

S199557

SUPREME COURT
FILED

SEP 18 2012

Court of Appeal, Fourth Appellate District, Division One – No. D057446
Frank A. McGuire Clerk

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Deputy

CITY OF SAN DIEGO AND REDEVELOPMENT AGENCY
OF THE CITY OF SAN DIEGO.

Plaintiffs and Appellants,

v.

BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

Defendant and Respondent.

**MOTION BY THE CITY OF SAN DIEGO AND
REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO
FOR REQUEST FOR JUDICIAL NOTICE OF EXCERPTS
OF THE ADMINISTRATIVE RECORD CITED
IN THEIR ANSWER BRIEF ON THE MERITS**

**(DOCUMENTS ATTACHED – VOLUME 1 OF 2)
(TABS 1-35)**

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Andrew Jones, Executive Assistant City Attorney
Christine M. Leone, Chief Deputy City Attorney

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Attorneys for Plaintiffs and Appellants,
the City of San Diego and Redevelopment
Agency of the City of San Diego

S199557

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Attorneys for Plaintiffs and Appellants,
the City of San Diego and Redevelopment
Agency of the City of San Diego

City of San Diego and Redevelopment Agency of the City of San Diego¹ (collectively, “City”) move this Court to grant the following Motion for Request for Judicial Notice of Excerpts of the Administrative Record Cited in their Answer Brief on the Merits (“Motion”). This Motion is made on the grounds that the Court has the authority to take judicial notice of the entire files in San Diego Superior Court Case No. GIC855643 (Lead Case) [consolidated with Case Nos. GIC855701; 37-2007-00083692-CU-WM-CTL; 37-2007-00083768-CU-TT-CTL; 37-2007-0083773-CU-MC-CTL] under the California Evidence Code sections and pertinent case law set forth below.

ITEM TO BE JUDICIALLY NOTICED

Pursuant to Evidence Code sections 450, 452(d), 453 (a) and (b), 454(a), 455(a), 459(a)-(c), and California Rules of Court Rule 8.252(a), a copy of the excerpts of the administrative record (“Administrative Record”) cited by City in support of their Answer Brief on the Merits (the “Excerpts”) are attached to this Motion. The Excerpts consist of two

¹ On February 1, 2012, the Redevelopment Agency of the City of San Diego (Agency) was dissolved by operation of law. (*California Redevelopment Assn. v. Matosantos*, 53 Cal.4th 231 (2001).) By Resolution of the San Diego City Council No. R-307238, the City became the successor agency to the Agency, and that entity is now known as “City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic.” The successor agency is designated to “serve as the successor agency to the Redevelopment Agency pursuant to sections 34171(j) and 34173(d)(1) of AB 26 . . .” and will stand in the Agency’s place for the remainder of these proceedings.

volumes consisting of an Index and documents consecutively tabbed as Tabs 1 through 38.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

THE COURT IS AUTHORIZED TO JUDICIALLY NOTICE THE EXCERPTS PURSUANT TO THE EVIDENCE CODE AND RELEVANT CASE LAW

Evidence Code section 450 provides: “Judicial notice may not be taken of any matter unless authorized or required by law.” The Court is authorized to take judicial notice of the Excerpts under Evidence Code section 452, which provides in pertinent part: “Judicial notice may be taken of the following matters to the extent that they are not embraced by within Section 451: . . . (d) Records of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.” Evid. Code § 450.

The Excerpts are records of the underlying Superior Court and Fourth District Court of Appeal cases because the entire Administrative Record was lodged in those cases as the record of proceedings pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code sections 21178-21189.3). *See* Cal. Rules of Court, Rule 8.497(d).

Evidence Code section 453 provides in pertinent part: “The trial court shall take judicial notice of any matter specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the

request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter.”

City complies with section 453 through the request of this Motion and by filing and serving the Excerpts on all parties concurrently with the filing and service of this Motion.

“In determining the propriety of taking judicial notice of a matter, or the tenor thereof: (1) Any source of pertinent information . . . may be consulted or used, whether or not furnished by a party. (2) Exclusionary rules of evidence do not apply except for Section 352 and the rules of privilege” Evid. Code § 454(a).

Evidence Code section 455 provides in pertinent part:

With respect to any matter specified in Section 452 or in subdivision (f) of Section 451 that is of substantial consequence to the determination of the action:

(a) If the trial court has been requested to take or has taken or proposes to take judicial notice of such matter, the court shall afford each party reasonable opportunity, before the jury is instructed or before the cause is submitted for decision by the court, to present to the court information relevant to (1) the propriety of taking judicial notice of the matter and (2) the tenor of the matter to be noticed.

City contends that the trial court and the Court of Appeal took informal judicial notice of the entire Administrative Record as the record of proceedings in a CEQA case. *See Chaparral Greens v. City of Chula Vista*, 50 Cal. App. 4th 1134, 1143 (1996) [in reviewing a claim that a public

entity violated its obligations under CEQA, the court shall determine whether the act or decision is supported by substantial evidence in light of the whole record, pursuant to California Public Resources Code section 21168]. *See Katzeff v. California Dept. of Forestry & Fire Prot.*, 181 Cal. App. 4th 601, 606, n.2 (2010) [proper for trial court to take judicial notice of the administrative record in a CEQA case]. *See also Silverado Modjeska Recreation and Parks Dist. v. County of Orange*, 197 Cal. App. 4th 282, 307, n.18 (2011) [proper for reviewing court to take judicial notice of excerpts from the administrative record prepared with respect to initial environmental impact report].

Evidence Code section 459 provides in pertinent part:

(a) The reviewing court shall take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under Section 451 or 453. The reviewing court may take judicial notice of any matter specified in Section 452. The reviewing court may take judicial notice of a matter in a tenor different from that noticed by the trial court.

(b) In determining the propriety of taking judicial notice of a matter, or the tenor thereof, the reviewing court has the same power as the trial court under Section 454.

(c) When taking judicial notice under this section of a matter specified in Section 452 or in subdivision (f) of Section 451 that is of substantial consequence to the determination of the action, the reviewing court shall comply with the provisions of subdivision (a) of Section 455 if the matter was not theretofore judicially noticed in the action.

Evid. Code § 459.

Thus, even if the trial court and Court of Appeal did not take formal judicial notice of the entire Administrative Record, the Supreme Court has the authority to take judicial notice of the Excerpts attached to this Motion.

II.

CITY HEREBY COMPLIES WITH CALIFORNIA RULES OF COURT RULE 8.252(a)

California Rules of Court, Rule 8.252 provides in pertinent part:

(a) Judicial notice

(1) To obtain judicial notice by a reviewing court under Evidence Code section 459, a party must serve and file a separate motion with a proposed order.

(2) The motion must state:

(A) Why the matter to be noticed is relevant to the appeal;

(B) Whether the matter to be noticed was presented to the trial court and, if so, whether judicial notice was taken by that court; and

(C) Whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.

(3) If the matter to be noticed is not in the record, the party must serve and file a copy with the motion or explain why it is not practicable to do so.

Cal. R. Ct. 8.252(a).

Although the Excerpts are contained in the record on appeal, City files and serves the Excerpts as an attachment to this Motion for the courtesy of the Court and all parties' counsel.

City responds to the inquiries in subparagraph (a)(2)(A)-(C) of Rule 8.252 as follows:

(A) The Excerpts are relevant to this appeal because they are evidence contained in the Administrative Record necessary for the Court to determine whether Respondent Board of Trustees of California State University has complied with the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code sections 21178-21189.3) in certifying the environmental impact report (“EIR”) for the expansion of the San Diego State University (“SDSU”) campus as planned in SDSU’s 2007 Campus Master Plan Revision (the “Project”). (Declaration of Christine M. Leone filed and served concurrently herewith [Leone Decl., ¶ 4].)

(B) The Excerpts were presented to the trial court as part of the Administrative Record for the Project, and the trial court took informal judicial notice of the entire Administrative Record as the record of the proceedings in a CEQA case. (Leone Decl., ¶ 5.)

(C) The Excerpts do not relate to proceedings occurring after the order or judgment that is the subject of the appeal. (Leone Decl., ¶ 6.)

III.
CONCLUSION

For the foregoing reasons, City of San Diego and Redevelopment Agency of the City of San Diego respectfully request that this Court grant the City its Motion for Request for Judicial Notice.

Dated: September 13, 2012

JAN I. GOLDSMITH, City
Attorney

By Christine Leone
Christine M. Leone
Chief Deputy City Attorney

Attorneys for Petitioners and
City, City of San Diego and
Redevelopment of the
City of San Diego

DECLARATION OF CHRISTINE M. LEONE

I, Christine M. Leone, declare as follows:

1. I am an attorney duly licensed and authorized to practice before all of the courts of the State of California. I am a Chief Deputy City Attorney employed by the Office of the City Attorney, Civil Division, and am assigned to represent the City of San Diego and Redevelopment Agency of the City of San Diego, the Petitioners and City in the above-captioned matter, to which this motion is directed. I make this declaration based on my personal knowledge, and, if called as a witness, would competently testify to the facts contained within my declaration.

2. I have personally reviewed the documents attached hereto and know their contents. These documents are true and correct copies of documents which were part of the administrative record (“Administrative Record”) in the underlying Superior Court case (*City of San Diego, et al. v. Board of Trustees of California State University*, San Diego Superior Court Case No. GIC855643 (Lead Case), to which this appeal is directed.

3. These documents were lodged, along with the entire Administrative Record, at the hearing on the writ of mandate in the trial court and in the appellate proceeding in California Fourth District Court of Appeal Case No. D057446.

4. These documents are relevant to this appeal because they are evidence contained in the Administrative Record necessary for the Court to determine whether Respondent Board of Trustees of California State University has complied with the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code sections 21178-21189.3) in certifying the environmental impact report (“EIR”) for the expansion of the San Diego State University (“SDSU”) campus as planned in SDSU’s 2007 Campus Master Plan Revision (the “Project”)

5. These documents were presented to the trial court as part of the Administrative Record for the Project, and the trial court took informal judicial notice of the entire Administrative Record as the record of the proceedings in a CEQA case.

6. These documents do not relate to proceedings occurring after the order or judgment that is the subject of this appeal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of September, 2012, at San Diego, California.



Christine M. Leone

ORDER FOLLOWS

ORDER

IT IS HEREBY ORDERED that City of San Diego and Redevelopment Agency of the City of San Diego's Motion for Request for Judicial Notice of Excerpts of the Administrative Record Cited in their Answer Brief on the Merits is granted.

Dated: _____

Chief Justice

PROOF OF SERVICE

S199557

IN THE SUPREME COURT OF CALIFORNIA

City of San Diego, et al., Plaintiffs and Appellants,

v.

Board of Trustees of the California State University, Defendant
and Respondent

I, the undersigned, declare that:

I was at least 18 years of age and not a party to the case; I am employed in the County of San Diego, California, where the mailing occurs; and, my business address is 1200 Third Avenue, Suite 1100, San Diego, California, 92101.

I further declare that on September 17, 2012, I served a copy of the foregoing **MOTION BY THE CITY OF SAN DIEGO AND REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO FOR REQUEST FOR JUDICIAL NOTICE OF EXCERPTS OF THE ADMINISTRATIVE RECORD CITED IN THEIR ANSWER BRIEF ON THE MERITS (2 VOLUMES)**

I caused the document(s) to be delivered overnight via an overnight delivery service (Golden State Overnight) in lieu of delivery by mail to the addressee(s) on this same day, at my business address shown above, following ordinary business practices, addressed to:

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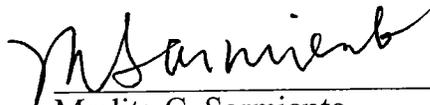
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Clerk
Court Of Appeal
Fourth Appellate District
Division One
750 B Street, Suite 300
San Diego, Ca 92101

Hon. Thomas P. Nugent
San Diego Superior Court
Department 30
325 S. Melrose Drive
Vista, CA 92081

I declare under penalty of perjury and the laws of the State of
California that the foregoing is true and correct. Executed on
September 17, 2012, in San Diego, California.



Merlita C. Sarmiento

**INDEX OF EXCERPTS OF ADMINISTRATIVE RECORD
CITED IN THE CITY OF SAN DIEGO AND REDEVELOPMENT
AGENCY OF THE CITY OF SAN DIEGO'S
ANSWER BRIEF ON THE MERITS**

Tab	AR Bates Page Nos. (AR Vol.:Tab:Page(s))	Document Description
1	1:1:00024	Portion of Draft Environmental Impact Review ("DEIR") to SDSU 2005 Campus Master Plan Revision
2	3:17:02088-02095	Portion of DEIR to SDSU 2005 Campus Master Plan Revision
3	3:17:02099-02100	California Department of Highway Patrol Comment Letter to DEIR to SDSU 2005 Campus Master Plan Revision
4	3:17:02106-02110	Portion of DEIR to SDSU 2005 Campus Master Plan Revision
5	3:17:02131	Portion of DEIR to SDSU 2005 Campus Master Plan Revision
6	3:17:03142-04154	Portion of DEIR to SDSU 2005 Campus Master Plan Revision
7	4:22:03809	Notice of Availability of DEIR to SDSU 2005 Campus Master Plan Revision
8	5:29:04133-04134	Portion of Agenda for Committee on Campus Plans, Buildings and Grounds 7/19/05
9	5:29:04142	Portion of Agenda for Committee on Campus Plans, Buildings and Grounds 7/19/05
10	5:34:04181	Portion of Transcript for Committee on Campus Plans, Buildings and Grounds Meeting 7/19-20/05
11	5:34:04201-04206	Portion of Transcript for Committee on Campus Plans, Buildings and Grounds Meeting 7/19-20/05
12	5:36:04234	Portion of Minutes of the Committee on Campus Plans, Buildings and Grounds Meeting 7/19-20/05
13	5:38:04273-04274	Speaker List for Committee on Campus Plans, Buildings and Grounds Meeting on 7/19-20/05

Tab	AR Bates Page Nos. (AR Vol.:Tab:Page(s))	Document Description
14	5:43:04334	Portion of Transcript for Committee on Campus Plans, Buildings and Grounds Meeting on 9/20/05
15	5:43:04349-04359	Portion of Transcript for Committee on Campus Plans, Buildings and Grounds Meeting on 9/20/05
16	5:43:04387	Portion of Transcript for Committee on Campus Plans, Buildings and Grounds Meeting on 9/20/05
17	15:222:14209-14211	Portion of DEIR to SDSU 2007 Campus Master Plan Revision
18	17:261:16913	Portion of Introduction Section to FEIR to SDSU 2007 Campus Master Plan Revision
19	17:263:16955-16960	Comment Letter from Councilmember Jim Madaffer to DEIR to SDSU 2007 Campus Master Plan Revision
20	17:263:16961-16964	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
21	17:263:16965-16967	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
22	17:263:16968-16973	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
23	17:263:16974-16976	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
24	17:263:16986	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
25	17:263:16997-16998	Comment Letter from Alvarado Hospital to DEIR to SDSU 2007 Campus Master Plan Revision
26	17:263:17053-17054	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
27	17:263:17062	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
28	17:263:17095	Comment Letter to DEIR to SDSU 2007 Campus Master Plan Revision
29	18:264:17159-17160	Portion of FEIR, dated November 2007, to SDSU 2007 Campus Master Plan Revision
30	19:290:18380	Letter from San Diego Regional Chamber of Commerce to CSU Board of Trustees dated 9/5/07

Tab	AR Bates Page Nos. (AR Vol.:Tab:Page(s))	Document Description
31	19:297:18465-18474	Portion of CEQA Findings of Fact and Statement of Overriding Consideration by Committee on Campus Plans, Buildings and Grounds
32	19:303:18616-18619	Resolutions passed by the CSU Board of Trustees on 11/13-14/07
33	19:307:18626	Letter from Marti Emerald to Chair, CUS Board of Trustees dated 11/23/07
34	19:309:18628-18629	Letter from California State Senator Christine Kehoe to CSU Board of Trustees dated 11/13/07
35	19:310:18630-18635	Letter from William Anderson of City of San Diego, et al. to CSU Board of Trustees dated 11/13/07
36	20:322:20051-2033	Legislative Budget Request Materials
37	22:343:S21121-S21123	Draft Talking Points for Senator Kehoe Meeting re the SDSU 2007 Campus Master Plan
38	35:693:S25410-S25453	SDSU Financial Statements 2007

Plan, it is preferable not to project specific uses or exact building characteristics at this time because the precise future role of these project components likely will evolve over the coming years. Additional CEQA compliance for these project components will be undertaken, as appropriate, during subsequent Campus Master Plan implementation.

The following table depicts the existing campus land use, the existing campus master planned use, and the level of analysis undertaken in the EIR for each of the five project components:

**Table ES-1
Proposed Project Components**

Component Name	Existing Land Use	Existing Campus Master Plan Use	Level of Analysis
Alvarado Campus Park	(i) D Lot (SDSU-owned land); (ii) Medical office park (SDSU Foundation-owned land)	(i) East Campus Development Area; (ii) None	(i) Project (ii) Program
Adobe Falls/North Campus	Undeveloped land	"Adobe Falls Campus"	Program
East Campus Residence Hall Expansion	G Lot	G Lot	Program
Student Union	L Lot	L Lot	Program
Alvarado Hotel	C Lot	C Lot	Project

Note: The eastern portion of the Alvarado Campus Park is situated on property owned by the SDSU Foundation; the land is designated "Redevelopment Project Area" on the City of San Diego College Area Community Plan Planned Land Use Map.

This EIR is an informational document to be used as part of the planning process associated with the proposed project. Given the role of the EIR in this planning and decision-making process, it is important that the information presented in this EIR be factual, adequate and complete. The standards for adequacy of an EIR, defined in Section 15151 of the CEQA Guidelines, are as follows:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. 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. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The standards for EIR adequacy were followed by SDSU, Office of Facilities Planning and Management, in preparing this EIR.

COMMENTS AND RESPONSES

10.0 INTRODUCTION

PUBLIC REVIEW PROCESS

San Diego State University ("SDSU") prepared a Draft Environmental Impact Report ("DEIR") for the SDSU 2005 Campus Master Plan Revision. [SDSU circulated the DEIR for public review and comment from January 18, 2005, through March 19, 2005.] A Public Notice of Availability of the DEIR was published in a newspaper of general circulation and mailed to all organizations and individuals previously requesting notice, and posted with the Office of the San Diego County Clerk. SDSU provided copies of the complete DEIR with appendices to the State Clearinghouse which, in turn, distributed the DEIR to all interested state agencies for review and comment. Copies of the DEIR were delivered to libraries in the affected communities. (Please see EIR Appendix P.)

[The public review process included a series of meetings and presentations to various groups and organizations. SDSU staff and the EIR consultants appeared at multiple community group meetings held during the public review period to provide the community with an overview of the DEIR and the proposed project and answer the community's questions. A public hearing was held at SDSU on March 7, 2005, at which members of the community were provided an opportunity to present their oral comments on the DEIR to SDSU. (Please see EIR Appendix P.)

This Comments and Responses contains the comments received on the DEIR, SDSU's responses to those comments, and additional materials relating to the Comments and Responses process.

OVERVIEW OF THE COMMENTS AND RESPONSES

This Comments and Responses includes the following component parts, presented in the following order:

- (i) Alphabetical Index By Author
- (ii) Comment Letters
- (iii) Public Hearing Transcript
- (iv) General Responses
- (v) Responses to Comments Report
- (vi) Revisions to Draft EIR

(vii) Appendices

The **Alphabetical Index By Author** lists the author of each comment letter, along with the date of the letter, the assigned letter ID number, the page in this report where the comment letter is provided, and the page in the Responses to Comments Report where the university's responses to the comments are provided. The index, which serves as a list of the persons, organizations and public agencies commenting on the DEIR, is provided to assist the reader in accessing particular comments and the related responses.

With respect to the letter ID number, at the close of the public review period, each comment letter received by SDSU was "bracketed," a process by which the individual comments contained in a letter are designated separately, and assigned a unique comment identification number. All comment numbers consist of three components. The first component is a letter designation based on the origin of the comment, *i.e.*, whether the comment originated from a state agency (S), regional agency (R), local agency (L), private organization (O), or a company, corporation, or an individual (I). The second component is the number assigned to a particular letter. The third component is the number assigned to a specific comment within that letter. For example, the comments submitted by the City of San Diego have been designated L4-1 through L4-62.

The **Comment Letters** section contains copies of the actual comment letters and attachments, as received by SDSU.

The **Public Hearing Transcript** section contains the official transcript of the DEIR public hearing, which took place March 7, 2005, on the SDSU campus.

The **General Responses** section includes detailed responses to frequently raised comments, and was prepared following SDSU's review of all of the comments submitted during the public comment period.

The **Responses to Comments Report** presents each of the public comments received by SDSU, alongside SDSU's response to each particular comment. The side-by-side report was prepared by copy-typing each one of the comments received, followed by typing SDSU's response to that particular comment in the adjacent column.

The Revisions to Draft EIR section contains those DEIR pages that have been revised in response to the public comments. New, additional text is noted in **bold**; deleted text is noted in ~~strikeout~~.

The Appendices section includes supplemental and additional appendices, prepared in connection with the responses to comments process.

ALPHABETICAL INDEX BY AUTHOR

10.1 ALPHABETICAL INDEX BY AUTHOR

Author	Letter Date	Letter ID	Letter Bates No.	Report Page No.
Alvarado Hospital Medical Center, Inc.	7/5/05	I137	00410	10.5-665
Amundson, Maxine and Don	3/10/2005	I60	00184	10.5-304
Anderson, Emily J.	3/10/2005	I59	00183	10.5-302
Andrews, Brian	3/7/2005	I39	00153	10.5-260
Basham, Matthew	3/6/2005	I41	00157	10.5-266
Beecroft, Emma Lou	3/19/2005	I128	00353	10.5-591
Benz, John	2/20/2005	I17	00105	10.5-186
Bochenek, Walter and Jacqueline	2/22/2005	I21	00110	10.5-194
Bonatus, Ken and A. Jane	3/11/2005	I75	00218	10.5-367
Braun, Richard M. and Susan	3/12/2005	I77	00234	10.5-374
Bredon, Jane F.	3/12/2005	I111	00316	10.5-528
Brent, Evelyn	2/20/2005	I18	00107	10.5-189
Brunkow, Vincent and Anne	2/22/2005	I22	00111	10.5-196
Brunkow, Anne	2/25/2005	I26	00123	10.5-221
Brunkow, Anne	2/26/2005	I29	00130	10.5-230
Brunkow, Anne	3/18/2005	I135	00365	10.5-612
California Department of Transportation, District 11	3/18/2005	S3	00005	10.5-3
Call, James and Patricia	3/15/2005	I93	00272	10.5-450
Carter, Sharon	3/15/2005	I94	00273	10.5-453
Casey, Fred	2/7/2005	I4	00081	10.5-155
Chan, Stephen		I72	00210	10.5-345
Chase, Randy and Toni		I99	00283	10.5-473
City of San Diego	3/17/2005	L4	00035	10.5-49
City of San Diego Redevelopment Agency	3/17/2005	S4	00010	10.5-12
Clement, Warren	3/6/2005	I36	00146	10.5-257
College Area Community Council	3/18/2005	O5	00067	10.5-131
Colmie, Joe and Carolyn	3/10/2005	I61	00186	10.5-305
Colmie, Anita	3/12/2005	I78	00235	10.5-376
Conatser, Charlie and Shirley	3/12/2005	I79	00239	10.5-387
Cubberley, Amye	3/18/2005	I106	00296	10.5-495
de la Houssaye, Audrey B.	3/19/2005	I109	00305	10.5-508

Author	Letter Date	Letter ID	Letter Bates No.	Report Page No.
DEIR Public Meeting Transcript	3/7/2005	T1	00415	10.5-673
Del Cerro Action Council	3/16/2005	O3	00056	10.5-87
Deneen Powell Atelier Inc.	3/18/2005	I107	00297	10.5-496
Department of California Highway Patrol, San Diego Area	2/16/2005	S2	00003	10.5-2
Duffy, Norma B.	2/25/2005	I27	00128	10.5-227
Eiseman, Marsha	3/16/2005	I114	00323	10.5-544
Fennell, Kathy	1/30/2005	I8	00088	10.5-162
Fennell, David P.	3/14/2005	I86	00257	10.5-420
Fisher, Craig and Angie	3/15/2005	I113	00320	10.5-538
Flaming, Scott	3/15/2005	I95	00274	10.5-454
Fleming, Donald R.	3/8/2005	I46	00164	10.5-276
Fluta, Ray and Marcus Overton	3/10/2005	I62	00187	10.5-306
Frazier, Max		I87	00259	10.5-423
Frazier, Theresa A.		I88	00260	10.5-427
Garber, Lotte	3/12/2005	I80	00243	10.5-393
Ghosn, Rosemary	3/8/2005	I47	00165	10.5-278
Governor's Office of Planning and Research, State Clearinghouse	3/21/2005	S1	00001	10.5-1
Graney, Agatha D.	3/15/2005	I96	00275	10.5-457
Gray, Pamela L.	3/12/2005	I112	00317	10.5-529
Gray, III, John	3/2/2005	I34	00146	10.5-253
Greenstein, Estelle		I133	00361	10.5-607
Hale, John	3/13/2005	I83	00251	10.5-404
Harasty, Albert E.	3/7/2005	I73	00214	10.5-355
Hartman, Toby S.	3/13/2005	I84	00253	10.5-410
Hinck, Jeffrey and Marilyn	3/15/2005	I97	00278	10.5-465
Hirshman, Morton and Naomi	2/23/2005	I24	00121	10.5-218
Hooper, J.W.	3/7/2005	I38	00151	10.5-259
Husbands, Sarah B.	3/16/2005	I115	00326	10.5-548
Isberg, Patricia	2/13/2005	I7	00087	10.5-161
Isberg, Patricia	3/18/2005	I124	00347	10.5-581
Jespersen, David	3/19/2005	I129	00354	10.5-595
Josephs, Stuart R. and Yoelles	3/8/2005	I48	00168	10.5-284
Kassam, Abe and Paula	3/8/2005	I49	00169	10.5-284
Kay, David A.	3/11/2005	I68	00198	10.5-325

Author	Letter Date	Letter ID	Letter Bates No.	Report Page No.
Klinger, Carol	3/9/2005	I58	00181	10.5-300
Kooperman, Evelyn	2/21/2005	I19	00108	10.5-191
Kotler, Seymour	3/10/2005	I63	00188	10.5-307
Landers, Jennifer M.	2/19/2005	I13	00099	10.5-172
Lipera, Larry	3/7/2005	I42	00158	10.5-268
Livingston, Douglas and Beverly	2/14/2005	I55	00176	10.5-296
Lyberg, Betty	2/22/2005	I23	00119	10.5-217
Macdonald, Donald	3/15/2005	I98	00281	10.5-469
MacFie, Brian Boyden	3/7/2005	I40	00156	10.5-264
Madaffer, Jim, Councilmember, Seventh District, City of San Diego	3/18/2005	L3	00019	10.5-24
Mansfield, Judith	3/19/2005	I130	00355	10.5-598
Manzella, Mary	3/17/2005	I117	00328	10.5-552
Martin, Nancy A.	3/16/2005	I102	00291	10.5-488
Martin, Tom	2/12/2005	I6	00084	10.5-158
Martinez, Juan A.	2/21/2005	I20	00109	10.5-191
McAleer, Richard H.		I100	00289	10.5-484
McCullough, Brian J.	3/17/2005	I118	00329	10.5-554
Medearis, Mary and Bob	3/14/2005	I89	00261	10.5-429
Mosley, James and Berniece	3/9/2005	I53	00174	10.5-292
Mulder, Thomas J.	2/27/2005	I30	00132	10.5-234
Mulder, Thomas J.	3/17/2005	I119	00332	10.5-559
Murphy, Dick, Mayor, City of San Diego	3/18/2005	L2	00017	10.5-22
Nash-Hoff, Michele	3/12/2005	I70	00207	10.5-337
Navajo Community Planners, Inc.	3/17/2005	O4	00058	10.5-97
Norman, Helen	1/21/2005	I3	00080	10.5-152
Norman, Helen	2/11/2005	I54	00175	10.5-293
Oliver, David and Barbara	3/10/2005	I64	00190	10.5-308
Osborne, Jacqueline	3/18/2005	I125	00349	10.5-584
Palestini, Jack and Caterina	3/16/2005	I103	00292	10.5-489
Pareda, Michael and Mary	3/5/2005	I35	00147	10.5-256
Park, Renee	3/10/2005	I65	00193	10.5-316
Parsons, David	3/19/2005	I110	00306	10.5-510
Peeling, Paula Brown	3/8/2005	I50	00170	10.5-286
Pepper, Joyce and Paul Bragoli	3/18/2005	I123	00344	10.5-575
Peterson, Milo and Jeanette	3/17/2005	I120	00337	10.5-562

Author	Letter Date	Letter ID	Letter Bates No.	Report Page No.
Thiel, Ronald A.	3/12/2005	I82	00247	10.5-398
Thomas, Susan	3/14/2005	I92	00267	10.5-438
Todd, Catherine J.	3/11/2005	I69	00205	10.5-335
Tom, Walt and Marilyn	3/13/2005	I85	00256	10.5-416
Torik, Dolores P.	3/8/2005	I51	00172	10.5-289
Treisman, Warren B.	3/13/2005	I101	00290	10.5-485
Tully, Martin J.	2/27/2005	I31	00140	10.5-242
Underwood, Edward and Barbara	3/16/2005	I134	00362	10.5-608
Walsh, Barbara	3/20/2005	I136	00389	10.5-627
Weldon, Barbara	3/10/2005	I67	00195	10.5-319
Wink, Lynn A.	2/14/2005	I9	00091	10.5-165
Wink, Lynn A.	2/23/2005	I25	00122	10.5-220
Withem, Ron and Jeanne	2/19/2005	I15	00102	10.5-180
Wollert, Steve	3/17/2005	I122	00339	10.5-565
Wolpers, Phil and Bettie	3/8/2005	I52	00173	10.5-290
Wright, Jo Ruth	3/7/2005	I45	00163	10.5-275
Zeiger, Karen and Robert		I32	00141	10.5-244
Zlotoff, Ruth	2/19/2005	I16	00104	10.5-184

Memorandum

S2

Date: February 16, 2005

To: State Clearing House
1400 Tenth Street, Room 121
Sacramento, CA 95814

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3-18-05
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FEB 22 2005
STATE CLEARING HOUSE

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
San Diego Area

File No.: 645.05.11526.9687

Subject: SAN DIEGO STATE UNIVERSITY 2005 CAMPUS MASTER PLAN
REVISION, SCH# 2004101059

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the San Diego State University 2005 Campus Master Plan Revision, State Clearing House Number (SCH) #2004101059. The California Highway Patrol (CHP) is the primary agency that provides traffic law enforcement, safety and management on the freeways and unincorporated portions of the county. San Diego Area is responsible for Interstate 8 in the immediate vicinity of this project. We offer the following comments:

- The Draft Environmental Impact Report (EIR) fails to address how the additional traffic from this development will impact an already extremely heavy commute on Interstate 8 at College Avenue, Lake Murray Boulevard, Waring Road, and Zura Way. Currently, there are significant delays which already exist during weekday morning and afternoon commute hours. It is anticipated that this development will add more vehicles to an already heavy traffic flow resulting in an increased number of accidents and extending commute times for the residents of San Diego, La Mesa, and El Cajon. Additionally, services available to motorists stranded on the freeway will also be reduced.
- The Campus Master Plan Revision proposes to increase its Full-Time Equivalent Student (FTES) enrollment by 12,000 students. In reviewing the EIR, it was noted that one FTES is a person taking a minimum of fifteen units. Two part time students taking seven and one-half units would equal one FTES. Using the Campus Master Plan Revision statistics, theoretically could add 24,000 student enrollments to the University. The San Diego University Campus Master Plan adds three hundred additional beds to the campus through Residence Hall Expansion, and five hundred-forty faculty, staff, and graduate housing units. Clearly the majority of the increase in students attending San Diego State University would be living off campus. The Campus Master Plan Revision, EIR states the proposed project's traffic impacts exceed acceptable levels and are deemed significant. The EIR admits that several daily arterial roadway performances will operate at an unacceptable level of service

S2-1

S2-2

Safety, Service, and Security

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S2 (cont'd)

during peak commute hours. It is opined that these failures in the arterial roadway performances will be realized on freeways several miles away.

S2-2
(cont'd)

- Because the San Diego State trolley line is not complete, the amount of commuters which will actually use the trolley can only be speculated. However, along with the speculation, it is thought that there will be a significant increase in traffic on Interstate 8. The San Diego CHP Area is dubious as to whether Interstate 8 and the freeway ramps at Waring Road, College Avenue, Lake Murray Boulevard, and Zura Way can effectively handle the increased traffic. Moreover, the metering ramps storage lanes would exceed acceptable thresholds causing a significant delay in traffic commute times and a burden upon surrounding communities. Failure to maintain acceptable levels in transportation/circulation would again increase traffic collisions and reduce available services to the motoring public.

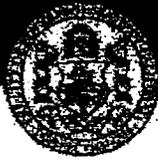
S2-3

If you should have any questions concerning this matter and the comments related to this memorandum, please feel free to contact Lieutenant Clayton Carter at (619) 220-5492.


J.K. BAILEY, Captain
Commander

cc: Border Division
Office of Special Projects

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THE CITY OF SAN DIEGO

S4

March 18, 2005

W. Anthony Fulton
Director of the Office of Facilities Planning and Management
Administration Building 130
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Dear Mr. Fulton:

Subject: Draft Environmental Impact Report and SDSU 2005 Campus Master Plan Revision

The Redevelopment Agency of the City of San Diego (Redevelopment Agency) has received and reviewed the Draft Environmental Impact Report (DEIR) and SDSU 2005 Campus Master Plan Revision. This letter shall serve as the Redevelopment Agency's response to the DEIR and outlines the concerns of the Redevelopment Agency.

MAJOR ISSUES

- According to Section XI of the Executive Summary of the DEIR, it is the position of the CSU Board of Trustees that SDSU is not legally authorized to fund off-site improvements as mitigation for campus development such as that proposed by the SDSU 2005 Campus Master Plan Revision.
- In the DEIR, Table ES-2, Summary Table of Project Impacts and Mitigation Measures, the Redevelopment Agency is identified as the responsible agency for mitigation measures TCP-1 through TCP-6 and TCP-8 through TCP-11; and
- According to Section V of the Executive Summary, page ES-4, The DEIR is intended to be both a program level and project level EIR for the proposed Alvarado Hotel and the 'D Lot' portion of the Alvarado Campus Park.

S4-1

SUMMARY RESPONSE TO ISSUES

- SDSU could legally fund off-site improvements as mitigation for campus development;
- The Redevelopment Agency is not responsible for mitigating traffic impacts as a result of development by SDSU;

S4-2

S4-3



Redevelopment Agency
600 B Street, Suite 400, MS 904 • San Diego, CA 92101-4504
Tel (619) 533-9233 Fax (619) 533-5250
Community and Economic Development

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<p>• Any assistance to the mitigation of traffic impacts as a result of SDSU's 2005 Campus Master Plan Revision is <u>highly unlikely</u> due to the fact that SDSU is exempt from paying property tax and therefore no tax increment is expected to be generated;</p>	<p>S4-4</p>
<p>• Even if eligibility could be shown to qualify for Agency funds, the Agency still has discretion of which of many competing projects actually gets funded. Even if evidence could be presented to support the findings, no expenditure could be made unless and until the Agency and City Council, in their sole discretion, decide to adopt the necessary resolutions and provide funding;</p>	<p>S4-5</p>
<p>• Certain criteria must be met before the Redevelopment Agency could consider contributing funds for the off-site improvements. At least two conditions have not been met including 1) No other reasonable means of financing, and 2) consistency with the adopted redevelopment plan, master project plan and implementation plan; and</p> <ul style="list-style-type: none"> ▪ SDSU's proposed projects are inconsistent with the College Community Redevelopment Plan adopted by City Council by Ordinance Number O-18018 on November 30, 1993; ▪ SDSU's proposed projects are inconsistent with the College Community Redevelopment Project Master Project Plan adopted by City Council by Resolution Number R-282801 on October 12, 1993; and ▪ SDSU's proposed projects are inconsistent with the College Community Redevelopment Project Third Five-Year Implementation Plan adopted by The Redevelopment Agency by Resolution Number R-03810 on September 7, 2004. 	<p>S4-6</p>
<p>• Section Five of the DEIR, Alternatives, did not consider private development and ownership of the proposed projects within the College Community Redevelopment Project Area. Nor did it provide an alternative development program that would be consistent with the Redevelopment Agency's adopted documents.</p>	<p>S4-7</p>
<p><u>BACKGROUND</u></p> <p>Before responding in more detail to the issues raised previously, a clear distinction between the Redevelopment Agency and the City of San Diego [City] must be made. A redevelopment agency is generally recognized as a separate legal entity from the city that establishes it. <i>County of Solano v. Vallejo Redevelopment Agency</i>, 75 Cal. App. 4th 1262, 1267 (1999). Redevelopment agencies are governmental entities that exist by state law and are administrative agents of the state. These agencies carry out state policy and do not function as local entities. They are state agencies carrying out state policy for local purposes. See <i>Andrews v. City of San Bernardino</i>, 175 Cal. App. 2d 459 (1959); <i>Walker v. Salinas</i>, 56 Cal. App. 3d 711 (1976); <i>Kehoe v. City of Berkeley</i>, 67 Cal. App. 3d 666 (1977). Therefore, the Redevelopment Agency is a separate legal entity distinct from the City.</p>	<p>S4-8</p>
<p>00011</p>	

DISCUSSION

[Section XI of the Executive Summary of the DEIR does not make a compelling argument as to why SDSU could not pay for the off-site improvements to mitigate the impacts of SDSU's proposed projects. Further, it indicates that doing so could lead to legal challenges that such expenditures could be considered illegal gifts of public funds. That argument makes no sense given the fact that state and local agencies regularly contribute public funds to off-site public improvements.]

S4-8
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It is the understanding of the Redevelopment Agency that currently SDSU has a permit application with the City for a public improvement project at the intersection of College Avenue and Zura Way. This public improvement project, which SDSU is the applicant for, also happens to be one of the off-site mitigation measures [TCP-3] listed in the DEIR [Table ES-2, Summary Table of Project Impacts and Mitigation Measures] which SDSU claims it can not legally fund.

[The Redevelopment Agency can find no justification as to why SDSU in its DEIR asserts that the Redevelopment Agency is responsible for mitigation measures as a result of SDSU's proposed projects. Further, SDSU has no legal authority to assign responsibility of mitigation measures as a result of SDSU proposed projects onto the Redevelopment Agency.]

The DEIR, in Table ES-2, Summary Table of Project Impacts and Mitigation Measures, references the 1993 Program EIR for the College Community Redevelopment Project Area in identifying the Redevelopment Agency as the responsible agency for mitigation measures referenced as TCP-1, TCP-2, TCP-3, TCP-4, TCP-5, TCP-6, TCP-8, TCP-9, TCP-10, and TCP-11. It should be noted that the 1993 EIR is a 12-year old, program level EIR, adopted by the Redevelopment Agency and City Council. It should not be interpreted that the mitigation measures listed in the 1993 Program EIR are the responsibility of the Redevelopment Agency. Currently, projects within the College Community Redevelopment Project Area in development and with the participation of the Redevelopment Agency, such as the proposed The Paseo Project, have been made with a project specific EIR and specific mitigation measures for the impacts of each project are being assessed.

S4-9

It should also be noted that the 1993 Program EIR anticipated 600,000 square feet of office space and 100,000 square feet of research and development space within the Alvarado Road Sub-Area. It did not consider the College of Education and College of Engineering with a combined development program of 1,065,000 square feet. Also, although a hotel was considered in the 1993 Program EIR, the hotel was intended to be built in the Lot 'A' Sub-Area, not the Alvarado Road Sub-Area.

S4-10

The Agency does have the authority to acquire and develop property and to provide for installation/construction of streets, utilities, and other public improvements necessary in the project area to carry out the redevelopment plan; *Health and Safety Code Section 33421*. Furthermore, the Agency is also authorized to pay value of the land and cost of installation &

S4-11

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construction of any improvement that is publicly owned within or without the project area; *Health and Safety Code Section 33445*. However, California Community Redevelopment Law [CRL] section 33445 requires specific findings be made to justify the use of Agency funds. Those required findings are:

- (1) That improvements are of benefit to the project area or to the immediate neighborhood within which the project is located;
- (2) That no other reasonable means of financing the improvements are available to the community; and
- (3) That the payment of funds for the cost of the improvement will assist in the elimination of one or more blighting conditions inside the project area, and is consistent with the redevelopment plan and implementation plan adopted pursuant to Section 33490.

S4-11
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[Thus, certain criteria must be satisfied before determining that Agency funds can be appropriately applied to costs of off-site traffic improvements. Other reasonable means of financing would need to be sought prior to seeking additional funding from the Agency.]

One of the major criteria used by the Redevelopment Agency in determining which projects will be funded is whether the project will pay for itself through the use of tax increment financing. That is clearly not the case here, particularly with anticipated private development now proposed for by SDSU to be publicly owned facilities that would be taken off the property tax rolls.

Other criteria which the Redevelopment Agency uses to determine which projects will receive funding which is not met with SDSU's 2005 Campus Master Plan Revision include:

- Consistency with the College Community Redevelopment Plan [CCRP]. The CCRP did not anticipate and does not allow for the construction of a hotel in the Alvarado Road Sub-Area of the College Community Redevelopment Project Area. A hotel is permitted in the CCRP in the Lot 'A' Sub-Area of the College Community Redevelopment Project Area, but that is not what is being proposed in the SDSU 2005 Campus Master Plan Revision;
- Consistency with the College Community Redevelopment Project Master Project Plan [MPP]. The MPP requires that a design manual be adopted for each of the five Sub-Areas of the College Community Redevelopment Project Area before development is to occur. At this time, only the Core Sub-Area has an adopted Design Manual. It was adopted by City Council on August 12, 1997 by Resolution Number R-289099. Prior to any major development being permitted within the Alvarado Road Sub-Area, a similar Design Manual must be adopted by City Council; and

S4-12

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- Consistency with the Third Five-Year Implementation Plan for the College Community Redevelopment Project [Implementation Plan]. The Implementation Plan anticipates the San Diego State University Foundation would bring forward the Alvarado Road Sub-Area Design Manual sometime in Fiscal Year 2005 with construction of approximately 100,000 square feet of campus serving research and office space to commence in Fiscal Year 2006. The SDSU 2005 Campus Master Plan Revision calls for 245,000 square feet of development and makes no mention of an Alvarado Road Sub-Area Design Manual.

S4-12
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The Alternatives Section of the DEIR should have considered the alternative of a private development and ownership of the proposed projects within the College Community Redevelopment Project Area. This could have produced an alternative whereby funding by the Redevelopment Agency could be identified. Further, had a less intense development alternative been considered, with the hotel not proposed within the Alvarado Road Sub-Area, findings may have been made which would meet the Redevelopment Agency's criteria to assist in the funding of off-site improvements.

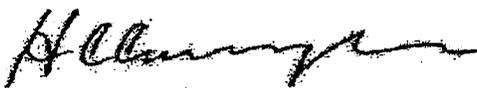
S4-13

CONCLUSION

[The Redevelopment Agency does not agree with the assertion that SDSU can not legally pay for off-site public improvements to mitigate impacts as a result of SDSU's proposed projects. The Redevelopment Agency does not accept responsibility for mitigating any impacts as a result of SDSU's proposed projects. The Redevelopment Agency does not support the CSU Board of Trustees certification of this DEIR until additional alternatives such as those previously mentioned are considered.]

S4-14

Sincerely,



Hank Cunningham
Assistant Executive Director, Redevelopment Agency

- cc: Amnee Faucett, Chief of Staff, Council District 7
Chris Zirkle, Assistant Deputy Director, City of San Diego EAS
Anne Lowry, Senior Planner, City of San Diego EAS
Ann French Gonsalvez, Senior Traffic Engineer, City of San Diego DSD
Marlon Pangilinan, Planner, City of San Diego Long Range Planning
Jim Lundquist, Associate Engineer - Traffic, City of San Diego DSD
Maureen Ostrye, Deputy Director, Redevelopment Agency
James Davics, Redevelopment Coordinator, Redevelopment Agency
Michael Fortney, Project Manager, Redevelopment Agency
College Community Redevelopment Project Area Committee

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THE CITY OF SAN DIEGO

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Facilities Planning And Management

March 17, 2005

W. Anthony Fulton
Director of the Office of Facilities Planning and Management
Administration Building 130
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Subject: City of San Diego Comments on the Draft Environmental Impact Report for the San Diego State University (SDSU) 2005 Campus Master Plan Revision

Dear W. Anthony Fulton:

<p>The City of San Diego is a Responsible Agency for this project and we will need to use the subject document for our permitting purposes. Long Range Planning, Transportation Development, Park and Recreation Department Open Space Division, and the Environmental Analysis Section have identified significant project issues that must be addressed.</p>	L4-1
<p>Long Range Planning – Marlon Pangilinan (619-235-5293)</p> <p>1. FIGURE 1.0-7 Surrounding Projects, Page 1.0-14: The northern boundary of the proposed Paseo superblock should be extended to the northern end of the College Area Redevelopment Project Sub Area boundary.</p>	L4-2
<p>2. TABLE 2.0-1 Cumulative Projects, Page 3.0-3: Status for Mesa Commons should be changed to "Approved." Year of build out should read "2006."</p> <p>"Ascetline School" should be replaced with "Mesa Commons II." The project description should read "residential development consisting of approximately 30 dwelling units." Status should read "proposed." Year of build out should read "N/A."</p>	L4-3
<p>3. FIGURE 2.0-1 Cumulative Projects, Page 2.0-7:</p>	L4-4



Development Services
1772 First Avenue, 95501 • San Diego, CA 92101-4155
Tel 619-446-5469

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Comment I115-1	Comments from Husbands, Sarah B., 3/16/2005	Response
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As a homeowner in Del Cerro for the past 33 years, I am very strongly opposed to the development of the SDSU owned land in Adobe Falls.

My area does not need more traffic or residential areas to impact the city services.

The following comments were not received until after March 19, 2005, the close of the Draft EIR comment period. (Please see Final EIR Comments and Responses Report.) The SDSU 2005 Campus Master Plan Revision Draft EIR was available for public review and comment for a 60-day period, beginning January 18, 2005 and concluding on March 19, 2005. (Draft EIR p. ES-6; Notice of Availability, Appendix P.) Due to the late receipt of these comments, CSU/SDSU is not obligated under CEQA to provide responses to these comments. (CEQA Guidelines §15088(a).) The responses provided below are not intended to, and do not, waive any rights CSU/SDSU may have in this regard.

CSU/SDSU acknowledges the community's concerns with respect to the potential traffic impacts to the Del Cerro community that would result with development of the Adobe Falls/North Campus component of the proposed project. However, as presented in EIR Section 3.13, based on applicable City of San Diego roadway standards, the existing Del Cerro roadways have sufficient vehicle capacity to accommodate the projected increase in traffic. Therefore, while the Adobe Falls project will add additional traffic to the Del Cerro community roadways, the amount of additional traffic can be accommodated by the existing roadway system without resulting in significant impacts under CEQA.

There are, however, two distinct aspects of a roadway that may be evaluated. The first is the physical carrying capacity of the roadway, and the second are "quality of life" aspects such as roadway speeds and safety. While the EIR roadway segment analysis determined that the Del Cerro roadways could accommodate the projected increase in project traffic from a capacity perspective, the EIR notes that vehicle speeds on these streets, rather than traffic volumes, could constitute a potentially significant impact. (Draft EIR p. 3.13-88.) In response, the EIR proposes Mitigation Measure TCP-18, which requires the preparation of a Traffic Calming Study to determine the methods available to control and/or reduce vehicle speeds on the Del Cerro community roadways, and further provides that all appropriate measures should be implemented prior to occupancy of the Adobe Falls/North Campus housing. In response to comments received on the Draft EIR, and, specifically, in response to concerns raised relating to pedestrian safety in the vicinity of the two elementary schools located near the intersection of Del Cerro Boulevard and College Avenue (Phoebe Hearst Elementary School and the Temple Emanuel school), the Final EIR will include revisions to TCP-18, which further address the community's concerns in this regard. Please see EIR General

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July 2005

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Final EIR for the
SDSU 2005 Campus Master Plan Revision

Final EIR Responses to Comments

Response 2, Adobe Falls/North Campus Traffic Calming Study, for additional information regarding the Traffic Calming Study and revised Mitigation Measure TCP-18.

Comment	Comments from	Response
Comment 1115-2	Comments from Husbands, Sarah B., 3/16/2005	
Please look elsewhere to establish this housing. Perhaps a satellite campus to accommodate both classes and housing could be explored.		Draft EIR Section 5.5.1 addresses the alternative of developing new, and expanding existing, off-campus centers. The analysis concludes that these alternatives alone will not enable CSU/SDSU to meet the future enrollment demands.
Comment 1115-3	Comments from Husbands, Sarah B., 3/16/2005	
Do not destroy the wonderful Del Cerro community or Aztec Mesa with any more development.		CSU/SDSU acknowledges your input and comment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.
Comment 1116-1	Comments from Sexton, Margaret, 3/16/2005	
<p>After reviewing the Draft Environmental Impact Report, I have the following comments against the proposed development of the 540 units in Adobe Falls. This development is of great concern for the following reasons:</p> <p>1.) The traffic on College Ave is presently very present during the rush hours, increasing the number of cars utilizing this interchange with Interstate 8 will severely strain an already burdened residential area.</p>		<p>The following comments were not received until after March 19, 2005, the close of the Draft EIR comment period. (Please see Final EIR Comments and Responses Report.) The SDSU 2005 Campus Master Plan Revision Draft EIR was available for public review and comment for a 60-day period, beginning January 18, 2005 and concluding on March 19, 2005. (Draft EIR p. ES-6; Notice of Availability, Appendix P.) Due to the late receipt of these comments, CSU/SDSU is not obligated under CEQA to provide responses to these comments. (CEQA Guidelines §15088(a).) The responses provided below are not intended to, and do not, waive any rights CSU/SDSU may have in this regard.</p> <p>The EIR analyzed the impacts of the proposed project on College Avenue and the I-8 intersections and, where potentially significant impacts were identified, the EIR proposes mitigation measures that, if implemented, would reduce the impacts to a level below significant. (Please see Draft EIR Sections 3.13.7.3.1 and 3.13.11.2.)</p>

03143

Comment I116-2	Comments from Sexton, Margaret, 3/16/2005	Response
<p>2.) The street I live on, off College Avenue, parallels Del Cerro Blvd. This street is regularly used by non-residents to avoid the traffic at College Ave. and Del Cerro Blvd. Other residential streets are similarly affected. Increasing the traffic in this area would only serve to exacerbate the problem.</p>	<p>CSU/SDSU acknowledges the community's concerns with respect to the potential traffic impacts to the Del Cerro community that would result with development of the Adobe Falls/North Campus component of the proposed project. However, as presented in EIR Section 3.13, based on applicable City of San Diego roadway standards, the existing Del Cerro roadways have sufficient vehicle capacity to accommodate the projected increase in traffic. Therefore, while the Adobe Falls project will add additional traffic to the Del Cerro community roadways, the amount of additional traffic can be accommodated by the existing roadway system without resulting in significant impacts under CEQA.</p>	<p>There are, however, two distinct aspects of a roadway that may be evaluated. The first is the physical carrying capacity of the roadway, and the second are "quality of life" aspects such as roadway speeds and safety. While the EIR roadway segment analysis determined that the Del Cerro roadways could accommodate the projected increase in project traffic from a capacity perspective, the EIR notes that vehicle speeds on these streets, rather than traffic volumes, could constitute a potentially significant impact. (Draft EIR p. 3.13-88.) In response, the EIR proposes Mitigation Measure TCP-18, which requires the preparation of a Traffic Calming Study to determine the methods available to control and/or reduce vehicle speeds on the Del Cerro community roadways, and further provides that all appropriate measures should be implemented prior to occupancy of the Adobe Falls/North Campus housing. In response to comments received on the Draft EIR, and, specifically, in response to concerns raised relating to pedestrian safety in the vicinity of the two elementary schools located near the intersection of Del Cerro Boulevard and College Avenue (Phoebe Hearst Elementary School and the Temple Emanu-el school), the Final EIR will include revisions to TCP-18, which further address the community's concerns in this regard. Please see EIR General Response 2, Adobe Falls/North Campus Traffic Calming Study, for additional information regarding the Traffic Calming Study and revised Mitigation Measure TCP-18.</p>

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Final EIR Responses to Comments

Comment I116-3

Comments from Sexton, Margaret, 3/16/2005

Response

At one point several years ago neighbors tried to have speed bumps installed to slow the flow of traffic through the residential streets. These were not installed, solely due to the fact that fire fighters, ambulances and other emergency personnel, would be hampered in their efforts to reach emergency situations, not because the traffic issues were resolved.

EIR Mitigation Measure TCP-18 provides that during the design phase of the Adobe Falls/North Campus project, a Traffic Calming Study is to be prepared to determine the various methods to control and/or reduce vehicle speeds on residential roadways. EIR recommends that all appropriate measures be implemented prior to occupancy of the housing units. The installation of speed bumps is not the only method available to control traffic speeds. Other methods include in-pavement flashing lights crosswalk warning systems and crosswalk re-striping. In response to public comment, Mitigation Measure TCP-18 will be revised in the Final EIR to further address the community's concerns in this regard. Please see General Response 2, Adobe Falls/North Campus Traffic Calming Study, for further responsive information.

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Final EIR Responses to Comments

Comment I117-3	Comments from Manzella, Mary, 3/17/2005	Response
<p>feasibility. The EIR clearly states that approximately 32% of the site consists of slopes that have a gradient of 25% or more. Why try to build in such an inhospitable location? Ground preparation alone would be significant and these structures will be at risk with every rainstorm.</p>	<p>The potential impacts to geotechnical resources/soils are addressed in Draft EIR Section 3.5. Impacts relating to landslides and slope instability are addressed in Section 3.5.5.1, with the Draft EIR noting that due to existing on-site conditions in the Adobe Falls/North Campus area (hillside terrain, clayey soils), the proposed project may potentially be impacted by slope instability. Mitigation measure GEO-1 requires that prior to beginning design and construction activities, a geotechnical investigation is to be conducted and, based on the results of the investigation, specific geotechnical design recommendations in conformance with applicable requirements, are to be developed and included within the project design. (Draft EIR p. 3.5-19.) Additionally, Draft EIR Section 3.8, Land Use and Planning, includes an analysis of the proposed project's impacts relative to City of San Diego requirements regarding steep slope development. (Draft EIR p. 3.8-28.) Mitigation measure LUP -1 provides that prior to the preparation of site-specific design plans for the Adobe Falls/North Campus project, a site-specific investigation of development constraints imposed by the presence of steep slopes (25%+) is to be conducted, and site-specific design plans are to be prepared in conformance with the results of such investigation. (Draft EIR Section 3.8.8.)</p>	Response
Comment I117-4	Comments from Manzella, Mary, 3/17/2005	Response
<p>4. Unnecessary. The EIR has already addressed the alternative of providing the necessary 35,000 FTES without the Adobe Falls/North Campus construction. Including the North Campus in the SDSU master plan is the least realistic path to achieve campus growth.</p>	<p>The comment expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise a specific environmental issue concerning the proposed project, no further response is required.</p>	Response

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Comment I118-1	Comments from McCullough, Brian J., 3/17/2005	Response
<p>After reviewing the Draft Environmental Impact Report ("Draft EIR"), I have the following comments against the proposed development of 540 high-density multi-family units in the Adobe Falls area in the south Del Cerro community to be built in the midst of an exclusively single-family detached neighborhood.</p> <p>This development is ill conceived and poorly planned. To worsen matters because San Diego State University is a "State Agency" this review and approval process circumvents the City of San Diego planning and approval process, thereby truly circumventing the people of the very community you are going negatively impact with this poorly planned development. Yes, SDSU is going through the formality of a State "EIR" process so it can be merely approved by another State Agency, however, with no responsibility or accountability for it's "EIR" findings which would occur through the review of this "EIR" within the local government of the City of San Diego and its citizens which bear the true impact of this ill-planned development.</p>	<p>The following comments were not received until after March 19, 2005, the close of the Draft EIR comment period. (Please see Final EIR Comments and Responses Report.) The SDSU 2005 Campus Master Plan Revision Draft EIR was available for public review and comment for a 60-day period, beginning January 18, 2005 and concluding on March 19, 2005. (Draft EIR p. ES-6; Notice of Availability, Appendix P.) Due to the late receipt of these comments, CSU/SDSU is not obligated under CEQA to provide responses to these comments. (CEQA Guidelines §15088(a)). The responses provided below are not intended to, and do not, waive any rights CSU/SDSU may have in this regard.</p> <p>The comment expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise a specific environmental issue concerning the proposed project, no further response is required.</p>	

Comment I118-2	Comments from McCullough, Brian J., 3/17/2005	Response
<p>There are numerous holes in your "EIR" which many others have quite succinctly and eloquently stated heretofore to which I concur. So rather than restate those positions in the same detail, I will simply summarize and apply common sense to this issue and ask the question: Does this development makes sense to anyone other than SDSU?</p> <p>1. Would a private, non-government developer be able to propose this project, process this EIR through City of San Diego and obtain approval? Absolutely not. So if a private developer would be turned down for this proposal because of its negative impacts, why would SDSU be granted approval? It's not OK for a private developer to destroy our neighborhood, but is OK for a government agency to do so?</p>	<p>The comment expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise a specific environmental issue concerning the proposed project, no further response is required.</p>	

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Final EIR Responses to Comments

Comment I118-3	Comments from McCullough, Brian J., 3/17/2005	Response
<p>There are two multi-family developments in the immediate area. One apartment complex and one condominium complex. Both were planned and built in areas that multi-family housing make sense from a planning perspective. The apartment complex is located at the corner of a major signalized intersection and lies adjacent to commercially zoned properties. Therefore, the traffic impact to the surrounding single-family residential neighborhood is negligible. The condominium project, although adjacent to the location of the proposed SDSU development, is also adjacent on the opposite side to commercially zoned properties and all of its traffic is directed back through the commercial property streets and none of its traffic is borne on the single family residential neighborhood streets. These two existing multi-family developments are consistent with general neighborhood planning principles.</p>	<p>The EIR addresses the compatibility of the proposed project with the surrounding community in Section 3.1, Aesthetics and Visual Quality, and Section 3.8, Land Use and Planning. In both sections, mitigation is proposed that would reduce the potentially significant impacts to a level below significant. The comment does not raise any specific issue regarding that analysis and therefore, no more specific response can be provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.</p>	

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4. Placing the SDSU high-density multi-family development behind the single-family neighborhood, thereby causing all of its traffic to be directed through single-family neighborhood streets. The existing Del Cerro residential streets were not designed nor built for this type of traffic volume. This makes no sense from a neighborhood planning perspective.

CSU/SDSU acknowledges the community's concerns with respect to the potential traffic impacts to the Del Cerro community that would result with development of the Adobe Falls/North Campus component of the proposed project. However, as presented in EIR Section 3.13, based on applicable City of San Diego roadway standards, the existing Del Cerro roadways have sufficient vehicle capacity to accommodate the projected increase in traffic. Therefore, while the Adobe Falls project will add additional traffic to the Del Cerro community roadways, the amount of additional traffic can be accommodated by the existing roadway system without resulting in significant impacts under CEQA.

There are, however, two distinct aspects of a roadway that may be evaluated. The first is the physical carrying capacity of the roadway, and the second are "quality of life" aspects such as roadway speeds and safety. While the EIR roadway segment analysis determined that the Del Cerro roadways could accommodate the projected increase in project traffic from a capacity perspective, the EIR notes that vehicle speeds on these streets, rather than traffic volumes, could constitute a potentially significant impact. (Draft EIR p. 3.13-88.) In response, the EIR proposes Mitigation Measure TCP-18, which requires the preparation of a Traffic Calming Study to determine the methods available to control and/or reduce vehicle speeds on the Del Cerro community roadways, and further provides that all appropriate measures should be implemented prior to occupancy of the Adobe Falls/North Campus housing. In response to comments received on the Draft EIR, and, specifically, in response to concerns raised relating to pedestrian safety in the vicinity of the two elementary schools located near the intersection of Del Cerro Boulevard and College Avenue (Phoebe Hearst Elementary School and the Temple Emanu-el school), the Final EIR will include revisions to TCP-18, which further address the community's concerns in this regard. Please see EIR General Response 2, Adobe Falls/North Campus Traffic Calming Study, for additional information regarding the Traffic Calming Study and revised Mitigation Measure TCP-18.

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Final EIR Responses to Comments

Comment I118-5	Comments from McCullough, Brian J., 3/17/2005	Response
<p>he proposed SDSU development would more than double the existing residential density in the immediate neighborhood west of College Ave. In addition to the well-documented traffic concerns associated with this density increase there is the character of the increased density that requires scrutiny. These are not 540 single-family homes. These are high density, predominately rental apartments and some condominiums. This completely changes the entire character of a long-time, well-established single-family residential neighborhood. Especially since the ingress and egress for this development lie entirely through our single-family detached neighborhood streets. This makes no sense from a neighborhood planning perspective.</p>	<p>While the proposed project would introduce a new campus-related multi-family residential development into a previously undeveloped area, the project site is surrounded on three sides by existing residential uses (multi-family to the west, single-family to the north and east). (Please see Draft EIR Figure 3.8-1, Existing Land Uses.) As noted on EIR Figure 1.0-11, Proposed Adobe Falls/North Development Concept Plan, the conceptual site plan retains approximately 13 acres of the 33 acres owned by CSU/SDSU as open space. The introduction of additional residential and park uses would be consistent with the development patterns currently present and the existing residential nature of the neighborhood. (Please see Draft EIR Land Use and Planning Section 3.8.6.1.) Please also see Response to Comment I118-3.</p>	

Comment I118-6	Comments from McCullough, Brian J., 3/17/2005	Response
<p>6. This majority of this newly created traffic will have severe negative impacts to our exiting neighborhood elementary school since the majority of the newly created ADT's will go right through the front of this school. As a parent, this is a serious concern. This makes no sense from a neighborhood planning perspective.</p>	<p>CSU/SDSU acknowledges the community's concerns regarding pedestrian safety, generally, and the safety of school children in the vicinity of the Hearst Elementary and Temple Emanuel schools, specifically, due to the increase in vehicular traffic that will result with development of the Adobe Falls/North Campus component of the proposed project. The Draft EIR traffic impacts analysis recognizes these concerns, noting that vehicle speeds on Del Cerro streets could constitute a potentially significant impact. (Draft EIR p. 3:13-88.) In response, Draft EIR Mitigation Measure TCP-18 requires the preparation of a Traffic Calming Study to determine various methods available to control and/or reduce vehicle speeds on the Del Cerro roadways, thereby reducing the potential for vehicular accidents. In response to comments received on the Draft EIR, and in response to concerns raised by the community relating to pedestrian safety in the vicinity of the Hearst Elementary School and the Temple Emanuel school, the Final EIR will include revisions to TCP-18, which further address the community's concerns in this regard. Please see EIR General Response 2, Adobe Falls/North Campus Traffic Calming Study, for additional information regarding the Traffic Calming Study and revised Mitigation Measure TCP-18.</p>	

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Comment I118-7	Comments from McCullough, Brian J., 3/17/2005	Response
<p>The SDSU high-density multi-family development is ill conceived and poorly planned. Anyone driving through our neighborhood personally can see that development as proposed makes absolutely no sense for anyone except SDSU. It may be a great financial windfall for SDSU, but it will be to the severe detriment of the existing Del Cerro community.</p>	<p>The comment expresses the opinions of the commentator only. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise a specific environmental issue concerning the proposed project, no further response is required.</p>	

Comment I118-8	Comments from McCullough, Brian J., 3/17/2005	Response
<p>I am not opposed to all development on the subject property, but I am vehemently opposed to this development as proposed. I may support a development with a lower reasonable density and where all of its traffic is diverted elsewhere, but none through our existing residential neighborhood.</p>	<p>EIR Section 5.0 analyzed multiple alternatives to the proposed project, including a reduced density alternative (the "50% Adobe Falls Alternative"). These alternatives will be before the Board of Trustees before it makes a decision on the project.</p>	
	<p>Draft EIR Section 5.4 analyzed multiple alternate access routes to and from the proposed Adobe Falls/North Campus development at the program level of review, appropriate to the level of detail available at the master planning stage. A summary of the Draft EIR analysis, updated to include information received following the release of the Draft EIR, is presented in EIR General Response 1, Adobe Falls/North Campus Alternate Access. As a follow-up to the Draft EIR analysis, the Final EIR will include a mitigation measure requiring further, project-specific, analysis of the alternate access routes prior to the preparation of final site plans for the proposed Adobe Falls/North Campus project. The mitigation measure will provide that in the event the project-specific analysis identifies a financially feasible alternate access route that would result in fewer environmental impacts to transportation/circulation, noise and biological resources than the currently proposed route through the adjoining Del Cerro neighborhood, then SDSU will adopt the alternate route as a means of access to/from the Adobe Falls/North Campus site.</p>	

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Final EIR Responses to Comments

Comment I119-1	Comments from Mulder, Thomas J., 3/17/2005	Response
<p>letter transmits additional comments I have on the Draft EIR, in follow up ny prior letter of February 27, 2005.</p> <p>Additional Comments on "XI. CSU Mitigation Limitations"</p> <p>SDSU contends that it has sovereign immunity from local land use and zoning restrictions and contends the California Supreme Court San Marcos decision, the California Government Code 54999, et seq., and City of Marina opinion limit SDSU from funding or taking responsibility for off-site traffic mitigations. SDSU's position is in error. The following provides explanation.</p> <p>SDSU has stated in the EIR and associated public meetings that the housing development project proposed for Adobe Falls will sell housing to current and retired faculty and staff. These buyers will include retirees who no longer work for SDSU, and married couples with in many cases one spouse who does not work at SDSU, and having children who are neither employees nor students at SDSU. It is clear that there will be housing buyers and residents who have only past connections to the university or have only peripheral connection to the university's education mission via marriage to a university employee or family relation to a university employee. In the proposed Adobe Falls housing project, it is conceivable that the majority of future residents at Adobe Falls would not be employed by or students of SDSU.</p>	<p>The following comments were not received until after March 19, 2005, the close of the Draft EIR comment period. (Please see Final EIR Comments and Responses Report.) The SDSU 2005 Campus Master Plan Revision Draft EIR was available for public review and comment for a 60-day period, beginning January 18, 2005 and concluding on March 19, 2005. (Draft EIR p. ES-6; Notice of Availability, Appendix P.) Due to the late receipt of these comments, CSU/SDSU is not obligated under CEQA to provide responses to these comments. (CEQA Guidelines §15088(a).) The responses provided below are not intended to, and do not, waive any rights CSU/SDSU may have in this regard.</p> <p>Please see Responses to Comments L4-38 and I30-1.</p>	

Comment I119-2	Comments from Mulder, Thomas J., 3/17/2005	Response
<p>Likewise, the hotel will likely serve non-university customers such as members of the general public, as nowhere in the EIR does SDSU state that the hotel will be exclusively for university-related guests. It is not normal for universities in the U.S. to develop hotels or housing for faculty, staff and retirees. SDSU's housing and hotel developments are outside of the education mission of SDSU and appear to be business ventures to supplement SDSU's budget shortfalls.</p>	<p>Please see Responses to Comments L4-38 and I30-1.</p>	

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Comment I119-3

Comments from Mulder, Thomas J., 3/17/2005

Please see Responses to Comments I4-38, I26-10 and I30-1.

In *Regents v. Santa Monica* (77 Cal. App. 3d 130) the court stated "In view of the virtually plenary power of the Regents in the regulation of affairs relating to the university and the use of property owned or leased by it for educational purposes, it is not subject to municipal regulation," but the court further declared that "...the Regents in constructing improvements solely for educational purposes are exempt from local building codes and zoning regulations and are also specifically exempt from payment of local permit and inspection fees." The court clearly stated that the Regents are only exempt when "constructing improvements solely for educational purposes." I believe that case law applicable to the UC system is applicable to the CSU system. As briefly described above, the housing and hotel development proposed by SDSU will not be "solely for educational purposes," and the university therefore is not exempt.

The state is exempt from zoning and land use restrictions only when acting in its sovereign capacity. When a university acts in its proprietary capacity it loses its sovereign immunity and becomes subject to local law and regulation and taxation. It is clear that the proposed housing and hotel developments are projects that will be undertaken by SDSU acting in its proprietary capacity. For instance, the hotel and hotel-restaurant guests will be required to pay applicable sales and occupancy taxes, and the people who purchase housing from the university will pay local property taxes. If the project's end-users are subject to taxes, it is because the university has acted in its proprietary capacity - and the proposed projects should comply with local land use and zoning restrictions, beginning with initial land use planning and this EIR.

The proposed housing development is a business venture with a primary goal of supplementing low salaries of faculty and staff. SDSU desires to provide below-market-rate housing to faculty, staff and retirees to offset the university's inability to offer market-rate salaries (SDSU does not propose to build the housing to allow staff to live on campus as part of the educational experience, as is the case for dormitory housing of undergraduates.) Therefore the proposed housing development is conceptually no different than SDSU proposing to operate a business to generate profits for directly supplementing salaries of faculty and staff. Would SDSU argue it has sovereign immunity from local land use and zoning restrictions to plan, build and operate an automobile manufacturing plant or amusement park, because the profits

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**NOTICE OF AVAILABILITY
OF DRAFT ENVIRONMENTAL IMPACT REPORT AND
NOTICE OF PUBLIC MEETING
SDSU 2005 CAMPUS MASTER PLAN REVISION**

Notice of Availability. San Diego State University ("SDSU") has prepared a Draft Environmental Impact Report (EIR) (SCH No. 2004101059) to analyze the potential environmental effects of the proposed SDSU 2005 Campus Master Plan Revision ("proposed project"). The proposed project component sites are located throughout the SDSU campus in San Diego, California.

The 2005 Campus Master Plan Revision will provide a framework for implementing SDSU's goals and programs for the campus by identifying needed buildings, facilities, improvements and services to support campus growth and development from the current SDSU enrollment of 25,000 full-time equivalent students ("FTES") to a new Campus Master Plan enrollment of 35,000 FTES by the 2024-25 academic year. The increase in FTES will equate to an increase in total student enrollment of approximately 12,000 students by 2024-25. To accommodate the projected student increase, the proposed project involves the near-term and long-term development of classroom, housing and student support facilities on approximately 40 acres of land located throughout the SDSU central campus, Alvarado and Adobe Falls areas. The proposed project will enable SDSU to meet projected increases in student demand for higher education, as well as further enhance SDSU's status as a premier undergraduate, graduate and research university.

The Draft EIR determined that the proposed project will result in significant and unavoidable impacts to transportation/circulation and air quality. All other impacts identified in the Draft EIR can be mitigated to a level below significant. A table summarizing the potentially significant impacts of the proposed project, and mitigation measures proposed to reduce the identified impacts, is attached to this Notice.

The Draft EIR will be available for public review and comment for a 60-day period, beginning January 18, 2005, and ending on March 19, 2005. Written comments regarding environmental issues raised in the Draft EIR must be received by mail or facsimile no later than 5:00 P.M., Saturday, March 19, 2005. Please direct all comments to:

W. Anthony Fulton
Director of the Office of Facilities Planning and Management
Administration Building 130
San Diego State University
5500 Campanile Drive
San Diego, California 92182-1624
Fax: (619) 594-4500

Copies of the Draft EIR are available for review at the following locations: (1) College Heights Public Library, 4710 College Avenue, San Diego, California; (2) Benjamin Branch Library, 5188 Zion Avenue, San Diego, California; (3) San Carlos Branch Library, 7265 Jackson Drive, San Diego, CA 92119; and (4) SDSU Love Library, Government Publications, 3rd Floor. Copies of the Draft EIR and all reference materials also are available for review at SDSU, Office of Facilities Planning and Management, Administration Building Room 130, contact person: W. Anthony Fulton, Project Manager (619) 594-5224. The Draft EIR also is available for review on the internet at www.sdsu.edu/masterplan. Copies of the Draft EIR may be purchased by contacting Kelly Wintermote, OCB Reprographics, 7584 Metropolitan Drive, San Diego, California 92108, (619) 297-8300.

Notice of Public Meeting. On Monday, March 7, 2005, a public meeting will be held at 7:00 p.m. at Aztec Center, Casa Real Room, on the SDSU campus, for the purpose of receiving public comments on the adequacy of the information presented in the Draft EIR for the SDSU 2005 Campus Master Plan Revision.

SDSU encourages public agencies, organizations, community groups and all other interested persons to attend the March 7, 2005, public meeting, and to provide written comments on the Draft EIR prior to the end of the 60-day public review period (March 19, 2005). If any agency, organization, group or person wishes to make a legal challenge to the California State University Board of Trustees' final decision on the proposed project, that agency or person may be limited to addressing only those environmental issues that they or someone else raised during the 60-day public review and comment period.

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

Certify the Final Environmental Impact Report and Approve the Campus Master Plan Revision with Enrollment Ceiling Change at San Diego State University

Presentation By

Elvyra F. San Juan
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:

1. Certify a Final Environmental Impact Report (FEIR).
2. Approve an increase in the master plan enrollment ceiling from 25,000 Full Time Equivalent Students (FTE) to 35,000 (FTE).
3. Approve the proposed campus master plan revision.

Attachment A is the proposed campus master plan. Attachment B is the existing campus master plan approved by the Board of Trustees in March 2001.

The Board of Trustees must certify that the FEIR is adequate and complete under the California Environmental Quality Act (CEQA) in order to approve the campus master plan revision. The FEIR with Findings of Fact and Statements of Overriding Considerations, and the Environmental Mitigation Measures Monitoring and Reporting Program are available for review by the Board and the public at: www.sdsu.edu/masterplan. The unavoidable significant impacts resulting from the proposed master plan revision are in the areas of transportation/circulation (traffic) and air quality. All other impacts can be mitigated to below a significant level.

Potential Contested Issues

Pursuant to the trustees' request that potential contested issues be noted early in the agenda item, the following is provided:

1. Adobe Falls/North Campus Housing. This project proposes to construct 540 units of Faculty/Staff and Graduate Student Housing on existing campus land. This component of the proposed master plan revision was the focal point of 136 of the 150 public comment letters received on the Draft EIR. [Central to the comments was opposition focused on traffic concerns including:

- a) the need to provide alternative access to the project site rather than access through an established single-family neighborhood, and
- b) pedestrian safety and the safety of school children in the vicinity of two schools due to the increase in vehicular traffic resulting from the Adobe Falls development.

CSU Response: SDSU acknowledges the community's concerns with respect to the potential traffic impacts to the Del Cerro community that would result with the development of the Adobe Falls/North Campus Housing. However, as presented in the Draft EIR Section 3.13, based on applicable City of San Diego Roadway standards, the existing Del Cerro roadways have sufficient vehicle capacity to accommodate the projected increase in traffic. Therefore, while the Adobe Falls project will add additional traffic to the Del Cerro community roadways, the amount of additional traffic can be accommodated by the existing roadway system without creating unsafe or overloaded traffic conditions resulting in "significant impacts" under CEQA. A summary of the Draft EIR analysis, updated to include information received following the release of the Draft EIR, is presented in FEIR General Response 3, Del Cerro Roadway Classification (FEIR Section 10.4-12-18).

As a follow-up to the Draft EIR analysis, the FEIR includes a revision to mitigation measure TCP-18, which resulted in the inclusion of a more thorough description of the Traffic Calming Study. Additionally, in response to concerns expressed regarding access, a new mitigation measure was added, TCP-19, Alternate Access.

2. Off-Site Mitigation Contributions. A number of comments received relate to financial contributions by SDSU toward off-site mitigations, which include traffic and transportation improvements, infrastructure improvements, and other local off-site mitigation measures.

CSU Response: CSU is exempt and/or restricted from local land-use regulations and fee assessments, unless specified by the legislature. The California Legislature enacted Government Code Section 54999 to expressly allow state agencies to negotiate with public utility service providers for an appropriate capital facilities fee required to provide water, storm drainage, wastewater disposal, and other utility capital improvements as specified in the statute.

3. Traffic. A number of comments received relate to financial contributions by SDSU toward off-site mitigations for traffic impacts to local roadways.

CSU Response: The FEIR outlines significant and unavoidable impacts to city roadways, intersections, and Interstate-8 associated with new trips and trips to the project area. CEQA provides that each public agency shall mitigate or avoid the significant effects on the environment for projects it approves, or carries out, whenever it is feasible to do so (Public Resources Code Section 21002.1[b]). The CSU has specific authority to mitigate effects that occur within its

Availability of EIR for Public Review

SDSU prepared a Draft Environmental Impact Report (EIR) to analyze the potential environmental effects of the proposed SDSU 2005 Master Plan Revision. [The Draft EIR was made available for public review on January 18, 2005 for a 60-day period ending on March 19, 2005.] One agency, the San Diego River Conservancy, at their written request was given until April 18, 2005 to respond; however no response was received by that date. A public meeting was held on March 7, 2005 for the purpose of receiving public comments on the adequacy of the information presented in the Draft EIR. During the public comment period additional presentations and workshops were held with the Del Cerro Action Council, the College Area Community Council, the College Community Redevelopment PAC, the SDSU Academic Senate, the San Diego River Coalition, the Navajo Community Planners, and other regional groups and organizations.

During the 60-day comment period over 130 comment letters were received from residents of the Del Cerro Community, generally in opposition to the development of the Adobe Falls/North Campus Housing. One comment letter was received from a College Area resident. Additionally, comment letters from eleven (11) local organizations and agencies were received as follows:

- Navajo Community Planners
- College Area Community Council
- Del Cerro Action Council
- Smoketree Homeowners Association
- City of San Diego Redevelopment Agency
- City of San Diego – Land Development Review Division
- City of San Diego – Dick Murphy, Mayor
- City of San Diego - Jim Madaffer, Councilmember 7th District
- California Department of Transportation
- San Diego Association of Governments
- San Diego Archeological Society

The FEIR includes written response to all comments received. For complete copies of the comments and written responses, please refer to the Response to Comments, Attachment C of the FEIR. Following is a summary of major comments and responses:

Comment: Many of the Del Cerro residents commented that an alternate access should be developed to the proposed site that would not utilize the local street system.

CSU Response: The Draft EIR Section 5.4 analyzed multiple alternate access routes to and from the site at the program level of review, appropriate to the level of detail available at the master planning stage. A summary of the Draft EIR analysis, updated to include information received following the

they can provide increased access to higher education to tens of thousands of new students how are knocking or are about to knock at our door. Our proposal is ambitious, complex, controversial, precedent-seeking, and important to the future, both of San Diego and of California. You will soon be hearing arguments pro and con, and after you have sorted out the best interests of the citizens of California with regard to this proposal, there will be others to follow from other campuses similarly straining to make access more than just a slogan. In short, we need to get this right. [May I respectfully suggest that you postpone your final vote on our proposal until your September meeting so that you will have time to weigh the materials before you, consider the comments you are about to hear, ask staff to brief you with regard to the issues that arise, and then determine in September the wisest course for the CSU.] Assistant Vice Chancellor Vy San Juan will now make a brief presentation of this agenda item. Vy?

San Juan: Thank you, President Weber. There are a few Powerpoint slides I'd like to use. The proposed master plan ceiling increase is consistent with the Board's direction in 2003 for campuses to develop a plan to accommodate enrollment growth and better utilize existing campuses to accommodate that growth. The campus plan also addresses the need for affordable faculty housing, which is impacting our ability to attract and retain faculty. There are some items to clarify from the EIR before we start the video. As to orientation, this is the current master plan of the campus. I know it's very hard to see, but it is also in your agenda. If you go to the next slide, this is Interstate 8 here. This is

tremendous safety impacts for the population at large. If you substitute the San Diego State administrative for me and my Hummer, and name the Hummer the San Diego State master plan, the same disregard for public impacts is shown under this circumstance. [We ask that you delay this matter, as President Weber has indicated, but we think that two months is way too inadequate for that.] We believe you need to redo the environmental impact report to make it not subject to legal challenge. We believe that you need to wait for the Monterrey case to be decided, which resolve this issue. We believe that you man, must mandate San Diego State to do what they're unwilling to do, and that's been to meet in meaningful dialogue with members of the community. We ask that you approve the master plan, but only subject to finding financing from all sources for mitigating the impacts, and alternatively, find another place to build a university the size of Chico State, which is effectively what you're doing.

Tsakopoulos: Thank you very much.

McDade: Thank you very much.

Tsakopoulos: Thank you very much, Mr. McDade. Do you have the names of the other people who – so I can check them off?

McDade: Mr. Edwards is next.

Edwards:

Good afternoon. My name is Bill Edwards and I'm a police captain and I'm responsible for the area of Eastern Division, which is the north side of Interstate 8, where the Adobe Falls project would be built. But let me just quote some statistics real quick, and obviously I know I have limited time to do what I have to do in the next, probably two minutes. The area in and around the college is a beat area there, it's called Beat 814, and in the year of 2000 they had 3,705 calls for service. That means that commercial, retail and residential area around the college campus, that was the beat that is directly around the campus, those are the types of calls for service that were dispatched on, let alone – I don't even – I can't even answer the number of calls that were called in. The daily number of traffic things – this was done by San Diego City engineers – the area between Reservoir, which is where Alvarado Hospital is, and the College Avenue, there were 9,700 daily trips on an average day of cars in and around that area. If you know, if you build a hotel and a parking structure there, I would expect there would be at least a 50 to 100% increase in daily uses cars.

Now I'm going to flip over and talk about the other side of the freeway, which I am responsible for, which is the Del Cerro community, which is part of the Eastern Division. That beat is called 323. This is a primarily residential area, with some retail and some other light industry in it. There are approximately – I'm sorry, I lost my notes here for a second – 2,100 calls for service, and that's dispatched calls for service, and the College Avenue is the main artery for the area of Del Cerro, San Carlos, Lake Murray, as well as Allied Gardens,

because of the freeway access off of Interstate 8. That number of daily trips on College Avenue is approximately 3,000. If the housing development, as it is currently designed, is built, and you use the areas of Genoa Street and Capri as the main ingress and egress for that community, there will be an expected increase of approximately 50% or 4,500 trips, cars on that street and in that area during the daytime. The concern, obviously, from a police perspective is we will not have the responsibility of policing the project, but we will be responsible for the community around that Adobe Falls project. The same thing with the project down by the new hotel and large parking structure down there. The challenges that we'll face for us is obviously, you know, we're big practitioners of community policing and we have an excellent working relationship with the San Diego State police department, but we will have to occasionally respond to calls, and we will be responsible for handling all of the accidents, dealing with the daily traffic congestion, as well as the parking complaints that I expect to occur. My biggest concern is obviously the fact that on Del Cerro Boulevard, which is the main artery, one of the main arteries for that communities, you have the two schools. That's already been mentioned in your earlier Powerpoint presentation – that being Phoebe Hearst, as well as the Jewish school. The concern that I have in and around any school facility is the fact that you have children darting in and out of traffic. When you increase it 50% more at the times of the day when schools are generally starting and ending, you're going to have a lot more congestion there, a lot more vehicle traffic, and we all know, and I'm speaking from a

personal standpoint here, that we're always in a rush to get to work and in a rush to get home, and we generally are not paying attention to the traffic. And I'll give you a good example because . . .

Tsakopoulos: Thank you very much, Officer Edwards. In order to allow other people to speak, if we could please have the next speaker.

Edwards: Okay.

Tsakopoulos: Excuse me, sir. Excuse me. We have a question, Mr. Edwards.

Unknown: Mr. Edwards, are you speaking on behalf of the Police Department or as an individual to the Board?

Edwards: I'm speaking on behalf of the Police Department, particularly for the Eastern Division and Mid-City Division, which will be impacted by the change.

Unknown: Thank you.

Tsakopoulos: Thank you, Officer Edwards.

Silva: [Good afternoon. I'm Claudia Silva, on beha . . . Deputy City Attorney with the City Attorney's Office for the City of San Diego. We are legal counsel for the City of San Diego, and are general counsel for the Redevelopment Agency. I'd like to talk to you all about today about the EIR generally, and what we contend are serious deficiencies . . .

Tsakopoulos: I'm sorry. I apologize for interrupting, but I don't have you on my list of opponents. Did you submit your name to speak today.

Silva: Yes, Karen Humid, from our office.

Tsakopoulos: . . . numbers on here. Ah, yes, I apologize for interrupting. Please continue.
Thank you.

Silva: As I said, we represent both the City of San Diego and are general counsel to the Redevelopment Agency. I would like to talk generally, you already have our comments and what we contend are the deficiencies in the EIR – that it fails to address the severity of project impacts, that it fails to identify all the impacts, and fails to adequately evaluate feasible project alternatives. I'd like to focus primarily on off-site mitigation and the remarks of your general counsel as to whether or not CSU can actually pay for those.

The City and the Agency strongly disagree that – with the EIR statements and the position taken by CSU regarding off-site mitigation and the ability for the project to mitigate for its own caused impacts. There is no explicit prohibition that says CEQA mitigation, mitigation impacts, impacts are mitigable under CEQA are exempted from being provided by by the project proponent. There are significant impacts that can be avoided through certain mitigation measures here. However, those have been arbitrarily delegated to either the Redevelopment Agency or the City of San Diego, without consultation, without concurrence. They have been actually arbitrarily delegated to them

because it was within our respective jurisdictions, allegedly, and your counsel remarked that they just want to be treated like other developers would be within the City of San Diego. Other developers within the City of San Diego pay for their own project impacts. Their direct project-caused impacts, which are mitigable under the EIR, or whatever environmental document, are taken and mitigated by themselves. The City of San Diego does not assume that obligation on their behalf. We do not subsidize the developers in that way when the development is the direct cause of the impact identified. And in this instance, we're talking about a situation where the very issue is at the Supreme Court of the State of California. While that case is on review, the underlying case on which the appellate court relied on, the City of San Marcos case, is actually not applicable to this situation. This is not an issue of public – an illegal gift of public funds. You are providing merely – all we are asking for, all the City and the Redevelopment Agency contend, is that, when you build a project, you bring it to fruition and you create significant impacts that are mitigable, through identified traffic calming measures or traffic mitigation measures, that you hold yourselves responsible for that, and not just delegate that to another agency.]

Tsakopoulos: Thank you very much for your comments. Michele Nash-Hoff.

Brunkow: Actually, I'm Anne Brunkow, and I'm next.

Tsakopoulos: Yes, . . .

event the necessary CEQA compliance documentation is not certified by this board, or if any responsible agency fails to approve a required permit for development or for any other reason the property is deemed not suitable for the intended use, then the trustees will sell the property back to Sonoma State Enterprises (SSE), and SSE will reimburse to the trustees the entire purchase cost, including a reasonable processing fee.

Certify the Final Environmental Impact Report and Approve the Campus Master Plan Revision with Enrollment Ceiling Change at San Diego State University.

The committee voted to defer this item to the September meeting to allow for further investigation.

Certify the Final Environmental Impact Report and Approve the Campus Master Plan Revision with Enrollment Ceiling Change at California State University, Chico (RCPBG 07-05-12)

Trustee Tsakopoulos moved the item; there was a second.

The Board of Trustees approved the following resolution:

RESOLVED, by the Board of Trustees of the California State University, that:

1. The FEIR for the California State University, Chico master plan revision was prepared to address the environmental effects, mitigation measures, project alternatives, and comments and responses to comments associated with the approval and implementation of the proposed master plan revision, pursuant to the requirements of the California Environmental Quality Act, the CEQA guidelines, and the CSU CEQA procedures.
2. The FEIR addresses the proposed increased enrollment, and all discretionary actions relating to it.
3. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code (CEQA) and Section 15091 of the California Code of Regulations (CEQA Guidelines), which require that the Board of Trustees make findings prior to approval of a project along with a Statement of Fact supporting each finding.
4. This board hereby adopts the Findings of Fact and related mitigation measures identified in the Mitigation Monitoring Program for Agenda Item 4 of the July 19-20, 2005 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, which identifies specific impacts of the proposed project and related mitigation measures, which are hereby incorporated by reference.

CSU Board of Trustees

7/19-20/2005

SPEAKER LIST

Master Plan Revision: *Revised 05/04/05*

Chris Manigault, Incoming AS President	Incoming Associated Students	CONFIRMED	Steven Collins
Fred Hornbeck, Ph.D., Professor	SDSU Dept. of Psychology	CONFIRMED	Steven Collins
Ralph Pesqueria, CEO	El Indio Mexican Restaurants	CONFIRMED	Steven Collins
Julie Meyer-Wright, President	San Diego Regional Economic Development Council	CONFIRMED	Steven Collins
Dede Alpert, Former CA State Senator	CA Senate	CONFIRMED	Steven Collins
Frank Urtasun, Binational/Regional Public Affairs Manager	SDG&E	TBD	Tere Mendoza
Pam Slater-Price, Chairwoman	SD Board of Supervisors	Unavailable	Steven Collins
Ed Brand, Superintendent	Sweetwater Unified School District	TBD	Weber
Jessie Knight Jr., President	Regional Chamber of Commerce	Unavailable	Steven Collins

[At the May, July and September 2005 meetings of the Board of Trustees, the public comment period will be directly after the roll call in the plenary session, and time will be allocated as described below.]

Addressing the Board of Trustees

Members of the public are welcome to address agenda items that come before standing and special meetings of the Board, and the Board meeting. Comments should pertain to the agenda or University-related matters and not to specific issues that are the subject of collective bargaining, individual grievances or appeals, or litigation. Written comments are also welcome and will be distributed to the members of the Board. The purpose of public comments is to provide information to the Board, and not to evoke an exchange with Board members. Questions that Board members may have resulting from public comments will be referred to appropriate staff for response.

Members of the public wishing to speak must provide written or electronic notice to the Trustee Secretariat two working days before the committee or Board meeting at which they desire to speak. The notice should state the subject of the intended presentation. An opportunity to speak before the Board on items that are on a committee agenda will only be provided where an opportunity was not available at that committee, or where the item was substantively changed by the committee.

In fairness to all speakers who wish to speak, and to allow the committees and Board to hear from as many speakers as possible, while at the same time conducting the public business of their meetings within the time available, the Committee or Board Chair will determine and announce reasonable restrictions upon the time for each speaker, and may ask multiple speakers on the same topic to limit their presentations. In most instances, speakers will be limited to no more than three minutes. The totality of time allotted for public comment at the Board meeting will be 30 minutes, and speakers will be scheduled for appropriate time in accord with the number who sign up. Speakers are requested to make the best use of the public comment opportunity and to follow the rules established.

Note: Anyone wishing to address the trustees who needs any special accommodation should contact the Trustee Secretariat, at least 48 hours in advance of the meeting so appropriate arrangements can be made.

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Cruz Bustamante, Lt. Governor
Fabian Nunez, Assembly Speaker
Jack O'Connell, Pub. Education Supr.
Charles B. Reed, CSU Chancellor

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Melinda Guzman Moore
William Hauck
Raymond Holdsworth, Jr.
Ricardo F. Icaza
Corey Jackson
Bob Linscheid
Craig R. Smith
Kyriakos Tsakopoulos

Presenters/Speakers

Justin Booth, San Diego Deputy City Attorney
Mike Fortney, College Comm. Redevelopment Project Mgr., San Diego Redevelopment Agency
Christine Helwick, CSU General Counsel
Dr. Fred Hornbeck, Chair, SDSU Faculty Senate
LaToya Jarrett, Vice Pres., SDSU Associated Students
Chris Manigault, Pres., SDSU Associated Students
Michael McDade, Attorney for Alvarado Hospital Medical Center
Michael McSweeney, Past Pres., Del Cerro Action Council
Vincent Mudd
Antonio Pizano, Pres. & CEO, MAAC Project
Ralph Pesquiera, Former CSU Trustee
Dr. Eric Riggs, Assoc. Prof., SDSU
Elvyra "Vy" San Juan, Asst. Vice Chancellor
Claudia Silva, San Diego Deputy City Attorney
George Walker Smith
Bill VanDeWeghe, Attorney for Del Cerro Action Council
Stephen Weber, SDSU President
Jay Wilson

Galinson: They are trustees Foster, Hauck, Linscheid and Smith. If you would accept those appointments, we would be very happy. And now, Mr. Chairman, that you have a committee, please proceed.

Additionally, a mitigation measure is included in the Final EIR requiring that a traffic calming study be conducted to recommend measures to help ensure safe traffic flow on community streets. Since the July Board meeting, we have met twice with a group of residents in this area to develop assurances related to the concerns they have raised. We have made it clear to the community that this project cannot proceed to construction without further environmental and public review, and a subsequent action by this Board. It is my pleasure to report that those meetings have gone well, and that we have signed a Memorandum of Understanding that commits us all to a continued working relationship going into and through the project-specific phases of Adobe Falls.

To facilitate communication on this and other topics between the University and the community related to the Adobe Falls project, we have proposed, and included in the signed MOU, that an Adobe Falls Community Advisory Committee be formed. This committee, which will include members from the Del Cerro community, will work closely with the University to provide input on the project and the studies that are required as it moves forward to project-specific review. We are particularly grateful to Senator Kehoe for her leadership in helping facilitate discussions with the Del Cerro community.

We have met twice with representatives from Alvarado Hospital. I understand that the Hospital continues to have concerns, but we have established a

working relation and will continue, in spite of our differences, to try to find ways to work together.

As promised in my July comments, we have started the process of forming a task force on student housing. It is our hope that this committee can be comprised of the College Area community and University representatives, and that it will provide input and direction on a number of issues relating to housing the University students.

I also took the opportunity during this period to personally meet with the Chairs of the College Area Community Council and the Navajo Community Planners to discuss issues of mutual interest to SDSU and the community, and to discuss how we can positively work together.

In July, I shared with you a 7-page list of 74 meetings we had already had with community leaders. Since July, we have made continued efforts to meet with community members, elected officials and regional organizations to discuss the proposed master plan and to address as many concerns as possible. But there are some things that have been requested by community members that are beyond the authority of San Diego State or even of this Board to provide. Such as funding off-site traffic improvements as part of the California Environmental Quality Act mitigation process. General Counsel, Christine Helwick, can provide further information on this issue. Chris?

Helwick:

Thank you, President Weber. [At the last Board meeting, we discussed the relationship between the current issues in the San Diego Master Plan and the Monterrey Bay City of Marina litigation, which is still pending before the California Supreme Court.] In the Monterrey Bay case, the City of Marina also sought to impose significant local infrastructure costs, in that case up to \$20 million, upon the CSU-Monterrey Bay campus in response to the growth contemplated in its 20-year master plan. The university objected based on the immunity of the state from contributing to the costs of local improvements that is embedded in the California Constitution. The theory of that immunity is that each arm of the government has its own mission, and it is inappropriate for anyone to tax another to support its independent function. The university does not look to its host cities to support the costs of its academic mission; similarly, the City should not look to the university to pay for the costs for road and traffic improvement. If the CSU were to have to pay for local improvements, it would necessarily have that much less to provide higher education for the citizens of this state to build classrooms and house the faculty and staff that our students need. Stated a little differently, when new revenue is generated when one governmental agency taxes another, it is, as characterized by the courts, of robbing Peter to pay Paul.

There are other significant public policy reasons for the Constitution prohibits the state from paying for the costs of local improvements. Without such a prohibition, each locality would have authority to tap into the tax revenues paid by all the taxpayers throughout the state for every local project. The tax

burden on all citizens would then be unfairly increased to pay for strictly local benefit.

When a new campus is planned, local communities often compete for the right to host the university because of the many benefits from having a CSU campus nearby are obvious and undisputed. When an existing campus plans an expansion, as here, the benefits of this trade-off are perhaps more subtle and easily overlooked, but the state's immunity and the reasons for it remain the same.

It should be noted that the exemption claimed here is limited to the cost of local infrastructure improvements. San Diego State, like all other CSU campuses, and all other citizens in the community, already pays, and will continue to pay, the City of San Diego for all services actually delivered. The San Diego master plan reflects planning for the next 20 years. There will be time for the City to take whatever steps it chooses to accommodate this new development, much as it will likely have to accommodate other developments and improvements that will be constructed within its borders over this same period of time.

When faculty housing is constructed, the faculty homeowners will pay a possessory use tax to the County, and that revenue, or a portion of it, is eligible to make its way to the City for the City to determine its use. What the City may not do, under the Constitution, is use the CEQA process to exact

fees from the University now to pay for local improvements that may or may not be required, let alone built.

In the Monterrey Bay litigation, the Court of Appeal sustained the University's objection to the City of Marina's demand that the campus contribute to the cost of its local infrastructure. That issue is now pending before the Supreme Court. The case is fully briefed and we have been awaiting assignment of a date for oral argument for over a year. It would be contrary to existing law for the Board to contribute funds to the City of San Diego to support its local infrastructure costs in response to this master plan proposal.

Weber:

Thank you, Chris. The proposed master plan was developed with careful attention to achieving the state's educational objective and responding to CSU policies and directives, while having the least impact on our neighbors. The plan before you to today is a very efficient use of space. We do not propose expanding to privately owned property in surrounding neighborhoods. Instead, we focused the next 20 years on SDSU-owned or affiliated property. [I am grateful to members of this Board for allowing the extra time between the July and September meetings that have allowed SDSU to continue our efforts with the community.] As I said earlier, some important outcomes of that extra time, our [letter from Senator Kehoe, the MOU with our neighbors in Del Cerro, the formation of the Del Cerro Community Advisory Committee] and the continuing commitment to work with our College Area neighbors on student housing issues. [In spite of negative comments from some of our neighbors

and Alvarado Hospital.] the activities of the past two months have established relationships that will enable us to continue our discussions as we move forward in the project-specific stages of the master plan. I should also take a moment to give credit to Senator Kehoe for effective leadership and constructive efforts to bring the University and the community together. SDSU is committed to continuing to work with the community, our local elected officials, and appropriate public agencies to ensure that solutions to the issues raised can be developed and implemented. But we must not lose sight of the primary mission of the CSU – providing higher education for the State of California. Increasing access to quality higher education is the most important challenge faced by San Diego State. Increased access is essential to meeting the educational needs of California and preparing minds to enter our regional and state workforce. [As we reached out to the community to share information about the master plan, we sought the input of elected officials and civic organizations across the region that are interested in the future of San Diego and California.] While many of these organizations recognize that there are community issues that need to be addressed, they also recognize the importance of increasing access to higher education. Our efforts resulted in numerous endorsements of the proposed master plan. Allow me to list just a few: San Diego Regional Chamber of Commerce; the Hispanic Chamber of Commerce; the San Diego Regional Economic Development Corporation; the San Diego Convention and Visitors Bureau; the San Diego Telecom Council; the San Diego Urban League; the Chicano Federation of

San Diego County; the MAAC Project; the San Diego Workforce Partnership; State Senator Christine Kehoe; former State Senator Dede Alpert; State Senator Denise Ducheny; Assemblyman Juan Vargas; Irwin Jacobs, Chairman of the Board of Qualcomm; and former CSU Trustee Ralph Pesquiera. A complete list of the project supporters is included in your handout. San Diego State is fortunate that a number of these regional leaders have volunteered to work with the University, the community and the City, and other public agencies to identify and implement long-term solutions to issues that have been raised. For more than a century, SDSU has been producing leaders in business, government, education, healthcare, sciences and the arts. As the largest importer of bright minds to the San Diego region, the University plays a critical role in preparing today's students to become tomorrow's workforce. Together, the CSU and SDSU are working for California. Approval of SDSU's proposed master plan will enable San Diego State to continue to implement the CSU mission of ensuring access to a university education for all qualified students who seek it. I thank you for your consideration.

Esparza:

Thank you very much, President Weber. [We've got a long list of speakers, both in support and in opposition.] Each side will be given a total of 30 minutes to speak so that you may apportion your time as you wish. I believe the Secretary has notified each speaker to coordinate your remarks with others who feel the same as you. Given the Board has many other items of business, we will not extend the 30-minute limit for either side, so please be respectful of others who want to speak. If any of you have material that you would like

to be distributed to the Board, please give it to the Committee Secretary, and it will be distributed. The six people who have asked to speak in opposition are: Mike Fortney, Claudia Silva; J. Michael McDade; Carey Cooper; Michael McSweeney; and Jay Wilson. Please turn on the mike. You may organize the speakers as you wish.

McDade: Yes, I'd like to help organize the speakers in opposition and also reduce the number, if I may.

Esparza: Certainly.

McDade: My name is Michael McDade, and I'm one of the attorneys who will be presenting today. We have only five speakers, that will begin with Justin Booth, Michael Fortney, myself, Michael Sweeney and William VanDeWeghe, and we will be using irregular amounts of time – some speaking for less than the three minutes, some speaking more, but we will probably be short of the 30 minutes set aside.

Esparza: *[Inaudible]* . . . coordinate them, please.

McDade: Alright. Mr. Booth?

Booth:

Thank you, and good afternoon, Board members. My name is Deputy City Attorney Justin Booth. I am here on behalf of the City of San Diego, as well as General Counsel for the Redevelopment Agency. I'm here before you today to ask you to delay and put forth another two months continuance on

this process because, as President Weber mentioned, there have been a task force, ad hoc committees, that were created between Councilman Jim Madaffer, as well as President Weber, but those have not been able to meet yet. Their first meeting, he failed to mention, was, is on October 4th, and I believe that these meetings, as the President said, will address a lot of the issues in the deficiency of the EIR. We have three major issues with the EIR in terms of deficiencies.

Number one, the EIR fails to address the severity of all the impacts. There are many examples, but one of which is we have a very healthy riparian Alvarado Creek area that will be directly impacted, and the EIR dismisses it as somewhat insignificant. Second, you have – there is a failure to identify all of the impacts in the EIR. Essentially, there are several major intersections with I-8, as well, which are not even addressed at all in the EIR in terms of its traffic impacts. And, third, you also have the failure to adequately evaluate the feasible project alternatives. When you couple this with the fact that, as your General Counsel mentioned, you have a case that is directly on point here, call the *City of Marina* case, that has not been decided on by the Supreme Court, it gives another reason to continue this until the determination comes down and oral argument is held.

Essentially, the City of San Diego and the Redevelopment Agency strongly disagree with the EIR's statements regarding off-site mitigations. There are no prohibitions explicitly against the paying of off-site mitigation by the CSU

Board. The *City of Marina* case relies on a case called *San Marcos*. Well, *San Marcos*, number one, was not a CEQA case, and number two, does not directly address the fundamental issue which is in the *City of Marina* case, so, to make a decision by this Board today that is going to be directly impacted by the outcome of this case seems premature.

Finally, CSU is not exempt from CEQA. CSU is not exempt from mitigating this project's impacts. Your General Counsel said today that one entity public cannot tax another. That is true. But this is not a tax situation. If the Board is allotted, through the EIR process and through the mitigation efforts, to widen a particular road directly related to a 450-unit building that its creating that all of these people are going to be housed in, that's simply not a tax.

So, the one thing that I want to finish with, and I want this Board to understand, I have received approval from the City Council in the City of San Diego to pursue litigation, should this Board finalize the EIR here today. So, just wanted to let the council, make them aware of that, and to understand that, should they go forward, the City, as well as the Redevelopment Agency, is prepared to file a writ. Thank you.]

~~Fortney~~

[Good afternoon. Mike Fortney with the City of San Diego's Redevelopment Agency. Again, we are opposed to the 2005 Campus Master Plan Revision and Final EIR. I wanted to point out a number of things, which I pointed out approximately 60 days ago. [Inaudible] . . . does not conform to the College Community Redevelopment Plan, the College Community Master Project

Plan, nor does it conform to the College Area Community Plan. I want to point out, too, that we oppose because San Diego State University refuses to accept the responsibility to mitigate the impacts of its own development. Furthermore, San Diego State University appears, in its Draft EIR, or, I apologize, Final EIR, attempts to delegate responsibility for mitigating its impacts on the Redevelopment Agency of the City of San Diego. I want to make it very clear that the Redevelopment Agency is not responsible for mitigating impacts as a result of San Diego State University.

In addition, I wanted to say also the Redevelopment Agency has the authority to review and approve or disapprove any projects proposed in the redevelopment project area. [I wanted to thank the CSU Board, approximately 60 days ago, for having continued this item. We were under the impression that that continuance was so that the University could engage members of the College Area community, as well as the Agency and the City – there is an ad hoc committee that has been created. However, that committee has not even met yet. I believe we're scheduled to meet October 4th, so, again, I think it's premature to vote again today, and would ask for another 60-day continuance. Thank you.]

McDade: Chairman Galinson and Committee members, good afternoon. I, as indicated previously, my name is Michael McDade, and I'm here today as legal counsel for Alvarado Hospital Medical Center and its parent, Tenet Healthcare Corporation. We're here, sadly and reluctantly, in opposition to the master

Commission, I made a habit to not to vote on any project until I see exactly what it is and where it is. Accordingly, I spent a whole day last week, September 12th, on campus and I met with many of the constituencies, faculty, staff, administrators, students. Probably I was more impressed with the students and with their comments and some of those you heard today. A couple of those students are in here, LaToya and Chris. I hope you paid close attention to what he had to say. It moved me so much. But they told me, we cannot attract and keep faculty, but we're looking for quality. If we're going to have quality, you heard that many times today, that means we have to have incentives. I saw the area. I saw the project area, exactly what it is, exactly how it is. What the opponents have said, they have a case. It is true, that, you know, there is already bad traffic. It is not going to get any better. It is not going to, you know, in the future. The only way that I could see its possible it's going to get better once we have this project under way. Hopefully, your local leaders and City Council, as well as your state representatives – I can see the Senator Kehoe already, probably already, you know, have taken the leadership – find the ways that we can do something about the project. Doing nothing is not the option for this Board or for San Diego State. That's the bottom line.

[With that in mind, Mr. Chairman, I move that we approve this project and there's plenty of time, I believe, in the future that we can exchange ideas, we can make a lot of changes. What I have been told that it is not going to be, as you all well know, all those houses there, 540 units over there – the most that will be built is going to be the 50 units to begin with. I hope by then we have a lot of problems solved. I urge for the approval of the project.

Unknown:

Second.]

1.0 PROJECT DESCRIPTION

1.1 INTRODUCTION

1.1.1 Purpose

The purpose of this section is to describe the proposed project for the public, reviewing agencies, and decisionmakers. For purposes of CEQA, a complete project description must contain the following information: (a) the precise location and boundaries of the proposed project, shown on a detailed map, along with a regional map of the project's location; (b) a statement of the objectives sought by the proposed project, which should include the underlying purpose of the project; (c) a general description of the project's technical, economic, and environmental characteristics; and, (d) a statement briefly describing the intended uses of the EIR. (CEQA Guidelines §15124.) An adequate project description need not be exhaustive, but should supply the information necessary for the evaluation and review of the project's significant environmental effects. This section describes the proposed project, as well as its location and characteristics, and it includes statements describing the project's objectives and the intended uses of this EIR.

1.1.2 Introductory Project Description

[The proposed project is the adoption and subsequent implementation of the San Diego State University ("SDSU") 2007 Campus Master Plan Revision ("proposed project"). The proposed project will enable SDSU to meet the projected increases in student demand for higher education, and further enhance SDSU's standing as a premier undergraduate, graduate, and research university by providing the needed buildings, facilities, improvements, and services to support campus growth and development from the current SDSU enrollment of 25,000 full-time equivalent students ("FTES") to a new Campus Master Plan enrollment of 35,000 FTES by the 2024/25 academic year.

To accommodate the projected student increase, the proposed project involves the development of classroom, student and faculty/staff housing, and student support facilities on approximately 55 acres of land located throughout the SDSU campus and immediately adjacent to it. As further described in this section, the proposed project consists of the following six development components:

Adobe Falls Faculty/Staff Housing – This project component, which would be developed in two phases, consists of the development of faculty and staff housing on a site approximately 33 acres in size located north of Interstate 8 ("I-8"). The development

would consist of an Upper Village and a Lower Village, and would include up to 348 housing units for university faculty and staff upon full buildout. This project component also would include a swimming pool, a 3,600 gross square-foot ("GSF") community center, and recreation areas for resident use only. The Upper Village portion of the site would be developed in the near-term following project approval, and would provide 48 townhomes. The Lower Village, which would be developed long-term, would include between 124 and 300 townhomes and/or condominiums. The total number of housing units ultimately to be developed on the Lower Village site is dependent on numerous factors, including available access routes and future market conditions.

Alvarado Campus – This project component, which includes an expansion of the current Campus Master Plan northeastern boundary, consists of the multi-phase development (near-term and long-term) of approximately 612,000 GSF of academic/research/medical space, and a 552,000 GSF vehicle parking structure. A portion of this project component would be constructed in the near-term, following project approval, on Lot D, an existing surface parking lot, with the balance to be developed in future years on adjacent property presently owned by the SDSU Research Foundation.¹

Alvarado Hotel – This project component, which would be constructed in the near-term following project approval, consists of the development of an approximately 60,000 GSF six-story building with approximately 120 hotel rooms and studio suites, located on approximately 2 acres of existing Lot C, immediately north of Villa Alvarado Residence Hall. The hotel, which would be owned by Aztec Shops and operated in cooperation with the SDSU School of Hospitality and Tourism Management, will contain a small meeting room, exercise room, board room, business center, on-site restaurant, and hospitality suite.

Student Housing – This project component, which would be developed in multiple phases, consists of the demolition of two existing student housing structures and the construction of five new housing structures, ultimately resulting in a net increase of 2,976 new student housing beds on campus. This component also includes the demolition of the existing Office of Housing Administration and Residential Education

¹ The SDSU Research Foundation is an auxiliary organization of SDSU, authorized by the State of California. It is a non-profit corporation, self-financed and chartered to provide and augment programs that are an integral part of the educational mission at SDSU.

↑ ("HA/RE") building and the reconstruction of this facility immediately north of existing Lot H. ↑

[Student Union – This project component consists of a 70,000 GSF expansion and renovation of the existing Aztec Center to include social space, recreation facilities, student organization offices, food services, and retail services.]

[Campus Conference Center - This project component consists of the development of a new 70,000 GSF 3-story building to be used for meeting/conference space, office space, food services, and retail services, on approximately one-half acre located east of Cox Arena on the site of existing tennis courts.]

1.1.3 Project Location

The proposed project site is located on the SDSU campus, approximately eight miles east of downtown San Diego. (Figure 1.0-1, Regional Map.) The general boundaries of the SDSU campus are Montezuma Road to the south, East Campus Drive to the east, 55th Street/Remington Road to the west, and Adobe Falls Road/Del Cerro Boulevard (lying just north of I-8 to the north. (Figure 1.0-2, Vicinity Map.) The SDSU campus is located within the College Area and Navajo Communities of the City of San Diego. (Figure 1.0-3, College Area and Navajo Communities.)

1.1.4 Project Information

Listed below is information pertinent to the proposed project, including the project title, the lead agency for the project, the project sponsor, the project contact person, the current zoning for the project site, and the level of environmental analysis to be conducted for the proposed project.

Project Title

SDSU 2007 Campus Master Plan Revision

Lead Agency

The Board of Trustees of The California State University
401 Golden Shore, 6th Floor
Long Beach, California 90802
(562) 951-4020

INTRODUCTION

9.0 INTRODUCTION

Public Review Process

San Diego State University ("SDSU") prepared a Draft Environmental Impact Report ("DEIR") for the SDSU 2007 Campus Master Plan Revision [SDSU circulated the DEIR for public review and comment from June 12, 2007 through July 27, 2007.] A Public Notice of Availability of the DEIR was published in a newspaper of general circulation and mailed to all organizations and individuals previously requesting notice, and posted with the Office of the San Diego County Clerk. SDSU provided copies of the complete DEIR with appendices to the State Clearinghouse which, in turn, distributed the DEIR to all interested state agencies for review and comment. Copies of the DEIR were delivered to libraries in the affected communities. (Please see EIR Appendix T.)

The public review process included a series of meetings and presentations to various groups and organizations. SDSU staff and the EIR consultants appeared at multiple community group meetings held prior to, during, and after the public review period to provide the community with an overview of the DEIR and the proposed project, and to answer the community's questions. (Please see EIR Appendix T.)

This section of the Final EIR contains the comments received on the DEIR, SDSU's responses to those comments, and additional materials relating to the Comments and Responses process.

Overview of the Comments and Responses

This Comments and Responses section includes the following component parts, presented in the following order:

- (i) Alphabetical Index By Author
- (ii) Comment Letters
- (iii) General Responses
- (iv) Responses to Comments Report
- (v) Revisions to Draft EIR
- (vi) Final Appendices



JIM MADAFFER

COUNCILMEMBER
SEVENTH DISTRICT

RECEIVED
JUL 27 2007
Facilities Planning, Design
and Construction

[July 27, 2007

Anthony Fulton, Director
Department of Facilities Design, Planning & Construction
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Dear Mr. Fulton:

I have reviewed the San Diego State University (SDSU) Master Plan Environmental Impact Report (EIR) Update and have grave concerns that there are areas in which an insufficient commitment has been made and incorrect data has been submitted.]

L-1-1

In addition, I have received feed back from community groups and individuals from the College and Navajo communities sharing my concerns.

The following is a brief listing of my primary concerns and recommendations for SDSU which are described in greater detail on the following pages:

L-1-2

- It is time for the CSU Board of Trustees to reverse their position of "No More Campuses". The projected growth in the southern portion of San Diego County is significant. For example, Chula Vista alone has a projected growth of 52% by the year 2030 (Table 3.12-1). A campus in South Bay deserves consideration.

- SDSU owes residents of the surrounding communities a guarantee that the State of California Legislature will fund the required fair share mitigation measures before construction begins on each project.]

L-1-3

- SDSU's on-going housing demand and market study has not been released. When released it should provide significant insight into the current and long-range housing requirements for the university. Because it has not been released, I demand SDSU extend the comment period for the EIR until that data is available for review, comment and inclusion in your final EIR.

L-1-4

- SDSU must update the traffic counts for the residential streets relating to the two Adobe Falls Village projects. The traffic counts must accurately reflect the classification of Residential Low Density and how that will impact the development of the Upper and Lower Villages.]

L-1-5

In summary, I insist that SDSU do what they are obligated and required to do: Provide their fair share of mitigation, student housing and infrastructure.

L-1-6

On-Campus Housing

Other colleges and universities plan for adequate housing for students. Why can't SDSU?

The changes SDSU has outlined for the campus - particularly adding nearly 3,000 on-campus beds - are needed today, not tomorrow. Adding only 3,000 beds over the next 10-15 years doesn't improve the student housing situation. The new on-campus beds will provide housing for some of the 10,000 full-time equivalent students (FTES) you are projecting but it does not address the shortage of housing that currently exists.

L-1-7

On page ES-4, you state ultimately there will be 2,976 new beds on campus. SDSU is projecting 10,000 new full-time students. There is currently a shortage of student housing on and near campus. We all know that the addition of 10,000 full-time students will actually generate approximately 11,385 (page 3.12-1) new students. I urge SDSU to commit to a total of 5,000 new beds on campus to help accommodate current housing shortages and to absorb its fair share of the new 10,000 FTES projected on campus.

Community Impact of 10,000 additional FTES

On page 1.0-25 it states "The 10,000 full-time equivalent students (FTES) increase will necessitate the hiring of approximately 691 additional faculty and 591 additional staff members over the years through 2024-2025". This increases the total number of additional people on campus up to 12,667 (page 3.12-1).

In reviewing the statistical data on the CSU website – http://www.calstate.edu/as/stat_reports/2006-2007/f06_01.htm, Table I, indicates for the fall semester of 2006, SDSU had 28,797 FTES with a total enrollment of 34,035. That is an increase of 6,238 individuals actually on campus above the reported number of 28,797 FTES. That is nearly a 19% differential between the listed FTES and total number of enrolled students. SDSU is projecting to grow by 10,000 FTES and the actual number of new students on campus will be 11,345. If we use the same percentage increase for SDSU's projected growth that will actually add approximately 1,900 students to the projected increase of 10,000 FTES. Please clarify this discrepancy in your projections.

L-1-8

[Even with the positive impact of the Metropolitan Transit System (MTS) Trolley stop on campus, SDSU will have a major negative impact on traffic in and around the campus. The EIR provides no information regarding significant upgrades to alleviate the traffic congestion that currently exists, let alone traffic congestion generated by future growth.]

L-1-9

In 1993, SDSU promised the City of San Diego that SDSU would take responsibility for necessary improvements to College Avenue, Alvarado Road and the I-8/College Avenue interchange through the process of redevelopment. Nothing has transpired. The continued congestion in these areas is directly attributable to SDSU and not to additional growth in the communities surrounding SDSU. This is the university's responsibility.

L-1-10

Alvarado Campus Expansion

[The proposed expansion of the Alvarado Campus along Alvarado Road does not include provisions for major traffic improvements between College Avenue and 70th Street. It does indicate Alvarado Road would be expanded to include more traffic lanes but there is no reference to what will happen to the vehicles that are currently parked end to end from Reservoir Drive and 70th Street. SDSU must specify where those cars will be parked.]

L-1-11

On page 1.0-44 it states "The Alvarado Campus project component consists of the multi-phase development of approximately 612,000 square feet of instructional and research space.....A 1,840-car, multi-story parking structure is also planned, which when combined with the 191 planned surface parking spaces, would accommodate 2,031 vehicles".

L-1-12

[The facilities plus 2,031 parking spaces has the very real potential of creating a gridlock. This poses a direct impact to health and safety of many citizens because of the proximity to Alvarado Hospital and the need for emergency medical treatment.]

Adobe Falls Development – Upper and Lower Villages

The development of the two Adobe Falls projects is not in keeping with the objective of the Navajo Community Plan: It clearly states "Maintain and enhance the quality of existing residences" [Explain how your proposal to add a minimum of approximately 175 units between the two villages maintains and/or enhances the quality of existing residences when you are obviously going to overwhelm the current traffic counts.]

L-1-13

The reduced number of units for the proposed Adobe Falls Road complex, consisting of the Upper and Lower Villages in Del Cerro reads well on the surface but SDSU's street designations as to the number of allowable vehicles on Adobe Falls Road, Mill Peak Road and Genoa Drive remain inaccurate as defined (page 3.14-19 & 20). It is my understanding that the City's Development Services Department is adamant that these streets are to be designated as residential low volume.

On the second page of Appendix C-1, under Balance of Community Roadways, you state"Low Volume Residential Street is 700 Average Daily Trips (ADT), Residential Local Street is 1,500 and a two-lane Sub-Collector is 2,200 ADT".

L-1-14

The Upper Village, now proposed at 48 units, would have increased traffic computed at 8-10 ADT's per unit. This would be a total ranging from 384 - 480 ADT's for this development. This complex could possibly squeak by and fit into the current traffic mix. But the Upper Village complex alone coupled with the traffic already generated by the 67 homes on Adobe Falls Road and Mill Peak Road will be at the limit for a residential low volume street.

Why is there no listing of current traffic counts for Adobe Falls Road?

There are 67 homes on Adobe Falls Road and Adobe Falls Place. Even if SDSU assume that there are only 6 ADT's per household, as opposed to the recognized figure of 10 ADT's per household, that computes to 402 ADT's. Now add the projected traffic counts for the 48 units of the Upper Village 384 ADT's, (48 x 8) and the total count of 784 exceeds the 700 ADT's of a residential low volume street.

L-1-15

The true traffic counts must be listed in your EIR for all the streets that will be severely impacted by the Upper and Lower Village complexes SDSU is proposing to build.

With these traffic figures in mind, the construction of any units in the proposed Lower Village without an additional ingress/egress to the complex is unacceptable. In reviewing your cost projections for an alternative road, it is evident that a new ingress/egress is cost prohibitive.

L-1-16

For \$13,000 per unit you could generate a connection to the internal road structure with the Smoke Tree Condominiums but their roads are not designed for increased traffic and they continue to state they will not allow SDSU access to their private roads (Adobe Falls Alternative Access Cost Impact Summary pg 5.0-48).

A shuttle service from the proposed complexes to SDSU to alleviate traffic is appreciated but reducing the traffic projections by only 10% does not make a significant difference in the ADT's to justify your projected number of units.

L-1-17

[One computation completely left out of the traffic figures is any type of projection for visitors to the trails you are planning to construct through the nearly 20 acres of land that will not be developed on SDSU property. **SDSU is negligent for failing to include these figures and must be provided.**]

In presentations to community groups, SDSU has stated trails will allow access to the actual Adobe Falls. I applaud this since those who enjoy walking through the natural environment will enjoy the trails and Adobe Falls which is an historic landmark. Residents are accustomed to hiking in Mission Trails Regional Park and around Lake Murray. Adding additional trails within our community will draw many people on a daily basis, thus generating even more traffic than SDSU is projecting. These traffic figures need to be added to your projections.

L-1-18

[Once traffic leaves the initial location of Mill Peak Road and or Adobe Falls Road they will ultimately end up at Del Cerro Boulevard and College Avenue. During peak morning traffic, this intersection is already at an "E" level of service (LOS). An "E" LOS is already an unacceptable traffic level for the community. Combine this with the fact that Phoebe Hearst Elementary School is located one block west of this intersection on Del Cerro Boulevard and you have a built in traffic safety problem. **Adding more traffic to this already overly congested intersection without some form of viable mitigation is unacceptable.**]

L-1-19

I am deeply concerned with the destruction of valuable natural habitat. Page 4.0-01 states "Development of this parcel would eliminate a portion of this natural area and the habitat and species currently onsite. Seventeen of the 33 acres are proposed for development."

L-1-20

[Air quality is another factor. Page 5.0-5 states "Long-term operations emissions from project-related traffic and consumer products use will exceed suggested thresholds. Because there are no feasible mitigation measures to reduce long-term air quality impacts to a level below significant, these impacts are significant and unavoidable". At the July 12, 2007 Del Cerro Action Council meeting, you indicated that the air quality standards referenced in your EIR were based on the region and not from samples taken at the site. Because of the volume of traffic from I-8 we can assume the air quality level on your property would be considerably higher than the norm for the region.]

L-1-21

I have read the **Critical Analysis of Biological Elements of SDSU Environmental Impact Report** commissioned by the Del Cerro Action Council. It points out prominent deficiencies. This report from Everett and Associates Environmental Consultants indicates the biological elements of the EIR they believe are inadequate and require significant re-analysis in order to fully identify and discuss California Environmental Quality Act and other regulator issues. A copy of this report will accompany the letter from the Del Cerro Action Council.

L-1-22

[There are a number of references in your document indicating that SDSU's Fair Share Percentage for mitigation ranges from 1 to 39%. The required mitigation for virtually all projects is due to expansion of SDSU. **SDSU needs to explain how its fair share can remain so low.** Nowhere is SDSU agreeing to pay for the majority of required mitigation. SDSU is creating the problems through its expansion and the lion's share of the mitigation is your responsibility.]

L-1-23

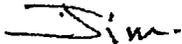
We realize SDSU is going to grow and there are many hurdles facing the university and the surrounding communities. **I urge you to continue exploring the feasibility of trading your Adobe Falls property for property adjacent to the Grantville Trolley Station.** I am confident developers will be more than willing to work with SDSU in creating a complex by the trolley. It will help meet the faculty and staff housing requirements and will considerably reduce traffic within the Del Cerro community as well as into the College Area and on to SDSU's campus. Please note that the Caster Family Enterprises has just listed their property on the market for the purpose of redevelopment. They are the largest land holder east of Mission Gorge Road between Alvarado Canyon Road and Mission Gorge Place.

L-1-24

[In closure, I want to emphasize in the strongest terms possible that SDSU must show some leadership, do the responsible thing and provide their fair share of mitigation, student housing and infrastructure.]

L-1-25

Sincerely,



Jim Madaffér
Councilmember

JM/jw

L-2

MARIANNE GREENE
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO
MICHAEL J. AGUIRRE
CITY ATTORNEY

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 533-5800
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July 27, 2007

Anthony Fulton, Director
Department of Facilities Design, Planning & Construction
Division of Business and Financial Affairs
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

RECEIVED

JUL 30 2007

Facilities Planning, Design
and Construction

Dear Mr. Fulton:

*Response to Draft EIR, June 2007, San Diego State University 2007 Campus
Master Plan Revision (State Clearinghouse No. 2007021020)*

[The Office of the City Attorney, as the legal head of government for the City of San Diego, which is a Responsible Agency in the above-referenced matter, submits this comment letter on the June 2007 Draft EIR for the San Diego State University 2007 Campus Master Plan Revision [Draft EIR], pursuant to the California Environmental Quality Act [CEQA] § 21080.4.

L-2-1

The depth and breadth of the concerns previously raised by our office remain substantially the same as recited in our February 21, 2007 comment letter on the February 2007 Notice of Preparation of a Draft EIR/Initial Study. In short, numerous inadequacies plague the Draft EIR including but not limited to the following: adequately discussing proposed mitigation measures; providing sufficient data, and adequate mitigation, to support an analysis of impacts to population and housing; addressing feasible alternatives, such as alternative locations, and mass transit incentives, to lessen environmental impacts; and, analyzing cumulative impacts not only of the project components but of the project components combined and relative to each other.

L-2-2

[However, with special regard to traffic and circulation, the traffic analysis in the Draft EIR is fatally flawed. This is detailed in the enclosed memorandum prepared by Labib Qasem, Senior Traffic Engineer, Development Services Department, City of San Diego. It is also

L-2-3

L-2-4

Mr. Fulton, Director
Department of Facilities
Design, Planning &
Construction

-2-

July 27, 2007

fatally flawed because it does not guarantee the implementation of the traffic mitigation measures it proposes. The Draft EIR at page 3.14-117 states, as follows:

“ . . . the university’s fair-share funding commitment is necessarily conditioned up[on] requesting and obtaining funds from the California Legislature. If the Legislature does not provide funding, or if funding is significantly delayed, all identified significant impacts would remain significant and unavoidable.” (emphasis added)

[This approach relies on a faulty interpretation of *City of Marina v. Board of Trustees of the California State University*, 39 Cal.4th 341 (2006). There, the Board of Trustees [Trustees] rejected entering into a voluntary fair share agreement to mitigate traffic impacts with another agency that unlike itself had jurisdiction and authority to make infrastructure improvements. *Id.* at 351. The Trustees found that such an arrangement was legally infeasible pursuant to CEQA Guidelines § 21081(a)(2). *Id.* at 354. The California Supreme Court [Court] unanimously held, in relevant part, that, while the Trustees lacked jurisdiction and authority to build or expand extraterritorial roads to mitigate traffic impacts, the Trustees had authority to make fair-share contributions to a third party to construct the necessary infrastructure improvements, and therefore could not disclaim responsibility to mitigate environmental effects as infeasible pursuant to CEQA § 21081(a)(2). *Id.* at 366-367.

L-2-4
Cont.

“ If the Trustees can not adequately mitigate or avoid . . . off-campus environmental effects by performing acts on the campus, then to pay a third party . . . to perform the necessary acts off campus may well represent a feasible alternative.” *Id.* at 367.]

The majority in the *Marina* court relies solely on interpreting CEQA. First, the Court states, “[a] finding by a lead agency under [CEQA § 21081(a)(2)], disclaiming the responsibility to mitigate environmental effects is permissible only where the other agency said to have responsibility has *exclusive* responsibility. . . . As the CEQA Guidelines explain, “[t]he finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.” (CEQA Guidelines, §15091, subd. (c).) *Id.* at 366. Second, the Court states, while CEQA § 21004 does not give the Trustees direct or implied power to construct infrastructure on the land of others, neither does it “ . . . limit a public agency’s obligation to mitigate or avoid significant environmental effects to effects occurring on the agency’s own property . . . ,” citing to CEQA §§ 21002.1(b) and 21060.5. *Id.* at 367. Third, the Court states, CEQA § 21106 obligates the Trustees to make budget requests to the State Legislature to fund environmental mitigation. *Id.* at 367-368.

Mr. Fulton, Director
Department of Facilities
Design, Planning &
Construction

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July 27, 2007

Beyond the holding, however, the *Marina* Court discusses that in discharging their duty under CEQA § 21106, if the Legislature does not grant a budget request for mitigation, then the Trustees' power in essence dissipates.

" [A] state agency's power to mitigate its project's effects through the voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist [F]or the Trustees to disclaim responsibility for making such payments before they have complied with their statutory obligation to ask the Legislature for the necessary funds is premature, at the very least [T]he Trustees acknowledge they did not budget for payments . . ." *Id.* at 367.

This discussion is pure dictum. The holding was on the legality of disclaiming the responsibility to mitigate not on the implication of being unable to secure funds to mitigate. The Draft EIR improperly relies on this dictum to build towards an untenable either-or finding, that either they will -- or they will not -- mitigate significant traffic impacts.]

In a concurring opinion, Justice J. Chin, strenuously objects to the majority dictum. First, the majority allows the Trustees to too narrowly frame the question, and that the real issue in applying CEQA § 21081(a)(2) is, ". . . whether they have any responsibility and jurisdiction to help fund . . . construction of those improvements . . ." *Id.* at 370. Numerous sections of the Education Code, particularly §§ 66606 and 89750, make it the Trustees' responsibility, as a matter of public interest, to make it a major priority, ". . . to plan that adequate spaces are available to accommodate all California resident students . . .," and it grants the Trustees, ". . . full power and responsibility in the construction and development of any state university campus, and any buildings or other facilities or improvements connected with [CSU] . . .," and finally, it commands the Trustees to, ". . . expend all money appropriated for the support and maintenance for the [CSU]." *Id.* at 371.

Justice Chin has ". . . no trouble concluding the Trustees have both the responsibility and jurisdiction within the meaning of [CEQA] § 21081(a)(2), to contribute to the cost of off-site infrastructure . . ." *Id.*] Furthermore, even if the State Legislature denies funding requests for mitigation, the Trustees still have power and authority to contribute general operating funds towards their fair share of mitigation, thus undermining the Trustees' argument under CEQA 21081(a)(2) that such mitigation is legally infeasible if the State Legislature fails to grant the Trustees' budget request. *Id.* at 372.

The Draft EIR fails because the Trustees disingenuously attempt to dodge true responsibility by relying on dicta in the same California Supreme Court case that caused the collapse of the first Draft EIR on the San Diego State University Master Plan.]

L-2-4
Cont.

Mr. Fulton, Director
Department of Facilities
Design, Planning &
Construction

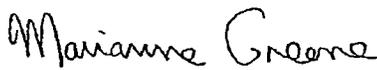
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July 27, 2007

Please be advised that the Office of the City Attorney may, upon further review, submit additional comments to ensure that the interests in protecting the City of San Diego from the numerous potentially significant impacts arising from the proposed project are adequately addressed in full compliance with CEQA § 21000 et. seq.

L-2-5

MICHAEL J. AGUIRRE, City Attorney

By 
Marianne Greene

MG:mg

Enclosure: Memorandum from Labib Qasem, Senior Traffic Engineer, Development Services Department, City of San Diego, to Mark Cass, Environmental Analysis Section, Development Services Department, City of San Diego, (July 26, 2007).

cc: Jerry Sanders, Honorable Mayor, City of San Diego
Scott Peters, Council President, City Council, City of San Diego
Tony Young, Council President Pro Tem, City Council, City of San Diego
Toni Atkins, Councilmember, City Council, City of San Diego
Kevin Faulconer, Councilmember, City Council, City of San Diego
Donna Frye, Councilmember, City Council, City of San Diego
James Maddaffer, Councilmember, City Council, City of San Diego
Brian Maienschein, Councilmember, City Council, City of San Diego
Marcela Escobar-Ek, Director, Development Services, City of San Diego

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: July 26, 2007
TO: Mark Cass, Environmental Analysis Section
FROM: Labib Qasem, Senior Traffic Engineer,
Transportation Development Section
SUBJECT: Comments on the Draft EIR for the SDSU 2007 Campus Master Plan
Revision, Traffic Impact Analysis

We have reviewed the Traffic Impact Analysis dated June 1, 2007 completed by Linscott, Law & Greenspan Engineer and offer the following comments:

1. The Traffic Impact Analysis is based upon an unreasonably low trip generation for the proposed project, this understates the projects traffic impacts, required transportation mitigation measures and invalidates the Traffic Impact Analysis.]
2. The current proposed project mixes in some of the proposed Paseo project, but not the entire Redevelopment Project. The project should be defined as including the entire Paseo project, with mitigation of traffic impacts shared between the two segments of the project.
3. Section 3.5 discusses the residential roadway capacity of local streets. Adobe Falls Rd/Mill Peak Road, Arno Drive, Capri Drive, Genoa Drive, Lambda Drive and Rockhurst Drive are all low volume residential local streets with an assumed capacity of 700 average daily traffic. The report should use 700 as the capacity of these streets.]
4. Using the information presented in the Traffic Impact Analysis, there are six intersections, five street segments and four freeway segments currently experiencing poor or failing levels of service. This fact high lights the need for traffic mitigation of any increase in traffic from the proposed project.
5. Section 5.3, Existing Ramp Meter Operations, must include an analysis of the observed meter rates and the observed queue lengths.
6. Section 7.1.2 includes the proposed Paseo as a Horizon Year Cumulative Project. Because a part of the proposed Paseo is included in this Project at the same site and would be expected to have traffic impacts the same locations, please include the entire proposed Paseo project as part of this proposed project.

L-2-6

L-2-7

L-2-8

L-2-9

L-2-10

L-2-11

- | | |
|---|---------------|
| <p>[7. Section 8.1.1.A Starts with a reduced student trip generation rate used in the approved College Community Redevelopment Plan EIR, then further reduces the trip generation rate. The previously approved reduced rate is 3.1 trips per unit for student housing and 4.4 trips for unit for student housing should be used for this project.]</p> | <p>L-2-12</p> |
| <p>[8. On Pages 32 and 33, the Traffic Impact Analysis takes the existing SDSU traffic and assumes that the existing traffic will be reduced in the future due to a shift in mode to transit. The Trolley and transit center have been in place for several years, and their usage is reflected in the existing counts. The assumption that further reductions are appropriate in the future can not be supported and is unacceptable.]</p> | <p>L-2-13</p> |
| <p>9. Figure 8-4 shows increases of traffic up to 250% in low volumes residential local streets within the Del Cerro Community to serve the proposed Adobe Falls development. These increases of traffic volume on the low volumes residential local streets are unacceptable.</p> | <p>L-2-14</p> |
| <p>10. Figure 8-5 shows that 60% of all trips from the proposed Adobe Falls development are to or from SDSU. This shows that this development should be located within the existing SDSU campus site to eliminate the traffic impacts of these trips on the already congested street system around the SDSU campus.</p> | <p>L-2-15</p> |
| <p>[11. Section 9.1 examines a "Existing + Project" scenario. That scenario is not required. What is required to be examined is Existing, Existing + Other Pending Projects, Existing + Other Pending Projects + Project, Buildout and Buildout + Project. Please review the City of San Diego Traffic Impact Study Manual dated July 1998 and the Santec/ITE Guidelines for Traffic Impact Studies in the San Diego Region dated March 2, 2000.]</p> | <p>L-2-16</p> |
| <p>12. Page 65 identifies that queue lengths exceed the available storage on the NB College Avenue to EB I-8 ramps. This will require mitigation by this project.</p> | <p>L-2-17</p> |
| <p>13. Section 14.1.1 proposes to take access through the existing SmokeTree development via their private driveways. This is unacceptable due to the traffic impacts.</p> | <p>L-2-18</p> |
| <p>[14. Section 15.0 discusses the College Community Redevelopment Project. The earlier comments suggest that the entire project be defined as including the 1993 development, with traffic impacts identified and mitigation measures of those impacts proposed. Please review the Final Program EIR dated July 1993 for details of the traffic mitigations to be constructed by this proposed project.]</p> | <p>L-2-19</p> |
| <p>[15. Section 16.2 identifies a "fair share" contribution towards mitigation of impacts. All project traffic impacts must be mitigated as a part of this project. Simply stated, there are no other near term projects proposed to contribute towards these mitigation measures with the exception of the remaining Paseo project.]</p> | <p>L-2-20</p> |

July 26, 2007

16. Page 91 discusses traffic calming for the proposed Adobe Falls residential development site. The relocation of this development onto the existing SDSU campus will alleviate this need.

L-2-21

[17. Pages 92 and 93, Tables 16-1 and 16-2 are inaccurate due to the understatement of proposed project trip generation and the need to fully mitigate the project traffic impacts.]

L-2-22

[18. Page 98, Table A-3: The level of service at College Ave and Del Cerro Blvd is "F" with the proposed project mitigation. The proposed Adobe Falls residential development can not be accommodated with the planned roadway network.]

L-2-23

[19. The proposed project should mitigate all significant traffic impacts to the roadways and intersections by constructing the needed improvement. The proposed fair share contributions are unacceptable.]

L-2-24

[20. All proposed mitigation should be presented to the affected agencies for concurrence of the proposed mitigation.] These mitigation meetings are often time consuming and involve engineering plans and cost estimates.

L-2-25

Should you have any questions or need additional information, please contact me at (619) 446-5358 or Jim Lundquist at (619) 446-5361.

Labib Qasem
Senior Traffic Engineer

C:\jim's work\07-07-26 SDSU Master Plan.doc



L-3

THE CITY OF SAN DIEGO

07/27/2007

RECEIVED

AUG 3 2007

Facilities Planning, Design and Construction

Ms. Lauren Cooper
Associates Director
Facilities Planning, Design, and Construction
San Diego State University
5500 Campanile Drive
San Diego, Ca 92182-1624

Subject: City of San Diego Comments on the Draft Environmental Impact Report/Environmental Impact Statement for the proposed San Diego State University 2007 Campus Master Plan Revision.

Dear Ms. Cooper :

Development Services Department, Land Development Review offers the following comment on the Draft Environmental Impact Report/Environmental Impact Statement for the proposed San Diego State University 2007 Campus Master Plan Revision:

Environmental Analysis Section-Terri Bumgardner (619 446-5381)

The Development Services Department, Environmental Analysis Section has reviewed the Draft Environmental Impact Report/Environmental Impact Statement for the proposed San Diego State University 2007 Campus Master Plan Revision and provides the following comments.

L-3-1

Project Description

In regards to the project description of the existing environment of the Adobe Falls/North Campus site, more detailed information could be provided to address the contiguous resources to the project site. Additional analysis may be needed to address offsite direct and indirect impacts.

Visual Character:

The proposed Adobe Falls/North Campus site of the master plan would permanently change existing open space containing native habitat to urban development. This would

L-3-2



Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel 619 446-5460

result in a significant direct and cumulative impact to visual character that would not be fully mitigated to below a level of significance.

L-3-2
Cont.

Potential Proposed Impact Areas:

Access to the project site will be provided through the construction of new road segments that connect Adobe Falls Road to Adobe Falls Faculty/Staff Housing site. [All environmental impacts need to be disclosed including any street and utility impacts that would impact open space or wetlands which would require additional permitting by federal and state resource agencies (ACOE, CDFG, RWQCB, and USF&W). The potential impact of installing public utilities to serve the project should also be assessed in terms of impacts and mitigation. For instance if the sewer lateral for the project site must be installed through open space to connect to a trunk sewer, then potential impacts and mitigation must be included in the report analysis.]

L-3-3

[Due to the proximity of open space zones to the site, mitigation for other indirect impacts (modeled after the MSCPLand Use Adjacency Guidelines) should also be included to protect the adjacent area from human, animal intrusion, invasive species and contaminated run-off, etc. Indicate on the plans if brush management zone 2 must be accomplished off-site through adjacent owners such as within the City of San Diego's Open Space. If the owner is the City of San Diego, then a ROE will be required.]

Due to the potential for impacts to sensitive habitats from runoff, a hydrology study should be provided analyzing both direct and indirect impacts. And in addition to the preservation of the wetlands on site, more analysis needs to be provided on the functions and values of the necessary biological buffers. A 25 foot buffer may not be adequate in providing the functions and values necessary to protect the wetland.

Wetlands Restoration Plan:

A conceptual wetland restoration plan should be provided with the draft EIR to provide a feasible solution to mitigate wetland impacts that may occur with the proposed projects of the *San Diego State University 2007 Campus Master Plan Revision*.

L-3-4

Public Utilities and Service Systems, Water Demand/Supply and Systems:

In accordance with Senate Bill 610 effective January 1, 2002, a project which is subject to CEQA, with residential development exceeding 500 dwelling units, and commercial office building having over 250,000 square feet, may be required to have a SB610 Water Assessment prepared by the water supplier. This process essentially requires proof that there will be adequate water supplies for larger project within a twenty-year time frame at the local level. The water assessment would address whether a projected water supply for the next 20 years, based on normal, single dry, and multiple dry years, will meet the

L-3-5

demand of the project. [The conclusions of the water assessment would be included in the water supply impact analysis of the EIR.]

L-3-5
Cont.

MSCP -Betsy Miller (619- 533-4543)

The biology report and the biological section of the EIR appear to be providing mitigation at Tier levels that appear to be in conformance with the City of San Diego Biological Guidelines and the City of San Diego's MSCP, although some mitigation ratios could be higher. Please clarify if the applicant, SDSU is interested in requesting Third Party Beneficiary Status from the City of San Diego and would like to request processing a Site Development Permit through the Development Services Department.

L-3-6

Traffic Analysis, Jim Lundquist (619-446-5361)

We have reviewed the Traffic Impact Analysis dated June 1, 2007 completed by Linscott, Law & Greenspan Engineer and offer the following comments:

L-3-7

[1. The Traffic Impact Analysis is based upon an unreasonably low trip generation. For the proposed project, this understates the projects traffic impacts, required transportation mitigation measures and invalidates the Traffic Impact Analysis.]

2. The current proposed project mixes in some of the proposed Paseo project, but not the entire Redevelopment Project. The project should be defined as including the entire Paseo project, with mitigation of traffic impacts shared between the two segments of the project.

L-3-8

[3. Section 3.5 discusses the residential roadway capacity of local streets. Adobe Falls Rd/Mill Peak Road, Arno Drive, Capri Drive, Genoa Drive, Lambda Drive and Rockhurst Drive are all low volume residential local streets with an assumed capacity of 700 average daily traffic. The report should use 700 as the capacity of these streets.]

L-3-9

4. Using the information presented in the Traffic Impact Analysis, there are six intersections, five street segments and four freeway segments currently experiencing poor or failing levels of service. This fact high lights the need for traffic mitigation of any increase in traffic from the proposed project.

L-3-10

5. Section 5.3, Existing Ramp Meter Operations, must include an analysis of the observed meter rates and the observed queue lengths.

L-3-11

6. Section 7.1.2 includes the proposed Paseo as a Horizon Year Cumulative Project. Because a part of the proposed Paseo is included in this Project at the same site and would be expected to have traffic impacts the same locations, please include the entire proposed Paseo project as part of this proposed project.

L-3-12

7. Section 8.1.1.A Starts with a reduced student trip generation rate used in the approved College Community Redevelopment Plan EIR, then further reduces the trip

L-3-13

generation rate. The previously approved reduced rate is 3.1 trips per unit for student housing and 4.4 trips for unit for student housing should be used for this project.

L-3-13
Cont.

8. On Pages 32 and 33, the Traffic Impact Analysis takes the existing SDSU traffic and assumes that the existing traffic will be reduced in the future due to a shift in mode to transit. The Trolley and transit center have been in place for several years, and their usage is reflected in the existing counts. The assumption that further reductions are appropriate in the future can not be supported and is unacceptable.]

L-3-14

9. Figure 8-4 shows increases of traffic up to 250% in low volumes residential local streets within the Del Cerro Community to serve the proposed Adobe Falls development. These increases of traffic volume on the low volumes residential local streets are unacceptable.

L-3-15

10. Figure 8-5 shows that 60% of all trips from the proposed Adobe Falls development are to or from SDSU. This shows that this development should be located within the existing SDSU campus site to eliminate the traffic impacts of these trips on the already congested street system around the SDSU campus.

L-3-16

11. Section 9.1 examines an "Existing + Project" scenario. That scenario is not required. What are required to be examined are Existing, Existing + Other Pending Projects, Existing + Other Pending Projects + Project, Build out and Buildout + Project. Please review the City of San Diego Traffic Impact Study Manual dated July 1998 and the Santec/ITE Guidelines for Traffic Impact Studies in the San Diego Region dated March 2, 2000.]

L-3-17

12. Page 65 identifies that queue lengths exceed the available storage on the NB College Avenue to EB I-8 ramps. This will require mitigation by this project.

L-3-18

13. Section 14.1.1 proposes to take access through the existing SmokeTree development via their private driveways. This is unacceptable due to the traffic impacts.

L-3-19

14. Section 15.0 discusses the College Community Redevelopment Project. The earlier comments suggest that the entire project be defined as including the 1993 development, with traffic impacts identified and mitigation measures of those impacts proposed. Please review the Final Program EIR dated July 1993 for details of the traffic mitigations to be constructed by this proposed project.]

L-3-20

15. Section 16.2 identifies a "fair share" contribution towards mitigation of impacts. All project traffic impacts must be mitigated as a part of this project. Simply stated, there are no other near term projects proposed to contribute towards these mitigation measures with the exception of the remaining Paseo project.]

L-3-21

16. Page 91 discusses traffic calming for the proposed Adobe Falls residential development site. The relocation of this development onto the existing SDSU campus will alleviate this need.

L-3-22

[17. Pages 92 and 93, Tables 16-1 and 16-2 are inaccurate due to the understatement of proposed project trip generation and the need to fully mitigate the project traffic impacts.] L-3-23

[18. Page 98, Table A-3: The level of service at College Ave and Del Cerro Blvd is "F" with the proposed project mitigation. The proposed Adobe Falls residential development can not be accommodated with the planned roadway network.] L-3-24

[19. The proposed project should mitigate all significant traffic impacts to the roadways and intersections by constructing the needed improvement. The proposed fair share contributions are unacceptable.] L-3-25

[20. All proposed mitigation should be presented to the affected agencies for concurrence of the proposed mitigation.] These mitigation meetings are often time consuming and involve engineering plans and cost estimates L-3-26

Should you have any questions or need additional information, please contact at Labib Qasem (619) 446-5358 or Jim Lundquist at (619) 446-5361.

Environmental Services Division, Donna Chralowicz (858 492-5059)

In 1989, the State Legislature passed an unfunded mandate called the Integrated Waste Management Act. This law requires local governments to reduce the amount of waste disposed of by any source within their borders by 50%. That means commercial sources, residential sources, government sources – any waste that is generated within the City of San Diego's boundaries is "counted" by the State and must be reduced.

Local governments have the means to regulate City government offices and also land uses within their jurisdictions, for example by requiring multifamily units and commercial buildings to provide appropriate areas for the storage of recycling bins. However, local governments have much less ability to control the actions of state agency facilities within their boundaries, even though the local governments are still responsible for waste planning and management of the off-site solid waste impacts of these government facilities. In other words, state facilities can have unregulated, significant impacts that thwart the efforts of local government to comply with state-imposed public service mandates. L-3-27

Local governments are also required under state law to provide 15 years of disposal capacity. Thus local governments are responsible for both the reduction in waste through means such as source reduction, composting, and recycling, and also for ensuring there is adequate disposal capacity. The County of San Diego took the lead in preparing the guiding planning document for solid waste disposal facility planning, and this document (the Countywide Siting Element) was unable to show that the region had the required 15 years of disposal capacity. Thus there is an existing strain on this public service system.

Page 6 of 6
July 27, 2007

The proposed project would guide significant expansion of San Diego State University, increasing the campus population, adding housing, and inducing growth. The construction-related and on-going impacts of this large project would have significant impacts on the City's already strained waste reduction and disposal systems, yet on page 34 of 60 the Initial Study dismisses this potential impact with a "naked" (unexplained) "Less Than Significant Impact" check mark.

The SDSU 2007 Campus Master Plan should include planning that addresses the solid waste management approach taken by the campus. It should include appropriate studies to determine the existing level of impact, and to estimate the additional tons that would be generated by the proposed expansion. Appropriate measure to reduce these impacts by at least 50% should be included in an MMRP and in binding requirements in the Master Plan. A similarly serious approach should be taken to addressing and controlling the increasing demand for energy that would be associated with this project. The Environmental Services Department is available to assist with development of appropriate sections within the 2007 Campus Master Plan addressing these essential public service issues. Please contact Donna Chralowicz at 858 492-5059 for more information.

L-3-27
Cont.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. We ask that you please address this issue and please provide us with a copy of the draft.

L-3-28

Sincerely,



Robert J. Manis
Deputy Director
Land Development Review Division

cc: Terri Bungardner, Senior Planner, Development Services Department-Traffic
Labib Qasem, Development Services Department-Traffic
Jim Lundquist, Development Services Department-Traffic
Betsy Miller, Planning, MSCP

L-4

RECEIVED
AUG 6 2007
Facilities Planning, Design
and Construction

CITY OF SAN DIEGO
MEMORANDUM

DATE: August 6, 2007
TO: Ms. Lauren Cooper, Associates Director, Facilities Planning, Design, and Construction, San Diego State University
FROM: Jeff Harkness, Park Designer, Park Planning, City Planning & Community Investment Department, MS 35
SUBJECT: Draft EIR for the SDSU 2007 Campus Master Plan Revision

Park Planning staff of City Planning and Community Investment has reviewed Draft EIR for the SDSU 2007 Campus Master Plan Revision. We appreciate the opportunity to review this document for City of San Diego Park and Recreation Department issues and are providing the following comments:

General Comments:

The City's Park Planning Section of City Planning & Community Investment has been working with SDSU staff to address the City's population-based park requirements of the SDSU 2007 Campus Master Plan. Before Park Planning staff can fully support the adequacy of the Draft EIR with respect to population-based park requirements, an evaluation of SDSU's current recreational facilities needs to be completed. We look forward to working with SDSU staff in setting up a site visit for this evaluation.

L-4-1

Specific Comments:

Page 3.8-23 Table 3.8-2 College Area Community Plan Consistency Analysis, Park and Recreation Goal

The second Goal/Objective's Analysis states: "The recent redevelopment and expansion of SDSU recreational facilities included in the Aztec Walk Campus Master Plan provides the increasing campus population with adequate recreational opportunities." Please refer to the General Comment. Park Planning can not support this statement until an existing facility evaluation has been done.

L-4-2

Page 3.8-25, Table 3.8-3, Navajo Community Plan Consistency Analysis

The 3rd goal/objectives discuss both park and recreation facilities (neighborhood and community parks) as well as open space and trails. The Consistency Statement addresses the open space and trails, but not the neighborhood and community parks. Please address the neighborhood and community park goal/objectives and how this project will address this.

L-4-3

Page 3.13-7 Parks and Recreation.

Revise the second to last sentence to read: "The Hearst Elementary School in the Navajo community, and the Hardy Elementary School in the College Area, also serves the local

L-4-4

community's needs for open space areas and active recreational facilities through existing joint-use agreements.

L-4-4
Cont.

Page 3.13-7 Parks and Recreation,
Revise the 6th sentence to read: "Neighborhood parks should consist of at least 5 acres when adjacent to a school that has a joint-use agreement with the City for recreational purposes, or 10 acres, if disjointed from not adjacent to a school, or adjacent to a school with no joint use.

L-4-5

Page 3.13-7 Parks and Recreation,
Revise the 8th sentence to read: "If a community park is located adjacent to a school, with a joint-use agreement with the City for recreational purposes, it should consist of at least 13 acres; if distant from not adjacent to a school, or adjacent to a school with no joint use it should consist of at least 20 acres.

L-4-6

Page 3.13-8, first paragraph
Please revise the second sentence to read: "As indicated in the current City of San Diego Progress Guide and General Plan and in the October 2006....."

L-4-7

Page 3.13-8, second paragraph
Revise the second paragraph to read: "The Navajo Community Plan has designated the SDSU Adobe Falls site as a community resource based park, and indicates that the City-owned 4-acre parcel (Adobe Falls Open Space Park) within the Adobe Falls area could allow for access to the SDSU-owned land. (Navajo Community Plan, 1982....). Currently, the Navajo community has a total population-based park deficiency of 17.38 useable park acres. Utilizing SANDAG projected person per household figures, in 2030, that deficit will be reduced to 1.71 useable park acres at full community development. The College Area Community Plan does not designate additional park facilities within the College Area, but it does acknowledge a general deficiency in park facilities given existing population numbers. However, currently the College Community has a total population-based park deficiency of 44.17 useable acres. Utilizing SANDAG projected person per household figures, in 2030 that deficit will increase to 64.20 useable park acres at full community development.

L-4-8

Page 3.13-24 Parks and Recreation, 1st paragraph
Please revise to read: "The proposed project would result in an increase in campus and surrounding area population by 3,849 residents over the next 20 years. Utilizing the General Plan standard of 2.8 acres per 1,000 residents, this would equate to the need for 10.37 useable acres of population-based parks, thereby potentially increasing the demand for park and recreation facilities or services. The additional students.....

L-4-9

Please refer to the General Comments on Park Planning's position regarding this paragraph of the EIR.

Draft EIR for the SDSU 2007 Campus Master Plan Revision
August 6, 2007
Page 3

Thank you.


Jeffrey C. Harkness
Park Designer

JH/jch

cc: Deborah Sharpe, POII, Park Planning Section, CP&CI, MS 35



Smoke Tree Adobe Falls Owners Association
5657 Adobe Falls Road San Diego, CA 92120

July 13, 2007

Lauren Cooper
Administration Building, Room 130
SDSU
5500 Campanile Dr.
San Diego, CA 92182

Dear President Weber and Committee Members:

The residents at Smoke Tree are appalled in your determination to build on the property adjacent to ours. When we bought here, the land was listed as a green belt and was to remain that way. It would seem to be more appropriate for SDSU to leave this historic area free for public use as a green space for people to enjoy and view the waterfalls. This is beautiful land that you will destroy in your persistence to build outside of the college area. O-3-1

Smoke Tree understands that using our streets is the easiest and cheapest way for egress in and out of your property. We will never agree to this. Our streets are only twenty feet wide with our garage driveways on an average of nine feet which end directly on the street. We have no sidewalks and the fire department has designated our streets as fire lanes for emergency vehicles. It is difficult for two cars to pass at the same time.

If additional traffic is allowed and since we have no sidewalks, our residents will not be able to walk the property nor walk their pets without being in danger of being hit by vehicles. Mail delivery and trash pickup presents additional congestion. Our privacy will be destroyed and our quality of life hampered. O-3-2

We have closed off the road on the east side of our property to discourage vehicular traffic through our streets which has been in effect for over the twelve years I have lived here. However, our gate is easily accessed by emergency vehicles and our residents in an emergency. We maintain two entrances/exits into and out of our property for safety reasons. In most cases, Smoke Tree residents have no interest in using the Del Cerro (east) side of Adobe Falls. Our streets are privately owned and we pay for paving and upkeep. We could not afford nor want to incur additional expense due to use by college residents. We also own the land on both sides and under the flood control channel. We would never agree to a road over this channel.

Please keep in mind that Smoke Tree will never agree to opening our roads to additional traffic. You will need to find another way. Right now, it would seem that you already have city streets in place and ready to go which would be your best alternative.

We would also like your assurance that the buildings in Adobe Falls will house only faculty and staff and not be converted to student housing in the future. Please include this in your EIR and covenants. O-3-3

Sincerely,

Carolyn Colmie
Carolyn Colmie, President

RECEIVED

JUL 17 2007

Facilities Planning, Design
and Construction

ALVARADO HOSPITAL

July 27, 2007

Ms. Lauren Cooper
Associate Director
Department of Facilities Planning
Design and Construction
Administration Building, Room 130
San Diego State University
5500 Campanile Drive
San Diego, Ca 92182-1624

RECEIVED
JUL 27 2007
Facilities Planning, Design
and Construction

Subject: Comments Draft EIR for the SDSU 2007 Campus Master Plan Revision

Dear Ms. Cooper:

We are in receipt of the subject document and we are providing comments consistent with the guidelines set forth therein. As noted in our earlier correspondence regarding this project, we view San Diego State University (SDSU) as a key community resource and neighbor. We are supportive of the University's plans to expand to meet the demand for educational facilities and to pursue related research and complimentary activities as set forth in the 2007 Master Plan revision.

Over the past several months we have had very productive conversations with a variety of your faculty leaders exploring ways that we can mutually benefit from our respective strengths and location. We have enjoyed our meetings with Dean Newhoff, and Dr. Maloy and other SDSU team members and have identified several areas where we can create symbiotic strength. We are proud to be neighbors with the Number One Small Research University in the Nation. Congratulations on this tremendous achievement.

With specific regard to the Draft EIR, we continue to have concerns related to the traffic impacts of the planned development. We believe that the issues addressed in our earlier correspondence have not been sufficiently addressed. We are providing the following additional comments with regard to the Draft EIR.

1. Public Utilities and Services Systems - Item PSS-2 states that SDSU shall work with Alvarado Hospital and the City of San Diego following project approval to improve emergency access to the hospital. We believe that this mitigation measure is insufficient in two ways. First, this mitigation measure is timed to follow the project approval. While we understand SDSU's imperative to pursue this plan as soon as possible, it is important that mitigation measures are agreed to prior to project approval. Additionally, there is no mention as to mitigation of traffic congestion during the construction of this project. We believe that there

needs to be specific mitigation during the development and construction phase of this project in addition to mitigations to the impacts of the project itself to ensure continuous access to Alvarado Hospital's emergent medical services by emergency vehicles.

O-5-2
Cont.

2. Section 3.14 Transportation/Circulation and Parking - There are several mitigation measures identified in this section as well as comments identified as "Residual Impacts." Starting with the latter, we are very concerned that the statements in the "Residual Impact" section appears to us to indicate that the University intends to pursue the development of this project even if it is unable to obtain funding through the Legislature for its "fair share" of the improvements required to mitigate the project's impact. It is considered that the development of this project should not proceed without appropriate funding to mitigate the traffic impacts of this project. We stand ready to support the University in any action to seek funding from the Legislature, or other sources, to ensure that needed mitigations are funded appropriately. Secondly, there are several references to SDSU's "fair share" of the cost to provide mitigations for project impacts. While there may be a definition or discussion of "fair share" somewhere in the voluminous documents you have provided, it is as such considered that this is an essential element of the mitigation strategy and it should be clearly defined in the Executive Summary.

O-5-3

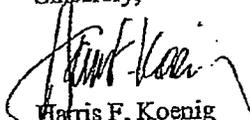
Lastly, it is requested that you provide us with a copy of a traffic impact study that has been performed in the past 24 months that addresses the project's impacts on levels of service on surrounding roadways and intersections. We believe that significant deterioration of levels of service that are related to this project will need to be mitigated as part of this project.

O-5-4

In summary, while we support the University's plans to expand and enhance its stature as a premier University in our community, we strongly believe that traffic impacts need to be mitigated, that access be maintained during and after the project's implementation, and that such mitigations be planned and funded prior to undertaking this project or specific phases thereof. We stand ready to provide whatever assistance we can to the University in developing these mitigations. If you have any questions or comments regarding this correspondence, please do not hesitate to contact me at 619-229-3172.

O-5-5

Sincerely,


Harris F. Koenig
Chief Executive Officer

Cc: Stephen L. Weber, President, SDSU
Pejman Salimpour, M.D.
Pedram Salimpour, M.D.

July 20, 2007

To: Ms. Lauren Cooper
Associate Director
Department of Facilities Planning, Design and Construction
Administration Building, Room 130
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Dear Ms. Cooper,

After reading the Draft EIR, I have the following concerns regarding the Faculty/ Staff Housing proposed in Adobe Falls.

I-19-1

Please give us your assurance that the buildings in Adobe Falls will house only faculty and staff and will never be converted to student housing in the future. We would like this assurance in the final EIR and in the covenants.

As far as accessing Smoke Tree's private driveways in the second phase, I am opposed to that notion for the following reasons:

[All of the Smoke Tree roads are designated fire lanes. We do not have curbside parking or sidewalks. These fire lanes are approximately 22 feet wide and cannot accommodate 1,500 more ADTs. The roadway classification in the EIR is erroneous. Our physical safety and that of our pets would be impaired if 1,500 ADTs were added because we have no sidewalks nor any place to pull over. We must either drive or walk to one of three community mailboxes because the Post Office will not deliver mail to individual units. With 1,500 more ADTs planned, we will not be able to do this safely. Mail delivery, trash pickup, moving vans, repair trucks, appliance deliveries, street light maintenance, and emergency vehicles would basically stop any traffic flow as there would not be sufficient space to go around them if 1,500 ADTs were added.

I-19-2

Our fire lanes are privately funded and we simply cannot afford to repave more often than we already do for our own traffic needs.

I also disagree that the western side of Adobe Falls Road can handle 6,500 ADTs when it is not as wide as Del Cerro Blvd. Which you are rating as the same two lane collector capacity roadway. You are rating Del Cerro Blvd. To have a maximum desirable capacity at 5,000 ADTs, "LOS C". Yet you are rating the western side of Adobe Falls Road with a higher capacity at "LOS D" to get the numbers to work to build more units. We request the same consideration for the west side of Adobe Falls Road. Additionally, your existing traffic numbers will need to be updated by the Levanto condominium project currently under construction. There is also a proposal for 50 more apartments on the North side of Western Adobe Falls Road too.

I-19-3

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JUL - 23 2007

Facilities Planning, Design
and Construction

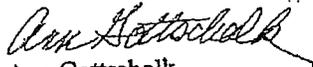
I object to the additional particulate matter and visual quality deterioration that would ensue from building a bridge over the flood control channel in Smoke Tree.

I-19-4

I also want your assurance, before the lower Village is constructed, that we in Smoke Tree are assured that the development will not cause the rain runoff to be more than the flood channel can bear.

I-19-5

Sincerely,



Ann Gottschalk
Board Member of Smoke Tree Adobe Falls
Homeowners Association
5717A Adobe Falls Road
San Diego CA 92120

Bob and Mary Medearis
5862 Lancaster Drive
San Diego, Ca. 92120

July 20, 2007

San Diego State University
Business and Financial Affairs
5500 Campanile Drive
San Diego, Ca. 92182-1624

Re: EIR and Master Plan for Adobe Falls

Gentlemen,

Once again we wish to express our deepest concerns for your plans as presented in this EIR. We believe you have never fully addressed the impact of the traffic this Master Plan will have upon our community. SDSU has misclassified our streets and has failed to acknowledge the impact that the additional traffic will have on our community. Both elementary schools, Hearst and Temple Emanuel will be greatly endangered by this additional traffic on Del Cerro Blvd as well as the children and elderly who live in the area.

I-24-1

The EIR states that SDSU will purchase uplands to mitigate the environmental impacts they will cause by building in the Adobe Falls area. We ask that SDSU explain in detail how they will accomplish this before the delicate balance of the environment is destroyed by your building. We ask that you do not disturb the sensitive habitat for various plants and animals that already live in that area. If that area is developed, what type of relief can be provided to our community for visitors who will undoubtedly come to use the area? Thus bringing more congestion to our community!

I-24-2

We do not believe that the proposed housing will bring the desired gain that the University desires, especially as the Real Estate market fluctuates. We also still have concerns about Fire safety and accessibility to our area, especially to the homes you plan to build in Adobe Falls. These issues should not be left for "after the fact" resolution, as we have been repeatedly told they would be. We believe that SDSU should appeal to the CSU board and the legislature for more appropriate resolutions to their growth needs. We also feel that any university professor making \$80,000 per year should be able to find better living accommodations in the San Diego area than this Plan provides. Perhaps the CSU system should consider how they pay their staff and adjust the scale accordingly.

I-24-3

I-24-4

I-24-5

Bob and Mary Medearis

Bob & Mary Medearis

Cc: Gov. Arnold Schwarzenegger

RECEIVED

JUL 25 2007

Facilities Planning, Design
and Construction

6019 Adobe Falls Road
San Diego, CA 92120

I-42

July 22, 2007

Anthony Fulton
Director, Department of Facilities Design
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-1624

Mr. Fulton,

As a resident of Adobe Falls Road, I am extremely concerned about (1) the significant increase in traffic on my street, Adobe Falls Road, the SDSU expansion would create and (2) the adverse impact it will have on the safety of the residents on Adobe Falls Road.

The Environmental Impact Report that SDSU has submitted does not clearly and fully address the consequences of the increased traffic on safety on our street. The corner of Adobe Falls Road and Mill Peak Road is especially dangerous due to the unique slope of the street. In fact, several months ago the road was blocked at that intersection due to the failed brakes on a truck.

Specifically, nowhere in the Environmental Impact Report does SDSU explain (1) the impact of the "1040 Average Daily Trips" generated on Adobe Falls Road. (2) How did SDSU arrive at the "1500 Average Daily Trips" figure that would indicate that the streets in my neighborhood would be able safely handle this increased traffic.

As a long time homeowner on Adobe Falls Road, I am deeply concerned with your project, which will bring a projected "1500 Average Daily Trips" to a road that was designed for residential access with a capacity for "700 Average Daily Trips".

Respectfully submitted,



Mary Manzella

cc: Senator Christine Kehoe
Assembly woman Shirley Horton
Assembly woman Lori Sadana
Assemblyman George Plescia
County Supervisor Dianne Jacob
Council member Jim Madaffer

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JUL 26 2007

Facilities Planning, Design
and Construction

17095

\$19,300 per capita, or roughly \$193-million (\$19,300/student x 10,000 FTES increase). SANDAG bases the \$19,300 number on the \$58 billion in expenditures necessary to address the region's transportation needs through the year 2030, as identified in the draft 2007 Regional Transportation Plan, divided by forecasted growth over that same period. According to SANDAG, this per capita cost figure could be used as an initial basis for determining SDSU's fair share contribution toward the regional impacts resulting from the project. (See, Letter from SANDAG, Robert A. Leiter, to SDSU, Anthony Fulton, dated August 31, 2007, and Mr. Fulton's response letter, dated October 26, 2007, included as Attachments 9 and 10, respectively, to this response.)

SANDAG has provided no evidence that the proposed Campus Master Plan Revision would result in significant impacts to transit within the meaning of CEQA, nor has it provided SDSU with a sufficient nexus study relative to the Master Plan project's impacts and the \$19,000/student mitigation payment it proposes. Notwithstanding, the Final EIR contains a mitigation measure that requires SDSU to develop a campus Transportation Demand Management ("TDM") program, in consultation with SANDAG and the Metropolitan Transit System, that would facilitate a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel. (See Final EIR Mitigation Measure TCP-27.) For additional information responsive to SANDAG's mitigation position, please see the responses to SANDAG's comment letter on the Draft EIR, letter R2-1, dated August 8, 2007.

Legislative Budget Request

[Consistent with the *City of Marina* decision, upon project approval by the CSU Board of Trustees, the CSU Chancellor will request from the Governor and the state Legislature, through the annual State Budget process, the funds necessary to fulfill the mitigation requirements of CEQA, as determined by the Board of Trustees.

Accordingly, CSU will, following the normal state budget timelines and process, submit a budget request to the Governor and Legislature that will seek funding for roadway improvement mitigation for the City of San Diego and the City of La Mesa. (With respect to those mitigation improvements lying within the jurisdiction of Caltrans, SDSU will support Caltrans' efforts to obtain funding for those improvements from the state Legislature.)]

If the Legislature approves the CSU funding request, or a portion of that request, it is anticipated the appropriated funds will be provided to the City of San Diego and the City of La Mesa in annual amounts corresponding to actual annual enrollment growth, provided that each entity identifies a fund or traffic impact fee program assuring that the funds will be expended solely in furtherance of the subject roadway improvements.

[Because CSU cannot guarantee that its request to the Governor and the Legislature for the necessary mitigation funding will be approved, or that Caltrans' request for funding will be approved, or that funding will be granted in the amount requested, or that the public agencies will fund the mitigation improvements that are within their responsibility and jurisdiction, if the project is approved, CSU will find that the impacts whose funding is uncertain remain significant and unavoidable, and CSU will adopt a statement of overriding considerations pursuant to CEQA.]



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San Diego, California 92101-3585
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www.sdchamber.org

September 5, 2007

Ms. Roberta Achtenberg, Chair
CSU Board of Trustees
c/o Trustec Secretariat
Office of the Chancellor
401 Golden Shore, 6th Floor
Long Beach, CA 90802

RE: Support of San Diego State University (SDSU) 2007 Campus Master Plan Revision

Dear Ms. Achtenberg:

On behalf of the San Diego Regional Chamber of Commerce, I would like to inform you that our board of directors voted on August 23, 2007 to support the expansion of the 2007 Campus Master Plan Revision subject to State funding to address traffic impacts associated with the expansion of the university. Our board further committed to working with SDSU's leadership on advocacy efforts for such funding.

In voting for the Campus Master Plan expansion, board members cited the importance of ensuring that SDSU will be able to meet the growing demand for higher education in the future and that SDSU will be able to continue to produce talented graduates who will be vital to our region's workforce. The board further felt that SDSU's proposal to create additional housing for faculty and students and the emphasis on use of transit was an important part of the proposed Campus Master Plan Revision.

Sincerely,

Scott D. Alevy
Vice President, Public Policy & Communications

SDA:av

cc: Hon. Christine Kehoe
Hon. Dennis Hollingsworth
Hon. Shirley Horton
Tyler Shrcer, Director of Community Relations, SDSU

2.2.3 Findings

The Board of Trustees finds that the above mitigation measures are feasible, are adopted, and will reduce the project's air quality impacts attributable to the development of the project. Pursuant to Public Resources Code section 21081, subdivision (a)(1), changes or alterations have been required in, or incorporated into, the project which would mitigate, in part, the significant air quality impacts attributable to development identified in the Final EIR. However, there are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible air quality mitigation measures. Pursuant to Public Resources Code section 21081, subdivision (a)(3), as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR and the identified air quality impacts are thereby acceptable because of specific overriding considerations. (See Section 6.0, below.)

2.3 TRANSPORTATION/CIRCULATION AND PARKING

2.3.1 Unavoidable Significant Impacts

[The project would result in near-term (2011/2012) significant impacts to six off-site intersections, three street segments, and one freeway ramp meter. At buildout horizon year (2030), the project would result in significant impacts to fifteen off-site intersections, eight street segments, one freeway ramp meter, and four freeway mainline segments.] Mitigation in the form of fair-share contributions towards the costs to construct the necessary roadway improvements is proposed.

[Under the California Supreme Court's decision in *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, CSU/SDSU is obligated to request funding from the state Legislature to pay its fair-share of the mitigation costs associated with the identified significant impacts. (*City of Marina* at 367; see also Public Resources Code §21106.) Pursuant to that obligation, CSU will, following the normal state budget timelines and process, submit a budget request to the state Legislature and Governor that will include a mitigation dollar amount consistent with CSU's fair-share contribution towards implementation of the necessary roadway improvements within the jurisdiction of local agencies.]

The intent of the California Supreme Court's decision in the *City of Marina* case is to ensure that significant impacts under CEQA are feasibly mitigated and that localities recover the cost of

CSU's impacts. The underlying logic of that decision does not apply to other state agencies, such as the California Department of Transportation ("Caltrans"), as these other state agencies are funded from the same source as CSU. Instead, CSU/SDSU will support Caltrans in its efforts to obtain the level of funding agreed to by the parties through the annual state budget process, and will look to the City of San Diego and the San Diego Association of Governments ("SANDAG") to join in that support.

If the Legislature approves CSU's funding request, or a portion of that request, it is anticipated the appropriated funds will be provided to the applicable local agencies with jurisdiction over the roadway improvements in annual amounts corresponding to annual full-time equivalent ("FTE") student enrollment growth, provided that each agency identifies a fund or traffic impact fee program assuring that the funds will be expended solely in furtherance of the subject roadway improvements.

[However, because CSU cannot guarantee that its request to the Governor and the Legislature for the necessary mitigation funding will be approved, or that any funding request submitted by Caltrans will be approved, or that the funding will be granted in the amount requested, or that the public agencies will fund the mitigation improvements that are within their responsibility and jurisdiction, the identified significant impacts are determined to be significant and unavoidable.]

[Furthermore, in the event that the state Legislature does approve CSU's funding request in full, and/or any funding request submitted by Caltrans, impacts to the College Avenue/Interstate 8 interchange, Montezuma Road (between Fairmount Avenue to Collwood Boulevard), Alvarado Road (between E. Campus Drive to 70th Street), and Interstate 8 (between Fairmount Avenue to Fletcher Parkway) would remain significant and unavoidable because no feasible mitigation is available to fully reduce the identified impacts at these locations to a level below significant.] Impacts to all other intersections, street segments, and freeway ramp meters, would be mitigated to less than significant levels with adoption of the recommended mitigation measures, assuming adequate fair-share funding is obtained.

2.3.2 Mitigation Measures

The Board of Trustees finds that because CSU's request to the Governor and the Legislature for the necessary mitigation funding may not be approved in whole or in part, or that any funding request submitted by Caltrans may not be approved; and, because the local public agencies may not fund the mitigation improvements that are within their responsibility and jurisdiction, even

if state funding is obtained, CSU cannot guarantee implementation of the following mitigation measures, but will nonetheless pursue implementation in good faith:

Near-Term (2012) Mitigation Measures

Intersections

- TCP-1 A-1. College Avenue / Del Cerro Boulevard. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide two left-turn lanes and one shared through/right-turn lane on the westbound approach. (This mitigation measure would also mitigate the project's significant Horizon Year impacts at this intersection.)
- TCP-2 A-2. College Avenue / I-8 Eastbound Ramps. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to provide an additional (third) northbound through lane on College Avenue. (The provision of an additional northbound through lane on College Avenue would mitigate this impact to the extent feasible; however, this mitigation would not fully mitigate the Horizon Year significant cumulative impact.)
- TCP-3 A-3. College Avenue / Canyon Crest Drive. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide an additional (third) northbound through lane on College Avenue.
- TCP-4 A-4. College Avenue / Zura Way. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to install a traffic signal at the intersection. Alternatively, the City could prohibit southbound left-turns at the intersection, which would require an additional southbound left-turn lane at the College Avenue / Montezuma Road intersection. (This mitigation measure would also mitigate the project's significant Horizon Year impacts at this intersection.)
- TCP-5 A-5. College Avenue / Montezuma Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide an additional (third) northbound through lane and an

exclusive northbound right-turn lane on College Avenue. (This mitigation measure would also mitigate the project's significant Horizon Year impacts on the College Avenue roadway segment south of Montezuma Road.)

- TCP-6 A-6. I-8 WB Ramps/ Parkway Drive. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to install a traffic signal at the intersection. (This mitigation measure would also mitigate the project's significant Horizon Year impacts at this intersection.)

Street Segments

- TCP-7 [B-1. Alvarado Road: E. Campus Drive to Reservoir Drive. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to widen Alvarado Road (on the south side) to two through lanes plus a two-way-left-turn lane between College Avenue and 70th Street, and realign Alvarado Road to remove existing substandard curves.] (This measure would not fully mitigate the significant Horizon Year impacts, which would require that the road be widened to four-lane Collector standards. Widening to four-lane Collector standards is considered infeasible because: (i) the right-of-way necessary to add a fourth lane is not available due to the recent construction of the trolley tracks on the north side of the street and the existing buildings and parking areas on the south side of the street; and (ii) the addition of a fourth lane is beyond the Community Plan designation of the roadway as a three-lane Collector. For these reasons, the addition of a fourth lane is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines section 15364.)

- TCP-8 B-2. Alvarado Road: Reservoir Drive to 70th Street. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to widen Alvarado Road (on the south side) to two through lanes plus a two-way-left-turn lane between College Avenue and 70th Street, and realign Alvarado Road to remove existing substandard curves. (This measure would not fully mitigate the significant Horizon Year impacts, which would require that the road be widened to four-lane Collector

standards. Widening to four-lane Collector standards is considered infeasible because: (i) the right-of-way necessary to add a fourth lane is not available due to the recent construction of the trolley tracks on the north side of the street and the existing buildings and parking areas on the south side of the street; and (ii) the addition of a fourth lane is beyond the Community Plan designation of the roadway as a three-lane Collector. For these reasons, the addition of a fourth lane is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines section 15364.)

- TCP-9 B-3. College Avenue: I-8 Eastbound Ramps to Zura Way. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide an additional (third) northbound through lane on College Avenue between I-8 and Zura Way. (This mitigation measure would also mitigate the project's significant Horizon Year impacts on the College Avenue roadway segment between the I-8 eastbound ramps and Zura Way.)

Freeway Ramp Meter

- TCP-10 C-1. Northbound College Avenue to I-8 Eastbound. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to provide an additional single occupancy vehicle ("SOV") storage lane on the I-8 Eastbound On-Ramp from College Avenue (northbound). (This mitigation measure would also mitigate the project's significant Horizon Year impacts at the northbound College Avenue to I-8 eastbound freeway ramp meter.)

Horizon Year (2030) Mitigation Measures

Intersections

- TCP-11 E-1. Fairmount Ave / I-8 WB Off Ramp / Camino del Rio North. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to widen Fairmount Avenue between Mission Gorge Road and I-8 to a six-lane facility.

- TCP-12 E-2. 55th Street / Montezuma Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide a dedicated westbound right-turn lane at the 55th Street / Montezuma Road intersection.
- TCP-13 E-3. Campanile Drive / Montezuma Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide a second southbound left-turn lane, and a dedicated right-turn lane on the northbound approach.
- TCP-14 E-5. College Avenue / I-8 WB Ramps. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to provide three northbound lanes and two southbound lanes on the College Avenue bridge over I-8. It should be noted that the contribution of a fair share would not fully mitigate this cumulative impact. (This mitigation measure would also mitigate the project's significant Horizon Year impacts at the College Avenue roadway segment between Del Cerro Boulevard and the I-8 eastbound ramps.)
- TCP-15 E-7. College Avenue / Canyon Crest Drive. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide an additional dedicated left-turn lane on both the eastbound and westbound approaches. This fair share contribution along with the provision of the additional northbound through lane on College Avenue (Mitigation Measure TCP-9, B-3) would mitigate this impact.
- TCP-16 E-9. College Avenue / Montezuma Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide a dedicated right-turn lane on the northbound approach. This fair share contribution along with the provision of the additional lanes at the College Avenue / Montezuma Road intersection (Mitigation Measure TCP-5, A-5) would mitigate this impact.
- TCP-17 E-10. Alvarado Court / Alvarado Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to install a traffic signal at the Alvarado Court / Alvarado Road

intersection, and shall contribute its fair share of the costs to provide a dedicated right-turn lane on the eastbound approach, and a dedicated left-turn lane on the westbound approach.

TCP-18 E-11. Reservoir Drive / Alvarado Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide a dedicated right-turn lane on the eastbound approach.

TCP-19 E-12. Lake Murray Boulevard / Wisconsin Drive / Parkway Drive. Subject to funding by the state Legislature, SDSU shall contribute to the City of La Mesa its fair-share of the costs to provide an additional left-turn lane on the westbound approach.

TCP-20 E-13. 70th Street / Alvarado Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of La Mesa its fair-share of the costs to provide a second southbound left-turn lane on 70th Street at Alvarado Road.

TCP-21 E-15. I-8 EB Ramps / Alvarado Road. SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to provide an additional through lane on the westbound approach.

Street Segments

TCP-29 F-5. College Avenue: Zura Way to Montezuma Road. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to provide an additional (third) northbound through lane on College Avenue between Zura Way and Montezuma Road.

F-7. Montezuma Road: Fairmount Avenue to Collwood Boulevard. In order to fully mitigate the horizon year impact to this portion of Montezuma Road, the road would need to be widened to six lanes. This mitigation is considered infeasible because: (i) the right-of-way necessary to add a fifth and sixth lane is not available due to the existing topography; and (ii) the addition of a fifth and sixth lane is beyond the Community Plan designation for this portion of Montezuma Road. For these reasons, the addition of a fifth and sixth lane is not capable of being accomplished in a successful manner within a reasonable

period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines section 15364.)

TCP-22 F-8. Montezuma Road: 55th Street to College Avenue. Subject to funding by the state Legislature, SDSU shall contribute to the City of San Diego its fair-share of the costs to improve Montezuma Road between 55th Street and College Avenue to four-lane Major Arterial standards. (The project also would result in significant impacts to the segment of Montezuma Road between Fairmount Avenue and Collwood Boulevard, and would require that this segment be widened to six lanes. However, because the College Area Community Plan classifies this portion of Montezuma Road as a 4-lane Major, it is not feasible to widen this portion of Montezuma Road to six lanes.)

Freeway Mainline

TCP-28 H-1. Interstate 8: Fairmount Avenue to Waring Road (eastbound). SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to prepare an Interstate-8 ("I-8") Corridor Study for the future widening of I-8, and, dependent upon the outcome of the Study, shall continue to support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to implement the capital improvements identified in the Study, provided the fair-share is consistent with all applicable constitutional requirements, including those regarding proportionality and nexus, relative to the project's impacts on eastbound I-8 between Fairmount Avenue and Waring Road.

H-2. Interstate 8: Waring Road to College Avenue (eastbound). SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to prepare an Interstate-8 ("I-8") Corridor Study for the future widening of I-8, and, dependent upon the outcome of the Study, shall continue to support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to implement the capital improvements identified in the Study, provided the fair-share is consistent with all applicable constitutional requirements, including those regarding proportionality and nexus, relative to the project's impacts on eastbound I-8 between Waring Road and College Avenue.

H-3. Interstate 8: College Avenue to Lake Murray Boulevard (eastbound and westbound). SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to prepare an Interstate-8 ("I-8") Corridor Study for the future widening of I-8, and, dependent upon the outcome of the Study, shall continue to support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to implement the capital improvements identified in the Study, provided the fair-share is consistent with all applicable constitutional requirements, including those regarding proportionality and nexus, relative to the project's impacts on eastbound and westbound I-8 between College Avenue and Lake Murray Boulevard.

H-4. Interstate 8: Lake Murray Boulevard to Fletcher Parkway (eastbound and westbound). SDSU shall support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to prepare an Interstate-8 ("I-8") Corridor Study for the future widening of I-8, and, dependent upon the outcome of the Study, shall continue to support Caltrans in its efforts to obtain funding from the state Legislature for the fair-share of the costs to implement the capital improvements identified in the Study, provided the fair-share is consistent with all applicable constitutional requirements, including those regarding proportionality and nexus, relative to the project's impacts on eastbound and westbound I-8 between Lake Murray Boulevard and Fletcher Parkway.

TCP-27 SDSU shall develop a campus Transportation Demand Management ("TDM") program to be implemented not later than the commencement of the 2012/2013 academic year. The TDM program shall be developed in consultation with the San Diego Association of Governments ("SANDAG") and the Metropolitan Transit System ("MTS") and shall facilitate a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel.

2.3.3 Findings

Because CSU's request to the Governor and the Legislature, made pursuant to the California Supreme Court's decision in *City of Marina*, for the necessary mitigation funding may not be

approved in whole or in part, or because any funding request submitted by Caltrans may not be approved; and, because the local public agencies may not fund the mitigation improvements that are within their responsibility and jurisdiction, even if state funding is obtained, the Board of Trustees finds there are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible transportation/circulation and parking mitigation measures.]

[Pursuant to Public Resources Code section 21081, subdivision (a)(3), as described in the Statement of Overriding Considerations, the Board of Trustees has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR and the identified transportation/circulation and parking impacts are thereby acceptable because of specific overriding considerations. (See Section 6.0, below.)]

3.0 FINDINGS ON SIGNIFICANT BUT MITIGATED IMPACTS

This section identifies significant adverse impacts of the project that require findings to be made under Public Resources Code section 21081 and CEQA Guidelines section 15091. Based on information in the Final EIR, the Board of Trustees finds that, based upon substantial evidence in the record, adoption of the mitigation measures set forth below will reduce the identified significant impacts to less than significant levels.

3.1 AESTHETICS AND VISUAL QUALITY

3.1.1 Potential Significant Impacts

The project would result in changed viewsheds and require new light sources. These effects are considered to result in a potentially significant impact to neighboring uses.

Alvarado Campus. The introduction of a campus academic center to a site where a parking lot (i.e., Lot D) presently exists may significantly impact the viewsheds of surrounding residences and trolley users, even though vegetation and riparian habitat within the Alvarado Creek area would partially shield these viewers. In addition, the campus academic center would require additional lighting, which would constitute a potentially significant impact.

Adobe Falls Faculty/Staff Housing. This project component would introduce light to an area that is currently devoid of light. Further, because this light would be visible from adjacent residences, the impact is potentially significant.

Trustees of the California State University

Resolutions

**Resolutions passed by the CSU Board of Trustees at their meeting held on
November 13-14, 2007 in the Dumke Auditorium located at the California State University
Office of the Chancellor, 401 Golden Shore, Long Beach, CA 90802**

Certify the Final Environmental Impact Report and Approve Campus Master Plan
Revision with Enrollment Ceiling Increase at San Diego State University
(RCPBG 11-07-24)

RESOLVED, by the Board of Trustees of the California State University, that:

1. The Final EIR for the San Diego State University, 2007 Campus Master Plan Revision has been prepared to address the potential significant environmental impacts, mitigation measures, project alternatives, and comments and responses to comments associated with the proposed master plan revision, pursuant to the requirements of the California Environmental Quality Act, the CEQA Guidelines, and CSU CEQA procedures.
2. The Final EIR addresses the proposed increased enrollment, master plan revision, and all discretionary actions relating to the project, including near term construction projects as identified in Project Description, Section 1.0 of the Final EIR.
3. This resolution is adopted pursuant to the requirements of Section 21081 of the Public Resources Code and Section 15091 of Title 14 of the California Code of Regulations (CEQA Guidelines), which require that the Board of Trustees make findings prior to the approval of a project along with a statement of facts supporting each finding.
4. This board hereby adopts the Findings of Fact and related mitigation measures identified in the Mitigation Monitoring and Reporting Program for Agenda Item 5 of the November 13-14, 2007 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, which identifies specific impacts of the proposed project and related mitigation measures, which are hereby incorporated by reference.
5. The board has adopted the Findings of Fact that include specific overriding considerations that outweigh certain remaining unavoidable significant impacts to aesthetics and visual quality, air quality impacts, and transportation and circulation impacts.
6. The Final EIR has identified potentially significant effects that may result from project implementation. However, the Board of Trustees, by adopting the Findings of Fact, finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts, which are not reduced to less than significant levels, are identified and overridden due to specific project benefits.
7. A portion of the mitigation measures necessary to reduce traffic impacts to less than significant are the responsibility of and under the authority of the City and County of San Diego (City). The City and the university have not

come to agreement. The board therefore cannot guarantee that certain mitigation measures that are the sole responsibility of the City will be timely implemented. The board therefore finds that certain impacts upon traffic may remain significant and unavoidable if mitigation measures are not implemented, and adopts Findings of Fact that include specific Overriding Considerations that outweigh the remaining, potential, unavoidable significant impacts with respect to traffic and transit that are not under the authority and responsibility of the board.

8. Prior to the certification of the FEIR, the Board of Trustees has reviewed and considered the above-mentioned FEIR, and finds that the FEIR reflects the independent judgment of the Board of Trustees. [The board hereby certifies the FEIR for the proposed project as complete and adequate in that the FEIR addresses all significant environmental impacts of the proposed project and fully complies with the requirements of CEQA and the CEQA Guidelines.] For the purpose of CEQA and the CEQA Guidelines, the administrative record of proceedings for the project is comprised of the following:

- a. The Draft EIR for the San Diego State University 2007 Campus Master Plan Revision;
- b. The Final EIR, including comments received on the Draft EIR, and responses to comments;
- c. The proceedings before the Board of Trustees relating to the subject project, including testimony and documentary evidence introduced at such proceedings; and
- d. All attachments, documents incorporated, and references made in the documents as specified in items (a) through (c) above.

9. It is necessary, consistent with the California Supreme Court decision in *City of Marina*, for CSU to pursue mitigation funding from the legislature to meet its CEQA fair-share mitigation obligations. The chancellor is therefore directed to request from the governor and the legislature, through the annual state budget process, the future funds (\$6,484,000) necessary to support costs as determined by the trustees necessary to fulfill the mitigation requirements of CEQA.]

10. In the event the request for mitigation funds is approved in full, the chancellor is directed to proceed with implementation of the 2007 Campus Master Plan Revision and Enrollment Ceiling Increase for San Diego State University. Should the request for funds only be partially approved, the chancellor is directed to proceed with implementation of the project, funding identified mitigation measures to the extent of the available funds. In the event the request for funds is not approved, the chancellor is directed to proceed with implementation of the project consistent with resolution number 11 below.

11. Because this board cannot guarantee that the request to the legislature for the necessary mitigation funding will be approved, or that the local agencies will

fund the measures that are their responsibility, this board finds that the impacts whose funding is uncertain remain significant and unavoidable, and that they are necessarily outweighed by the Statement of Overriding Considerations adopted by this board.

12. The board hereby certifies the Final EIR for the San Diego State University 2007 Campus Master Plan Revision dated November 2007 as complete and in compliance with CEQA.
13. The mitigation measures identified in the Mitigation Monitoring and Reporting Program are hereby adopted and shall be monitored and reported in accordance with the Mitigation Monitoring and Reporting Program for Agenda Item 5 of the November 13-14, 2007 meeting of the Board of Trustees' Committee on Campus Planning, Buildings and Grounds, which meets the requirements of CEQA (Public Resources Code, Section 21081.6).
14. The project will benefit the California State University.
15. The above information is on file with The California State University, Office of the Chancellor, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, California 90802-4210 and at San Diego State University, Facilities Planning, Design and Construction, 5500 Campanile Drive, San Diego, California 92182-1624.
16. The San Diego State University, Campus Master Plan Revision dated November 2007 is approved at a master plan enrollment ceiling of 35,000 FTE.
17. The chancellor or his designee is requested under the Delegation of Authority by the Board of Trustees to file the Notice of Determination for the project.
18. The five designated near term projects identified and described in the FEIR are: (1) Adobe Falls Housing Phase I (Upper Village); (2) Alvarado Campus (#104-106) buildings; (3) Alvarado Hotel; (4) Residential Life Administration and Residence Buildings; and (5) the Aztec Center Expansion and Renovation projects are determined to be fully analyzed at the project level in the FEIR for the purposes of compliance with CEQA for future implementation and construction.

10/24/07 c: Vi - Please prepare a draft response for the Chancellor's signature.

Helwick

West

Achtenberg

under separate

cover.

October 23, 2007

The Honorable Roberta Achtenberg
Chair, California State University Trustees
c/o Trustee Secretariat
401 Golden Shore, Suite 136
Long Beach, CA 90802

Dear Chairwoman Achtenberg:

I am writing to request the Board of Trustees postpone further action on the San Diego State University Master Plan Revision until the appropriate board committee can hold public hearings on the plan in San Diego.

There remain major divisions in the communities directly affected by this plan. Many of the thousands whose homes and neighborhoods will be directly affected are unable to come to board meetings in Long Beach, yet have very strong views and constructive recommendations concerning certain parts of the plan.

As a candidate for the San Diego City Council District 7 seat, I have heard from the taxpayers and homeowners who are worried about increasing problems from the expansion, disagreements over traffic projections, and the belief their quality of life has been disregarded by those pushing the revisions.

With no direct San Diego representation on the California State University Board of Trustees, it is imperative that Board Hearings be held in San Diego so Trustees can see and hear first hand the major concerns of those living in the area. Many of the most affected residents/home owners have lived by San Diego State University since it was still a college. Some of the suggested changes will have a severe and lasting impact on the neighborhoods surrounding SDSU.

We firmly believe that delaying a final board action another month or two until you are able to hear from the surrounding communities will certainly not be fatal to the execution of this plan.

Thank you for your consideration.

Sincerely,

Marti Emerald

ME/JB/xj

cc: Board of Trustees
Dr. Charles Reed, Chancellor

5107 Waring Road, San Diego, CA 92120
Paid for by Marti Emerald for San Diego, ID# 301052.

(619) 582-0707/ fax: (619) 582-0307
MartiForSanDiego.com

11/14/07 c: West/San Juan - To respond and copy Reed.

CAPITOL OFFICE:
STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4059
FAX (916) 327-2188

DISTRICT OFFICE:
2443 5TH AVENUE, SUITE 200
SAN DIEGO, CA 92101
TEL (619) 645-3133
FAX (619) 645-3144

California State Senate

SENATOR
CHRISTINE KEHOE
THIRTY-NINTH SENATE DISTRICT



- STANDING COMMITTEES:
- ENERGY, UTILITIES AND COMMUNICATIONS, CHAIR
 - BUDGET AND FISCAL REVIEW
 - LOCAL GOVERNMENT
 - NATURAL RESOURCES AND WATER
 - TRANSPORTATION AND HOUSING
- JOINT COMMITTEES:
- LEGISLATIVE BUDGET COMMITTEE
 - EMERGENCY SERVICES AND HOMELAND SECURITY
- MEMBER:
- ARTS
 - CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT
 - CALIFORNIA LEGISLATIVE LESBIAN, GAY, BISEXUAL AND TRANSGENDER CAUCUS
 - LEGISLATIVE WOMEN'S CAUCUS
 - SEA GRANT ADVISORY PANEL
 - BROADBAND TASK FORCE

November 13, 2007

Chancellor Charles B. Reed
Board of Trustees
The California State University
c/o Trustee Secretariat
401 Golden Shore, Suite 136
Long Beach, CA 90802

Dear Chancellor Reed and Members of the Board of Trustees,

Before you on Wednesday, November 14, 2007, is consideration of the Master Plan for San Diego State University (SDSU), and consideration of the final Environmental Impact Report for the Master Plan.

Over the last two years, since the Trustees' first consideration of a new Master Plan, SDSU has reached out to the communities surrounding the campus and engaged in a dialogue with its neighbors. The result is a Master Plan that better meets the needs of both the University and San Diego.

Unfortunately, discussions with the City of San Diego, the San Diego Association of Governments (SANDAG), the Metropolitan Transit System and Caltrans have not resulted in an agreement on the direct effects of the expansion of the campus and the level of mitigation required by SDSU.

Having worked closely with all the parties involved over many years, I am firmly convinced that there is an agreement that can be reached, and am urging the Board of Trustees to delay its decision on the SDSU Master Plan and direct SDSU to return to the table.

Without an agreement including the region's transportation agencies, the City of San Diego, and Caltrans, the result will no doubt be that the university's expansion would take place in a sea of gridlock, without adequate transportation options to and from the campus built in a timely manner, and the very real possibility that some, if not many, of the essential infrastructure projects may never be built.

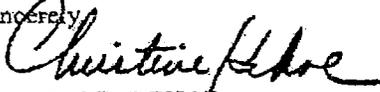


Chancellor Charles B. Reed
November 13, 2007

The Legislature will be asked to review and fund a mitigation plan for SDSU. Having all of the University's regional partners standing together requesting the funds based on a fair share determination will be an important part of the effort to secure funding.

[I urge you to delay consideration of the SDSU Master Plan and to encourage SDSU to return to the table. I will personally contact appropriate representatives for the City of San Diego, SANDAG, Caltrans and the Metropolitan Transit System and encourage their return to the table for meaningful discussions.]

Sincerely,


CHRISTINE KEHOE
Senator, 39th District

CK:ds

cc: Dr. Stephen Weber, SDSU President
Mayor Jerry Sanders, City of San Diego
Councilmember Jim Madaffer, City of San Diego
Gary Gallegos, SANDAG
Pedro Orso-Delgado, Caltrans
Paul Jablonski, Metropolitan Transit System



THE CITY OF SAN DIEGO

November 13, 2007

California State University Board of Trustees
401 Golden Shore, Suite 136
Long Beach, CA 90802

Chairman Achtenberg and Members of the Board of Trustees:

Subject: SDSU Campus Master Plan Revision and Final Environmental Impact Report

Please accept this joint letter from the City of San Diego, the San Diego Association of Governments (SANDAG) and CALTRANS District 11 to address issues associated with the San Diego State University Campus Master Plan Revision and Final Environmental Impact Report (FEIR). Our agencies recognize the value and importance that higher education has on the community and the positive impact that a renowned university such as SDSU has on the region. At the same time, we are responsible for assuring that surrounding communities and the region as a whole are not negatively impacted by the anticipated growth of SDSU.

Each of our agencies has been negotiating with representatives of SDSU over the past several months to determine SDSU's "fair share" impacts resulting from development under the Master Plan. As outlined in the attachment we have identified numerous problems with the FEIR's fair share transportation and transit calculations and have attempted to negotiate with SDSU on these issues. Of particular note are the transit assumptions contained in the FEIR which, we believe, significantly overestimate the future level of transit ridership on the campus and underestimate future traffic volumes on local streets and highways. SDSU has been unwilling to consider any changes to their methodology and we have reached an impasse. In addition, our agencies attempted to work collectively with each other and SDSU and coordinate discussions and more comprehensively address transportation issues. This is appropriate because projections for transit use directly affect traffic projections on local streets and highways. However, SDSU requested that we negotiate separately and we have complied with their request. Unfortunately, our individual negotiations have proven fruitless in reaching a viable solution to what we believe is the "fair share" of SDSU's transportation and transit mitigation responsibilities.

In order to address our concerns, we are requesting that the Board of Trustees postpone action on the master plan and FEIR and direct SDSU to negotiate in good faith with



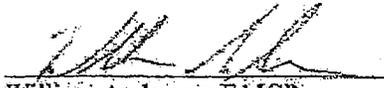
City Planning and Community Investment
202 C Street, MS 4A • San Diego, CA 92101-3864
Tel (619) 235-5200 Fax (619) 533-5951

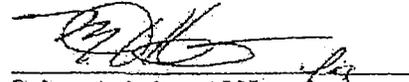
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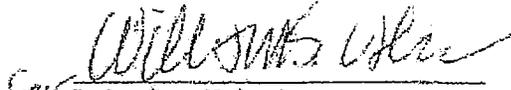
Chairman Achtenberg and Members of the California State University Board of Trustees
November 13, 2007

our agencies to determine reasonable fair share impacts to roads, highways and transit.
Thank you in advance for your cooperation.]

Sincerely,


William Anderson, FAICP
Deputy Chief Operating Officer
City Planning and Development
City of San Diego


Robert A. Leiter, AICP
Planning Director
San Diego Association of
Governments


Pedro Orso-Delgado
District Director
CALTRANS, District 11

/mw

Attachments: City of San Diego, SANDAG and CALTRANS Issues

cc: Dr. Stephen L. Weber, President, SDSU
Sally Roush, Vice President of Business/Financial Affairs, SDSU
Scott Burns, Assistant Vice President of Financial Operations, SDSU
Tony Fulton, Director of Facilities, SDSU

City of San Diego, San Diego Association of Governments
and
CALTRANS District 11

Issues Regarding SDSU's
FEIR Transportation and Transit Fair Share Projections

A. City of San Diego

[The City believes that some of SDSU's assumptions were invalid which resulted in a calculation of \$6,437,860 while the City's calculation is \$21,100,000. Specifically, SDSU's trip generation assumptions utilized unreasonably high transit projections which, by SANDAG's own admission, are not feasible with the existing system and without further identified funding for future improvements. In addition, the university deducted a \$900,000 land credit for the College Avenue right-of-way that should not have been deducted. SDSU also determined that full mitigation of two roadway segments (F-1 and F-7) would be infeasible because they are not designated at the higher level in the City's community plan. The City contends that these segments are feasible and should be included in the calculation.] It is routine for the City to amend community plans to redesignate roadway classifications if necessary to mitigate the impacts of a large project. Finally, the university's proposal for faculty housing in Adobe Falls would cause severe traffic constraints to this isolated area. Accordingly, the City maintains that the 48 units proposed in North Adobe Falls would be acceptable, but the number of units within South Adobe Falls should be lowered from 128 to 36 until an acceptable transportation plan is prepared.

The City of San Diego has submitted a separate letter dated November 13, 2007 which provides detail on issues regarding SDSU's FEIR fair share calculations for transportation and parks. In addition, the letter provides alternative scenarios for funding mitigation over time. The City has dedicated extensive time over the past 11 months to negotiate in good faith with SDSU representatives on reasonable mitigation to no avail. We have proposed a reasonable fair share funding alternative. Thus, the City respectfully requests that the California State University Board of Trustees delay certification of the FEIR and direct SDSU to work cooperatively with the City of San Diego, SANDAG and CALTRANS to identify fair share mitigation of impacts.

B. San Diego Association of Governments (SANDAG)

[As the Metropolitan Planning Organization (MPO) and transportation planning agency for the San Diego region, SANDAG has serious concerns regarding the proposed SDSU expansion and the effects of the proposed enrollment increase on the regional transportation system. These concerns were expressed to SDSU at the planning stage and the draft EIR stage, but were not addressed in the final EIR.]

[SANDAG has brought the need to mitigate for transit and roadway system impacts resulting from the proposed expansion to SDSU's attention, but this dialogue has not proceeded to a serious discussion of mitigations and fair share contributions. This is due to SDSU's belief that the EIR is adequate and does not require discussion of the mitigations we believe are necessary. SANDAG strongly disagrees and requests that you postpone certification of the EIR and delay approval of the project.] We hope that the Board of Trustees sees the need to direct SDSU staff to engage in meaningful negotiation regarding regional transportation impacts.

SANDAG Concerns with EIR

[(1) The EIR understates trip generation.] We would like the time to engage SDSU in a discussion regarding the trip generation rates used in the EIR and work to develop a more realistic trip generation forecast and we request that the Board direct the University to do so.

[(2) The EIR makes unsupported assumptions regarding transit mode share and does not address appropriate mitigation.] We request that you direct SDSU to work with our staff to determine a more accurate mode split, as we believe that transit trip assumptions are unreasonably high. We also request that you direct SDSU to consider impacts to transit as environmental effects under the California Environmental Quality Act (CEQA) as justified in Transit-Related Impacts under CEQA below.

[(3) The EIR proposes inadequate mitigation measures.] Although we do not believe that trip generation rates and mode split data in the SDSU EIR are accurate (and that mitigation cannot truly be addressed until this is resolved), even if we were to accept the transit mode split stated in the EIR, transit-related impacts caused by this development are not adequately mitigated. This is due in part to the fact that SDSU asserts that transit impacts need not be assessed under CEQA, an assertion with which we strongly disagree.

Transit-Related Impacts under CEQA

In response R-2-2 to SANDAG's EIR comments, the EIR states: "Any transit 'impacts' that may result from the proposed project relating to increased transit ridership are not subject to CEQA analysis as they are not environmental impacts recognized by CEQA."

[Although SDSU states that CEQA does not require analysis of or mitigation for transit-related impacts, we feel it clear that CEQA explicitly requires this analysis.] CEQA Section 21092.4. Consultation with transportation planning agencies and public agencies, states that for projects of regional significance the lead agency shall consult with transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. The section defines "transportation facilities" to include major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within 10 miles of the project site.

As this project is clearly of regional significance as defined in Section 15206 of the CEQA guidelines, and as the definition of "environment" in section 15360 of the CEQA

Guidelines states that the environment can include man-made conditions (such as traffic and transit), affects on public transit must be discussed and evaluated as environmental effects. SANDAG requests that the Board of Trustees postpone certification of the EIR and delay approval of the project, and that you direct SDSU to engage in meaningful dialogue with SANDAG regarding transportation impacts.

C. CALTRANS District 11

Over the past several months, San Diego State University (SDSU) and Caltrans have been meeting in an attempt to reach an agreement regarding feasible mitigation, respective cost estimates, and fair share responsibility for impacts associated with SDSU's Campus Master Plan on Caltrans facilities.

Caltrans suggested the preferred Near-Term mitigation approach should be to develop a Project Study Report (PSR) and I-8 Corridor Study to identify specific design improvements to the I-8/College Avenue Interchange and I-8 corridor that will serve as a basis to develop a plan to implement the Long-Term impacts associated with the SDSU Campus Master Plan. In addition, Caltrans provided to SDSU engineering cost estimates for proposed mitigation identified in the SDSU Campus Master Plan Environmental Impact Report (EIR) in order to calculate the appropriate fair share responsibility.

We also noted in previous correspondence that SDSU work with the San Diego Association of Governments (SANDAG), the Metropolitan Transit System (MTS) and City of San Diego to ensure that the appropriate mitigation is identified. Given the EIR's emphasis on student's use of transit, opportunities to include transit needs should be adequately studied and incorporated in the Final EIR as potential mitigation strategies. Lack of mitigation to transit facilities calls into question the reasonableness of the transit share of trips assumed in the EIR, and consequently the impacts to the State highway system.

Language we reviewed in the Final EIR and contained in the Agenda for the Board of Trustees Committee on Campus Planning. Building and Groups meeting scheduled for November 14, 2007, is of concern to our agency. SDSU's interpretation of the City of Marina case regarding off-site mitigation as it pertains to impacts to State transportation facilities seems counterproductive and inconsistent with the efforts of both SDSU and Caltrans staff to reach some agreement on SDSU's mitigation and fair share payment amounts identified in the EIR. The city of marina case made no relevant distinction between the obligations of state agencies vs. Local agencies. Based on our ongoing communication with SDSU regarding mitigation to State facilities, it was understood by Caltrans that SDSU would be seeking funding through their budget process. Caltrans previously communicated to SDSU that funding requests from Caltrans to the State Legislature for mitigation associated from other agency development are not practical or feasible. However the FEIR proposed that Caltrans use voter approved transportation bond funds for SDSU mitigation purposes. This is not an alternative solution if for no other reason than there are no voter approved bond funds that could be used for this purpose. Consequently, we can not accept language in the Final EIR suggesting it is

Caltrans responsibility to request funding through the State budget process to mitigate for SDSU's impacts to State transportation facilities.

[Furthermore, we do not agree that an interpretation of case law should be used as the basis to determine that SDSU is not responsible for mitigation funding for another State agency.

Therefore, Caltrans does not support the Board of Trustees certifying the EIR for SDSU's Campus Master Plan and recommends approval of the EIR be postponed until Caltrans and other agencies' issues are appropriately resolved in a manner more consistent with the intent of the California Environmental Quality Act (CEQA).]