and road easements, and loss of access on existing properties or businesses that choose not to sell their property to the University or are immediately adjacent to the Proposed Project. The DEIR should also address the impact on the remaining parcels due to partial implementation of the Project, including changes to traffic on remaining streets; vehicle access routes to remaining parcels for customers, deliveries, and emergency vehicles; disruption or elimination of on- and off-street parking for existing businesses; and changes to visibility of existing businesses from public thoroughfares. The DEIR is inadequate in that there is no analysis evaluating how full or partial implementation of the Project would cause economic blight or financial damage to existing businesses and private properties subject to "Future Acquisition".</p>	<p>Please see response to comment 1-7-2, above, for information regarding the environmental effects associated with approval and implementation of the Project on a modified basis, and discussion of economic considerations in the context of CEQA. As discussed in that response, the environmental assessment provided in the Draft EIR provides a worst-case analysis as a smaller project would result in fewer impacts. Additionally, there is no evidence that the Proposed Project, including the limited closure of alleys and streets, would result in economic blight or financial damage within the proposed Campus Master Plan boundary expansion as the Project seeks to revitalize an area slated for redevelopment by the community and local Redevelopment Agency.</p> <p>The proposed street closures would facilitate Project development, including development of the Campus Green and Pedestrian Malls, which would enhance the existing access to the area rather than impede it. The Campus Green would consist of nearly an acre of active and passive open space bisected by a public promenade that would facilitate pedestrian movement between the main campus and SDSU Transit Center, and the new Plaza Linda Verde development. (Draft EIR, p. 1.0-43.) Similarly, two pedestrian malls are proposed to provide inter-project connectivity and non-vehicular links to the main portion of the SDSU campus. The malls would connect the Proposed Project to the SDSU Transit Center and main campus, and would be accessible to pedestrians, as well as emergency and service vehicles. (Id. at p. 1.0-45.)</p> <p>Draft EIR Figure 1.0-17 illustrates the street easements that would be vacated to facilitate Project development. As shown on the figure, College Avenue, Montezuma Road, Campanile Drive, and Lindo Paseo (the primary means of vehicular access in the area) would be unaffected by the proposed street vacations, and only a limited portion of Hardy Avenue would be closed to vehicular traffic. Additionally, the Draft EIR analyzed the potential impacts of the street closures on area traffic circulation and determined that the roadway closures/street vacations would not result in significant impacts to traffic circulation. (Draft EIR, pp. 3.12-71 to 3.12-73.)</p> <p>Also, as discussed in Section 3.7, Land Use and Planning, the Proposed Project would further the preservation of the established residential neighborhoods in the Project's vicinity by directing growth towards the Core</p>

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Subarea. In this way, and contrary to the comment's suggestion, the Proposed Project would not physically divide an established community.

Comment I-7-21	Comments from KB Books, 11/10/2010	Response
Neither Section 3.10, page 13 (Commercial Space), nor the DEIR as a whole adequately address the temporary or long-term relocation of businesses, nor is there any mention of the disposition of commercial lease holders who will have to shut down their businesses to accommodate the Project, particularly Phase II.	The Proposed Project would provide approximately 90,00 gross square feet of commercial space, which is a substantial increase over the existing available space. As such, the Proposed Project could accommodate, either on a temporary or long-term basis, the relocation of existing retail businesses within the Project development area.	
Comment I-7-22	Comments from KB Books, 11/10/2010	Response
Section 1.0, page 18 of Draft EIR states, "Ultimate Project development would be on a land owned by CSU. Land currently owned by private parties would be acquired from willing sellers only; CSU/SDSU will not utilize eminent domain to acquire those properties presently owned by others." If eminent domain is not being utilized, then the DEIR must address the fact that the University's extension of the Expanded Boundary, to include private properties and dismiss City land use authority will limit the ability of private property and business owners to sell their properties to anyone but the University. Removing local land use authority and implementation of the Expanded Boundary, without the reasonable likely hood of being able to acquire the private parcels by SDSU becomes a case of inverse condemnation because the government (SDSU) is reducing the values and transferability of properties and businesses through its' actions.	Please see the following previous responses to comments for information responsive to the comment's concerns regarding property valuation, inverse condemnation, and land use authority: I-7-2, I-7-9, -12, -13, -16, and -18.	
Comment I-7-23	Comments from KB Books, 11/10/2010	Response
The potential threat of acquisition in the DEIR or a Final EIR is tantamount to pre-condemnation activities. It is unreasonable for the University to issue pre-condemnation statements in the DEIR or Final EIR because my business (KB Books) will suffer a diminution in market value as the result of such published statements. Through the DEIR, the University is acting affirmatively to lower the value of my business.	Please see the following previous responses to comments for information responsive to the comment's concerns regarding property valuation and inverse condemnation: I-7-9 and I-7-16.	

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Comment I-7-24	Comments from KB Books, 11/10/2010	Response
It is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action by the University, such as "Future Acquisition". Yet there is no meaningful discussion of it in the DEIR. Further, there is no evidence in the DEIR that demonstrates that it is either legally or economically feasible for the University to proceed with the Proposed Project on a "modified basis" for Phase II of the Project. Therefore, the DEIR as presently drafted is insufficient and fails to meet CEQA's standards for an EIR."		For information responsive to this comment, please refer to responses to comments I-7-2 and I-7-3, above.
Comment I-7-25	Comments from KB Books, 11/10/2010	Response
We respectfully reserve the right to raise additional concerns and comments regarding the proposed Project and the DEIR if additional information becomes available through the environmental review process. We request that the comments of this letter and your replies to these comments be included as part of the administrative record for the CEQA review of the Project. Please feel free to contact me (619) 993-8398 if you have any questions or wish to discuss these comments further.		As requested by the comment, Comment Letter I-7 and the responses thereto will be included as part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

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Comment I-8-1	Comments from Luster, Carl, 11/11/2010	Response
<p>I realize it's too late for public comment to the Plaza Linda Verde Draft EIR, but I recommend adding a Transit Center Passenger Loading Zone to the design. Currently, transit passengers and students use the \$5 parking lot south of the trolley stop for this purpose. My family and I sometimes use this lot as a place to drop each other off or pick each other up from the bus or trolley, and I always see people waiting to be picked up.</p> <p>A Passenger Loading Zone will serve both able-bodied and handicapped transit passengers and students. It will also make the SDSU Transit Center and Plaza Linda Verde more valuable assets for both SDSU and the larger College Area community. Without a convenient Passenger Loading Zone, drivers will park illegally or stop in the middle of the street to drop off and pick up passengers.</p> <p>I suggest making the west end of the proposed Campus Green a landscaped traffic circle, with parallel parking for passenger loading on the north and east sides and with short-term (10 minute?) parking on the west side for drivers waiting for someone to arrive.</p> <p>Thank you for helping to include this recommendation in the design process for Plaza Linda Verde.</p>	<p>The Proposed Project would include a small cul-de-sac just south of the Campus Green to provide access to the neighboring properties, and which also would facilitate the type of activity described in the comment. The cul-de-sac would be designed consistent with applicable requirements regarding passenger loading, including disabled access.</p>	

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Comment I-9-1	Comments from Rector, Elinor, 11/12/2010	Response
<p>Greetings--trust you are well. I am sorry to be a little remiss in my writing to you re: the plans for Plaza Linda Verde, as I was unable to attend the meeting on Nov. 3rd at the Alumni Center.</p> <p>I attended SDSU for four years in the 60's and lived on Lindo Paseo Dr. for awhile. My feelings about it are--Why another building-plaza with a Spanish name? Is this not the United States of Arnerica?! Are not Americans the ones who funded and paid for the college and university? Why so MANY Spanish names? I think it is insulting to those who really paid their dues for the university.</p> <p>Also, what are the reasons for making it a Co-ed Dorm? More "free sex"? But it isn't free and always costs more than people are able to pay. And most importantly, it undermines Marriage and Family, which are the foundation of any healthy and strong community and nation. So why would you want to make it a CO-ED Dorm?</p> <p>And finally, the economy is in a free-fall Recession; is it a good idea to do it at this time? Granted, it needs to be done and should have been done a decade ago! Who is funding it, since the State is essentially bankrupt and can't get any more out of the over-burdened taxpayers at this time. So who IS paying for it?!</p> <p>Thank you for considering my issues with the proposed building construction.</p>	<p>The name of the Proposed Project is compatible with the surrounding street names (e.g., Lindo Paseo), and reflects the history of the area, and the environmentally sustainable nature of the Project -- verde means green in Spanish. With respect to student housing, the provision of co-ed dormitories is consistent with the practice at most universities, including, for example, Stanford and Harvard. As to the comment regarding current economic conditions, it will be several years before the Project is fully developed and it is expected that by that time there will be substantial demand for additional on-campus student housing.</p>	

Comment I-10-1	Comments from LPD Development, LLC, 12/14/2010	Response
<p>We are developing a student apartment project, 47 units with 255 beds, at 5665 Lindo Paseo. We reviewed the referenced EIR and determined our project is not part of the proposed project albeit we are in the SDSU Campus Master Plan boundary.</p>	<p>The comment is correct. The property located at 5665 Lindo Paseo would be included within the proposed Campus Master Plan boundary expansion, although the property is not included within the 24 development parcels comprising the Proposed Plaza Linda Verde Project. (See Draft EIR Table 1.0-1, Development Parcels/Ownership/Existing Uses, and Figure 1.0-9, Existing Parcels.)</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment I-10-2	Comments from LPD Development, LLC, 12/14/2010	Response
<p>The purpose of this letter is to respectfully request you confirm: (1) our development is not included in the Proposed Project (2) our project is included in the SDSU Campus Master Plan boundary (3) you will notify us if the referenced EIR is amended to include our development and (4) you will notify us if our development is included in a subsequent EIR.</p> <p>For your convenience we have attached a copy of Figure 1.0.2, Vicinity Map, from your EIR, and identified, using hash marks, the location of our development.</p> <p>We would appreciate a response at your earliest convenience.</p>	<p>CSU/SDSU confirms: (1) the property located at 5665 Lindo Paseo is not included within the 24 parcels proposed for development as part of the Proposed Plaza Linda Verde Project (see Response I-10-1); (2) the property located at 5665 Lindo Paseo is included within the proposed Campus Master Plan boundary expansion (see Response I-10-1); (3) CSU/SDSU will notify the commentor if the Plaza Linda Verde Draft EIR is revised to include the property located at 5665 Lindo Paseo within the parcels proposed for development as part of the Proposed Project; and (4) CSU/SDSU will notify the commentor if the property located at 5665 is the subject of, or included within, a subsequent EIR prepared by CSU/SDSU. CSU/SDSU notes the location of the commentor's development on the enclosed figure.</p>	
Comment PC-1-1	Comments from Gerber, Michael, 11/3/2010	Response
<p>Public Comments Taken November 3, 2010, San Diego State University, 5500 Campanile Drive, San Diego, California</p> <p>It's a bad idea to put parking on that corner because of the traffic on both College and Montezuma. So you're waiting for somebody to turn into that parking lot and there are people behind you honking their horn. A lot of traffic on that corner. It's a busy intersection.</p>	<p>The Draft EIR analyzed the potential traffic impacts associated with the Proposed Project, including the Parking Structure, and includes mitigation to address the identified impacts. Also, it is worth noting that the parking structure would not be located on the corner of College and Montezuma, but would be located at Lindo Paseo and Montezuma Place. Therefore, traffic could access the structure via Campanile to Lindo Paseo, thereby avoiding the College/Montezuma intersection.</p>	
Comment PC-1-2	Comments from Gerber, Michael, 11/3/2010	Response
<p>Another comment. Pedestrian crossing. The way it exists now, it's a very hairy situation crossing that street, Montezuma, crossing on the right-hand side. I don't know which direction is towards El Cajon Boulevard and Montezuma. You with me? Crossing College -- when you're on Montezuma crossing College before where Senor Taco is there, I want to go straight across, cars want to turn right away. If the project can make this crossing somewhat better, I'm all for it.</p>	<p>The existing College Avenue/Montezuma Road signalized intersection currently has pedestrian crosswalks on all legs, which include a push-button activated system to accommodate pedestrian calls. Pedestrian movement at this intersection is already "on demand" and that will continue to be the case with the additional Project-generated pedestrian traffic. In addition, pedestrian volumes were included in the HCM computer analysis conducted as part of the traffic impacts analysis for the intersection to account for the effects of pedestrians.</p>	
Comment PC-1-3	Comments from Gerber, Michael, 11/3/2010	Response
<p>Another comment. Overall, I really like the project. I really like it. I think it would be great for the neighborhood. I mean, not all my comments are negative here. All right. Thank you.</p>	<p>CSU/SDSU acknowledges the comment which, like all comments, will be made available to the CSU Board of Trustees prior to their consideration of the Proposed Project for approval.</p>	

SDSU/Plaza Linda Verde EIR -- Responses to Comments Report

Comment PC-2-1	Comments from Yonker, Mitch, 11/3/2010	Response
<p>Public Comments Taken November 3, 2010, San Diego State University, 5500 Campanile Drive, San Diego, California</p> <p>Mitch Yonker, phone is 619-583-9033, and address is 5446 Collier Avenue, San Diego, 92115. I'd like to support the alternative to traffic pattern on College Avenue that allows for and enhances the sidewalks and bike paths and slows down the traffic to provide more of a walkable community. Comment one.</p>	<p>CSU/SDSU acknowledges the comment which, like all comments, will be made available to the CSU Board of Trustees prior to their consideration of the Proposed Project for approval.</p>	
Comment PC-2-2	Comments from Yonker, Mitch, 11/3/2010	Response
<p>Comment two is, I would like to object to the southern expansion across the physical boundary on Montezuma Avenue and College footprint without justification and substantiation. It should not be allowed beyond that physical boundary.</p>	<p>The southern expansion across Montezuma Road is limited to inclusion of the existing University Towers, which presently serves as housing for SDSU students. (See Draft EIR Figure 1.0-9.)</p>	
Comment PC-3-1	Comments from Unknown, Susan, 11/3/2010	Response
<p>Public Comments Taken November 3, 2010, San Diego State University, 5500 Campanile Drive, San Diego, California</p> <p>I'm looking forward to it. I actually wish it would be sooner that they would be building it, and I will be glad to get the college kids out of my neighborhood. It looks good. It looks like something that -- you know, since I live close, I would be able to walk up to it. So it would be good. I'm looking forward to it, actually.</p>	<p>CSU/SDSU acknowledges the comment which, like all comments, will be made available to the CSU Board of Trustees prior to their consideration of the Proposed Project for approval.</p>	
Comment PC-4-1	Comments from Cadel, Sandy, 11/3/2010	Response
<p>Public Comments Taken November 3, 2010, San Diego State University, 5500 Campanile Drive, San Diego, California</p> <p>The two issues that I would like to mention are the entranceways to campus, which are at the corner of Montezuma and 55th and the corner of Montezuma and Campanile on the north side, which are two major entrances to campus. Those two entrances currently are a blight to the area. They can very simply be improved with good signage and landscaping. An example would be the entrance at the bottom of College as you're heading south up the hill. If they could do a similar type of improvement that they have there to Campanile and Montezuma and 55th, it would make a big difference. I don't think it would cost much money to do that. So I think that's basically it.</p>	<p>CSU/SDSU acknowledges the comment which, like all comments, will be made available to the CSU Board of Trustees prior to their consideration of the Proposed Project for approval.</p>	

RESPONSE LETTERS

L-1 Response



SAN DIEGO STATE
UNIVERSITY

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

November 5, 2010

Cecilia Gallardo, Asst. Deputy Director
Development Services Department
City of San Diego
1222 First Avenue, MS 301
San Diego, California 92101-4154

Re: San Diego State University Plaza Linda Verde Draft EIR Comment Period

Dear Ms. Gallardo,

I am writing in response to your letter dated November 3, 2010 requesting a 90-day extension of the public review period for the Plaza Linda Verde Draft EIR.

As your letter notes, the California Environmental Quality Act provides that the public review period for a draft EIR "should not be less than 30 days nor longer than 60 days *except in unusual circumstances*." (CEQA Guidelines 15105(a).) The comment period for the Plaza Linda Verde Draft EIR is 45 days, with the close of the comment period scheduled for November 10, 2010.

San Diego State University disagrees with your position that there are "unusual circumstances" justifying an extension of the public comment period. Neither the length of the Draft EIR nor the purported "complexity" of the project's potential impacts are such that additional review time should be necessary. Additionally, the City's review of the Plaza Linda Verde Draft EIR is not affected by the referenced litigation, which relates to the SDSU 2007 Campus Master Plan, a project that is separate and distinct from Plaza Linda Verde.

Notwithstanding, and in response to the City's request, SDSU has determined to grant the City of San Diego a two-week extension to submit its comment letter, thereby extending the deadline as to the City until November 24, 2010.

Sincerely,

Lauren Cooper, Director
Facilities Planning, Design and Construction

L-2 Response



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5500 Campanile Drive
San Diego CA 92182-1624
Tel: 619-594-5224
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November 9, 2010

*Via Electronic Mail and
U.S. First Class Mail*

Janice Weinrick, Deputy Executive Director
Redevelopment Agency, City of San Diego
1200 Third Avenue, Suite 1400, MS 56D
San Diego, California 92101-4110

Re: *San Diego State University Plaza Linda Verde Draft EIR Comment Period*

Dear Ms. Weinrick,

I am writing in response to your November 8 letter requesting a 35-day extension of the public review period for the Plaza Linda Verde Draft EIR. If granted, your request would result in an 80-day comment period closing on December 15, 2010.

The California Environmental Quality Act (CEQA) provides that the public review period for a draft EIR "should not be less than 30 days nor longer than 60 days *except in unusual circumstances*." (CEQA Guidelines §15105(a).) The comment period for the Plaza Linda Verde Draft EIR is 45 days, with the close of the comment period scheduled for November 10, 2010.

San Diego State University disagrees with your position that there are "unusual circumstances" justifying an extension of the public comment period in this case. Preliminarily, the legal cases cited in support of your position address "unusual circumstances" within the context of categorical exemptions from CEQA, not within the meaning of CEQA Guidelines section 15105(a); therefore, the cases are wholly inapplicable. Additionally, neither the "magnitude" of the proposed project nor the length of the Draft EIR are such that additional review time should be necessary.

With respect to the referenced Project Area Committee (PAC) meetings, CEQA does not require that the Draft EIR public review period coincide with the referenced meetings. Moreover, in the event a PAC meeting was not scheduled during the public review period, the PAC By-Laws provide for Special Meetings to be called during which the Draft EIR could have been considered. (PAC By-Laws, Art. III, Section 3; see also Sections 1 and 2 regarding Annual and Regular meetings.)

As to consultation, SDSU disagrees with the position that the Agency has jurisdiction by law with respect to the project. Notwithstanding, in April 2009, representatives of SDSU met with Agency representatives to discuss the proposed Plaza Linda Verde project and obtain Agency input relative to preparation of the Draft EIR. Additionally, SDSU and Agency representatives met again, on November 8, 2010, during the public review period, to further discuss the project. Accordingly, SDSU has complied fully with any and all requirements of CEQA relative to Agency review of the Draft EIR.

Notwithstanding, and in response to the Agency's request, SDSU has decided to grant the Redevelopment Agency a two-week extension to submit its comment letter on the Draft EIR, thereby extending the deadline as to the Agency until November 24, 2010.

Sincerely,

Lauren Cooper, Director
Facilities Planning, Design and Construction



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November 15, 2010

Via Electronic Mail and U.S. First Class Mail

Coleen Clementson, Principal Planner
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Re: Plaza Linda Verde Draft Environmental Impact Report

Dear Ms. Clementson,

In response to your comment included at page 2, footnote 1, of your letter dated November 10, 2010, enclosed please find a copy of sub-appendix I to the LLG Traffic Impact Analysis technical report; the LLG technical report is included as part of Appendix 3.12 of the Plaza Linda Verde Draft EIR. A revised Appendix 3.12, which includes sub-appendix I, has been posted to the SDSU Plaza Linda Verde website at <http://newscenter.sdsu.edu/plazalindaverde/approvaldraft.aspx>

Please submit any additional comments you may have relating to sub-appendix I by November 24, 2010.

Sincerely,

Lauren Cooper, Director
Facilities Planning, Design and Construction

Enclosure

cc: Cecilia Gallardo
Eliana Barreiros
Denis Desmond

APPENDIX I

EXCERPTS FROM COLLEGE COMMUNITY PLAN REDEVELOPMENT EIR AND THE PASEO AT SAN DIEGO STATE UNIVERSITY EIR

**COLLEGE COMMUNITY REDEVELOPMENT PROJECT
ENVIRONMENTAL IMPACT REPORT
TRANSPORTATION AND PARKING ANALYSIS
FINAL REPORT**

Prepared for:

**City of San Diego
Redevelopment Agency**

Prepared by:

**JHK & Associates
8989 Rio San Diego Drive, Suite 335
San Diego, CA 92108**

In Association with:

**Cotton/Beland/Associates
6310 Greenwich Drive, Suite 220
San Diego, CA 92122**

December 1992

Table 3-15

**COLLEGE COMMUNITY REDEVELOPMENT PROJECT EIR
ESTIMATED PARKING DEMAND¹**

<u>Subarea</u>	<u>Type of Land Use</u>	<u>Size</u>	<u>Parking Ratio</u>	<u>Required Parking Spaces</u>
Core	High Density Residential	755 du	...2	1,180
	Very High Density Residential	1,745 du	...2	2,727
	Retail	302,600 sf	1/400 sf ³	757
	Religious Centers	42,000 sf	1/300 sf ⁴	140
	Fraternity/Sorority	1,520 students	0.58/student ⁵	882
			Subtotal	5,686
55th Street	Medium-Medium High Density Residential	600 du	...2	1,125
			Subtotal	1,125
Alvarado Rd	University-Serving Office	600,000 sf	1/300 sf	2,000
	University-Serving R&D	110,000 sf	1/400 sf	275
			Subtotal	2,275
Lot A	Hotel/Conference Center	300 rooms	1/room	300
			Subtotal	300
Montezuma School	Office	20,000 sf	1/300 sf	67
	Daycare/Preschool	117 students	0.25/student	30
	Library	10,000 sf	1/200 sf ⁶	50
			Subtotal	147
Grand Total				9,533

1. Unless otherwise noted, parking demand was estimated based on Transportation Planning Division parking rates dated August 30, 1992.
2. Parking ratio varies for residential units depending on a variety of factors. For this calculation, it was assumed that the residential units would be one third studios, one third one bedroom units, and one third two bedroom units. In the Core Subarea, it was also assumed that a density of 73 to 142 units per acre would be achieved and that the retail gross floor area would be 13% or more of the total of the residential and retail gross floor area. The final project parking demand should be revised when site plans are available and the assumptions listed above can be verified.
3. The recommended parking ratio for retail use in the Core Subarea is less than the 1/200 sf ratio shown in the Transportation Planning Division parking rates for retail uses. The recommendation of 1/400 sf is based on the high level of walking trips expected in the Core Subarea and will have to be verified at the time of site plan approval. See text.
4. Parking demand based on office parking ratio. See text.
5. Parking ratio based on City of San Diego Transportation Planning Division Memorandum dated February 10, 1992. Fraternities and sororities are not mentioned in the Transportation Planning Division parking rates.
6. Assumes no high meeting room use.

APPENDIX L

Shared Parking Study

Shared Use Parking Study for the Paseo Project

San Diego State University Foundation

By David Belson, Ph.D.

March 5, 2004

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Introduction

This report provides calculations of the expected parking demand for the Paseo Project, the mixed-use development alongside San Diego Statue University. The expected parking demand is determined for two representative busy days, Tuesday and Friday, during late September when the Paseo is complete and the fall semester has begun.

The calculation is based on the several published documents on parking demand in similar situations, prior studies in the SDSU area, the applicable City of San Diego parking codes, interviews and familiarity with University environments. The approach assumes a shared use where different types of visitors occupy a certain amount of the parking spaces during various times of the day. For example, office building workers require parking during the daytime and cinema visitors require parking mostly in the evening. It does not consider the effect of special events in the vicinity such as sporting events at Cox Arena. A subsequent study will review the parking demand during such special event days and occasions of unusually high demand.

The inputs to the calculation are:

- The sq. ft. of building space for various types of usage; residential, offices, cinema, retail and restaurants
- The ratio of parking required per 1,000 sq. ft. This is defined by city code as well as several publications and prior studies.
- The time of day distribution of visitors for each of the uses. This is also defined by city code as well as by prior studies and what is known about the expected tenants.
- Assumptions that modify the Paseo situation from an isolated and typical shopping center.

The calculations resulting from these inputs are shown in the tables in Appendix A.

Peak Parking Demand

The peak parking demand is determined for Tuesday and Friday in Tables 1 A and 1 B in the Appendix. They define a sum of the parking demand for the various uses within the Paseo development. The parking demand for each of the separate uses is shown in Tables 2 through 7. Each of these tables shows the percentage of expected parking demand by time of day, the source data, the parking space code requirements and related notes. A summary of the adjustment factors used in these calculations is shown in Table 8. The peak parking demand is expected to be 1856 spaces at 8:00 p.m. on a Friday evening.

The adjustment factors are necessary to make the calculation reflect a realistic picture of the Paseo project. Obviously, the Paseo is not in operation so assumptions were necessary. We believe the assumptions are reasonable but Table 9 shows the effect of making the assumptions higher or lower.

Reasonableness

The calculations attempt to achieve a reasonable and likely picture of the parking demand. Obviously, the actual demand will not be known until the Paseo is built and in operation. Moreover, the demand will vary depending on the time of year, day of the week, mix of tenants, weather, etc. We have tried to reflect a relatively busy time period, such as Fridays and late September. In September the school year begins but after a few weeks it stabilizes and is at a relative peak for the year. Movie attendance in September drops off considerably. (See Appendix C) Thus, we have been conservative with assuming a high student population during the same time as peak movie demand. It is more likely that when the movie theaters are busiest, in June, July and August, the University parking demand will be at its lowest. Thus, by matching the peaks and valleys in the University and Shopping center demand we can use the existing infrastructure at a higher and more efficient level and avoid building more roads and structures than necessary.

The parking demand calculated here will not cover all the days of the year but at least 85% or more. Special event days, such as large concerts or sporting events, are not included in this report as well as other events causing unusual demand. The exact extent to which such demand occurs, as well as how it will be dealt with, is presented in a study of special events, in Appendix B.

It is also likely that during the period soon after the Paseo is first opened there will be a surge in demand. People will visit the Paseo out of curiosity, perhaps from greater distances, more often than will ongoing customers. This will create a high parking demand for a limited time period. Alternate temporary parking strategies are available. Valet parking can add over 300 spaces. Employees can be parked at certain existing University parking available on weekends and evenings. For example, lot PS 2 can act as an overflow; its 600 spaces have easy access to Paseo by walking down Linda Paseo road. More distant lots can be added by a shuttle service for employees, if necessary.

As a check on the reasonableness of the Cinema parking figures, the parking demand at other theaters and shopping centers can be compared. For example, the Bridge Theaters in Los Angeles are operated by General Amusements and anchors the Howard Hughes Promenade, which is a very similar type of project. It has 2,064 parking spaces. On an average Friday evening in September 2002 the Center parked a number of cars about equal to the number of seats in the theater (4,200). The Paseo theater is 2,900 seats. We plan to park about 2,200 cars for Cinema, Restaurant and Retail visitors after 5 PM on Friday, assuming an average stay of 3 hours. (See Table 10 as a comparison of two approaches to calculating demand; shared parking model and turnover-based model.) Plus, the pedestrians from the University and visitors by trolley add to the effective capability of accommodating visitors.

Specific aspects of the planned Paseo leasing are included. For example, most of the restaurants will not be open for breakfast and therefore the typical breakfast period demand at restaurants will not be proportional to the total square foot area leased. We have accordingly adjusted the area available for food service in Table 5 for different mealtimes.

The residential parking demand is based on the planned assignment of spaces for various sizes of apartment units. Parking of 848 spaces will be provided which matches the City code required formula if campus impact zone increases are not applied. The hourly parking demand calculation reflects the proposed policy concerning the Paseo's residents on weekends after 4 PM on Friday. The three and four bedroom units will each have one tandem parking space and the single and two bedroom units will each have one standard parking space assigned at all times and located in the restricted residential parking zone of the structure. In order to meet the additional code requirement of 1.25 and 1.75 spaces for the one and two bedroom apartments, respectively, those additional 119 spaces will be available in the general, non-restricted areas of the project's parking structure, except from 4 PM Friday until 6 PM Sunday, when these spaces will be made available in existing University parking structures within easy walking distance. The University has reviewed this arrangement. On weekends, considerable parking within the University is commonly available.

The 848 spaces will be limited to students. This will be done by the parking operator and will include tactics such as having a key card access, gated area, car stickers, tickets given by enforcement officers, or other forms of identification by the security staff.

Surveys of current residential parking (Fraternity Row and PDS) show that student residential parking areas never seem to fill to 100% based on data regarding typical student behavior. However, we have not deducted for this effect.

We will work with the residents to provide the maximum number of permits possible. The additional 119 spaces may become available within the Paseo, once it is open. Residential parking will be isolated from the other visitor parking.

The Paseo project is providing an additional 848 full time parking spaces for existing SDSU students. Since SDSU cannot increase its enrollment, See Appendix D, these additional spaces will take pressure off of the overall parking conditions in the surrounding

neighborhoods. The dwelling units/beds are also relieving pressure from the surrounding neighborhoods. They are being placed in the redevelopment district, virtually on campus. That is the same intent as the Parking Impact Zone law intends, and therefore we are meeting the intent of that law. Thus, campus parking is being increased without increase in demand.

SDSU enrollment is capped at 25,000 FTE (full time equivalent students). This cap is both CSU system wide, mandated by the SDSU current master plan, and also restricted by the College Area Community Plan. Any new planning, according to San Diego State University Foundation Senior Management will not start its efforts until 2005. After that planning is complete and approved by the CSU Board of Trustees and after a new EIR with public input, etc. might any changes take place in the plan. Therefore, enrollment will not increase in the planning window for which the Paseo is being reviewed without additional environmental review.

The CSU board of Trustees approved the current SDSU master plan and EIR on March 21, 2001. The plan and minutes can be found at:

<http://www.calstate.edu/BOT/Agendas/Mar01/CPBG.pdf> See also Appendix D.

Another factor that may reduce the overall actual parking demand is the trolley system. The trolley usage may reduce the demand for several types of visitors but only a 15% effect on cinema and office workers has been included. This represents about 500 visitors or about 4% of the daily trolley riders on the San Diego Trolley Mission Valley East Line. (See Appendix F.)

The source for trolley & pedestrian percentages, come from inquiries to Environmental Impact Report and transit planners, similar shopping center situations and discussions with operators of other mixed-use developments. The 15% amounts are conservative, since the percentages might turn out to be much greater and are unlikely to be much less or zero. I spoke to operations and planning specialists at UC Irvine, The City of Irvine, UCLA, USC, University of Arizona and others in similar situations. Planners were contacted such as

Cotton/Bridges Associates a division of P & D Consultants, EDAW, Linscott Law & Greenspan, SANAG as well as real estate advisors at CB Richard Ellis, Grubb & Ellis and Madison Marquette and various shopping center and retail architects. Of course input from SDSU planners and their consultants was also included.

Sensitivity

Certain of the factors used in the analysis may vary once the development is completed. The calculations in Tables 1 through 8 represent a base case of assumptions. These assumptions were tested by doing the same calculation with an increase and with a decrease to provide a range of possible results. The sensitivity of the total demand to higher or lower values is shown in Table 9.

Other consultants have also studied the Paseo project and also advised various adjustment factors. For example, the Rich study (Campus Parking Study & Master Plan, Rich and Associates, September 1996.) suggested reductions of 50% for retail, 40% for restaurant and 30% for cinema as a result of SDSU pedestrians. Studies by Lesser and Company and Wilber Smith estimated 30% to 40% of the use from SDSU visitors. I generally used smaller reductions in the parking requirements.

Conclusion

I realize that because of the impacted parking conditions at the University we cannot overpark which would allow Paseo parkers to disrupt the University parking situation and we also cannot underpark the project to the extent that Paseo tenant sales are affected. That would increase the risk of the development. Keeping the parking tight but workable is the correct strategy and using the existing University capacity when it is clearly available is an environmentally friendly approach.

The peak parking demand occurs on Friday at 8PM, also Tuesday at 6 PM but at a lower level, over the two days studied. This peak number of 1,856 spaces is the critical measurement of the adequacy of the parking requirement. Other time periods, particularly when the demand is well below this number, represent parking spaces available for other purposes. The Paseo structure is being designed to accommodate 1,923 parking spaces, with an additional 31 surface spaces dedicated to the eastern block of the project.

Sources

These calculations were based on the following sources.

1. San Diego Municipal Code, Chapter 14: General Regulations, Article 2: General Development Regulations, Division 5: Parking Regulations.
2. The Dimensions of Parking, 4th Edition, Urban Land Institute, 2000, Washington, DC.
3. Parking Requirements for Shopping Centers, 2nd Edition, Urban Land Institute, 2000, Washington, DC.
4. Addendum received from the ICSC for the report "Parking Requirements for Shopping Centers" publication jointly sponsored by the International Council of Shopping Centers and Urban Land Institute, 2000, Washington, DC. This is an unpublished item but it was received directly from ICSC/ULI as a correction to their most current publication.
5. Parking, Selected References, Packet No. 327, Urban Land Institute, November 2002.
6. Parking Generation, 2nd Edition Institute of Transportation Engineers, Washington, D.C., 1987.
7. Shared Parking, Urban Land Institute, 1983.
8. Entertainment Industry Economics, by Harold L. Vogel, Cambridge University Press, NY, NY. 1990.
9. Simmons Market Research Inc., Simmon's Study of Media and Markets
10. National Restaurant Association, web site <http://www.restaurant.org//>. Quotes from the current web site include: "August is the most popular month to eat out and Saturday is the most popular day of the week for dining out." "The most popular days for dining out are Saturday, Friday and Sunday, respectively, followed by Thursday, Wednesday, and Tuesday. Monday is the least popular day to dine out."
11. Studies A number of studies of the Paseo project as well as traffic at SDSU are relevant. These include:
 - a. Campus Parking Study & Master Plan, Rich and Associates, September 1996.

- b. SDSU Mixed Use Retail Element Feasibility Analysis, Speer Consulting, May 31, 2001
- c. SDSU Mixed Use Project Market and Feasibility Analysis, The London Group, October 2000.
- d. Strategic Merchandising Plan, CB Richard Ellis, June 2003 and related correspondence.
- e. Transportation Analysis for the Paseo, Urban Systems Associates, June 18, 2003

12. Interviews. A variety of individuals were interviewed who were familiar with the issues and/or the plans for the Paseo. These included executives of probable tenants who expressed what they felt would be the likely mix of customers and the time of day fluctuations that can be expected. Some of the contacts and input came through Reg Kobzi of the Rental Services group at CB Richard Ellis. Others were familiar with shopping centers alongside universities such as UC Irvine, UCLA, USC, Arizona State, etc. or who were people active in traffic planning and real estate development. Contacted persons include executives of Karl Strauss, Urban Outfitters, Century Theaters, General Amusements, Tricon Corporation developers of Taco Bell and other fast food operations, Rubios Restaurants, Payway Corp., owner/developer of Trattoria Acqua in La Jolla, the former director of food services at Universal Studios Citywalk, current General Manager of Universal Studios Citywalk, Grubb & Ellis, real estate advisor for Islands and Pei Wei restaurant chains, the EDAW planning firm, the architectural firm Tarlos & Assoc, Madison Marquette real estate consultants and city planning management at Irvine, CA and Tempe, AZ. The consensus of opinions is represented in the assumptions shown in Table 9.

Appendix

- A. Tables 1 through 10
- B. Special Event Days, Shared Use Parking for the Paseo Project
- C. Urban Land Institute; Data Regarding Cinema Attendance. They did not provide data on the size of their samples. Demand rates are given for Southern California. Hourly percentages are national figures but other sources report a similar pattern for California.
- D. Enrollment at California State University
- E. Religious Center plans
- F. San Diego Trolley

Table 1 B
The Paseo - Shared Use Parking Demand - Friday Total

Time of Day	Residential	Office	Cinema	Food Services	Retail	Total
6:00 AM	806	14	-	12	-	831
7:00 AM	790	41	-	42	29	902
8:00 AM	778	149	-	61	88	1,077
9:00 AM	766	243	-	50	147	1,196
10:00 AM	729	270	11	19	206	1,235
11:00 AM	729	270	22	200	235	1,456
Noon	729	243	37	307	294	1,610
1:00 PM	729	230	129	246	279	1,613
2:00 PM	729	243	148	169	250	1,539
3:00 PM	729	243	203	108	235	1,518
4:00 PM	729	218	240	92	220	1,499
5:00 PM	729	141	277	166	235	1,538
6:00 PM	729	64	351	287	248	1,679
7:00 PM	729	38	406	368	261	1,802
8:00 PM	729	13	462	368	284	1,856
9:00 PM	729	13	499	331	213	1,785
10:00 PM	729	13	443	258	88	1,531
11:00 PM	729	-	351	147	44	1,271
Midnight	729	-	332	37	-	1,098
1:00 AM	729	-	88	11	-	828
Peak (100%)	806	270	499	368	294	1,856

See Table 2 See Table 3 See Table 4 See Table 5A & 5B See Table 6 & 7

See notes and basis for computations on the following Tables.

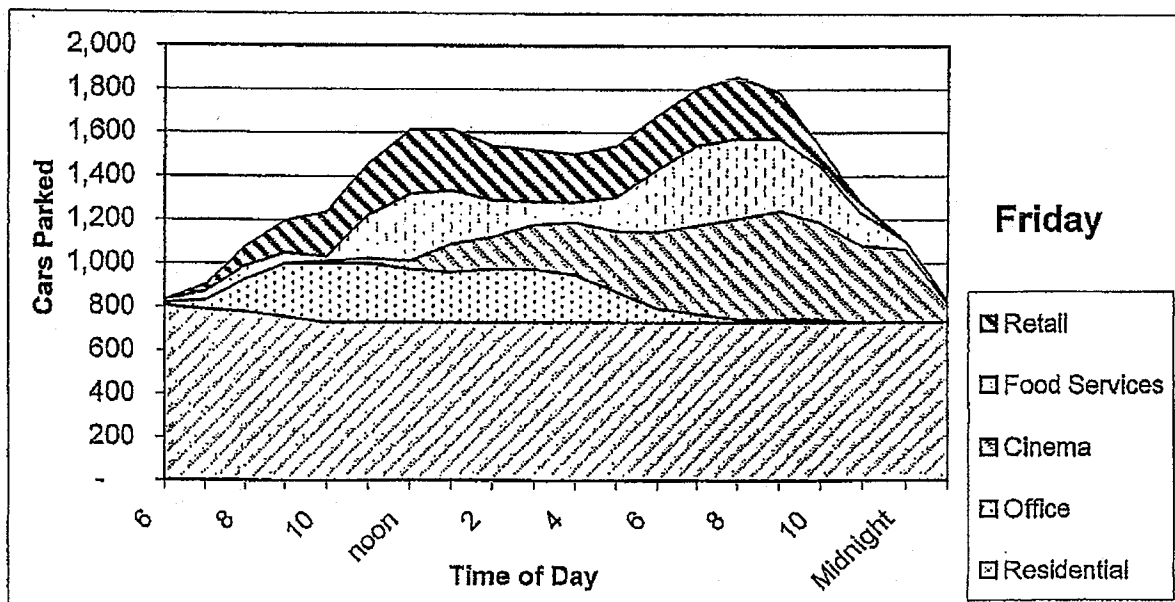


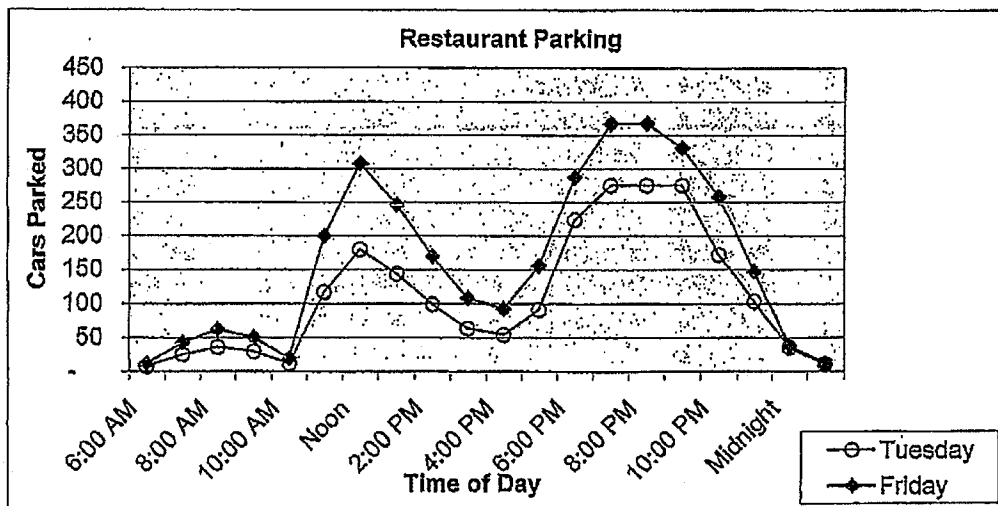
Table 5 A
Restaurant Parking

Tuesday				Friday			
Time of Day	Weekday per Code	Sq. Ft. Restaurant open	Parking Spaces	Weekday. Increased for Friday evening	Sq. Ft. Restaurant open	Parking Spaces	
6:00 AM	15%	10,000	7	15%	10,000	12	
7:00 AM	55%	10,000	25	55%	10,000	42	
8:00 AM	80%	10,000	36	80%	10,000	61	
9:00 AM	65%	10,000	29	65%	10,000	50	
10:00 AM	25%	10,000	11	25%	10,000	19	
11:00 AM	65%	40,000	116	65%	40,000	200	
Noon	100%	40,000	179	100%	40,000	307	
1:00 PM	80%	40,000	143	80%	40,000	246	
2:00 PM	55%	40,000	99	55%	40,000	169	
3:00 PM	35%	40,000	63	35%	40,000	108	
4:00 PM	30%	40,000	54	30%	40,000	92	
5:00 PM	45%	45,085	91	45%	45,085	156	
6:00 PM	65%	45,085	223	78%	45,085	287	
7:00 PM	80%	45,085	275	100%	45,085	368	
8:00 PM	80%	45,085	275	100%	45,085	368	
9:00 PM	80%	45,085	275	90%	45,085	331	
10:00 PM	50%	45,085	172	70%	45,085	258	
11:00 PM	30%	45,085	103	40%	45,085	147	
Midnight	10%	45,085	34	10%	45,085	37	
1:00 AM	3%	45,085	10	3%	45,085	11	

577

	Pedestrian	Cinema		Pedestrian	Cinema
Daytime	65%	0%	Daytime	40%	0%
Evening	30%	15%	Evening	25%	15%

Tuesday evening demand expected to peak 20% below hourly pattern on Friday.



Parking Requirement	
Square ft.	45,085
Code	12.8 Code required (2)

- (1) Some restaurants are not open for breakfast and some not for lunch.
- (2) SD Code for Transit area, Table 142-05H

Table 5 B

Restaurant Parking
Restaurant Parking requirements - Alternate Analysis

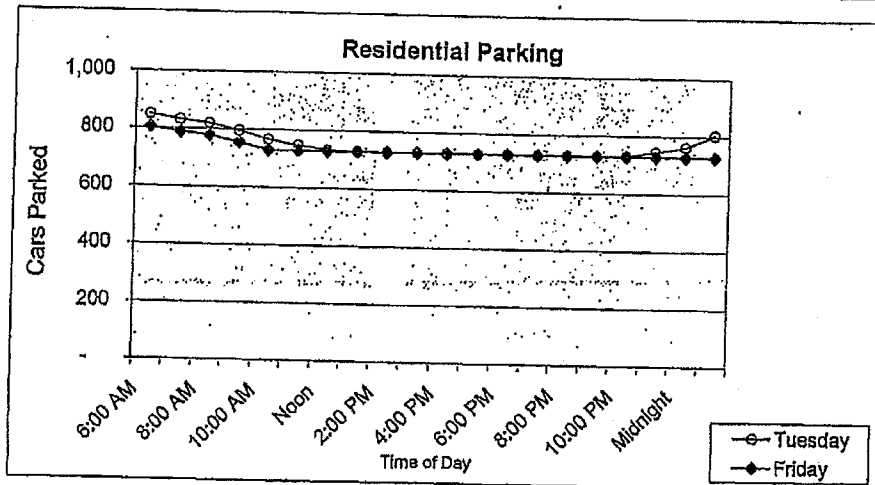
	Sit Down Restaurants	Casual/Fast Food Restaurants	Notes
Interior Sq. Ft.	25,649	19,436	current plan
Additional area for patios	4,400	4,400	based on desires of potential tenants and feasibility in the current design
Total Sq. Ft.	30,049	23,836	
Back of house	40%	40%	% of interior, estimates per architects, vendors & operators. It varies depending on the particular restaurant
Visitor areas	19,789	16,062	total area minus back of house
Sq. Ft. per seat	15	12	12 is a typical ratio according to architects & designers contacted and fast food restaurants typically have less space per seat than sit down ones.
Seats per parking space	3	3	typical std.
Parking demand	440	446	
% already on site	25%	90%	fast food customers are often cinema visitors or students who are already parked
% demand at 6 PM peak	100%	75%	fast food more of a lunchtime business
Demand at peak	330	33	few visitors expected to drive to Paseo as a destination for fast food
Total Demand		363	sit down plus fast food parking demand

Note: This approach yields a parking demand that is similar to the amount based on the shared parking analysis in Table 5.

As a crosscheck, this results in a back of house area of 21,168 sq. ft for 2,766 restaurant visitors or 7.66 sq. ft. of back of house per person (cover) which is within common standards.

Table 2 A
Residential Parking

Residential Parking Demand (hourly percentage is an average of weekday patterns)					Source Data				
Time of Day	Tuesday		Friday	Parking		Piedra Del Sol		Fraternity Row	
	% (1) (2)	Spaces		% (1) (2)	Spaces (4)	Tuesday/ Thursday	Monday/ Wednesday	Tuesday/ Thursday	Monday/ Wednesday
6:00 AM	100%	848	100%		806	84%	87%	89%	93%
7:00 AM	98%	831	98%		790	82%	84%	88%	92%
8:00 AM	97%	819	97%		778	80%	82%	88%	91%
9:00 AM	94%	795	94%		756	79%	80%	86%	86%
10:00 AM	90%	767	90%		729	75%	77%	84%	83%
11:00 AM	88%	747	88%		729	74%	73%	81%	83%
Noon	88%	733	89%		729	74%	71%	78%	82%
1:00 PM	81%	729	85%		729	74%	68%	69%	78%
2:00 PM	78%	729	82%		729	70%	64%	69%	74%
3:00 PM	78%	729	79%		729	69%	64%	71%	72%
4:00 PM	77%	729	77%		729	65%	64%	72%	70%
5:00 PM	76%	729	75%		729	64%	64%	70%	72%
6:00 PM	77%	729	78%		729	66%	65%	70%	72%
7:00 PM	78%	729	82%		729	67%	68%	71%	72%
8:00 PM	80%	729	91%		729	69%	69%	73%	73%
9:00 PM	83%	729	93%		729	72%	71%	73%	76%
10:00 PM	88%	731	95%		729	75%	72%	79%	78%
11:00 PM	88%	746	97%		729				
Midnight	90%	763	100%		729				
1:00 AM	95%	806	100%		729				
									70%
									69%
									67%
									62%
									59%
									58%
									60%
									67%
									80%
									82%
									82%
									79%
									78%



Parking requirements					
Occupancy	Units	Parking made available per unit	Parking Required (3)	Weekend parking available (6)	Planned parking for Friday evening
Single	51	1.25	64	1.00	51
2 BR	142	1.75	249	1.00	142
3 BR	102	2.00	204	2.00	204
4 BR	186	2.00	332	2.00	332
Total Units	481		848		729
Total Beds	1,305				

Notes: Residential parking is based on the time of day distribution, the spaces required per code and planned operations. Because much of this parking is isolated, it does not go lower than a number of spaces designated.

Tuesday % an average of weekday source data and Friday an average of weekday and Saturday.

(1) Data not available for late hours, assumed level returns to 100% during

(2) Results of recent surveys were scaled to 100% at max.

(3) Per SD Code, Ch 14., Art. 2, Div. 5, for Transit area

(4) Friday lower by 5%

based on counts at Fraternity Row and PDS.

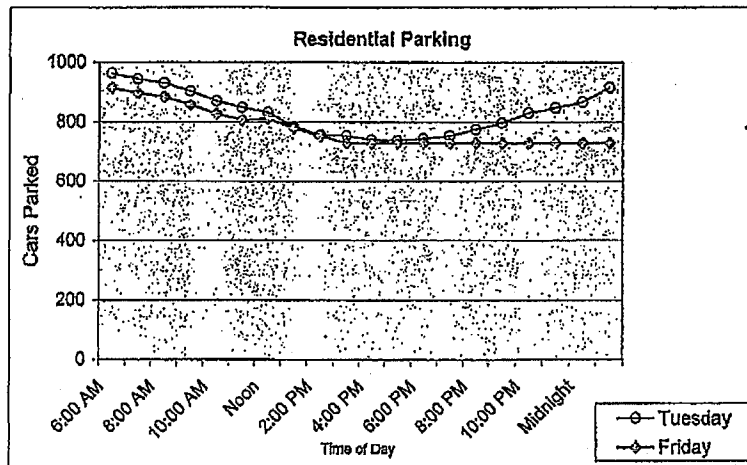
(6) On weekends, certain residential tenants will have a limited set of spaces available. These are unavailable for other uses. Therefore the parking is a planned number of spaces, after 4 PM. The remainder of residential tenants will park in available spaces in University parking.

Note: LRT may reduce the need for student housing, but this has not been used in this analysis.

Table 2 B
Residential Parking

Table 2A revised to reflect "Basic" rates with the City's impact zones applied

Residential Parking Demand (hourly percentage is an average of weekday patterns)					Source Data				
Tuesday			Friday		Piedra Del Sol	Fraternity Row		PDS & Frat.	
Time of Day	% (1) (2)	Parking Spaces	% (1) (2)	Parking Spaces (4) (5)	Monday/ Tuesday/ Wednesday Thursday	Monday/ Tuesday/ Wednesday Thursday	Monday/ Tuesday/ Wednesday Thursday	Saturday	
6:00 AM	100%	964	100%	915	84%	87%	89%	93%	
7:00 AM	98%	944	98%	897	82%	84%	88%	92%	
8:00 AM	97%	931	97%	884	80%	82%	88%	91%	
9:00 AM	94%	903	94%	858	78%	80%	86%	86%	
10:00 AM	90%	871	90%	827	75%	77%	84%	83%	
11:00 AM	88%	849	88%	806	74%	73%	81%	83%	
Noon	86%	832	89%	812	74%	71%	78%	82%	70%
1:00 PM	81%	783	85%	779	74%	66%	69%	78%	69%
2:00 PM	78%	756	82%	753	70%	64%	69%	74%	67%
3:00 PM	78%	753	79%	729	69%	64%	71%	72%	62%
4:00 PM	77%	740	77%	729	65%	64%	72%	70%	59%
5:00 PM	76%	737	76%	729	64%	64%	70%	72%	56%
6:00 PM	77%	745	78%	729	66%	65%	70%	72%	60%
7:00 PM	78%	753	82%	729	67%	66%	71%	72%	67%
8:00 PM	80%	775	91%	729	69%	69%	73%	73%	80%
9:00 PM	83%	797	93%	729	72%	71%	73%	76%	82%
10:00 PM	86%	830	95%	729	75%	72%	79%	78%	82%
11:00 PM	88%	848	97%	729					78%
Midnight	90%	867	100%	729					78%
1:00 AM	95%	915	100%	729					



Parking requirements					
Occupancy	Units	Parking made available per unit (3)	Parking Required	Weekend parking available (5)	Planned parking for Friday evening (5)
Single	61	1.50	77	1.00	51
2 BR	142	2.00	284	1.00	142
3 BR	102	2.25	230	2.00	204
4 BR	166	2.25	374	2.00	332
Total Units	461		964		729
Total Beds	1,305		(6)		

Notes: Residential parking is based on the time of day distribution, the spaces required per code and planned operations. Because much of this parking is isolated, it does not go lower than a number of spaces designated.

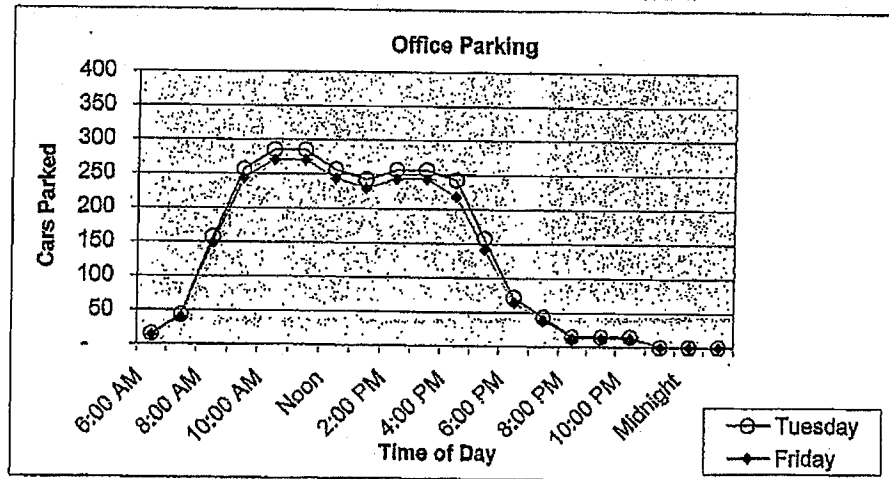
- Tuesday % an average of weekday source data and Friday an average
- (1) Data not available for late hours, assumed level returns to 100% during nighttime
- (2) Results of recent surveys were scaled to 100% at max.
- (3) Per SD Code, Ch 14., Art. 2, Div. 5, basic requirement Table 142-05C
- (4) Friday lower by 5% based on counts at Fraternity Row and PDS.

(5) On weekends, certain residential tenants will have a limited set of spaces available. These are unavailable for other uses. Therefore Note: LRT may reduce the need for student housing, but this has not been used in this analysis.

(6) This is an increase of 115 over the calculation when using the transit area rates in Table 2 A.

Table 3
Office Parking Demand

Time of Day	Tuesday		Friday	
	% (weekday code)	Parking Spaces	% (weekday code)	Parking Spaces (1)
6:00 AM	5%	14	5%	14
7:00 AM	15%	43	15%	41
8:00 AM	55%	157	55%	149
9:00 AM	90%	256	90%	243
10:00 AM	100%	285	100%	270
11:00 AM	100%	285	100%	270
Noon	90%	256	90%	243
1:00 PM	85%	242	85%	230
2:00 PM	90%	256	90%	243
3:00 PM	90%	256	90%	243
4:00 PM	85%	242	85%	218
5:00 PM	55%	157	55%	141
6:00 PM	25%	71	25%	64
7:00 PM	15%	43	15%	38
8:00 PM	5%	14	5%	13
9:00 PM	5%	14	5%	13
10:00 PM	5%	14	5%	13
11:00 PM	0%	-	0%	-
Midnight	0%	-	0%	-
1:00 AM	0%	-	0%	-

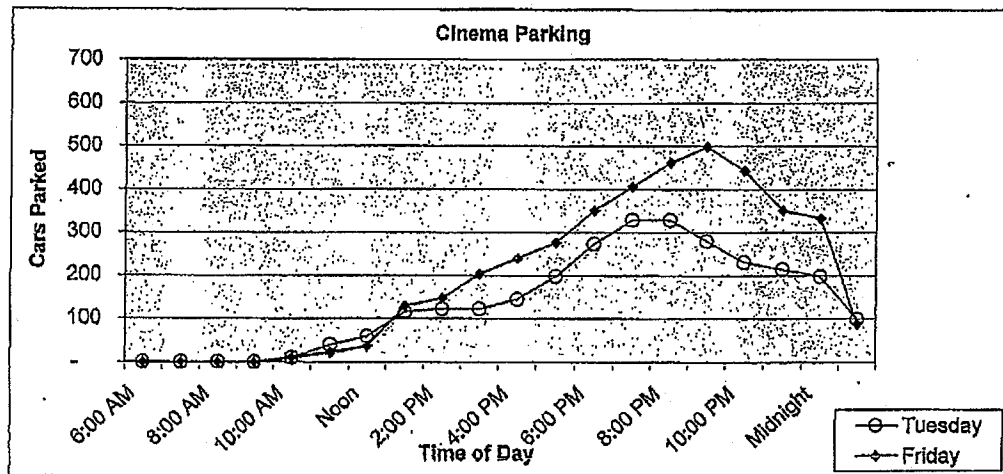


Building Sq. Ft.	101,500	100,000 Office Building
Parking ratio per code	3.3 per 1,000 sq. ft. (4)	1,500 Religious Center (2)
Parking requirement	335	101,500 Total Offices
Friday lower by:		
10% reduction is assumed for parking after 4 PM vs. Tuesdays		5% reduction before 4 PM on Fridays
Demand reduced due to Transit use (5)		
15% on Tuesdays		15% on Fridays

- (1) Generally office parking demand drops on Friday afternoons. University business is generally less on Fridays as well. Source; Based on several university surveys, experience, SDSU and other universities.
- (2) Religious center is mostly meeting space for students already at campus, however 1,500 SF is for offices which require parking. 20% of 7,500 See also report Appendix D.
- (3) Visitors to offices may frequently come from campus, reducing the parking demand, but the effect not included here.
- (4) Per code for weekday, ULI suggests 3.0 per 1,000 sq. ft. to accommodate the 85th percentile in demand for office buildings. Transit area in code recommends only 2.8.

Table 4
Cinema Parking

Cinema, Parking Demand				
Tuesday			Friday	
Time of Day	Per ULI (3)	Parking Spaces	Per ULI (3)	Parking Spaces
6:00 AM	0%	-	0%	-
7:00 AM	0%	-	0%	-
8:00 AM	0%	-	0%	-
9:00 AM	0%	-	0%	-
10:00 AM	3%	10	2%	11
11:00 AM	12%	39	4%	22
Noon	18%	59	7%	37
1:00 PM	35%	115	28%	129
2:00 PM	37%	122	30%	148
3:00 PM	37%	122	41%	203
4:00 PM	44%	145	48%	240
5:00 PM	60%	197	56%	277
6:00 PM	83%	273	70%	351
7:00 PM	100%	329	81%	406
8:00 PM	100%	329	93%	462
9:00 PM	85%	279	100%	499
10:00 PM	70%	230	89%	443
11:00 PM	65%	214	70%	351
Midnight	60%	197	67%	332
1:00 AM	30%	99	18%	88



Cinema requirement reduced by pedestrian walk on visitors already parked at the University

Tuesday

20%

Friday

15%

Net required	587	0% Reduction due to visitors arriving by trolley. (1992 EIR suggests 10% may occur)	
Spaces per code	587	Seats	2,899
		Required	4.2 seats per space (3)
Tuesday lower by (1)	30%	Transit area	85% adjustment (4)
Tuesday requirement	411	(Spaces = Seats * 0.85 / 4.2)	

Classroom use possible by theaters but not during peak parking demand hours & not included here.

(1) Weekday afternoon (Tuesday) is lower than Fridays by 1/3, typical for theater operation according to some operators.

(2) Institute of Transportation Engineers, report on Friday 16 screen multiplex.

(3) From the publication "Parking Requirements for Shopping Centers" publication jointly sponsored by the International Council of Shopping Centers and Urban Land Institute. See Appendix B.

(4) Transit use by cinema visitors represents a small amount of total trolley visitors, see Appendix F.

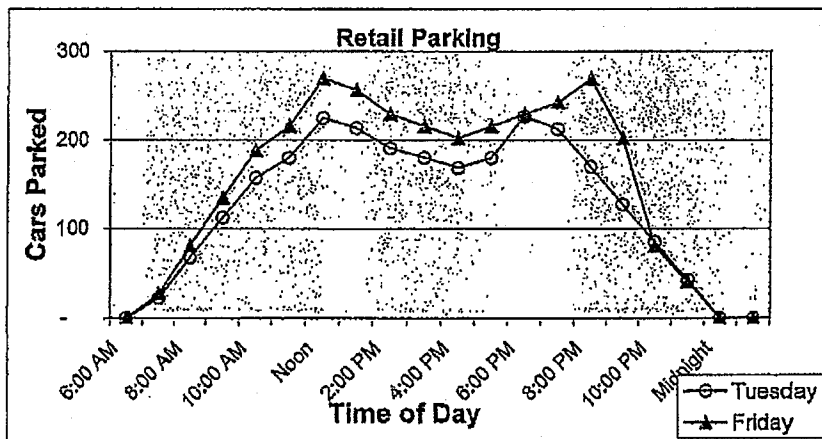
Other sources:

Similarly, a recent review of Horton Plaza movie ticket sales showed weekday 30% lower than Friday. Per 5/1/03 Dick Shoup memo. Theaters report lower demand on Tuesdays. Institute of Transportation Engineers Parking Generation Report quotes peak Saturday rate as 0.26 per seat and 0.19 per seat on weekdays.

Table 6
Retail Parking - Main Block

Tuesday			Friday		
Time of Day	Normal pattern weekdays, per code	Parking Spaces	Hourly Pattern (2)		Parking Spaces
6:00 AM	0%	-	8:00 AM	0%	-
7:00 AM	10%	22	7:00 AM	10%	27
8:00 AM	30%	67	8:00 AM	30%	81
9:00 AM	50%	112	9:00 AM	50%	135
10:00 AM	70%	157	10:00 AM	70%	189
11:00 AM	80%	180	11:00 AM	80%	216
Noon	100%	225	Noon	100%	270
1:00 PM	95%	213	1:00 PM	95%	256
2:00 PM	85%	191	2:00 PM	85%	229
3:00 PM	80%	180	3:00 PM	80%	216
4:00 PM	75%	169	4:00 PM	75%	202
5:00 PM	80%	180	5:00 PM	80%	216
6:00 PM	80%	226	6:00 PM	85%	229
7:00 PM	75%	212	7:00 PM	90%	243
8:00 PM	60%	170	8:00 PM	100%	270
9:00 PM	45%	127	9:00 PM	75%	202
10:00 PM	30%	88	10:00 PM	30%	81
11:00 PM	15%	42	11:00 PM	15%	40
Midnight	0%	-	Midnight	0%	-
1:00 AM	0%	-	1:00 AM	0%	-

403
135
= 538



12.8 * 45 * 20
= 432
4.7 * 45 * 20
= 145

Building Space	104,500	Main Block
		East Block (see Table 7)
Code requirement	4.3	(1)
Gross Parking Requirement	449	

	Pedestrian	Cinema		Pedestrian	Cinema
Daytime	50%	0%	Daytime	40%	0%
Evening	30%	10%	Evening	20%	25%

Sources: Survey of prospective tenants.

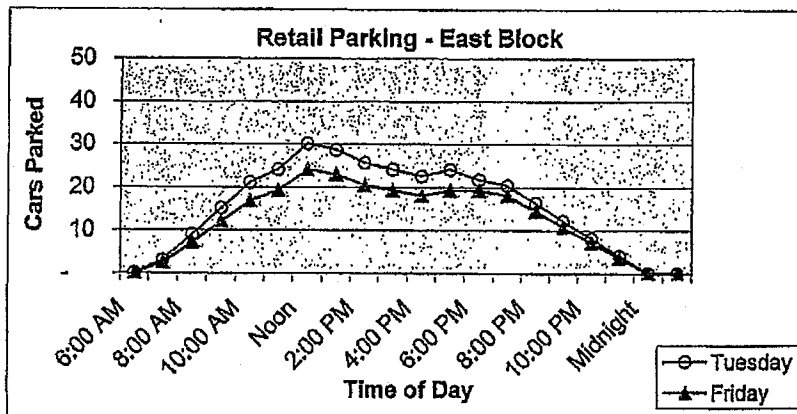
Note: Rich & Assoc. study 9/96 reported current nearby businesses' customers were 50% to 80% SDSU related. Other studies and managers report very large percentages, often over 50%. Have used only about 1/2 that amount here.

(1) Per 1,000 sq. ft. SD Code for Transit area, Table 142-05H

(2) An 8 PM peak for retail is based on the opinion that that a significant parking demand will come from non-campus visitors drawn to the Paseo who arrive for a combination of cinema, restaurant and retail purposes. Students have more free time on Friday afternoons than other days of the week, but for they are already parked on campus and will therefore not generally require parking in the Paseo.

Table 7
Retail Parking - East Block

Tuesday			Friday		
Time of Day	Normal pattern weekdays per code	Parking Spaces		Normal pattern weekdays per code	Parking Spaces
6:00 AM	0%	-	6:00 AM	0%	-
7:00 AM	10%	3	7:00 AM	10%	2
8:00 AM	30%	9	8:00 AM	30%	7
9:00 AM	50%	15	9:00 AM	50%	12
10:00 AM	70%	21	10:00 AM	70%	17
11:00 AM	80%	24	11:00 AM	80%	19
Noon	100%	30	Noon	100%	24
1:00 PM	95%	29	1:00 PM	95%	23
2:00 PM	85%	26	2:00 PM	85%	20
3:00 PM	80%	24	3:00 PM	80%	19
4:00 PM	75%	23	4:00 PM	75%	18
5:00 PM	80%	24	5:00 PM	80%	19
6:00 PM	80%	22	6:00 PM	80%	19
7:00 PM	75%	20	7:00 PM	75%	18
8:00 PM	60%	16	8:00 PM	60%	14
9:00 PM	45%	12	9:00 PM	45%	11
10:00 PM	30%	8	10:00 PM	30%	7
11:00 PM	15%	4	11:00 PM	15%	4
Midnight	0%	-	Midnight	0%	-
1:00 AM	0%	-	1:00 AM	0%	-



Building Space	28,000
Code requirement	4.3 per 1,000 sq. ft.
Gross Parking Requirement	120

	Pedestrian	Cinema		Pedestrian	Cinema
Daytime	75%	0%	Daytime	75%	0%
Evening	75%	10%	Evening	75%	0%

Reduction on Friday	20%
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Occupancy by book store and convenience stores (7-eleven, cleaner, etc.) likely results in a fairly high student orientation and level pattern of use. Friday level of business less due to lower numbers of students on campus and taking classes.

Table 8

Summary of Adjustment Factors

Adjustments assumed for the parking demand for individual types of uses.

Use	Reduction Tuesday vs. Friday (1)	Captive Visitors, reduction at peak time due to visits to Cinema combined with retail, restaurant or residential visits		Reduction at peak time due to pedestrian use by students & staff already parked elsewhere		Reduction due to trolley use (3)
		Tuesday	Friday	Tuesday	Friday	
Residential	0%	0%	0%	0%	0%	0%
Office (2)	0%	0%	0%	0%	0%	15%
Cinema	30%	0%	0%	20%	15%	15%
Restaurant	0%	15%	15%	30%	25%	0%
Retail - Main	0%	10%	25%	30%	20%	0%
Retail - East Block	-20%	10%	0%	75%	75%	0%

(1) Tuesday lower, average change, varies during day.

(2) Visitors to offices may frequently come from campus, reducing the parking demand, but the effect is not included here.

(3) Recent statements by MTDB reflect 4,300 passengers per day at the SDSU station in 10 years. This may further reduce the demand for several uses but it has not been included here. Used only 15% for transit district, per code, for cinema only, no additional reduction.

Table 9
Sensitivity Analysis

Degree to which results vary under different assumptions

Scenarios	Peak Parking Space Demand		Effect on spaces required. Amount of change in evening parking			
	Tuesday	Friday		Tuesday	Friday	
Base case, shown in preceding tables	1,608	1,856				As shown in Tables 1 through 8
No effect of captive cinema visits	1,680	1,894	Higher	72	39	Reduced to zero for Food & Retail
No effect of trolley visits	1,673	1,881	Higher	66	25	Reduced to zero for Office & no Transit area adjustment for Cinema
Less pedestrian visits from SDSU campus	1,753	1,930	Higher	145	74	Reduced by 50%
Higher level of pedestrian visits from campus	1,340	1,547	Lower	(267)	(308)	Doubled the rate all day
Greater effect of captive cinema visits	1,572	1,756	Lower	(36)	(99)	Increased by 50%
Higher retail parking demand	1,642	1,842	Higher	35	(14)	5 per 1,000 vs. 4.3

Additional notes:

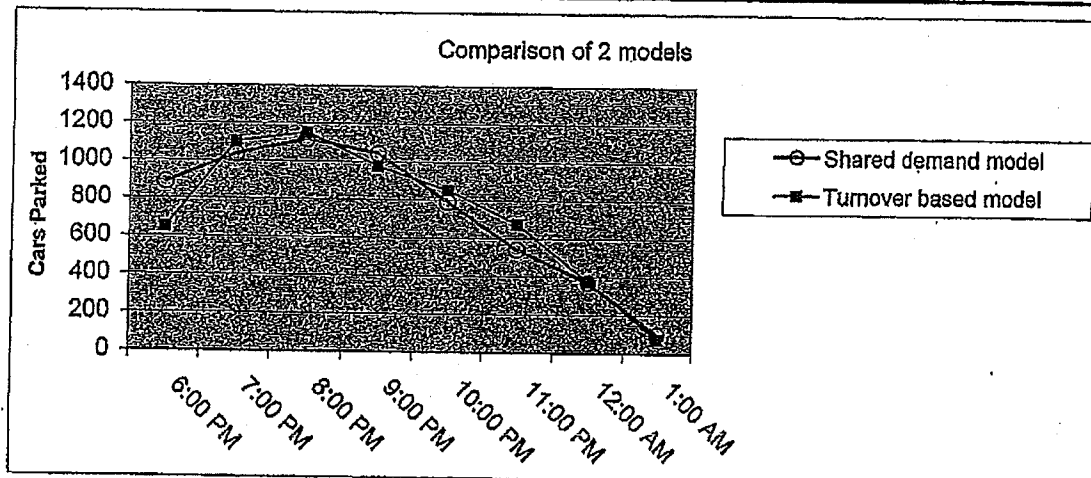
It is recognized that the pedestrian visits from campus will reduce parking demand at the Paseo. However, this will increase the length of stay in the University's lots. Since most of these visits are in the evening, the longer stay should not greatly impact the University's turnover.

A University study indicated daily turnover ratios ranging from 1.1 to 3.0.

Table 10
Model of Paseo visitor parking turnover

Comparison of prior demand model (11 26 03) and an example of how turnover might occur.

Shared demand model; Cars Parked for Cinema, Retail & Rest. (2)	Time of day	Calculation based on turnover and length of stay (1)						Total visitors for cinema, retail & rest.
		6 PM visitors	7 PM visitors	8 PM visitors	9 PM visitors	10 PM visitors	11 PM visitors	
		400	500	400	300	300	300	2,200
668	6:00 PM	200						200
886	6:00 PM	400	250					650
1,035	7:00 PM	400	500	200				1,100
1,114	8:00 PM	100	500	400	150			1,150
1,043	9:00 PM		125	400	300	150		975
789	10:00 PM			100	300	300	150	850
542	11:00 PM				75	300	300	675
369	12:00 AM					75	300	375
99	1:00 AM						75	75
Peak								Peak
1,114	Average Length of stay (hours)	2.8	2.8	2.8	2.8	2.8	2.8	1,150
Overall Turnover =								2
(Total visitors divided by max. number of spaces used)								



Notes

- (1) Assumed 1/2 of each hour's visitors arrive early and 1/4 stay longer than an intended 2 hours, for an average length of stay of 2.8 hours.
- (2) These figures were used elsewhere based on the hourly shared demand.

Regarding turnover, we only referred to that as an amount reported by another mixed-use development (the Howard Hughes development in Los Angeles) which is of a similar size and mix. Our study was not based on a turnover amount but based on typical total demand pattern and types of uses. The total parking demand includes visitors staying for various lengths of time. Some visitors stay a short time and other longer. Their overlapping visits result in a total cumulative demand each hour. This also depends on the purpose of a visit. A retail visitor may stay for only an hour, for example.

We did not approach the demand calculation from a turnover viewpoint, but a turnover calculation is shown in this Table 10 as an examination of the relationship of turnover, length of stay and the number of visitors. This table compares the parking demand computed in this report vs. an example of visitor turnover. The length of stay will vary for each visitor but we assumed a representative average amount for each hour's visitors. About 2,200 visitors can be accommodated at the Paseo with a turnover of 2 and an average length of stay of 2.8 hours on a Friday evening, which results in a similar total hourly demand as the shared use model.

Appendix B. Special Event Days, Shared Use Parking for the Paseo Project

Special Event Days

In the main body of this report, the peak parking demand was computed for relatively busy days at the Paseo. Peak demand on Tuesdays and Fridays was determined which represents the maximum requirement for most of the year. However, special days can be expected to exceed even those levels, and this report addresses the events and situations that might occur.

The events and sources creating unusually high parking demand include the following items in excess of the peaks described in the main report:

- Saturdays, when very busy, could require 100 more visitor parking spaces in the evening than had been calculated for Fridays;
- During maximum demand situations at the Paseo, such as the holiday season, weekend peak parking demand can increase by 400 spaces on Saturday;
- Some weekends, residential parking for between 119 and 251 students needs to be relocated to University lots (depending on what assumptions are made; 235 when using the City's "basic" rates and 251 based on 70% of 1,400 beds);
- Employee parking, which would be helpful to locate away from the Paseo at certain times, could be up to 151 cars at the busiest of times, but generally much less.

Tactics to reduce and manage the impact

The ability to handle the demand during special situations depends on the alternatives available to utilize other parking, such as at the University, and to move employees out of the Paseo parking. A number of scenarios occur involving unusual demand at the Paseo as well as at the University, Cox Arena and other University venues. A list of the possible events is given in Table 11 and alternate tactics to deal with them is listed in Table 12. It appears that a simultaneous peak at more than two of the potential sources (Paseo, University and Cox) rarely if ever will occur.

Peak Demand

The size of the demand for parking at the Paseo was calculated in the main report. This was based on a relatively busy period during late September on Tuesdays and Fridays, when classes at the University have begun and when the Paseo is built and operating stably after its initial opening period has passed. However, special events and situations will cause demand to occasionally exceed these levels.

Events

The following events may create unusually high parking demand. When they occur, special actions can be taken to reduce the effect. When more than one of these events occur simultaneously, the total effect is obviously greater.

Table 11

Event	Frequency	Individual Effect
Cox Amphitheater, sold out	Few times per year, such as major concerts, can be weekday or weekend, generally in the evening. Only 7 times in 2003 was it 80% or more full.	12,000 seats, which represents from 3,000 to 6,000 cars parked depending on the type of event. Traffic flow is significantly impacted and most parking structures are used.
Cox Amphitheater, in use but not full	Concerts, basketball games, special events such as graduation, can be weekday or weekend, daytime or evening. Used 71 times in 2003. Only about 1/3 of the time it was more than 1/2 full.	On the average it is 38% full, about 2,000 cars to be parked
Campus weekday busy	During the school year, Tuesdays and Thursdays are busiest daytime weekdays, evenings Monday through Thursday are also relatively busy	University lots fill up, particularly in the mornings, <i>drop off in the afternoon and then increase somewhat in the evenings</i>
Campus, early in semester	First two or three weeks are busiest, particularly the Fall Semester, Spring semester less so, change is gradual over the semester.	University lots fill up, particularly in the mornings, tandem parking is sometimes employed
Open Air Amphitheater	Mostly concerts, during the school year, generally in the evening. Seats 5,000. Used 16 days in 2003, averages about 1/2 full, plus graduation day.	Added parking demand occurs, particularly on nearby lots. Can represent 2,500 cars but many may already be parked at the university
Other Campus venues such as performing arts concerts	Multiple simultaneous events can occur with 1,000+ visitors, during weekend evenings, about 20 times per year.	Added parking demand occurs, particularly on nearby lots PS 2 & PS 4.
Paseo, moderately busy weekdays including Friday	Paseo parking will approach its maximum, in the evening around 8 PM Fridays	As determined in the main report, demand will peak at 1,856 cars

Paseo busy on a weekend, Saturday	Paseo parking may reach its limit, in the evening around 7 or 8 PM	Demand will sometimes be greater than Fridays, by perhaps 100 cars at peak
Paseo, holiday weekday, such as Christmas season or summer with large cinema demand	Generally last few weeks of December weekdays and certain summer weekends, depending on movie releases and other events	Paseo parking will reach or exceed its limit unless mitigating tactics are undertaken

Occasionally, two of these events might occur simultaneously, which amplifies the demand. Fortunately it appears very unlikely for there to be a simultaneous scheduling of Cox, a peak at the University and a peak day at the Paseo. The Paseo peaks occur during the summer on weekends, and during Christmas, when the University is much less busy. Cox events are almost always in the evening when University parking is not crowded. And, Cox is rarely used at the same time as the Open Air Amphitheater. When both are open at the same time, 4 times in 2003, Cox was not particularly full.

Saturdays

Saturdays could be a problem for certain weekends. Saturdays are often 15% greater or more than Fridays for the cinema, retail and restaurant demand. This pushes up the Saturday evening peak by 100 or more and may reach the parking capacity in the Paseo. The office workers are not parked but this does not reduce the previously determined evening peak which recognized that office workers are largely gone at that time. Of course, on weekends considerable University parking is available for overflow visitors or employees.

Office and Residential Demand

Office parking can be assumed to not change significantly over the year. While it may drop somewhat during holiday periods, its peak requirement in the middle of the day on weekdays which does not directly impact the Paseo's peak demand, which is usually in the evening and on weekends. Residential parking is also relatively stable and much of it will be emptied during holidays and the summer. The only unusual requirement is that University residents sometimes desire visitor parking, and this is often on weekends. The University has procedures that limit this access for existing residences and a similar policy can be applied for the residents at the Paseo.

Retail

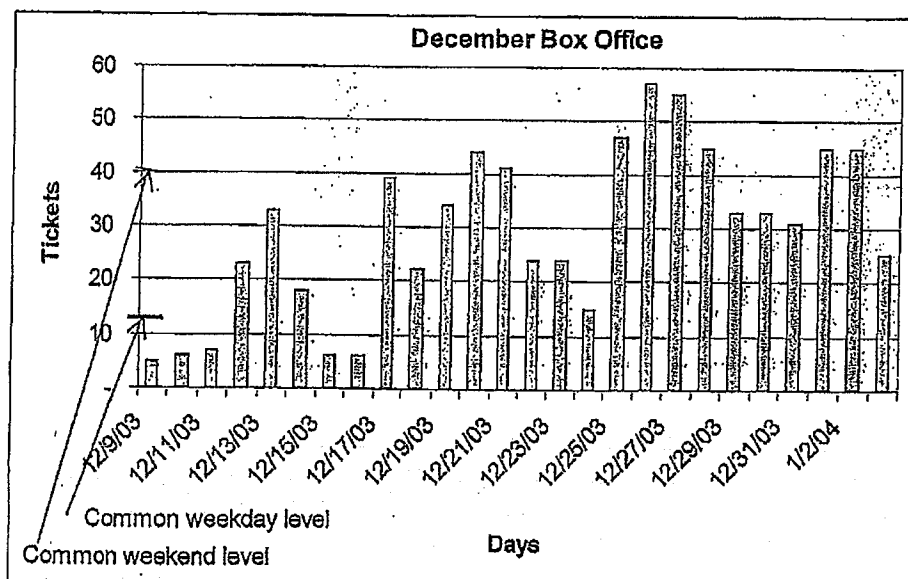
Retail areas at shopping centers report their busiest demand during the Christmas season. ULI's study of shopping center parking demand reports that the highest demand occurs during the two or three weeks of late December. However, some shopping centers with the large restaurant and cinema components find that peak demand occurs during weekends when cinema activity is highest and not necessarily have their highest demand during the

December holiday shopping period. Thus, peak retail demand will probably occur during the summer peak movie period as well as the December holiday time period.

December holiday period generally increases the retail level about 25% above the busiest of other times. This means that at least two weekends and 10 or more weekdays are impacted. If the retail parking demand increases by 25%, then the Tuesday level increases by 53 spaces and Friday by 67.

Cinema

Cinema demand peaks in the summer and to a lesser degree during the Thanksgiving and Christmas holiday periods. This pattern is fairly stable although there are considerable day-to-day fluctuations. While no one knows which picture will be the most popular one, Hollywood always has enough product to satisfy these peak demand periods. The International Council of Shopping Centers, ULI and movie theater organizations (NATO) report similar seasonality distributions. The highest demand occurs during the last two or three weekends of December depending on the calendar and the success of the most popular films. (for 2003 see below)



If the cinema business increases by 25% then peak cinema parking will increase by up to 150 cars. This amount only occurs on weekends and during holiday periods.

Restaurants

Restaurant demand may follow the seasonality of cinema parking. Thus, certain weekends in the summer and about 20 days during the November and December holidays will be highest and may exceed the Paseo parking capacity. However, to the extent restaurants are

supported by University students and faculty, the vacation periods will reduce the typical restaurant patterns. We had previously assumed a relatively busy period, such as September. Restaurant demand can be expected to increase its maximum of about 20% above these peak periods. A 20% increase in restaurant parking increases the Tuesday level by 50 and the Friday peak by about 70.

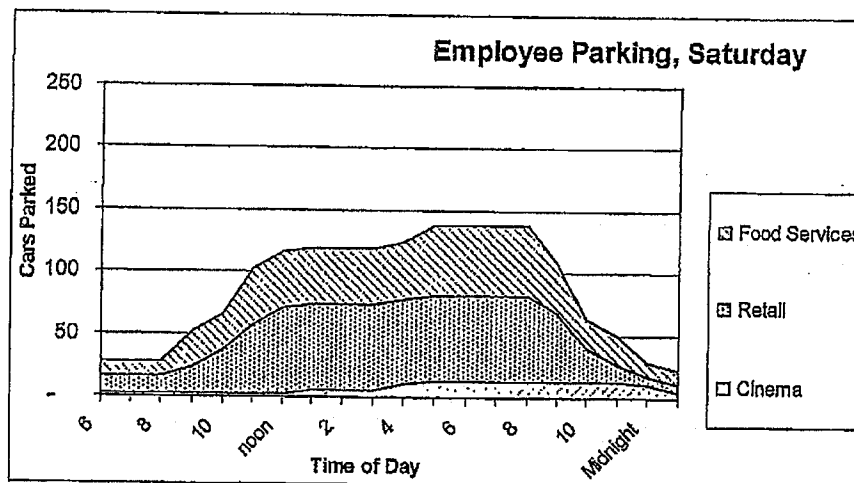
The total of cinema, retail and restaurants increasing simultaneously during the maximum peak holiday season could add up to an additional requirement of 300 parking spaces. On the weekend, this could be in addition to the Saturday increase of 100 spaces for a total of 400.

Tactics for Managing the Impact

Opportunities for managing overflow parking include relocating employee parking, using University lots when they are available and pricing to discourage parking and encourage the use of public transit.

Employee Parking

Employees for cinema, retail and food services require parking. At peak, employees for cinema are at most 30, retail about 100 and food service about 120 for a total of 250. Not all require parking, however. Demand will be proportionately less on Fridays and still less on other weekdays. A typical hourly pattern is shown below.



The actual demand is reduced by the fact that many of the employees will be University students and already parked in University lots. Also, some employees will take public

transit and not require parking. Thus, the calculation below appears to be the maximum requirement during the entire year, based on interviews with possible Paseo leasing tenants:

	Cinema	Retail	Food Services	Total
Number of establishments	1	20	9	30
Number of employees	100	25	45	170
Number present at peak time	30	8	15	53
	30	160	135	325
% University students	40%	20%	20%	
% Public Transit users	20%	33%	33%	
Parking Requirement at Peak	12	76	63	151

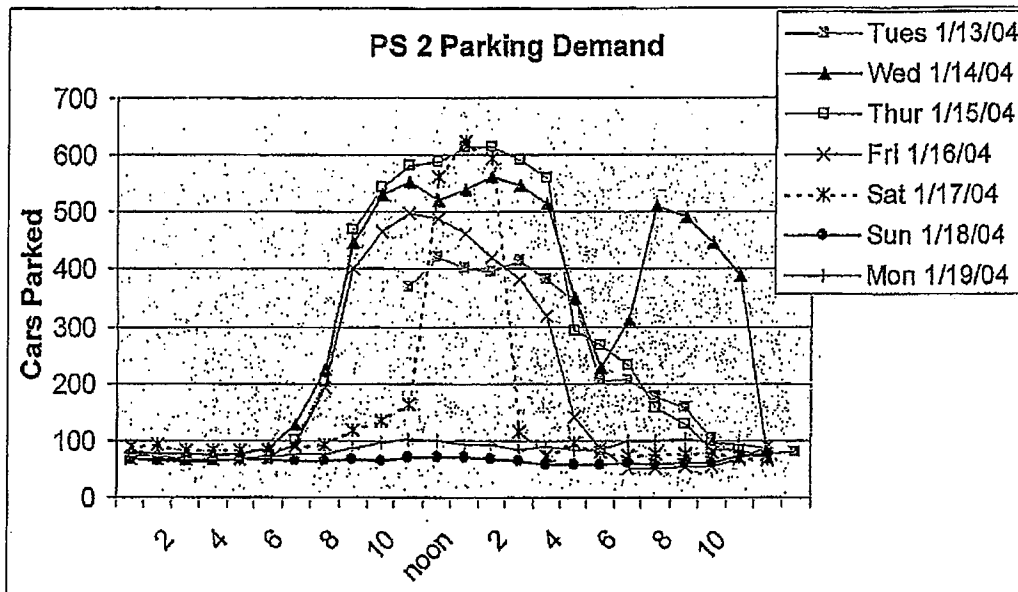
Residential Parking

In addition to moving Paseo employees to parking outside the Paseo, other options are available. Some of the residential parking, on weekends, which is not specifically assigned, can be moved to University lots on weekends. This was described in the previous report and could range from 115 to 250 cars. It would only occur on weekends and only when such parking is not available in the general Paseo parking area.

Parking at the University

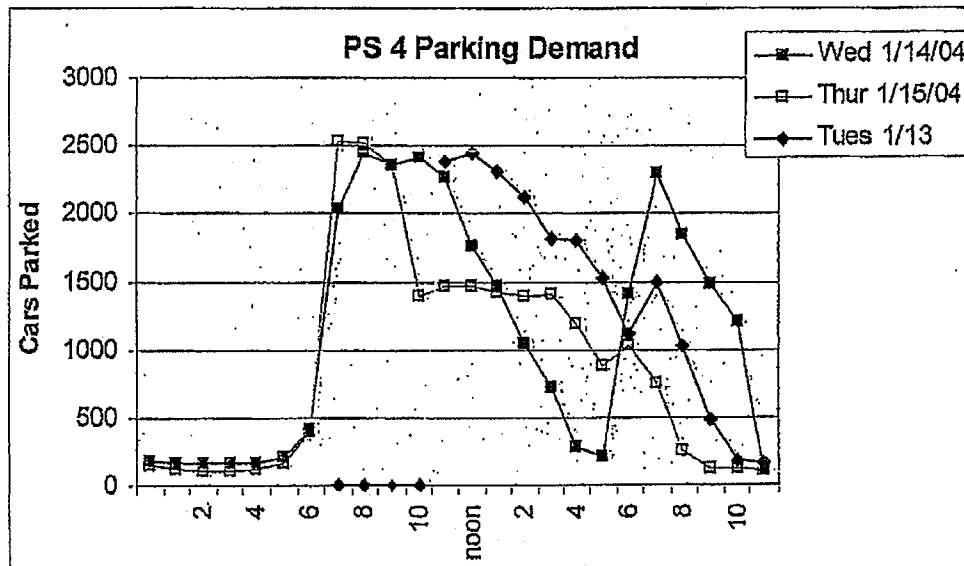
Several University lots appear to be resources for additional parking, on weekends and when the University is not in session.

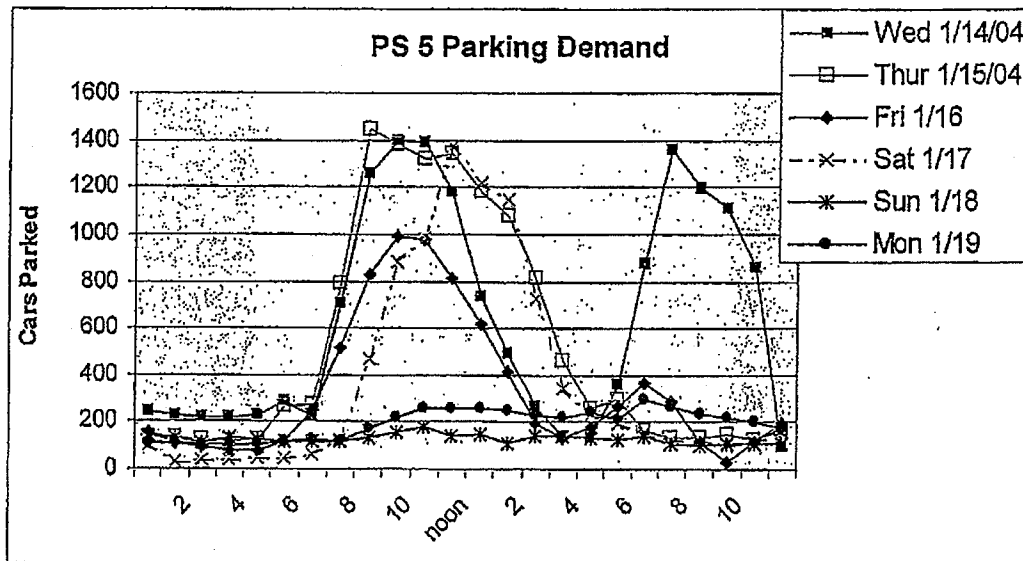
The closest and most user-friendly University lot for the Paseo is PS 2. It has 600 spaces and is often not full in the evenings and on weekends. Evening weekdays and even during special events at the Cox Arena it is not always filled. By 4 PM there seems to generally be 200 available spaces and later in the day even more according to a recent count. On Wednesday 1/14/04 there was an unusually large event in the Cox Arena, which caused a second peak in demand after 6 PM but barely filled it. See graph below. (Wed. 1/14 was a special event at Cox at 7 PM, Monday 1/19 was a holiday.)



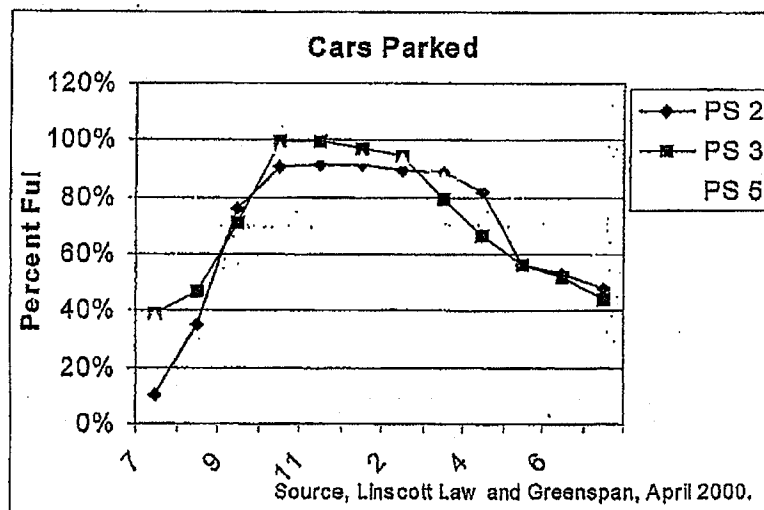
Parking Tactics

Still other options are to use various University lots for Paseo visitor and employee parking when the Paseo demand is unusually high and space is available at the University. Several University structures have space available in the evening and weekends. Recent graphs for PS 4 and PS 5 are shown below.





This and earlier studies of university parking show a drop off in demand in the afternoon on weekdays.



Thus, various tactics are available. The University along with the operators of COX and OAT as well as the Paseo will have to determine which is best overall in each scenario. A matrix of the various combinations of demand and response tactics is summarized in Table 12, below.

- J. Institute tandem and/or valet parking in the Paseo parking area. This adds an operational cost but the Paseo parking area is relatively open and flat and it could accommodate it.
- K. The Paseo may have available parking for University use by other venues. When there is a large weekday event at Cox, for example, during most of the year, several hundred spaces in the Paseo could be accommodated. Additionally, some overflow University parking during the first two weeks of the fall and spring semester may also be accommodated by the Paseo.
- L. Increase patrols of the parking area to assure that appropriate people are using the spaces. This would be facilitated by a sticker system for cars parked regularly at the campus and at Paseo.

Table 12						
Sources of Parking Demand						
Scenarios	Paseo	Cox Amphitheater	Open Air Amph. & other campus venues	University	Parking Tactics	Description of this scenario
Non holiday dates:						
1 Weekday	Not busy	Busy, big event	Closed	Busy, particularly early in semester, Tuesday and Thursdays	B, C, K, L	This occasion is when 2 of the sources of parking demand are busy; Cox with a large event and the University at a relatively busy level of attendance.
2 Weekday	Not busy	Busy, big event	Closed	Normal weekday during semester.	B, C, K, L	This occasion is when 2 of the sources of parking demand are busy; Cox with a large event and the University at a normal weekday pattern.
3 Weekend	Not busy	Busy, big event	Closed	Not busy, most students, faculty and staff not at campus	B, C, K	This occasion is when there is a big event at Cox and it's a weekend causing a different parking demand at the Paseo, but the University has few visitors.
4 Saturday	Moderately busy	Not open	Closed	Not busy, most students, faculty and staff not at campus	B, C	Typical weekends.
5 Saturday	Moderately busy	Not open	Open	Normal weekday during semester.	B, C, H	The Paseo can accommodate its visitors and move employees to University lots, such as PS 3 and 6 if necessary. OAT and other venues can then use nearby University lots as they do currently.
6 Saturday	Moderately busy	Busy, big event	Closed	Not busy, most students, faculty and staff not at campus	B, C, H	Typical Paseo weekend with the Cox in use.
Holidays:						
7 Weekday	Moderately busy	Busy, big event	Closed	Not busy, most students gone	A, B, C, I, J	Holidays (such as Christmas) will elevate the parking demand at Paseo and may occur at the same time as an event at the Cox Arena.
8 Weekend	Busy	Busy, big event	Closed	Not busy, most students gone	A, B, C, F, H, I, J	This is an occasion where there is a big event at Cox and the Paseo has a busy holiday weekend.
9 Weekday	Busy	Not open	Closed	Not busy, most students gone	A, D, E, G, H, I	Busy holiday weekdays will occur at the Paseo where parking capacity is exceeded but Cox is not in use and the University has relatively few visitors.
10 Weekend	Busy	Not open	Closed	Not busy, most students gone	A, D, E, H, I	Busy holiday weekends will occur at the Paseo where parking capacity is exceeded but Cox is not in use and the University has relatively few visitors.
11 Weekday	Busy	Not open	Open	Not busy, most students gone	A, B, C, F, H, I, J	Very busy Paseo combined with other events on campus.
12 Weekend	Busy	Not open	Open	Not busy, most students gone	A, B, C, F, G, H, I, J	Very busy Paseo weekend with other events on campus.

Sources for Appendix B

1. Main Parking Demand Study
2. Interviews with prospective tenants of the Paseo
3. Parking counts by Martin Parrish of TDSSW, January, 2002
4. Parking and Traffic Analysis by Linscott Law & Greenspan, September 11, 2000.

Appendix C

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From the publication "Parking Requirements for Shopping Centers" publication jointly sponsored by the International Council of Shopping Centers and Urban Land Institute (ULI). Additional unpublished data as a supplement to their publication.

TABLE 1

Cinema Peak Parking Demand

Day	Parking Demand per Seat			
	Single Screen Theater	So. Cal Counts	No. Cal Ticket Sales	National Average Counts
Mon-Thurs	0.25	0.16	0.13	0.17
Fri-Sat	0.33	0.24-0.33	0.23	0.24

Day	Seats per unit of parking Demand			
	Single Screen Theater	So. Cal Counts	No. Cal Ticket Sales	National Average Counts
Mon-Thurs	4.00	6.25	7.69	5.88
Fri-Sat	3.03	3.51	4.35	4.17

Appendix C

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TABLE 2
CINEMA PARKING DEMAND

Hour Beginning TIME	Single Screen Sat	2003 Field Counts			Average Ticket Sales
		Mon-Thurs	Fri	Sat	
6 a.m.	0%	0%	0%	0%	0%
7 a.m.	0%	0%	0%	0%	0%
8 a.m.	0%	0%	0%	0%	0%
9 a.m.	0%	0%	0%	0%	0%
10 a.m.	0%	3%	2%	5%	3%
11 a.m.	41%	12%	4%	10%	33%
12 noon	69%	18%	7%	20%	31%
1 p.m.	69%	35%	26%	35%	41%
2 p.m.	85%	37%	30%	52%	38%
3 p.m.	81%	37%	41%	60%	44%
4 p.m.	50%	44%	48%	61%	44%
5 p.m.	33%	60%	56%	68%	50%
6 p.m.	35%	83%	70%	75%	68%
7 p.m.	100%	100%	81%	80%	83%
8 p.m.	100%	100%	93%	90%	100%
9 p.m.	81%	85%	100%	100%	94%
10 p.m.	78%	70%	89%	100%	90%
11 p.m.	71%	65%	70%	100%	94%
12 mid.	0%	60%	67%	95%	73%

Appendix C

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TABLE 3
CINEMA PARKING DEMAND
MONTHLY VARIATION

MONTH	% of Peak Month	
	Field Counts	National Ticket Sales
Jan	78%	68%
Feb	72%	62%
Mar	69%	64%
Apr	61%	58%
May	81%	66%
Jun	99%	84%
Jul	100%	100%
Aug	91%	79%
Sept	58%	45%
Oct	63%	55%
Nov	81%	82%
Dec	75%	84%

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

Certify a Final Environmental Impact Report and Approve the Campus Master Plan Revision for San Diego State University

Presentation By

J. Patrick Drohan
Assistant Vice Chancellor
Capital Planning, Design and Construction

Summary

This item requests the following actions by the Board of Trustees for San Diego State University:

- Certification of a Final Environmental Impact Report (FEIR)
- Approval of a Campus Master Plan Revision

Attachment A to the item is the proposed campus master plan dated March 2001 and Attachment B is the existing campus master plan dated May 1999.

Included in the agenda mailing are the FEIR, an Addendum to the FEIR, and the Findings of Fact and Statement of Overriding Considerations with the Environmental Mitigation Measures Monitoring and Reporting Plan.

There are no significant remaining contested issues based on CSU responses to the comments received in the public review period. San Diego State University (SDSU) and the City Redevelopment Agency will implement mitigation measures for the College Community Redevelopment project that will address all potential significant issues identified in the Draft EIR (DEIR).

Background

The existing SDSU campus master plan provides for 25,000 full-time equivalent students. The proposed campus master plan revision continues to provide for 25,000 FTES while improving, enhancing and rehabilitating campus facilities. The primary goal of the proposal is to create a template of uniform planning for future campus development. The project components have been designed in a manner that is consistent with the November 1997 *SDSU Physical Master Plan, Phase 1, Existing Conditions*, which states a need for new campus facilities and sets forth

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guidelines for campus landscaping, lighting, visual quality, gateways, open areas and other campus features. The existing master plan focuses on campus boundaries, parking facilities, athletic facilities, pedestrian malls, and existing and future campus buildings and structures.

Campus Master Plan

The proposed campus master plan revision includes redevelopment of several classroom, office, research and student facilities, and provides for the development of several new buildings, a physical plant and corporation/maintenance yard, parking structure and central campus park area. The project was divided into two groups of "project components" for purposes of the environmental analysis. One group was identified and analyzed on a program level and the other was analyzed on a project level. The program level components consist of two academic/research buildings, a performing arts complex, a science research building, a physical plant, and an addition to the north life sciences building. The project level components consist of a faculty office/classroom/gallery building and parking structure, an addition to the communication building, a new campus childcare center, an addition to the International Student Center and a central park. As discussed in greater detail below, since completion of the FEIR, a project-level environmental analysis is provided in an Addendum to the FEIR.

Proposed Project Components

Attachment A identifies each of the proposed new facilities using "PGM" in rectangles for program components and "PJT" in ovals for the project level components as indicated below:

Program Level Components

- PGM-1N: Site for new Academic/Research Building A
- PGM-1S: Site for new Academic/Research Building B
- PGM-2: Site for new Performing Arts Complex
- PGM-3: Site for new Science Research Building (this will require the demolition of the Industrial Technology Building 9)
- PGM-4: Site for new Physical Plant
- PGM-5: Site for North Life Sciences Addition (this will add a five-floor addition to the existing Life Sciences North Building 35 and displace a temporary campus office facility 817)

Project Level Components

- PJT-1: Site for new Faculty Office/Classroom/Gallery/Parking Structure 8 (this will require the demolition of the existing Family Studies and Consumer Science Building 7 while relocating the Campus Childcare Center 85 as PJT-3)

Appendix E

Newman Center

Preliminary Specifications and Scope of Work for Tenant Improvements

The Paseo - Space at NE corner of Campanile Ave and Lindo Paseo

October 17, 2003

1. Program and Area - SDSU Foundation will provide a built-out ground level commercial space at the corner of Campanile Ave and Lindo Paseo Drive, a ground level adjacent outdoor patio space, and one 2-Bedroom student apartment directly above the commercial space with connection between apartment and commercial space via adjacent residential elevator and fire stairs.

a. Commercial Ground Floor Area

▪ Multi-purpose room	32' x 40'	1,280 SF
▪ Dining/Reception Area	12' x 46'	552 SF
▪ Entry Lobby	9' x 12'	108 SF
▪ Library	17' x 22'	374 SF
▪ Offices 4 each @	10' x 15'	600 SF
▪ Public Restrooms 2 each @	5' x 8'	80 SF
▪ Storage	12' x 12'	144 SF
▪ Chapel	17' x 22'	374 SF

Interior Ground Floor Area 3,512 SF

b. 2nd Level 2 Bedroom Apartment

▪ Bedrooms 2 each @	9' x 13'	234 SF
▪ Living and Dining	20' x 12'	240 SF
▪ Kitchen	9' x 16'	135 SF
▪ Full Bath	8' x 8'	64 SF
▪ Balcony	6' x 12'	72 SF
▪ Other/Storage	8' x 10'	80 SF

Interior Second Floor Area 825 SF

Total Interior Program Area 4,337 SF

▪ Exterior Private Patio Area 2,000 SF

Total Program Area 6,337 SF



MISSION VALLEY EAST LIGHT RAIL TRANSIT PROJECT

PROJECT STATUS

The Metropolitan Transit System (MTS) began Final Design on the Mission Valley East Light Rail Transit (MVE LRT) extension in November 1998, and construction on the first of five contracts started in November 2000. MTS is scheduled to complete construction on the extension in 2005 with operation in June 2005. For ongoing up-to-date project information, visit www.sdcommute.com and click on "Major Projects."

ROUTE

The 5.8-mile (9.3 km) MVE LRT project will extend to Santee Town Center. The MTS Board approved the new line segment, adding an additional line to Trolley's Orange and Blue Lines. The new Green Line will go from Old Town Transit Center to Santee Town Center. The MVE line will travel primarily adjacent to Interstate 8, with a diversion from the freeway to serve San Diego State University (SDSU). The LRT segment will include elevated and ground-level sections and a tunnel under SDSU.

STATIONS

Four new stations are planned on the MVE LRT segment: Grantville, SDSU, Alvarado Medical Center, and 70th Street. The Grantville Station will be elevated. The Grantville and 70th Street stations will have park-and-ride lots. The SDSU Station will be a subway station in a tunnel. The SDSU Station is designed to be integrated into a future community redevelopment project on the south side of the SDSU campus.

ADA

In compliance with the Americans with Disabilities Act (ADA), each station will have uniform design features and each light rail vehicle will be equipped with a wheelchair lift or be a low-floor vehicle with ramp access.

PUBLIC ART

Each station will include public art as an integral component of the station design. Four artists, one for each station, have developed artistic themes that reflect the history and character of the station areas.

BUS SERVICES

Bus routes will serve all four new stations.

OTHER FEATURES

An extension of Alvarado Canyon Road to Waring Road opened in June 2003 providing access to the Grantville Station.

BENEFITS

The MVE LRT project will provide the following transportation benefits:

- Increase direct transit access to SDSU, Cox Arena, the Alvarado Medical Center, Mission Valley's major activity centers, and Old Town.
- Generate approximately 11,000 new average daily riders and significantly more on special events and school days.
- Attract over 2.5 million new annual transit riders in the region as a result of improved transit connectivity.
- Increase transportation capacity and improve mobility in the Interstate 8 corridor.
- Provide connections to future, planned transit improvements in the Interstate 15 and Interstate 5 corridors.

OPERATING PLAN

When completed, the Trolley's route from the Old Town Transit Center to the Santee Town Center Station will total 19.4 miles. San Diego Trolley, Inc., a non-profit subsidiary of MTDB, will operate the line using electrically propelled vehicles in trains of up to four vehicles. The average operating speed will be 25 mph, with a maximum speed of 55 mph.

COST AND FUNDING

Estimated project costs are \$496 million (including vehicles). Funding will include local half-cent Transportation Sales Tax (TransNet), State, and Federal sources. In June 2000, MTDB and the Federal Transit Administration executed a Full Funding Grant Agreement establishing the federal share of the project at approximately 80 percent of the total costs. Federal funds will consist of \$13.7 million in Congestion Mitigation and Air Quality (CMAQ) funding and annual appropriations of Section 5309 Fixed Guideway New Starts funding anticipated to total \$330 million.

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 (619) 231-1466 www.sdcommute.com

Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB), a public agency, San Diego Transit Corporation, and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is also the Taxicab Administrator for eight cities, and MTDB is the owner of the San Diego and Arizona Eastern Railway Company.

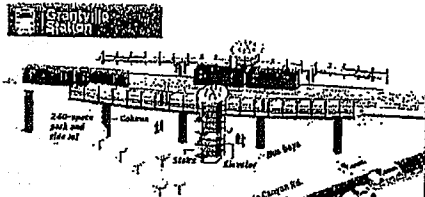
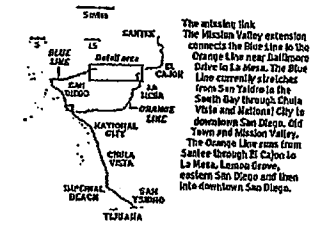
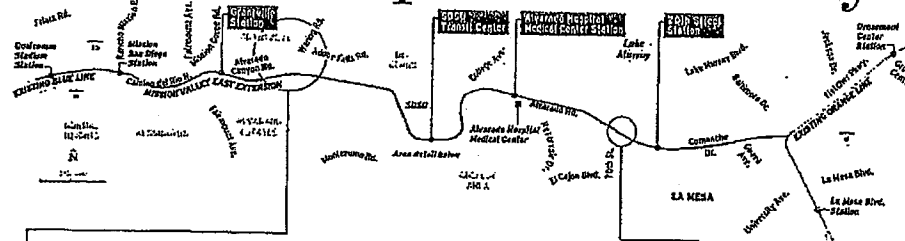
Trolley's next stop: SDSU and beyond

Research and graphics by DAVID HARDMAN / San Diego Union-Tribune

Completing a missing link in the San Diego Trolley system, the 5.8-mile Mission Valley East extension will carry an estimated 10,800 riders daily when it goes into service in early 2005.

Evidenced more than 25 years ago, the Metropolitan Transit Development Board's extension of the trolley's Blue Line will connect Mission Valley and East County along the Interstate 8 corridor. The extension adds four stops: Graceland, San Diego State University, Alvarado Hospital Medical Center and 70th Street. It will intersect the Orange Line in La Mesa.

The construction budget, a combination of federal, state and local funds, is expected to be at least \$451 million. A \$20 million increase over the projected budget was announced last week along with plans to get lagging portions of the project back on schedule. Engineers estimate the cost could rise an additional \$5.6 million before construction is finished in January 2004. Track, electrical, signaling and other post-construction work will follow.



This station serves the Graceland and Alvarado Hospital Medical Center neighborhoods.

- Station platforms will be elevated 40 feet above a 240-space parking lot.
- High-capacity elevators, as well as stairs, will provide access between ground level and the trolley platforms.

Station features

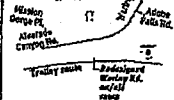
The design of the Graceland station includes a slightly curved platform, as well as a slightly curved canopy above the platform providing shelter. The shapes of the platform and canopy shelter are inspired by local architecture as a tribute to the aviation and medical industries in San Diego.

During the day, sunlight will project the shadow of the curved platform canopy onto the station, transforming art text inscribed on the canopy. At night, various light sources will wash the station in hues of red, white and blue light.

Architect: Michael Chaffin, SDSU Trolley Station
 San Diego and Mission Valley, SD Trolley Station
 San Diego and Mission Valley, SD Trolley Station

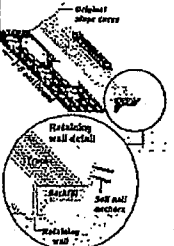
Road extension

Alvarado Canyon Road is being extended to meet Alvarado Falls Road so that Allied Gateway traffic can reach the Graceland Station more easily. A two-lane traffic bridge, with sidewalks, is being built over Varsity Road. On the south side of I-8, the widening interchange will be reconstructed.



Raised route

After the trolley crosses Interstate 8, it will run parallel to the westbound lanes of the freeway until it begins to climb toward the center of I-8. With limited space between I-8 and the highway, a platform for the track will be cut into the slope, supported by a retaining wall.



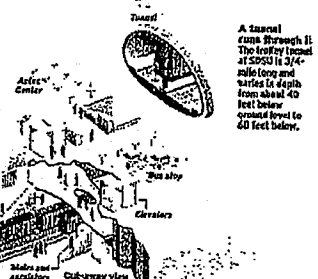
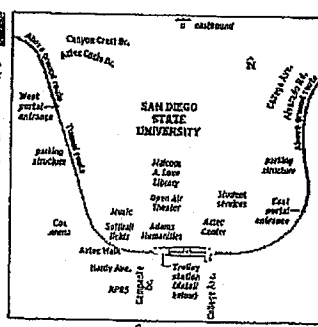
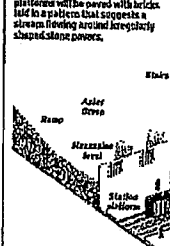
SDSU Transit Center

The station provides easy access to the heart of the campus, including Car Area, Art Center and Open Air Theater.

Station features

The station features a station platform on the north side of Art Center Walk. The Art Center Walk is a pedestrian walkway that runs along the Art Center and Open Air Theater. The station platform is elevated 40 feet above the parking lot.

The trolley platforms will be located 25 feet below the main entrance to the station. The platforms will be elevated 40 feet above the parking lot. The station platform is elevated 40 feet above the parking lot.



Ramp improvements

The existing design of the Interstate 8/I-8 interchange was flawed and inefficient. The new design eliminates two at-grade ramps that fed into a crowded 70th Street. A new two-lane ramp will carry traffic from eastbound I-8 to a three-lane intersection with Alvarado Road. The intersection will be realigned by a traffic signal and at that point Alvarado will be seven lanes.

Present on/off ramps

The trolley will use an existing 70th St. bridge and on/off ramps.

Redesign on/off ramps

The trolley will use an existing 70th St. bridge and on/off ramps.

The new design eliminates two at-grade ramps that fed into a crowded 70th Street. A new two-lane ramp will carry traffic from eastbound I-8 to a three-lane intersection with Alvarado Road. The intersection will be realigned by a traffic signal and at that point Alvarado will be seven lanes.

Alvarado Hospital Medical Center Station

With the station just a few steps from Alvarado Hospital and the surrounding medical complex, the hospital will join the ranks of Kaiser Permanente in Los Angeles, the Naval Medical Center in Washington D.C. and Johns Hopkins Hospital in Baltimore as medical centers with direct access to trolley.

Station features

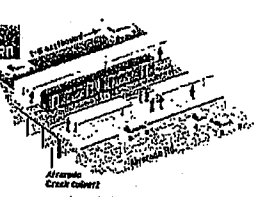
The Alvarado Hospital Medical Center Station features a garden design with vines on trellises planted along the 360-foot freeway retaining wall. The canopy will provide shade and protection. The station design also features a 12-lane ride, provided as a fun activity for waiting riders. The ride will be styled rhythmically as three bands of concrete that follow the upper part of the retaining wall, which will have a rustic stone appearance.

Station features

The Alvarado Hospital Medical Center Station features a garden design with vines on trellises planted along the 360-foot freeway retaining wall. The canopy will provide shade and protection. The station design also features a 12-lane ride, provided as a fun activity for waiting riders. The ride will be styled rhythmically as three bands of concrete that follow the upper part of the retaining wall, which will have a rustic stone appearance.

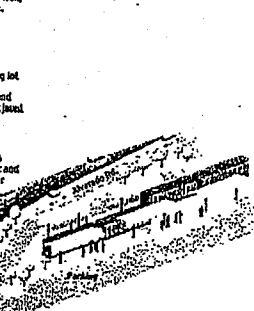
The station includes a 120-space parking lot located south of the platform.

- The station will serve western La Mesa and eastern College Ave. La Mesa is a short jump up Lake Murray Parkway.



Storm drain

From Alvarado Hospital Medical Center to 70th Street, the trolley tracks will be built atop Alvarado Creek by replacing the channel with a concrete structure that will carry storm water. The box culvert has been designed to carry the volume of water that might be seen from a 100-year storm.



I-10 Response

Michael Haberkorn

From: Lauren Cooper [cooper12@mail.sdsu.edu]
Sent: Tuesday, January 18, 2011 11:12 AM
To: Michael Haberkorn
Subject: FW: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

From: George Palermo [mailto:george@flagshipsd.com]
Sent: Tuesday, January 18, 2011 10:57 AM
To: Lauren Cooper
Cc: 'Bob Schulz'
Subject: RE: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

Very well. Thank you.

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Tuesday, January 18, 2011 10:18 AM
To: George Palermo
Cc: 'Bob Schulz'
Subject: RE: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

Mr. Palermo,

In response to your recent inquiry, we received your letter commenting on the Plaza Linda Verde Draft Environmental Impact Report. We are preparing responses to the comments, and the responses will be included in the Plaza Linda Verde Final EIR. We expect that the Final EIR will be released later this year.

In general though, your comment is correct. The property located at 5665 Lindo Paseo would be included within the proposed Campus Master Plan boundary expansion, although the property is not included within the 24 development parcels comprising the Proposed Plaza Linda Verde Project. And, yes, SDSU will notify you if the Plaza Linda Verde Draft or Final EIR is revised to include this property in the parcels proposed for development as part of this project or any subsequent projects at SDSU.

Best Regards, Lauren

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

From: George Palermo [mailto:george@flagshipsd.com]
Sent: Thursday, January 13, 2011 8:22 AM
To: Lauren Cooper
Subject: FW: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

Good morning how are you? I thought I would follow up and see if we could except a response soon. Thanks and have a good day.

From: Lauren Cooper [mailto:cooper12@mail.sdsu.edu]
Sent: Wednesday, December 15, 2010 10:04 AM
To: George Palermo
Subject: FW: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

Hello George,

Thank you for your letter. I will be providing a response to you at a later date. The letter indicates that I should have received an attachment with a Figure. I did not. Could you please send the Figure.

Thanks.

Best Regards, Laurie

Lauren Cooper, DPPD
Director, Facilities Planning, Design & Construction
San Diego State University
San Diego, CA 91982-1624
Tel: 619.594.5224
Fax: 619.594.4500

From: George Palermo [mailto:george@SDHE.com]
Sent: Tuesday, December 14, 2010 5:31 PM
To: cooper12@mail.sdsu.edu
Subject: SDSU LTR TO SDSU COOPER RE PLAZA LINDA VERDE EIR 121310.doc

Good evening how are you. Attached is a letter with an attachment. We're contacting you about the Linda Verde EIR even though the date for comments has expired. Our letter simply asks a couple of questions I thought you might be able to respond too. Thanks and I hope to hear from you soon.

George Palermo
President
San Diego Harbor Excursion
Office: 1311 First Street, Coronado, CA 92118
Direct Line: 619.522.6159 or Cell: 619.992.1699,
Fax: 619.522.6169
www.sdhe.com

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Please consider the environment before printing this email **George Palermo**

President

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Please consider the environment before printing this email **George Palermo**

President

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