

SAN DIEGO STATE UNIVERSITY MISSION VALLEY CAMPUS MASTER PLAN FINAL ENVIRONMENTAL IMPACT REPORT LATE LETTERS AND RESPONSES

Prepared for:



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Introduction

Under CEQA Guidelines Section 15105 and San Diego Municipal Code Section 22.0908, CSU/SDSU was legally required to provide a 60-day public review period on the Draft EIR. The public comment period for the Draft EIR began on August 5, 2019 and ended on October 3, 2019. All comment letters received after expiration of the public review and comment period ending on October 3, 2019 are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, CSU/SDSU is not required to provide a written response to late comment letters, including the December 16, 2019, letter from C-3. (See, CEQA Guidelines, §15088(a)).

Accordingly, the following comment letters are considered late letters that do not require a written response. Nonetheless, for information purposes, CSU/SDSU has elected to respond to these late letters, but without waiving its position that written responses to late comment letters are not required by law.

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Comment Letter X1



City of San Diego
Councilmember Scott Sherman
Seventh District

MEMORANDUM

DATE: November 18, 2019
TO: President Adela de la Torre, San Diego State University
FROM: Councilmember Scott Sherman
RE: SDSU Mission Valley Campus Draft Environmental Impact Report & Mission Valley Stadium Site Purchase & Sale Agreement

I'm greatly encouraged by the progress of the negotiations for the sale of the Mission Valley stadium site. As I have stated repeatedly, although I didn't support Measure G I have always supported development of the site. The voters made their choice so I am committed to making the SDSU West project a success that will positively transform our region. Part of that commitment includes holding SDSU and their development partners to the same standards to which the City holds all developers. SDSU must do its fair share of mitigating the impacts this project has on surrounding communities.

The updated purchase price offer of \$86.2 million lives up to the promises of Measure G. We're getting very close to an offer and terms that match what the voters approved in November 2018. As the Councilmember representing Mission Valley, and a resident who will be affected by the impacts of this project just as my neighbors and constituents will be, it is very important to me to get this right. The quality of life for residents in Mission Valley, Serra Mesa, Grantville, and North Park depends on it.

This is a once-in-a-generation opportunity and every aspect of this deal is worthy of careful public scrutiny. I appreciate the very thorough analysis performed by our City Planning staff, as well as by Caltrans, MTS, and SANDAG, which is represented in the robust comments submitted by these agencies in response to the SDSU Mission Valley Campus Master Plan Draft Environmental Impact Report (DEIR). Due to the complex technical nature of the transportation impacts of the proposed project, it would be wise if traffic and planning engineers at each of

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these agencies coordinated together in a comprehensive manner to ensure the best outcome for our regional transportation goals.

Lest the excitement surrounding the progress on the purchase price and other major deal points overshadow the important technical analysis performed by the above-named agencies' engineering staff, I am summarizing some of those points below that are of greatest importance to the communities I represent. If the Final EIR adequately responds to these points, even I, the biggest Measure G critic on the Council, would be able to support this sale.

My concern, if the Final EIR inadequately mitigates traffic impacts, is that [history will repeat itself](#). The 2007 SDSU Campus Master Plan was litigated for 10 years until finally the [California Supreme Court decertified](#) the Transportation section of the EIR, forcing SDSU to [update it with a plan to fund traffic](#) mitigation that it left out of their original EIR. The future of the Mission Valley Stadium site is too important to allow lawsuits from a poorly written EIR to delay the project for a decade or more.

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Issue 1: Onsite Vs. Offsite Traffic Impact Mitigation

The Oct. 15th [letter from Tom McCarron](#), Senior Vice President SDSU Mission Valley Development, ¹ outlines \$21 million in proposed transportation improvements. The letter describes three specific intersections as “offsite-mitigation.” (Figure 1 below - Friars Rd. & Stadium Way; Mission Village Drive & Friars Road WB Ramps; Mission Village Drive & Friars Road EB Ramps)

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¹ See Attachment “SDSU Mission Valley Campus Master Plan Proposed Transportation Improvements City of San Diego Facilities”

Figure 1 – Page 2 of Oct. 15th letter “SDSU Mission Valley Campus Master Plan Proposed Transportation Improvements City of San Diego Facilities”

3. Friars Road & Stadium Way

Cost Estimate: \$3.4M; SDSU Estimated Share: \$3.4M (100%)

Install a new traffic signal, replace the existing free eastbound right-turn lane with a single right-turn lane (squared up at the signal), install an eastbound protected bike lane, and construct and two westbound left-turn lanes. Reconstruct Stadium Way at Friars Road to accommodate two southbound departure lanes, and modify the northbound approach to include two left-turn lanes and two-right turn lanes. Lanes can be temporarily reconfigured during major stadium events as part of the TMP noted above. Existing buffered bike lanes on Friars Road will remain. Sidewalk on Friars Road will be improved to standard concrete construction. Reconstruction of the intersection will eliminate sweeping right turns, improving pedestrian and bicycle safety.

4. Mission Village Drive & Friars Road Westbound Ramps

Cost Estimate \$7.3M; SDSU Estimated Share: \$7.3M (100%)

Widen the Friars Road Westbound Off-Ramp to add a separate westbound left-turn pocket (maintaining the existing shared through/left-turn lane). Widen the Mission Village Drive overpass to Friars Road in both directions to provide a second northbound left-turn lane at this intersection (and a second southbound left-turn lane at Intersection 13). Buffered bike lanes and sidewalks on Mission Village Drive will be maintained.

5. Mission Village Drive & Friars Road Eastbound Ramps

Cost Estimate \$6.7M; SDSU Estimated Share: \$6.7M (100%)

Widen the eastbound off-ramp approach to include a shared left-turn/through lane and dual right turn lanes at Mission Village Drive. Widen the northbound approach to provide dual right-turn lanes, and widen the Eastbound on-ramp from Mission Village Road to Friars Road to two lanes along the entire length and extend a new lane to the I-15 S Ramps intersection. This includes widening of the Friars Road bridge over tank farm access road. A bike path connecting to the project site will be provided on the southbound approach and a shared use-path will be provided on the northbound approach.

6. Realign San Diego Mission Road to Mission Village Drive (On-site Improvement)

Cost Estimate \$1.9M; SDSU Estimated Share: \$1.9M (100%)

Realign San Diego Mission Road through the project site to connect with Mission Village Drive from south of the Friars Road Eastbound Ramps. The realignment will consist of portions of Street D, Street 4, and Street F and include new intersections. Realigning San Diego Mission will provide standard four-legged intersection configurations and will enhance bicycle and pedestrian safety along this street. A shared-use path will be provided within the site along the south and east side of the realignment.

7. River Run Drive & Friars Road

Cost Estimate: \$15,000; SDSU Estimated Share: \$7,165 (47%)

Optimize traffic signals within corridor of Friars Road from River Run Drive to Stadium Way.

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However, it is clear from the [Transportation Impact Analysis](#) (pages 71-72, 248) that those three improvements are project features, and not proposed mitigation to the project's traffic impacts (see Figure 2 below).

Figure 2 – "Table 57" Page 248 of the Transportation Impact Analysis

SDSU Mission Valley Campus Project

Transportation Impact Analysis

July 29, 2019

Improvement	Development Trigger (DUEs ¹)	Project Share of Future Growth ²
Initial Improvements with Stadium Only		
Stadium Transportation and Parking Management Plan (TPMP)	w/Stadium only	N/A
Proposed Project Features		
Intersection 11. Friars Road & Stadium Way (Street A) - Feature: Install a new traffic signal, replace the existing three eastbound right-turn lane with a single right-turn lane (squared up at the signal), install an eastbound protected bike lane, and construct two westbound left-turn lanes. Reconstruct Stadium Way (Street A) at Friars Road to accommodate two southbound departure lanes and modify the northbound approach to include two left-turn lanes and two-right turn lanes. Lanes can be temporarily reconfigured during major stadium events as part of the TPMP noted above. See Figure 11 .	w/first office building on main campus or completion of the shared use campus loop path	N/A
Intersection 13. Mission Village Drive/Street D & Friars Road EB Ramps/San Diego Mission Rd - Feature: Widen the eastbound off-ramp approach to include a shared left-turn/through lane and dual right turn lanes at Mission Village Drive. Widen the northbound approach to provide dual right-turn lanes, and widen the EB-on ramp from Mission Village Road to Friars Road to two lanes along the entire length and extend a new lane to the I-15 S Ramps intersection. This includes widening of the Friars Road bridge over tank farm access road. See Figure 11 .	4,270	N/A
Intersection 12. Mission Village Drive & Friars Road WB Ramps - Feature: Widen the Friars Road WB Off-Ramp to add a separate westbound left-turn pocket (maintaining the existing shared through/left-turn lane). Widen the Mission Village Drive overpass to Friars Road in both directions to provide a second northbound left-turn lane at this intersection (and a second southbound left-turn lane at (Intersection 13). Buffered bike lanes and sidewalks will be maintained. See Figure 11 .	7,840	N/A
Proposed Project Mitigations		
Intersection 32. Ward Road & Rancho Mission Road - Mitigation: Install a traffic signal.	3,950	69.1%
Intersection 9. Fenton Parkway & Friars Road - Mitigation: Optimize signals within corridor of Friars Road from River Run Drive to Stadium Way (Street A).	4,510	41.5%
Intersection 31. Texas Street & Camino del Rio S - Mitigation: Restripe to convert WBT lane to a shared WBT/L lane and EBT to EBT/L lane; re-optimize signal timing splits.	5,130	9.0%
Intersection 8. River Run Drive & Friars Road - Mitigation: Optimize signals within corridor of Friars Road from River Run Drive to Stadium Way (Street A).	5,160	47.8%
Intersection 10. Northside Drive & Friars Road - Mitigation: Optimize signals within corridor of Friars Road from River Run Drive to Stadium Way (Street A).	5,270	44.2%

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Cont.

Nowhere in the DEIR [Executive Summary](#), [Transportation section](#), or [Transportation Impact Analysis appendix](#) are mitigation measures contemplated for those three intersections. Appropriately recategorizing those three projects to “onsite improvements” changes the calculation of **the value of SDSU’s proposed traffic mitigation to slightly over \$1 million, not the \$18.4 million as the letter states** (see Figure 3 below).

Figure 3 – Corrected calculation of the value of SDSU’s proposed traffic mitigation

Streets	SDSU Estimated Share	Location	
Stadium Way to Fenton Parkway including Street I in the Mission Valley Community Plan	\$1,160,000	Onsite	
Realign San Diego Mission Road to Mission Village Drive	\$1,900,000	Onsite	
Friars Road & Stadium Way*	\$3,400,000	Onsite	
Mission Village Drive & Friars Road Westbound Ramps*	\$7,300,000	Onsite	
Mission Village Drive & Friars Road Eastbound Ramps*	\$6,700,000	Onsite	
		Onsite total	\$20,460,000
River Run Drive & Friars Road	\$7,165	Offsite	
Fenton Parkway & Friars Road	\$15,000	Offsite	
Fairmount Ave & San Diego Mission Rd/Twain Ave	\$496,100	Offsite	
Texas Street & Camino del Rio S	\$18,000	Offsite	
Ward Road & Rancho Mission Road	\$276,592	Offsite	
Fairmount Ave & Mission Gorge Rd	\$15,000	Offsite	
Ruffin Road & Aero Drive	\$15,000	Offsite	
Northside Drive & Friars Road	\$166,044	Offsite	
		Offsite total	\$1,008,901
		Total	\$21,468,901
Source: Oct 15, 2019 letter "SDSU Mission Valley Campus Master Plan Proposed Transportation Improvements City of San Diego Facilities"			
*Inaccurately described as "offsite mitigation" in Oct 15, 2019 Letter from SDSU			

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Issue 2: Proposed Mitigation of Significant Traffic Impacts Resulting from the Mission Valley Campus Project

City of San Diego staff provided [30 pages of official comments](#) in response to the DEIR, with substantial comments on the Transportation section.

All the identified significant traffic impacts and mitigation measures are summarized in [Table ES-2 Summary of Project Impacts “Transportation and Traffic” Pages ES-55 through ES-68](#) of the DEIR. Notably, each mitigation measure is considered infeasible by SDSU because they do not have jurisdiction over City streets to implement the recommended improvements, or they can’t guarantee that Caltrans will be successful in obtaining funds from the Legislature to make the improvements at Caltrans intersections (see Table 1 below: “Significant Traffic Impacts, Identified Mitigation Measures, & Agency Comments.”)

[Section 4.15.10.3](#) of the DEIR lists the mitigation measures for City streets and states “However, if the City grants authorization, CSU will implement the recommended improvement, thereby reducing the project’s impact to less than significant.” City staff have made it clear that they will work with SDSU to ensure that transportation improvements can be implemented. Furthermore, the recently updated Mission Valley Community Plan (MVCP) includes mobility improvements and the forthcoming MVCP Impact Fee Study (IFS) includes mobility facilities that SDSU can contribute to, therefore many feasible mitigation opportunities exist.

With respect to Caltrans intersections, the [Caltrans comment letter](#) to the DEIR cites [City of San Diego v. Board of Trustees of California State University](#), and asks SDSU “...please delete each of the sentences identified with the state highway mitigation that provide: *To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project’s proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible.*”

Figure 4 – Excerpt from Caltrans Comment letter to the SDSU Mission Valley Campus Master Plan DEIR

As the lead agency, CSU has responsibility for discussing mitigation measures proposed for the project, including any needed improvements to the state transportation system. (14 C.F.R., section 15126.4) Further, consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by ~~substantial evidence and subject to monitoring or reporting~~, of mitigating the significant effects of greenhouse gas emissions. It would appear that CSU is making the erroneous assumption that off-site mitigation is solely the responsibility of Caltrans. CSU has the responsibility of mitigating CSU’s effects of regional infrastructure, unless it can be shown that another agency has exclusive responsibility. (City of San Diego v. Board of Trustees of California State University (2015) 61 Cal. 4th 945, 957)

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[City of San Diego v. Board of Trustees of California State University](#) was the result of a lawsuit challenging SDSU's 2007 Campus Master Plan EIR Transportation Impact Mitigations. That EIR's traffic mitigation measures were deemed inadequate by the courts because SDSU made the requirement to pay the City of San Diego for traffic improvements contingent on the Legislature specifically appropriating the funds. The state Supreme Court decertified the transportation section of SDSU's 2007 Campus Master Plan EIR. In 2018, the University had to [redo the document](#) with commitments to fund or complete specific mitigation measures.

In the new version of the Campus Master Plan, the language that says "CSU cannot guarantee that Caltrans will get the funding necessary to make the proposed improvements, therefore they are considered infeasible" is **deleted**. Instead, there are specific commitments with development threshold triggers stating "SDSU shall, to the reasonable satisfaction of the City of San Diego Engineer and provided the City approves, [make the proposed improvement]."

For example, [Section 3.11.2](#) "Mitigation Measures" on Page 75 specifies improvements necessary to mitigate the project's significant impact at the College Avenue and the I-8 Eastbound Ramp, and includes the threshold when that improvement must take place.



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Figure 5 Excerpts of Page 75 & 76 of the revised 2007 SDSU Campus Master Plan

Near-Term (2022) Mitigation Measures

Intersections

AATCP-1 College Avenue / I-8 Eastbound Ramps (Intersection #8). The improvement necessary to mitigate the Project's significant impact at the College Avenue / I-8 Eastbound Ramp is to widen the northbound College Avenue approach to the on-ramp to provide an additional lane on College Avenue between Canyon Crest Drive and the I-8 EB on-ramp.

Prior to SDSU Full-Time Equivalent (FTE) enrollment reaching 25,056¹ or its equivalent, SDSU shall commence and to the extent feasible complete construction of the widening of the northbound College Avenue approach to the College Avenue / I-8 Eastbound Ramp to provide an additional (third) northbound lane between Canyon Crest Drive and the I-8 EB on-ramp by the identified trigger, to the reasonable satisfaction of the City of San Diego City Engineer and Caltrans. To implement the improvements, SDSU shall prepare design plans and submit such plans to the City of San Diego and Caltrans for review and approval. Following City and Caltrans approval, SDSU shall obtain any necessary construction permits and provide bond assurances to the reasonable satisfaction of Caltrans and the City Engineer prior to constructing the subject improvements consistent with the approved City and Caltrans plans. In the event the proposed improvements are not approved and constructed by the above identified trigger, the impact would remain temporarily significant and unavoidable until approval and construction of the improvements, but in no event shall said improvement be delayed beyond the identified trigger without good cause and reasonable coordination with the City of San Diego Engineer. (Note: The phrase "or its equivalent" as used in this and other mitigation measures refers to the fact that the near-term construction of the Adobe Falls Faculty/Staff Housing could trigger the identified significant impact prior to FTE enrollment actually reaching the designated number, in this case, 25,056. Accordingly, Table AA3.14-34, Mitigation Trigger Analysis, of this Draft Additional Analysis, identifies the number of FTE equivalent faculty/staff housing that would trigger the identified impact requiring mitigation.)

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I will be looking to see this level of commitment and specificity in the final EIR for the Mission Valley Campus project.

A provision of SDSU's offer letter(s) that needs clarification is the proposed \$5 million for additional traffic improvements. In the [Oct. 14th offer letter](#), item number 12 states "As described in the DEIR, SDSU intends to provide approximately \$21,000,000 in off-site and major on-site improvements, pursuant to the mitigation measures identified in the DEIR. SDSU will also provide \$5,000,000 in additional traffic improvements as an accommodation to the City, provided SDSU does not become responsible for other traffic improvements."

In SDSU's [Oct. 15th letter](#) which describes the planned \$21 million in transportation improvements and erroneously attributes \$17.4 million as off-site when it is actually on-site, it states "Per SDSU's offer letter, SDSU will also provide \$5 million in additional traffic improvements as an accommodation to the City, provided SDSU does not become responsible for other traffic improvements."

The [Oct. 28th offer letter](#) *Transportation Improvements* point states "In addition to the transportation mitigation responsibilities under the Final Environmental Impact Report ("FEIR"), SDSU will provide \$5,000,000 for additional traffic improvements in coordination with the City."

Please clarify that the \$5,000,000 for additional traffic improvements will be in addition to whatever the final dollar amount of improvements is required by the Final EIR, and is not contingent on the City absolving SDSU of other required traffic improvements.

Furthermore, the [Caltrans comment letter](#) to the DEIR asserts that signal optimization is routine maintenance and is not a mitigation measure. Four out of the eight "offsite improvements" proposed in SDSU's Oct. 15th letter are signal optimizations at a value of \$15,000 each. Caltrans states that installing Adaptive Traffic Signal Controls can be utilized as a mitigation measure, which cost approximately \$50,000 each. City of San Diego transportation and planning staff also concur that signal optimization is routine maintenance already performed by staff and would not mitigate traffic impacts caused by the SDSU West project.

In 2014 the City of San Diego adopted the [Traffic Signal Communication Master Plan](#) which identifies adaptive signal operations for approximately one-third of the traffic signals in the City. The City has already installed Adaptive Signal Controls on Friars near the Fashion Valley Mall, and Caltrans will be installing more upon completion of the construction at Friars and SR 163. To maximize the effectiveness of the technology, adaptive controls need to be installed at each intersection along Friars road heading east. This is an existing City CIP project and a feasible mitigation measure to which SDSU can contribute.

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In fact, when the Transportation section of 2007 SDSU Campus Master Plan was [decertified by the courts](#) and then redone by SDSU, [Adaptive Signal Controls were identified as a mitigation measure](#)².

The Final EIR for the project must properly mitigate the identified traffic impacts to the satisfaction of the City and Caltrans, regardless of whatever terms SDSU is offering for the Purchase and Sale Agreement (PSA). It shouldn't take another ten-year lawsuit, like the City endured with the SDSU 2007 Campus Master Plan EIR, to get the traffic improvements required by CEQA law. Let's get it right the first time.

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TABLE 1 - Significant Traffic Impacts, Identified Mitigation Measures, & Agency Comments

➤ **City intersections**

1. River Run & Friars Road – SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Traffic signal optimization. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as traffic signal improvements in coordination with the City and Caltrans.

2. Fenton Parkway & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Traffic signal optimization. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as traffic signal improvements in coordination with the City and Caltrans.

3. Northside Drive & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Pay a fair share contribution to add a second northbound right turn lane and optimize traffic signals along Friars Road. However, there is no existing plan to contribute a fair share payment, therefore the mitigation is considered infeasible.

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² San Diego State University 2007 Campus Master Plan Revision, Section 2.3.2 Mitigation Measures, Page 22 (May 2018)

City Comment: SDSU should implement any feasible mitigations such as adding a second northbound right turn lane and traffic signal improvements in coordination with the City.

4. Rancho Mission Road & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Optimize traffic signals at I-15 Northbound Ramps & Friars Road intersection. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as adding a second northbound right turn lane and traffic signal improvements in coordination with the City and Caltrans.

Caltrans Comment: "... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project's proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible."

5. Fairmount Ave & San Diego Mission Road/Twain Ave - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Restripe San Diego Mission Road to add a separate eastbound left turn lane and restripe the westbound approach of Twain Ave. to provide a separate left turn lane. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as restriping and traffic signal improvements in coordination with the City.

6. Texas Street & Camino del Rio North - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Restripe both the east bound and westbound through lanes to be shared left-turn and through lanes and perform signal re-optimization. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

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City Comment: SDSU should implement any feasible mitigations such as restriping and traffic signal improvements in coordination with the City.

7. Ward Road & Rancho Mission Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Install a traffic signal at this intersection. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as installation of a traffic signal at this intersection in coordination with the City.

8. Fairmount Ave. & Mission Gorge Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Traffic signal optimization. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as traffic signal improvements in coordination with the City.

9. Ruffin Road & Aero Drive - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Traffic signal optimization. But CSU does not have jurisdiction and can't guarantee implementation of the recommended improvement, therefore the mitigation is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as traffic signal improvements in coordination with the City.

10. Frazee Road & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: N/A

City Comment: The DEIR should explain why mitigations measures and levels of significance are listed as "N/A." SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

11. River Run Drive & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

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SDSU Identified Mitigation: N/A

City Comment: The DEIR should explain why mitigations measures and levels of significance are listed as “N/A.” SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

12. Mission Village Drive/Aztec Way & Street 2 - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: N/A

City Comment: The DEIR should explain why mitigations measures and levels of significance are listed as “N/A.” SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

13. Mission Gorge Road & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: N/A

City Comment: The DEIR should explain why mitigations measures and levels of significance are listed as “N/A.” SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

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➤ **Caltrans intersections**

1. I-15 SB Ramps & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Add a second eastbound left turn lane, a second eastbound right turn lane, and a second west bound right turn lane. Signal re-optimization is assumed. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations in coordination with the City and Caltrans. The Mission Valley Community Plan Update (MVCPU) Final Program Environmental Impact Report (PEIR) also identified impacts at these location and recommends that a Project Study Report (PSR) be funded to identify the appropriate, more holistic improvements that would address all modes of travel.

Caltrans Comment: “... please delete each of the sentences identified with the state highway mitigation that provide:

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“To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project’s proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible.

Optimizing the signal timing is not considered mitigation as this is routinely performed by the Caltrans Signal Operations branch. Please propose a valid mitigation measure.”

2. I-15 NB Ramps & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Add a second eastbound left turn lane. Signal re-optimization is assumed. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations in coordination with the City and Caltrans. The MVCPU Final PEIR also identified impacts at these locations and recommends that a Project Study Report (PSR) be funded to identify the appropriate, more holistic improvements that would address all modes of travel.

Caltrans Comment: “... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project’s proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible.

Optimizing the signal timing is not considered mitigation as this is routinely performed by the Caltrans Signal Operations branch. Please propose a valid mitigation measure.”

3. Fairmount Ave & Camino del Rio North - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Restripe the eastbound approach to provide a second eastbound right turn lane and signal re-optimization. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

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City Comment: SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

Caltrans Comment: "... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project's proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible."

4. I-15 SB/I-8 Loop On-ramp from Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Add a second mixed flow lane on this ramp. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

Caltrans Comment: "... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project's proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible."

5. I-15 SB Direct On-ramp from Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Add a second mixed flow lane on this ramp. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

X1-9
Cont.

Caltrans Comment: "... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project's proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible."

6. SR 163 Southbound Ramps/Ulrich Street & Friars Road - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: Re-optimize the coordinated signal offset. CSU will support Caltrans in its effort to obtain funds from the legislature or other available funding sources. However, since CSU cannot guarantee that Caltrans will be able to obtain the funds, the improvement is considered infeasible.

City Comment: SDSU should implement any feasible mitigations such as traffic signal improvements in coordination with the City and Caltrans.

Caltrans Comment: "... please delete each of the sentences identified with the state highway mitigation that provide:

To the extent Caltrans seeks to pursue the improvements, CSU will support Caltrans in its effort to obtain the project's proportionate share of funding for the recommended improvements from the Legislature or other available funding sources. However, because CSU cannot guarantee that Caltrans will be able to obtain such funds, the improvement is considered infeasible."

Optimizing the signal timing is not considered mitigation as this is routinely performed by the Caltrans Signal Operations branch. Please propose a valid mitigation measure."

7. 17 Individual Freeway Segments - SIGNIFICANT TRAFFIC IMPACTS

SDSU Identified Mitigation: N/A

City Comment: The DEIR should explain why mitigations measures and levels of significance are listed as "N/A." SDSU should implement any feasible mitigations in coordination with the City and Caltrans.

↑
X1-9
Cont.
↓

In conclusion, City Transportation staff and Caltrans identified serious flaws in the DEIR that need to be corrected in the Final EIR. \$1 million in offsite mitigation does not adequately address the project's traffic impacts. We don't want history to repeat itself like the 2007 Campus Master Plan and let lawsuits delay the project for over a decade.



X1-9
Cont.

Conclusion

I am pleased with the progress of the negotiations on the sale of the Mission Valley Stadium site and look forward to reviewing a final PSA by early 2020. There are still significant unresolved concerns with traffic that need to be addressed in the Final EIR in order for the City Council to agree to the sale. SDSU must be held to the same standard as any other developer to mitigate the impacts of their project. I look forward to continuing our progress and finalizing plans for a development of we can all be proud.



X1-10

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Response to Late Comment Letter X1

Councilmember Scott Sherman

November 18, 2019

X1-1 The comment is an introduction to comments that follow and provides a general overview of those comments that follow. Specific responses are provided below to the specific comments raised.

X1-2 The comment regards the characterization of traffic-related improvements described in an October 14, 2019 letter from SDSU to the City. The issues raised question “onsite vs. off-site traffic impact mitigation.”

Preliminarily, we note that the document referenced in the comment did not distinguish between improvements characterized as “mitigation” or “project features” but rather outlined all of the proposed traffic improvements related to City infrastructure. While the referenced improvements at “three specific intersections” are Project features and not mitigation, the referenced improvements, along with other traffic improvements identified in the EIR, represent a significant financial commitment on SDSU’s part to improving the area’s roads and are intended to improve traffic circulation in Mission Valley, especially along Friars Road. Specifically, the following traffic improvements addressed by the EIR, which include project design features, mitigation measures, and community benefit improvements over and above the project’s mitigation requirements, demonstrate SDSU’s commitment to improving circulation in Mission Valley:

Project Design Features

Street A to Fenton Parkway – Connect Stadium Way (Street A) to Fenton Parkway via an east-west roadway aligned south of the trolley line and configured as a two-lane collector with a center-left-turn-lane. Construct an at-grade crossing of Fenton Parkway across the trolley and an intersection of Street A with Fenton Parkway that can accommodate a future Fenton Parkway extension.

Realign San Diego Mission Road to Mission Village Drive – Realign San Diego Mission Road through the project site to connect with Mission Village Drive from south of the Friars Road Eastbound Ramps. The realignment will consist of portions of Street D, Street 4, and Street F and include new intersections.

Friars Road & Stadium Way – Install a new traffic signal, replace the existing free eastbound right-turn lane with a single right-turn lane (squared up at the signal), install an eastbound protected bike lane, and construct two westbound left-turn lanes. Reconstruct Stadium Way at Friars Road to accommodate two southbound departure lanes, and modify the northbound approach to include two left-turn lanes and two-right turn lanes.

Mission Village Drive & Friars Road Westbound Ramps – Widen the Friars Road Westbound Off-Ramp to add a separate westbound left-turn pocket (maintaining the existing shared through/left-turn lane). Widen the Mission Village Drive overpass to Friars Road in both directions to provide a second northbound left-turn lane at this intersection (and a second southbound left-turn lane at the Mission Village Drive/Friars Road Eastbound Ramps intersection). Buffered bike lanes and sidewalks will be maintained.

Mission Village Drive & Friars Road Eastbound Ramps – Widen the eastbound off-ramp approach to include a left-turn lane, a left-turn bike-only lane, a shared through/right-turn lane, and an exclusive right-turn lane at Mission Village Drive. Widen the northbound approach to provide dual right-turn lanes, and widen the Eastbound on-ramp from Mission Village Road to Friars Road to two lanes along the entire length and extend a new lane to the I-15 Southbound Ramps intersection; this includes widening of the Friars Road bridge over the tank farm access road.

Mitigation Measures – City Facilities (Note: The following are brief summaries of the EIR mitigation measures. The actual text of each measure is presented below, at Response 8.)

MM-TRA-2 – River Run Drive/Friars Road; MM-TRA-3 – Fenton Parkway/Friars Road; MM-TRA-4 – Northside Drive/Friars Road – Pay the City of San Diego the cost to optimize the traffic signal timing at intersections along the Friars Road corridor extending from River Run Drive to Stadium Way (Street A).

MM-TRA-8 – Fairmount Avenue/San Diego Mission Road-Twain Avenue – Widen the eastbound approach to San Diego Mission Road to add a separate eastbound left-turn lane. See Figure 26 in the Transportation Impact Analysis (TIA) for striping concept, which is consistent with the Navajo Community Plan and the Grantville Focused Plan Amendment.

MM-TRA-9 – Texas Street/Camino del Rio South – Re-stripe both the eastbound and westbound through lanes at the Texas Street/Camino del Rio South intersection to be shared left-turn and through lanes, and pay to the City of San Diego the cost to perform signal re-optimization at the intersection.

MM-TRA-10 – Ward Road/Rancho Mission Road – Install a traffic signal at the Ward Road/Rancho Mission Road intersection.

MM-TRA-11 – Fairmount Avenue/Mission Gorge Road – Pay the City of San Diego the cost to optimize the traffic signal timing at the Fairmount Avenue/Mission Gorge Road intersection.

MM-TRA-13 – Ruffin Road/Aero Drive – Pay the City of San Diego the cost to optimize the traffic signal timing at the Ruffin Road/Aero Drive intersection.

Proposed Community Benefit Improvements

In addition to the Project features and mitigation identified above, SDSU has agreed to provide an additional \$5M toward off-site road improvements that will benefit the community. These improvements are over and above the project's mitigation requirements, and are in addition to those requirements and not contingent on the City "absolving" SDSU of other required traffic improvements.

These community benefit improvements are addressed in the Final EIR at Section 4.15.10.5 and are as follows:

Campus-to-Campus Bicycle Connection – Install/construct new buffered bike lanes (with a short segment of standard bike lanes) on Rancho Mission Road from the Mission Valley site to Ward Road. With the separate cycle track improvements on Ward Road to be provided as part of the Rancho Mission Road/Ward Road improvements

described below, there will be continuous bicycle facilities between the College Area and Mission Valley campuses. As planned, the improvements would all be located within the existing curb-to-curb roadway section and would be designed and constructed in accordance with City of San Diego public road standards.

Friars Road Corridor Improvements – Implement adaptive signal equipment, new detection cameras, and supporting communications technology along Friars Road at the following six intersections: River Run Drive/Friars Road; Fenton Parkway/Friars Road; Northside Drive/Friars Road; Santo Road/Friars Road; Riverdale Street/Friars Road; and Mission Gorge Road/Friars Road.

Ruffin Road/Aero Drive Intersection – Upgrade detection camera systems and supporting communications technology at intersection to enhance traffic flow operations.

Rio San Diego Drive – Re-stripe Rio San Diego Drive (Qualcomm Way to Fenton Parkway) to remove two existing vehicle lanes and provide buffered bike lanes. Note that the existing striping would be maintained at the Rio San Diego Drive/River Run Drive intersection such that the buffered bike lane would shift to use the parking lane where there currently is red curb striping. This improvement is a planned improvement identified in the recently adopted Mission Valley Community Plan update (adopted September 10, 2019). As planned, the improvements would all be located within the existing curb-to-curb roadway section and would be designed and constructed in accordance with City of San Diego public road standards.

Rancho Mission Road/Ward Road – Modify Rancho Mission Road/Ward Road from Camino del Rio North to Friars Road to provide a 2-Lane Collector roadway with a Two-Way Left-Turn Lane (TWLTL), and a one-way cycle track on each side of the road. As planned, the improvements would all be located within the existing curb-to-curb roadway section and would be designed and constructed in accordance with City of San Diego public road standards. This improvement is a planned improvement identified in the recently adopted Mission Valley Community Plan update (adopted September 10, 2019).

Additional Transportation Projects – Pay the City of San Diego an amount equal to the difference between the actual cost of the preceding Community Benefit Improvements, listed above, and Five Million Dollars (\$5,000,000), which amounts shall be placed into a capital improvement fund used by the City of San Diego to fund capital improvement projects in the Mission Valley, Serra Mesa and Navajo communities. It is anticipated that the difference will be approximately Two Million Four Hundred Thousand Dollars (\$2,400,000).

Fenton Parkway Bridge

Additionally, as a separate City project, SDSU has also agreed to fund the environmental review, design, permitting and construction the Fenton Parkway Bridge, a 2-lane, all weather, at grade with the trolley crossing (with turn lane). SDSU's allocated contribution for Bridge costs would be approximately 25% of the total costs. SDSU would receive development impact fee credits or other

reimbursement to the extent it incurs costs exceeding the approximately 25% share. SDSU also would be entitled to use the City's existing capital improvement project funds allocated to the Bridge (\$1.3M) for Bridge costs. SDSU requests the City allocate a maximum \$8.5M of the purchase price proceeds towards construction of the Bridge.

X1-3 The comment refers to the comments on the Draft EIR Transportation section submitted by the City of San Diego. Responses to each of the comments submitted by the City are provided in the Final EIR, Volume II - Responses to Comments, Response to Comment Letter A4.

X1-4 The comment refers to the Draft EIR Transportation mitigation measures, which found that the recommended traffic improvements to City and Caltrans facilities were infeasible for multiple reasons, including that the improvements would be located outside of property owned by CSU/SDSU.

The mitigation measures included in the Project's Draft EIR required CSU/SDSU to mitigate the impacts to City facilities. However, because SDSU does not have control over the City's streets, nor did it have the City's approval relative to the recommended improvements, the Draft EIR necessarily identified the mitigation as infeasible. However, as further discussed below, following release of the Draft EIR and related discussions with the City, the City has agreed to grant SDSU the necessary approvals to implement the mitigation and the mitigation measures are no longer considered infeasible.

SDSU's practice and policy is to work with affected jurisdictions as to those improvements to be funded or constructed on property outside of its ownership. Prior to and following release of the Draft EIR, SDSU representatives met separately with representatives of the City of San Diego and Caltrans to discuss their comments relative to the EIR's transportation analysis, including proposed mitigation measures. The meetings provided a forum to discuss the EIR's proposed transportation improvements, including SDSU's role in implementing the improvements (i.e., pay full-share or fair-share of improvement costs, or directly construct the improvements). Final EIR Thematic Response PD-3, Mitigation Negotiations, provides a detailed summary of the meetings held to date between CSU and Caltrans. The following is a brief summary of those meetings.

City Meetings

SDSU representatives met with City officials regularly to address issues related to the EIR and reached agreement with the City regarding the payment of SDSU's share of improvement costs and authorization for the completion of certain off-site transportation improvements. As a result of these discussions, SDSU revised the EIR to eliminate the ownership infeasibility issue as to the following traffic improvements: MM-TRA-2 [River Run Drive & Friars Road]; MM-TRA-3 [Fenton Pkwy & Friars Road]; MM-TRA-4 [Northside Drive & Friars Road]; MM-TRA-7 [Intersection 19: Rancho Mission Road & Friars Road]; MM-TRA-8 [Fairmount Ave & San Diego Mission Road/Twain Ave]; MM-TRA-9 [Texas Street & Camino del Rio S]; MM-TRA-10 [Ward Road & Rancho Mission Road]; MM-TRA-11 [Fairmount Ave & Mission Gorge Rd]; MM-TRA-13 [Ruffin Rd & Aero Dr].)

As revised, the SDSU MV project traffic mitigation measures provide that CSU/SDSU will either: (1) pay the City the full cost of the recommended mitigation improvement; or (2) construct/install the necessary improvements to the reasonable satisfaction of the City Engineer. See Final EIR Mitigation Measures MM-TRA-2, MM-TRA-3, MM-TRA-4, MM-TRA-8, MM-TRA-9, MM-TRA-10, MM-TRA-11, and MM-

TRA-13; the mitigation measures are reproduced below. Based on the negotiations, SDSU agreed that for those mitigation improvements for which CSU/SDSU's fair-share percentage at the subject location is less than 100%, SDSU nevertheless will fully fund the improvements, for the limited purpose of this project only, in light of the substantial benefits that would accrue to the community.

For additional information responsive to this comment, please see Response to the City's Comment A4-2. For information related to Caltrans meetings, see Response 5 below.

- X1-5** The comment regards mitigation relating to Caltrans facilities and references the SDSU 2007 Campus Master Plan litigation. The 2007 Master Plan litigation addressed SDSU's mitigation obligation relative to City facilities and it resulted in the requirement that SDSU mitigate the identified impacts to those municipal facilities.

Consistent with the 2007 Master Plan Revision language referenced in the comment, for those mitigation measures that require physical improvements to City facilities, the Final EIR includes language reviewed and approved by City staff requiring that SDSU construct the improvement to the reasonable satisfaction of the City Engineer, including obtaining any necessary construction permits and bond assurances. As to those improvements to be implemented by the City (e.g., optimization of traffic signals), SDSU will pay the City the costs necessary to implement the improvement.

Specific to Caltrans, SDSU currently is meeting with Caltrans officials to address issues related to the EIR's transportation analysis. The Draft EIR included mitigation that CSU will support Caltrans in its efforts to obtain the proposed project's proportionate share of funding from the state Legislature. However, in response to the City's comments and related comments from Caltrans, SDSU revised the EIR mitigation such that SDSU will provide Caltrans with fair-share funding towards the necessary mitigation, assuming there is a plan or program in place to provide the remainder funding. See Final EIR, Thematic Response PD-3, Mitigation Negotiations, for additional information related to the Caltrans meetings.

As to the 2007 Master Plan mitigation measure AATCP-1 referenced in the comment, the mitigation primarily regards the widening of a City of San Diego facility – College Avenue, not a Caltrans facility. As previously noted, all of the Mission Valley EIR proposed mitigation measures relating to City facilities have been revised consistent with the 2007 Master Plan approach. Please also see X1-8 below.

- X1-6** The comment requests clarification regarding the \$5 million in community benefit improvements and whether the improvements are in addition to the improvements required by the Final EIR. In short, the answer is yes. Please see X1-2 for additional information responsive to this comment.

- X1-7** The comment regards traffic signal optimization as a mitigation measure. The Draft EIR includes 6 mitigation measures that include "signal optimization" as part of the recommended mitigation (MM-TRA-2 [River Run Drive/Friars Road], MM-TRA-3 [Fenton Parkway/Friars Road], MM-TRA-4 [Northside Drive/Friars Road], MM-TRA-9 [Texas Street/Camino Del Rio South], MM-TRA-11 [Fairmount Avenue/Mission Gorge Road], and MM-TRA-13 [Ruffin Road/Aero Drive]). Signal optimization involves the calculation, and implementation, of recommended signal timing at the time of project impact in order to optimize traffic flow on the roadway; in comparison, adaptive traffic signal controls provide for the ongoing readjustment of signal timing based upon changing traffic conditions. Importantly, signal

optimization, and not adaptive signal controls, is the improvement necessary to mitigate the project's identified significant impacts.

Nonetheless, as part of the \$5M in community benefit improvements, SDSU has agreed to fund adaptive traffic signal controls along the Friars Road corridor at 3 of the 6 affected intersections (River Run Drive/Friars Road, Fenton Parkway/Friars Road, and Northside Drive/Friars Road), as well as three additional intersections (Santo Road/Friars Road; Riverdale Street/Friars Road; and Mission Gorge Road/Friars Road). As to the Ruffin Road/Aero Drive intersection, the \$5M will provide for upgraded detection camera systems and supporting communications technology at the intersection. As to the Texas Street/Camino del Rio South and Fairmount Avenue/Mission Gorge Road intersections, the \$5M in community benefit improvements includes approximately \$2.4M not allocated to any specific improvements and, therefore, the City may implement adaptive traffic signal controls at these other intersections if it so determines.

X1-8 The comment, identified as Table 1, lists 13 City intersections and, where applicable, the corresponding mitigation as presented in the Draft EIR, and the related City comment.

As previously noted, following release of the Draft EIR, SDSU and City staff met to review the mitigation measures proposed in the Draft EIR. Based on those meetings and subsequent revisions to certain mitigation measures, the City has approved implementation of the proposed mitigation, and has granted authorization for SDSU to move forward with implementation. As such, the previous determination that mitigation is infeasible due to jurisdictional limitations has been stricken, as reflected in the following revised mitigation measures.

The following are the traffic mitigation measures as revised and as presented in the Final EIR:

City Intersections

1. MM-TRA-2 - River Run Drive & Friars Road: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 5,160 DUEs, CSU/SDSU shall pay the City of San Diego the cost to optimize the traffic signal timing at intersections along the Friars Road corridor extending from River Run Drive to Stadium Way (Street A) in order to accommodate the change in traffic demand over the next 19 years plus the addition of project traffic. Signal timing optimization is expected to include the collection of new peak period intersection count data, calculation of recommended signal timings, and implementation of those timings in the field at each location. While SDSU's project percentage fair-share at this location is less than 100% (47.8%), SDSU has agreed to fully fund the improvements, for the limited purpose of this project only, in light of the substantial benefits that would accrue to the community.
2. MM-TRA-3 - Fenton Parkway & Friars Road: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 4,150 DUEs, CSU/SDSU shall pay the City of San Diego the cost to optimize the traffic signal timing at intersections along the Friars Road corridor extending from River Run Drive to Stadium Way (Street A) to accommodate the change in traffic demand over the next 19 years plus the addition of project traffic. Signal timing optimization is expected to include the collection of new peak period intersection count data, calculation of recommended signal timings, and implementation of those timings in the field at each location.

3. MM-TRA-4 - Northside Drive & Friars Road: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 5,270 DUEs, CSU/SDSU shall pay the City of San Diego the cost to optimize the traffic signal timing at the intersections along the Friars Road corridor extending from River Run Drive to Stadium Way (Street A) to accommodate the change in traffic demand over the next 19 years plus the addition of project traffic. Signal timing optimization is expected to include the collection of new peak period intersection count data, calculation of recommended signal timings, and implementation of those timings in the field at each location.
4. MM-TRA-7 - Rancho Mission Road & Friars Road: The recommended improvement to mitigate the significant impact at the Rancho Mission Road/Friars Road intersection is to optimize the traffic signal timing at the adjacent I-15 Northbound Ramps & Friars Road intersection (Intersection 18); however, without improving the related ramp meter operations at the I-15 northbound on-ramp at Friars Road, which is infeasible due to design constraints, in conjunction with the recommended signal optimization at Intersection 18, the operations at the Rancho Mission Road/Friars Road intersection (Intersection 19) will remain above the significance threshold.
5. MM-TRA-8 - Fairmount Ave & San Diego Mission Road/Twain Ave: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 8,940 DUEs, CSU/SDSU shall commence and, to the extent feasible, complete to the reasonable satisfaction of the City of San Diego City Engineer, the widening of the eastbound approach to San Diego Mission Road to add a separate eastbound left-turn lane, and the restriping of the westbound approach to add a separate westbound left-turn lane, and the signal modification to provide protected east-west left-turn phasing.

To implement the improvements, SDSU shall prepare design plans and submit such plans to the City of San Diego for review and approval. Following City approval, SDSU shall obtain any necessary construction permits and provide bond assurances to the reasonable satisfaction of the City Engineer prior to constructing the subject improvements consistent with the approved City plans. In the event the proposed improvements are not approved and constructed by the above identified trigger, the impact would remain temporarily significant and unavoidable until approval and construction of the improvements, but in no event shall said improvements be delayed beyond the identified trigger without good cause and reasonable coordination with the City of San Diego City Engineer.

This widening would result in an 11'-wide right-turn lane and 10' left-turn and through lanes for the eastbound approach. To properly align the east-west approaches, the westbound approach of Twain Avenue should also be re-striped to provide a separate left-turn lane. On this approach, the re-striping would result in a 12' curb lane that is a shared right-turn and through lane, an 11' exclusive through lane, and a 10' left-turn lane. Protected left-turn phasing is assumed to be provided for both eastbound and westbound approaches, which would require a signal modification.

6. MM-TRA-9 - Texas Street & Camino del Rio South: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 5,130 DUEs, CSU/SDSU shall commence and, to the extent feasible, complete to the reasonable satisfaction of the City of San Diego City Engineer, the restriping of both the eastbound and westbound through lanes at the Texas Street/Camino del Rio South intersection to be shared left-turn and through lanes, and shall pay to the City of San Diego the cost to perform signal re-optimization at the intersection, which is standard practice with intersection reconfiguration.

To implement the improvements, CSU/SDSU shall prepare design plans and submit such plans to the City of San Diego for review and approval. Following City approval, CSU/SDSU shall obtain any necessary construction permits and provide bond assurances to the reasonable satisfaction of the City Engineer prior to constructing the subject improvements consistent with the approved City plans. In the event the proposed improvements are not approved and constructed by the above identified trigger, the impact would remain temporarily significant and unavoidable until approval and construction of the improvements, but in no event shall said improvements be delayed beyond the identified trigger without good cause and reasonable coordination with the City of San Diego City Engineer.

7. MM-TRA-10 - Ward Road & Rancho Mission Road: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 3,950 DUEs, CSU/SDSU shall commence and, to the extent feasible, complete to the reasonable satisfaction of the City of San Diego City Engineer, the installation of a traffic signal at the Ward Road/Rancho Mission Road intersection. While SDSU's percentage fair-share at this location is less than 100% (69.1%), since there is no plan or program in place to provide the necessary remainder funding in combination with the project's fair-share for the recommended improvement, SDSU has agreed to fully fund the improvements, for the limited purpose of this project only, in light of the substantial benefits that would accrue to the community.

To implement the improvements, CSU/SDSU shall prepare design plans and submit such plans to the City of San Diego for review and approval. Following City approval, CSU/SDSU shall obtain any necessary construction permits and provide bond assurances to the reasonable satisfaction of the City Engineer prior to constructing the subject improvements consistent with the approved City plans. In the event the proposed improvements are not approved and constructed by the above identified trigger, the impact would remain temporarily significant and unavoidable until approval and construction of the improvements, but in no event shall said improvements be delayed beyond the identified trigger without good cause and reasonable coordination with the City of San Diego City Engineer.

This improvement would improve operations in the AM and PM peak hours to 4.2 and 6.3 seconds of delay, respectively.

8. MM-TRA-11 - Fairmount Ave & Mission Gorge Road: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 10,160 DUEs, CSU/SDSU shall pay the City of San Diego the cost to optimize the traffic signal timing at the Fairmount Avenue/Mission Gorge Road intersection to accommodate the change in traffic demand over the next 19 years plus the addition of project traffic.
9. MM-TRA-13 - Ruffin Road & Aero Drive: Prior to the issuance of the applicable CSU building permit for, or occupancy of, 9,780 DUEs, CSU/SDSU shall pay the City of San Diego the cost to optimize the traffic signal timing at the Ruffin Road/Aero Drive intersection to accommodate the change in traffic demand over the next 19 years plus the addition of project traffic.

For the reasons provided below, the Final EIR does not include mitigation for the following three intersections:

10. Frazee Road & Friars Road: The EIR analysis determined that under Horizon Year plus Project conditions with no stadium event, the project would not result in significant impacts at this intersection and, therefore, no mitigation is necessary. (See EIR Table 4.15-29, Intersection 3.) While the project potentially would result in significant impacts at this intersection under stadium event conditions depending on the attendance levels, the EIR Stadium Transportation

Demand Management (TDM) program (PDF-TRA-2) and the Transportation and Parking Management Plan (TPMP; PDF-TRA-4) are feasible measures that would help to minimize congestion and the related impacts associated with these events, although these temporary impacts would remain significant and unavoidable.

11. Mission Village Drive/Aztec Way & Street 2 (Street D & Street 4): Preliminarily, the comment references a new intersection to be constructed as part of the project that presently does not exist. Additionally, the future street names have been changed from those referenced; the intersection is referenced in the EIR as “Street D & Street 4”, Intersection 14. As shown on EIR Table 4.15-29, the EIR analysis determined that under Horizon Year plus Project conditions with no stadium event, the project would not result in significant impacts at this intersection and, therefore, no mitigation is necessary. (See EIR Table 4.15-29, Intersection 14.) As with the Frazee Road & Friars Road intersection referenced above, while the project potentially would result in significant impacts at the Street D & Street 4 intersection under stadium event conditions depending on the attendance levels, the Stadium TDM program and the TPMP are feasible measures that would help to minimize congestion and the related impacts associated with these events, although these temporary impacts would remain significant and unavoidable.
12. Mission Gorge Road & Friars Road: The EIR analysis determined that under Horizon Year plus Project conditions with no stadium event, the project would not result in significant impacts at this intersection and, therefore, no mitigation is necessary. (See EIR Table 4.15-29, Intersection 22.) As is the case regarding the two previous intersections, while the project potentially would result in significant impacts at this intersection depending on attendance levels under stadium event conditions, the Stadium TDM program and the TPMP are feasible measures that would help to minimize congestion and the related impacts associated with these events, although these temporary impacts would remain significant and unavoidable. Nonetheless, as part of the \$5M in community benefit improvements, SDSU has agreed to fund adaptive traffic signal controls at this intersection.

X1-9

The comment lists the impacted Caltrans facilities and the corresponding mitigation as presented in the Draft EIR, along with excerpts of the related Caltrans comment as presented in that agency's separate comment letter on the Draft EIR.

As previously noted, prior to and following release of the Draft EIR, SDSU and Caltrans staff met to review the project generally, the EIR's transportation analysis, and the proposed mitigation. The Draft EIR included mitigation that CSU will support Caltrans in its efforts to obtain the proposed project's proportionate share of funding from the state Legislature. However, in response to the City's comments and related comments from Caltrans, SDSU revised the EIR mitigation such that SDSU will provide Caltrans with fair-share funding towards the necessary mitigation, assuming there is a plan or program in place to provide the remainder funding. SDSU is continuing to meet with Caltrans officials regarding these matters. See Final EIR, Thematic Response PD-3, Mitigation Negotiations, for additional information related to the Caltrans meetings.

The following are the mitigation measures relative to Caltrans facilities, as revised in the Final EIR:

1. I-15 SB Ramps & Friars Road (Intersection 17): The recommended improvement would be to reconstruct the intersection to add a second eastbound left-turn lane, a second eastbound right-turn lane, and a second westbound right-turn lane. Implementation of

these improvements would require widening both on-ramps to allow for two receiving lanes. Additionally, to be consistent with current design practice, it is expected that Caltrans would require the inclusion of pedestrian and bicycle enhancements. Accordingly, the westbound right-turn lane would be squared off to improve pedestrian safety, and the westbound right-turn would be provided with an overlap phase. Caltrans is expected to additionally require that sidewalks and buffered bike lanes are provided as part of this improvement, and that a blank-out No Right Turn sign be installed at the dual eastbound and westbound right turn lanes. Signal re-optimization is assumed, which is standard practice with intersection reconfiguration.

The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities (fair-share is approximately 66% as to Intersection 17). CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvements. However, because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to implement the improvements pursuant to a funding plan or program, the improvements are considered infeasible.

2. I-15 NB Ramps & Friars Road (Intersection 18): The recommended improvement would be to reconstruct the intersection to add a second eastbound left-turn lane. Additionally, to be consistent with current design practice, it is expected that Caltrans would require the inclusion of sidewalks and buffered bike lanes be provided as part of this improvement, which would require widening the Friars Road overpass to I-15. Caltrans is expected to additionally require that the southbound approach be squared off and converted to two right-turn lanes provided with an overlap phase, and that a blank-out No Right Turn sign be installed for the westbound approach to improve pedestrian safety. Signal re-optimization is assumed, which is standard practice with intersection reconfiguration. In the PM peak hour, re-optimization would include coordinating the signal with the adjacent I-15 Southbound Ramps & Friars Road intersection and the adjacent Rancho Mission Road & Friars Road intersection, where coordination is already in place in the AM peak hour.

The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities (fair-share is 52.5% as to Intersection 18). CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvements. However, because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to implement the improvement pursuant to a funding plan or program, the improvement is considered infeasible.

3. Fairmount Ave & Camino del Rio North: The required improvement would be to restripe the eastbound approach to provide a second eastbound right-turn lane as an approximately 150-foot pocket lane and increase the traffic signal cycle length from 130 to 150 seconds. Signal re-optimization is standard practice with intersection reconfiguration. Note that this signal is coordinated with the signal at Fairmount Avenue & Mission Gorge Road.

To the extent Caltrans seeks to pursue the improvements, the Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities (fair-share is 100% as to Intersection 35). CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvements. However, because

CSU cannot guarantee that Caltrans will approve of and implement the recommended improvements, the recommended improvements are considered infeasible.

4. I-15 SB/I-8 Loop On-ramp from Friars Road: Delays could be reduced to below 15 minutes by the addition of a second mixed flow lane on this ramp. To provide a second lane on this ramp would require widening a bridge structure over both the multi-use path connecting the site to Murphy Canyon Road and a drainage channel. (See related mitigation measure MM-TRA-5.) The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities. CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvements. However, because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to implement the improvements pursuant to a funding plan or program, the recommended mitigation is considered infeasible.
5. I-15 SB Direct On-ramp from Friars Road: Delays could be reduced to below 15 minutes by the addition of a second mixed flow lane on this ramp. To provide a second lane on this ramp will require widening of a bridge structure over the multi-use path connecting the site to Murphy Canyon Road. The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities. CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvements. However, because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to implement the improvements pursuant to a funding plan or program, the recommended mitigation is considered infeasible.
6. SR 163 Southbound Ramps/Ulrich Street & Friars Road: The recommended improvement would be to re-optimize the coordinated signal offset. This action would result in a less than significant impact per the CSU TISM. Signal timing modifications would normally be implemented periodically at an intersection in order to optimize operations and address changing traffic volumes regardless of the addition of project traffic. The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities (fair-share is 100% as to Intersection 1). Regarding the recommended signal offset optimization, CSU will assist Caltrans in its effort to obtain the necessary approvals for the recommended improvement. However, because CSU cannot guarantee that Caltrans will approve of and timely implement the recommended improvement, the improvement is considered infeasible.
7. I-15 and I-8 Freeway Segments (Caltrans) – The improvement necessary to mitigate the Project's identified significant cumulative impacts to Interstate 15 (Adams Avenue to Balboa Avenue/Tierrasanta Boulevard) and Interstate 8 (Morena Boulevard to College Avenue) is to provide additional capacity on the affected freeway segments. As there presently are no capacity improvements planned for the affected segments of Interstate 8 and Interstate 15, a potential mitigation is preparation of a Project Study Report-Project Development Support document (Study) that would further identify and assess available alternatives to increase capacity, improve mobility, and relieve congestion on the impacted segments or adjacent interchanges.

The Draft EIR discusses mitigation measures relative to Caltrans facilities and demonstrates CSU's recognition of its responsibility to feasibly mitigate its fair share of significant project impacts to these facilities (average fair-share for the identified freeway segments is 2.5%). California State University/SDSU will assist Caltrans in its efforts to obtain the necessary approvals. However, because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to prepare the recommended Study pursuant to a funding plan or program, the mitigation is considered infeasible.

- X1-10** The comment provides a concluding statement regarding the adequacy of the analysis presented in the Draft EIR. The preceding responses address the issues raised by the comment and no further response is required. Like the commenter, CSU/SDSU looks forward to continuing progress on the Project and finalizing plans for the development.

Comment Letter X2

2127 Olympic Parkway
Suite 1006, #273
Chula Vista, CA 91915

c3sandiego@sbcglobal.net
www.c3sandiego.org



DIRECTORS Date: December 16, 2019

David Abrams

To: Mayor Kevin Faulconer, City of San Diego Councilmembers

Susan Baldwin

Kathleen Ferrier

Move SDSU West Forward with Attention to Housing Affordability and Design Principles

Megan Gamwell

SDSU West is an investment in the future of San Diego State University, an investment in San Diego's future economy, and a public asset that requires the highest level of stewardship. It is not just a real estate deal. It is a public project with a responsibility to model a transit-oriented community, ensure housing that is affordable to a wide variety of San Diegans including students, teachers, and service workers, and implement the visionary River Park Master Plan that is integrated into the urban fabric of Mission Valley. The public benefits, the architecture, and the design of the project must result in a win-win-win for SDSU West, its partners, and for the residents of San Diego.

X2-1

Cary Lowe

Ashley Mazanec

As much interest has been placed on the Purchase & Sale Agreement, and rightly so, C3 offers this letter to advocate that affordable housing be incorporated into the overall site plan to help ameliorate San Diego's housing crisis and to maximize public benefit. We also offer overarching design principles to ensure that the finished product is in fact something extraordinary and special and takes advantage of this unique moment in history.

X2-2

Rod Meade

Denise Price

Roger Showley

Kristen Victor

1. **Housing** - Create a mixed-income, inclusive community that, at a minimum, provides 10% of all homes as deed restricted affordable homes. These units shall be constructed in addition to student housing.
2. **Accessibility and Connectivity** - Ensure meaningful and effective human-scale connections between people and places to overall Mission Valley, the River Park, the trolley stations and connections in-between.
3. **Riverfront Park and Public Spaces** - Let nature be the driver of healthy, public spaces that connect within the site and to surrounding areas using trails, walkways, urban and rooftop gardens.
4. **Sustainable Development and Design** - Promote human well-being through sustainable design, environmental stewardship, and green infrastructure using energy and water saving elements, native vegetation and green building standards.

X2-3

X2-4

X2-5

X2-6

Thank you for the opportunity to comment.

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Response to Late Comment Letter X2

Citizens Coordinate for Century 3 (C3)

December 16, 2019

X2-1

The comment is an introduction to the comments that follow. CSU/SDSU agrees with the introductory comments. SDSU Mission Valley represents an investment in its future, in San Diego's future economy, and a public asset that requires the highest level of stewardship. Should CSU/SDSU acquire the site, CSU/SDSU proposes a vibrant, medium-density campus development that is transit-oriented and expands the university's educational, research, entrepreneurial, and technology transfer programs, as further described in the Draft EIR, Section 2.0, Project Description, and Thematic Response PD-2, Purchase and Sale Agreement.

The proposed project would provide for the development of a new, approximately 35,000 capacity stadium for SDSU Division I collegiate football and collegiate or professional sports leagues. The expandable 35,000 capacity multiuse stadium would be located in the upper northwest corner of the site and would serve as a community resource, available to host collegiate football, professional and collegiate soccer, NCAA championship games, concerts, and other events.

The proposed project also would provide for the development of a River Park, public trails, walking and biking paths or trails and associated open space for use by all members of the public; passive and active recreation space, community and neighborhood parks; and practice, intramural, intermural, and recreation fields. CSU/SDSU envisions restoring the San Diego River's natural flow and creating approximately 83 acres of planned park space, including a River Park, as envisioned by past planning efforts and community input. SDSU Mission Valley takes advantage of opportunities to engage the green space into and through the site by creating miles of hike and bike trails that circumnavigate the site for all San Diegans to enjoy.

Additionally, the proposed project would provide facilities for educational, research, entrepreneurial, and technology programs within a vibrant campus village and research park that is constructed in phases and comprised of: academic and administrative buildings and classrooms; and commercial, technology, and office space, compatible and synergistic with SDSU's needs, to be developed through SDSU-private partnerships. SDSU Mission Valley envisions approximately 1.6 million square feet of academic and research/innovative space, located adjacent to the proposed stadium, to promote collaboration between private companies and SDSU researchers; to create an incubator-like feel to the area, as well as provide modern facilities for SDSU's internationally recognized researchers; to consolidate offices for faculty and staff; and, to house SDSU's interdisciplinary teams researching climate and sustainability, water scarcity and other critical topics.

The project also would include approximately 95,000 square feet of complementary retail space to serve the campus and community; and, hotel(s) to support visitors to campus and stadium-related events, provide additional meeting and conference facilities, and serve as an incubator for graduate and undergraduate students in the university's hospitality and tourism management disciplines.

The project proposes residential communities situated along various greenbelts and pocket parks located throughout the site. The plan includes a diverse mix of housing options and styles to accommodate faculty/staff, student, community, and affordable housing in proximity to a vibrant

university village atmosphere, and trolley and other public transportation uses and improvements that encourage minimization of vehicular traffic impacts in the vicinity. At least ten percent of the approximately 4,600 residential housing units will be set aside as affordable housing and built on site.

The proposed project would allow for reduced reliance on automobiles and multi-modal forms of transportation. Traffic calming, bike lanes, sidewalks, and trails would create a welcoming environment for multiple modes of travel. The availability of the existing trolley line (and potential future Purple-Line expansion) contributes to the proposed SDSU Mission Valley plan where future residents can and will live, learn, work, and play without reliance on automobile transportation.

X2-2 The comment is an introduction to the comments that follow. CSU/SDSU agrees with the introductory comments. The development of on-site affordable housing is incorporated into the overall site plan for the proposed SDSU Mission Valley project. For information responsive to this comment, CSU/SDSU refers the commenter to responses X2-1 and X2-3.

X2-3 The comment states the proposed SDSU Mission Valley project should provide a minimum of ten percent deed restricted affordable homes in addition to student housing. The project proposes construction of a range of diverse housing options for SDSU and the public, with undergraduate, graduate, faculty/staff, community, and affordable housing in a variety of styles to assist with meeting the region's housing needs at all income levels. Providing a diverse range of housing styles and options allows CSU/SDSU to control construction costs and maintain unit affordability.

CSU/SDSU proposes to construct on-site and set aside (with no in-lieu fee option) as affordable housing at least 10% of residential units, in compliance with the City's affordable housing requirements, as follows:

- (A) Rental Units: for a period of 55-years, rental units shall be occupied by tenants having an average household income that is 60% of the area median income (AMI) for San Diego County as determined by the U.S. Department of Housing and Urban Development. To achieve this average, rental units may be occupied by tenants earning a range from less than 30% AMI to 150% AMI so long as on average, affordable rental units are occupied by tenants earning 60% AMI.
- (B) For-Sale Units: the initial sale of each unit designated as an affordable housing unit shall be to a buyer having a household income that does not exceed one hundred percent (100%) of AMI, or an initial buyer whose household income does not exceed 150% of AMI for units containing two or more bedrooms.
- (C) Student Housing Units: units restricted for occupancy by students eligible for Cal Grant A or Cal Grant B awards, students who were previously in the foster care program, or students enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other Federal, State or local laws, or other metric as the parties may agree.

Rental rates and the purchase price for non-student affordable housing units, as applicable, will be determined in accordance with Health & Safety Code Sections 50052.5(b) and 50053(b) and California Code of Regulations, title 14, Section 6910 *et seq.* In establishing affordable rental rates and affordable sales prices for non-student housing, CSU/SDSU may rely on guidance provided by the San Diego Housing Commission pursuant to the Inclusionary Affordable Housing Implementation & Monitoring Procedures (2011) and the Affordable For-Sale Housing Program Guidelines (2019), as the

same may be updated. CSU/SDSU would determine how many affordable housing units within the proposed project would be for-rental, for-sale or student housing units, provided that at full buildout, at least ten percent (10%) of residential units within the project would be designated as affordable housing meeting the criteria above.

As noted above, CSU/SDSU proposes that some affordable housing units may be available to qualifying students under specified metrics. While the City of San Diego's affordable housing policies do not include income qualifications for students, CSU/SDSU proposes affordable housing units would be restricted for occupancy by students eligible for Cal Grant A or Cal Grant B awards, students who were previously in the foster care programs, or students enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other Federal, State, or local laws.

For further information, CSU/SDSU refers the commenter to Draft EIR subsection 4.13.4.1.1, Direct Growth Inducement, which describes proposed construction of affordable housing units. In addition, the City of San Diego and CSU/SDSU are still negotiating and deliberating the terms of the Purchase and Sale Agreement, which includes terms related to affordable housing. For more information regarding the status of those negotiations, CSU/SDSU refers the commenter to Thematic Response PD-2, Purchase and Sale Agreement.

X2-4

The comment states the proposed SDSU Mission Valley project should ensure meaningful and effective human-scale connections between people and places to overall Mission Valley. CSU/SDSU refers the commenter to the response contained in 09-44 and Draft EIR subsection 4.15.5.4, Site Access, Internal Vehicle Circulation and Project Roadway Improvements, which describes proposed road improvements and connections to City streets at Street I (connection to Fenton Parkway), Stadium Way, Mission Village, San Diego Mission, Rancho Mission Road and a new intersection at Friars Road between Stadium Way and Mission Village. Non-vehicular connections include pedestrian/trail improvements through the River Park, bicycle connection to the Murphy Canyon Creek bike trail, and various on-street and sidewalk connections along off-site road connections. Please also see Draft EIR Figures 4.15-10A and 4-15-10B, Project Road Improvements; and Figure 4.15-11, Internal Network, for additional information relating to the proposed project's connections to people and places to overall Mission Valley.

Since publication of the Draft EIR, CSU/SDSU proposes to refine the project, as further described in Thematic Response PD-1, Project Refinements. As part of these project refinements, CSU/SDSU proposes to realign former Street H, which paralleled Murphy Canyon Creek where Rancho Mission Road entered the project site. Additional open space and a trail would replace former Street H along Murphy Canyon Creek within the project boundary and the River Park property, and serve the dual purpose of providing an additional non-vehicular connection to the site and a buffer between project development and the creek.

CSU/SDSU also proposes to provide an activated trolley plaza with commercial uses extended further south on Street D, and space for up to four bus pays adjacent to the existing trolley station.

As an additional community benefit, CSU/SDSU would install/construct new buffered bike lanes (with a short segment of standard bike lanes) on Rancho Mission Road from the Mission Valley site to Ward Road. With the cycle track improvements on Ward Road to be provided as part of the Rancho Mission Road/Ward Road improvements, there will be continuous bicycle facilities between the College Area and Mission Valley campuses.

Further, subject to environmental review as a separate City project, which is not required as part of, or critical to, the proposed project, SDSU would construct a 2-lane, all weather, at grade with the trolley crossing (with turn lane) Bridge and fund its environmental review, design, permitting and construction up to SDSU's 25% allocated contribution. CSU/SDSU refers the commenter to the response to Comment 09-38 and Draft EIR Section 4.15.11, Fenton Parkway Bridge Baseline (2037) Plus Project Analysis, for more information regarding the Fenton Parkway bridge.

X2-5

The comment states the proposed SDSU Mission Valley project should connect the River Park and public spaces within the site to surrounding areas using trails, walkways, urban, and rooftop gardens. The proposed project envisions park and public spaces that will integrate Mission Valley's urban setting with the natural environment, providing for development of a River Park that will incorporate active and passive park uses, 8- to 10-foot wide linear walking and biking trails, and a river buffer of native vegetation, as further described in the Draft EIR Section 4.14, Public Services and Recreation. Additionally, the SDSU Mission Valley Implementation Plan would facilitate the implementation of a range of connections between the urban and natural environment and open space.

The community parks and open space use would provide areas for residents, visitors, and employees on the campus to take physical and psychological relief from the urban environment. Benches and pathways would be placed throughout the passive parks to promote walking through and resting in a natural setting. Passive park space may include plazas, courtyards, and outdoor dining areas. Open space and common areas may provide for courtyards, roof decks, and gardens interspersed throughout the residential development.

The recreational opportunities within the campus would extend beyond the park and open space uses and continue via sidewalks through the corridors of streets. The internal campus will include shady green streets to encourage recreational uses include walking, dog walking, and running along activated pedestrian corridors. Paseos up to 15 feet wide would provide comfortable spaces for retail, residential, and office establishments to encourage and activate recreational opportunities.

Four miles of separated pedestrian and bicycle facilities would be provided throughout the campus, with a 2-mile hike and bike trail located throughout the lower level of the River Park and shared parks and open space. The trail would connect to the hike and bike loop, which provides access to the campus at the upper level and would complete the bikeway connection from Murphy Canyon to Fenton Parkway. The separated multi-use trail would include opportunities for skaters, roller bladders, and casual bike riders. The trails along the river's edge also would accommodate hikers, runners, and casual walkers.

X2-6

The comment states the proposed SDSU Mission Valley project should promote sustainable design, environmental stewardship, and green infrastructure using energy and water saving elements, native vegetation and green building standards. CSU/SDSU refers the commenter to the Thematic Response GHG-1, SDSU Mission Valley's Sustainability Commitments, which describes the proposed project's sustainability commitments that were presented in the Draft EIR Section 4.4, Energy, and Section 4.7, Greenhouse Gas Emissions, as well as refinements to those commitments based on input received in comments on the Draft EIR, which include the following updates to the project's design features (PDFs): (1) no natural gas or wood-burning fireplaces in residential units; (2) additional solar photovoltaic (PV) panel installation; (3) electric heating, cooling, and ventilation systems (HVAC) and electric water heating systems; (4) naturally ventilated parking structures; and (5) EV chargers will be built in accordance with the 2019 Title 24 Building Standards. In addition, consistent with the City's Climate

Action Plan, the proposed project would include implementing energy and water efficient buildings, EV-charging spaces, bicycle parking, shower facilities and lockers in non-residential buildings, designated parking spaces, and implementation of a Transportation Demand Management Program (TDM).

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Comment Letter X3



Save Our Heritage Organisation
Protecting San Diego's architectural and cultural heritage since 1969

Monday, December 30, 2019

Laura Shinn, Director of Planning
Planning, Design, & Construction
San Diego State University
550 Campanile Drive
San Diego, CA 92182-1624

Re: SDSU Mission Valley Campus Master Plan Project – draft Environmental Impact Report comments

Ms. Shinn,

Save Our Heritage Organisation (SOHO) has reviewed the draft Environmental Impact Report for the San Diego State University Mission Valley Campus Master Plan project and asserts that 1) the Historic American Building Survey (HABS) program is not mitigation for the loss of the National Register eligible stadium; 2) demolition of the historic stadium is not a necessary project goal and unfairly obstructs the adaptive reuse alternative, resulting in an inadequate EIR; 3) the analysis of the preferred project must include the amount of embodied energy and debris that will end up in the landfill as part of the overall sustainability calculation for this Master Plan project; and 4) the acreage and passive uses of the River Park should be expanded. SOHO urges SDSU to reconsider their options, and to think about the overall sustainability of this project through the preservation and adaptive reuse of San Diego Stadium as well as expanding the River Park acreage.

X3-1

First, the preparation of HABS documentation, which is already complete and not by SDSU, is NOT mitigation for the loss of San Diego Stadium. Proposed HABS mitigation is specifically at the crux of the California Monterey Jail case (*Architectural Heritage Association v. County of Monterey*, 2004), which was ruled in court as similar to drawing a chalk outline around a body, i.e. not adequate under CEQA to mitigate the loss of such an important resource. Significant for the pre-cast concrete walls, pre-wired light towers, and spiral concrete pedestrian ramps, it was a big deal in 1969 when the Stadium earned an AIA Honor Award - the first national award for a San Diego building and for a U.S. sports stadium.

X3-2

Second, the Campus Master Plan doesn't require the historic stadium to be demolished. To identify the demolition as a clear project objective makes EIR inadequate as it is biased towards demolition of the historical resource- where no alternative that retains the building would suffice, which circumvents CEQA. Further, its loss renders the overall project less environmentally sustainable, a direct result from the lost stadium. The amount of embodied energy and debris that will end up in the landfill as part of the overall sustainability calculation for this Master Plan project needs to be included within the Final EIR.

X3-3

X3-4

Last, SOHO recommends expanding the acreage and passive uses of the River Park. Since this is a flood plain and there is large concern for future flooding, especially with regard to increasing climate change concerns, the park should include all areas within the flood plain so as to be proactive and strategic regarding the location of new development. The River Park should also include more passive, as opposed to intensive park uses, and enable more park-like activities, consistent with the historic use of this area.

X3-5

Preserving and sensitively adapting the stadium to meet the future needs of San Diego is a win-win-win for environmental sustainability, optimizing centrally located land for the highest and best public good, and preserving a living symbol of San Diego's national sports history. SOHO strongly recommends considering the

X3-6

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adaptive reuse alternative for the San Diego Stadium as well as additional acreage for the River Park, the entire flood plain, and more passive park activities.

↑X3-6
↑ Cont.

Thank you for the opportunity to comment,



Bruce Coons
Executive Director
Save Our Heritage Organisation

Response to Late Comment Letter X3

Save Our Heritage Organization (SOHO)

December 30, 2019

- X3-1** The comment is an introduction to more specific comments which follow. Please refer to Response to Comments X3-2 through X3-5, below, for responsive information.
- X3-2** The comment states that the preparation of Historic American Building Survey (HABS) documentation is not sufficient mitigation for impacts associated with demolition of the existing stadium. The comment notes the existing stadium is significant for “pre-cast concrete walls, pre-wired lights, and spiral concrete pedestrian ramps” and that it received an AIA Honor Award.

As stated in the comment, demolition of an historical resource cannot be mitigated to a level that is less than significant. The proposed mitigation measure to document the stadium according to HABS standards follows the approach to mitigation laid out in the Historical Resources Guidelines as detailed in the City of San Diego Municipal Code, which states that “if the historical resource cannot be accommodated through project redesign and relocation is not a feasible option, the historical resource shall be documented according to HABS/HAER/HALS standards prior to demolition. Such documentation, including a written report, photographs, and, in some cases, measured drawings and videotape, shall be prepared by a qualified professional to the standards determined.”

As stated on page 32 of Appendix 4.3-2, Historic Resources Technical Report for SDSU Mission Valley Campus Master Plan Project:

The proposed project would result in a significant impact due to the demolition of SDCCU Stadium, an historical resource. Mitigation measures are recommended to reduce the level of impact; however, demolition of an historical resource cannot be mitigated to a level that is less than significant. As stated in *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, mitigation measures “do not reasonably begin to alleviate the impacts of [the historical resource's] destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.

The court also concluded that the effects related to demolition of an historical resource cannot be reduced to a level of insignificance by incorporating design elements or features of the original historical resource into a new building. Therefore, significant, unavoidable impacts would remain.

Further, page 34 of Appendix 4.3-2 states that “Implementation of the ... mitigation measures would reduce the impacts of the proposed project, but not to a level of less than significant.” The EIR determined that impacts to historic resources would be significant and unavoidable, and specific Findings of Fact and a Statement of Overriding Considerations have been prepared in accordance with CEQA. Further, as explained below, demolition of the existing Stadium is consistent with the provisions of SDMC Section 22.0908 as approved by the voters of the City of San Diego, which provide that the sale of the project site from the City to CSU/SDSU would cause the demolition.

Lastly, in accordance with CEQA, the EIR analyzed two alternatives, the No Project Alternative and a Stadium Re-Use Alternative, which would retain the existing stadium. As analyzed therein, the No Project Alternative was determined to be the environmentally superior alternative, but would not achieve most of the project objectives, and the Stadium Re-use Alternative would result in similar impacts as the proposed project but would not achieve the project objectives to the same degree as the proposed project.

X3-3 The comment states that the Campus Master Plan does not require demolition of the stadium, and that identifying demolition as a project objective is biased towards demolition of the historical resource, resulting in an inadequate EIR.

As stated in Response to Comment X3-2, above, demolition of the existing stadium is contemplated under SDMC Section 22.0908. Specifically, Section 22.0908(j) which contemplates that the sale of the project site to CSU/SDSU “shall result in the demolition, dismantling, and removal of the Existing Stadium and construction of a new Joint Use Stadium.” Accordingly, the Project Objective in question, Objective 7 “Demolish the existing SDCCU Stadium in accordance with SDMC Section 22.0908,” is necessary to demonstrate compliance with the anticipated requirements of the Purchase and Sale Agreement as adopted by the citizens of San Diego. EIR Table 4.10-2, San Diego Municipal Code Section 22.0908 Consistency Analysis, determined that the proposed project, through the demolition of the existing stadium, would be consistent with the provision. In contrast, the Stadium Re-Use Alternative, would not be consistent with the provisions of SDMC Section 22.0908 and Project Objective #7.

X3-4 The comment states that analysis of the preferred project must include the amount of embodied energy and debris that will end up in the landfill as part of the overall sustainability calculation for the proposed project.

See Response to Comments 05-13. As stated in the Draft EIR Section 2.0, Project Description, subsection 2.3.4.1.2, “After demolition, the materials would be sorted for reuse, recycling, and landfill disposal. Approximately 80% of the demolition debris would be diverted from landfills. Further, it is expected that approximately 40,000 cubic yards of material would be hauled from the project site. Approximately 2,500 truck trips would be required to haul away the demolition debris.” (EIR Project Description, p. 2-16.)

Please also refer to Section 4.17, Utilities and Services Systems, which states:

According to the Draft Environmental Impact Report for the Stadium Reconstruction Project prepared by the City, it is estimated that demolition of the Stadium and utility infrastructure would generate approximately 430,000 tons of construction waste (City of San Diego 2015). The volume/quantity of waste from the demolition of Candlestick Park (old San Francisco 49ers stadium) was used for guidance as it is a recent similar effort involving the demolition and new construction of a similarly sized professional football stadium. Disposal ratios were based on City waste management guidelines.

The Final EIR has been revised to include a table showing the estimated amount of material that will be recycled and re-used onsite and materials that will be directed to landfills or other facilities in San Diego. The table was used in the preparation of the Draft EIR and Technical Appendices 4.2-1, Air Quality Technical Report, and 4.7, Greenhouse Gas Emissions Technical Report, and the emissions

associated with (1) hauling / disposing materials offsite and (2) crushing and reusing materials onsite. These totals are represented in Table 4-1e, Demolition Waste Volumes, of Appendix 4.3-1 and 4.7-1, and are factored into the haul trips and rock crushing calculations prepared in each appendix.

- X3-5** The comment expresses the opinion of the commenter that the acreage and passive uses of the River Park should be expanded. The proposed project would include approximately 83-acres of parks, recreation and open space within the 173.1 acre boundary. Roughly 48% of the project site would be some type of active recreational or passive open space use, leaving only 52% of the site developed with vertical, non-park and open space uses. CSU/SDSU also note that an All Park Alternative was considered and rejected for failing to meet most of the Project Objectives. Please refer to Thematic Response BIO-1 – Murphy Canyon Creek for additional information. The comment does not raise a specific issue with the analysis contained in the Draft EIR; therefore, no more specific response can be provided.
- X3-6** The comment is a concluding statement. No response is required.

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Comment Letter X4

10/25/2019

San Diego State University Mail - [mvcomments] Mission Valley



Laura Shinn <lshinn@sdsu.edu>

[mvcomments] Mission Valley

2 messages

Hal Valderhaug <valderhaughal@gmail.com>
Reply-To: valderhaughal@gmail.com
To: mvcomments@sdsu.edu

Wed, Oct 16, 2019 at 9:23 AM

And you might point out the extreme hypocrisy of the mayor and city Council which have indicated at least some support for allowing San Diego high school to use 34 extremely valuable acres in Balboa Park for 99 years for peanuts!

X4-1

Sent from my iPhone

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Response to Late Comment Letter X4

Hal Valderhaug (1)

October 16, 2019

- X4-1** The comment refers to CSU/SDSU's offer to purchase the project site and that the City "[has] indicated at least some support for allowing San Diego high school to use 34 extremely valuable acres in Balboa Park for 99 years for peanuts." Please refer to Thematic Response – PSA Negotiations.

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Comment Letter X5

10/25/2019

San Diego State University Mail - [mcomments] Re: SDSU Presents 'Fair and Equitable' Offer for Purchase of Stadium Site



Laura Shinn <lshinn@sdsu.edu>

[mcomments] Re: SDSU Presents 'Fair and Equitable' Offer for Purchase of Stadium Site

2 messages

Mark Nelson <sandiego.mark.nelson@gmail.com>
Reply-To: sandiego.mark.nelson@gmail.com
To: mcomments@sdsu.edu

Wed, Oct 16, 2019 at 10:25 AM

SDSU's offer does not comply with the measure. The measure explicitly requires that SDSU pay for the park and stadium demo and not deduct those costs from the cost estimate proceeds. SDSU is being dishonest and as a city of San Diego property owner I may sue to invalidate the measure if this continues. It's time for litigation.

Sent from my iPad

X5-1

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Response to Late Comment Letter X5

Mark Nelson

October 16, 2019

- X5-1** The comment states that “SDSUs offer does not comply with” Measure G because it “requires that SDSU pay for the park and stadium demo and not deduct those costs from the cost estimate proceeds.” The comment expresses the commenter’s opinion that “SDSU is being dishonest and as a city of San Diego property owner I may sue to invalidate the measure if this continues.” Please refer to Thematic Response – PSA Negotiations.

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Comment Letter X6

10/25/2019

San Diego State University Mail - [mvcomments] Mission Valley vs Balboa Park



Laura Shinn <lshinn@sdsu.edu>

[mvcomments] Mission Valley vs Balboa Park

3 messages

Hal Valderhaug <valderhaughal@gmail.com>
Reply-To: valderhaughal@gmail.com
To: mvcomments@sdsu.edu

Thu, Oct 24, 2019 at 3:37 PM

Are you sure you don't want to discuss the contrast between the City proposing a basically free 99 year lease of 34 acres in the park to the SDUSD with how they are treating your acquisition? And the school district already received a free 50 year lease with the only consideration for the park land being a guarantee the school would leave the park by 2024!

X6-1

Sent from my iPhone

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Response to Late Comment Letter X6

Hal Valderhaug (2)

October 24, 2019

- X6-1** The comment generally refers to CSU/SDSU's offer to purchase the project site, as well as the City's lease of 34 acres in Balboa Park to the San Diego Unified School District. Please refer to Thematic Response – PSA Negotiations.

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Comment Letter X7

11/1/2019

San Diego State University Mail - [mvcomments] Re: SDSU Revises Offer to Purchase Mission Valley Property



Laura Shinn <lshinn@sdsu.edu>

[mvcomments] Re: SDSU Revises Offer to Purchase Mission Valley Property

1 message

'Ruggles Steve' via SDSU Mission Valley Comments <mvcomments@sdsu.edu>

Wed, Oct 30, 2019 at 4:02 PM

Reply-To: nov8lv@yahoo.com

To: SDSU Mission Valley Team <mvcomments@sdsu.edu>

Where the hell are they gonna park?

X7-1

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Response to Late Comment Letter X7

Steve Ruggles

October 30, 2019

- X7-1** The comment asks where people are going to park if the proposed project is approved. Please refer to the Draft EIR, Section 2.3.4.7, Circulation, Access and Parking, which states that “parking would be accommodated throughout the project site through a combination of street level parking and parking garages, as well as temporary parking in the tailgate park area west of the new stadium.” The Draft EIR further explains that “approximately 5,660 parking spaces are anticipated in aboveground parking garages in campus residential ... a total of approximately 5,065 parking spaces would be provided,” within the campus research area, and “485 parking spaces would be located in hotel parking garages ...[and] [a]pproximately 840 parking spaces would be provided along streets.” In addition, “1,140 at-grade parking spaces would be located west of the new Stadium during events.” Please refer to EIR Figure 2-11F, Parking Plan.

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Comment Letter X8

11/1/2019

San Diego State University Mail - [mvcomments] Re: SDSU Revises Offer to Purchase Mission Valley Property



Laura Shinn <lshinn@sdsu.edu>

[mvcomments] Re: SDSU Revises Offer to Purchase Mission Valley Property

1 message

Bruce Rowe <rbrowe30@gmail.com>

Thu, Oct 31, 2019 at 9:51 AM

Reply-To: rbrowe30@gmail.com

To: mvcomments@sdsu.edu

Smart move. Didn't make any sense saying SDSU will pay for demo, then deducting it from sales price.

X8-1

-BR

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Response to Late Comment Letter X8

Bruce Rowe
October 31, 2019

- X8-1** The comment refers to CSU/SDSU's offer to purchase the project site, stating "Smart move. Didn't make any sense saying SDSU will pay for demo, then deducting it from sales price." Please refer to Thematic Response – PSA Negotiations.

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Comment Letter X9

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-3137
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

January 27, 2020

11-SD-8, 15, 163, 805
PM VAR

San Diego State University Mission Valley Master Plan
FEIR/SCH#2019011042

Ms. Laura Shinn
Director
SDSU Facilities Planning, Design and Construction
5500 Campanile Drive
San Diego, CA 92182

Dear Ms. Shinn:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Final Environmental Impact Report (FEIR) for the San Diego State University Mission Valley Master Plan located near Interstate 8 (I-8), I-15, I-805, and State Route (SR) 163. The Mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans reviewed the FEIR, appendices, and Mitigation Monitoring Report and has the following comments:

1. The FEIR concludes for mitigation towards transportation facilities such as MM-TRA-1, 5, 6, 7, 12, 14 and 15, any improvement or mitigation is "infeasible". It is also stated that "any CSU/SDSU fair-share mitigation payment to Caltrans would be subject to Caltrans providing satisfactory evidence of a reasonable plan of actual mitigation including identification of the source of the necessary remainder funding, and Caltrans' commitment to implementing the improvement."

The Supreme Court of California case *City of Marina v. Board of Trustees of California State University* (2006) 29 Cal. 4th 341, held that "mitigation measures were not rendered infeasible by any uncertainty in [lead agency's] ability to obtain funding". Just as it is incumbent on a lead

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability."*

X9-1

X9-2

Ms. Laura Shinn
January 27, 2020
Page 2

agency to seek funding to implement mitigation measures, it is incumbent on the lead agency to actually seek to implement the identified mitigation through permit conditions, agreements or other measures before coming to a conclusion of infeasibility. See, e.g. Public Resources Code section 21081.6. For transportation impacts, those measures should be coordinated with the California Department of Transportation. (Public Resources Code section 21081.7.)

2. Traffic signal optimization is performed on a continual basis by the Caltrans Signal Operations Branch and therefore is not a mitigation measure. As such, Caltrans requests that CSU/SDSU include language in the mitigation measures for signal optimization of Caltrans facilities that CSU/SDSU shall implement or pay Caltrans the cost to optimize the traffic signal timing along the Friars Road corridor at ramp intersections to accommodate the change in traffic demand, like that of Mitigation Measure MM-TRA-4 for the City of San Diego and like that of Community Benefit Improvements, for interconnectivity adaptive signal equipment, enhanced detection and/or detection cameras, and supporting communications technology.
3. For MM-TRA -5, 6, 7, 14, 15, Caltrans recommends CSU/SDSU pay for the cost to prepare a comprehensive Project Initiation document such as a Project Study Report to identify reasonable and feasible alternative(s) to increase capacity, improve mobility, and relieve congestion on the I-15/Friars Road Interchange.

Caltrans also requests that CSU/SDSU identify the cost of the fair share percentages for the Caltrans facilities mitigation measures and place that amount into a capital improvement fund to be used to fund capital improvement projects at the I-15/Friars Road interchange.

Right-of-Way

Any work performed within Caltrans' R/W, such as the bikeway segments of Rancho Mission Road at I-15 and Rio San Diego Drive at I-805, will require discretionary review and approval by Caltrans. An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an

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to enhance California's economy and livability"*

↑
X9-2
Cont.

X9-3

X9-4

X9-5
↓

Ms. Laura Shinn
January 27, 2020
Page 3

approved/certified final environmental document which includes an analysis of any environmental impacts and further mitigation, if required.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,



MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review

↑ X9-5
Cont.
↓ X9-6

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

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Response to Late Comment Letter X9

Caltrans

January 27, 2020

- X9-1** The comment regards Caltrans review of the Final EIR and is an introduction to comments that follow. No further response is required.
- X9-2** The comment refers to the Final EIR mitigation measures for Caltrans facilities and notes disagreement with a footnote included on a table provided to Caltrans as part of the present negotiations between CSU/SDSU and Caltrans. As cited in the Caltrans comment, the footnote states: “Any CSU/SDSU fair-share mitigation payment to Caltrans would be subject to Caltrans providing satisfactory evidence of a reasonable plan of actual mitigation including identification of the source of the necessary remainder funding, and Caltrans commitment to implementing the improvement.” (See Final EIR Thematic Response PD-3, Mitigation Negotiations, Attachments.)

The footnote is consistent with existing CEQA law, which requires that in the case of a fair-share payment as mitigation there must be a plan or program in place to provide the necessary remainder funding such that the mitigation will actually be implemented. As explained in Response A3-63 to Caltrans comments on the Draft EIR, “commitments to pay fees on an *ad hoc* basis without evidence that the mitigation will actually be implemented is inadequate (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692). The reason is that *ad hoc* fee payments do not ensure that the mitigation will actually occur and be applied equitably to all development in an area or region. Even adopted fee-based infrastructure mitigation programs need to be sufficient to provide actual on-the-ground mitigation.”

In *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 936-938, the court found that under circumstance in which significant traffic impacts occur at intersections located outside the lead agency’s control (the county in the case at issue), the lead agency is not required to provide for funding of the improvements to these “extraterritorial” locations because the intersections are not under the control of the lead agency and there is no existing plan for the county to improve the intersections. See also, *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1122 [traffic impact fee was not adequate mitigation because no plan for requiring fees from other projects or definite commitment to make highway improvements was in place]; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173 [assessment of a fee is an appropriate form of mitigation when it is linked to a specific mitigation program].

The comment goes on to refer to the California Supreme Court’s decision in *City of Marina v. Board of Trustees of California State University* (2006) 29 Cal.4th 341, stating that the court in that case held that “mitigation measures were not rendered infeasible by any uncertainty in [lead agency’s] ability to obtain funding.” The referenced *City of Marina* case regarded a situation in which the lead agency conditioned payment of its fair-share on the specific appropriation of those fair-share funds to the agency by the State Legislature. That is not the case here – the mitigation measures included in the Final EIR do not condition payment of CSU/SDSU’s fair-share on legislative appropriation. Rather, and consistent with existing law, SDSU/CSU conditions payment of its fair-share on the existence of a plan or program that would provide the necessary balance of funding such that the subject improvements

will actually occur; that is, conditioned upon a program in place sufficient to provide actual on-the-ground mitigation.

- X9-3** The comment states that traffic signal optimization is performed on a continual basis by Caltrans and, therefore, signal optimization is not mitigation. Caltrans requests that CSU/SDSU include language in the mitigation measures that CSU/SDSU will pay Caltrans the cost to optimize the traffic signal timing along the Friars Road corridor at ramp intersections, similar to mitigation measure MM-TRA-4 for the City of San Diego, and also implement adaptive signal equipment.

Specific to Caltrans facilities, the Final EIR includes one mitigation measure that requires signal optimization – MM-TRA-1, which addresses the intersection of SR-163 Southbound Ramps/Ulric Street & Friars Road. The Final EIR notes that CSU/SDSU's fair-share is 100% and, therefore, CSU/SDSU will pay Caltrans the cost to optimize the signal timing at this intersection as Caltrans requests.

As to the other Friars Road corridor ramp intersections, as part of the Final EIR, CSU/SDSU has committed to implement adaptive signal equipment, new detection cameras, and supporting communications technology along Friars Road at the following six intersections: River Run Drive/Friars Road; Fenton Parkway/Friars Road; Northside Drive/Friars Road; Santo Road/Friars Road; Riverdale Street/Friars Road; and Mission Gorge Road/Friars Road. (See Final EIR, subsection 4.15.10.5, Community Benefit Improvements.)

As to the remaining five intersections along the Friars Road corridor (Friars/SR-163 Northbound; Friars/Frazee; Friars/I-15 Southbound; Friars/I-15 Northbound; and Friars/Rancho Mission Road), preliminarily we note that the EIR did not identify significant impacts at the Friars/SR-163 Northbound and Friars/Frazee intersections and, therefore, no mitigation is required at these locations. However, to the extent adaptive signal equipment represents feasible alternative mitigation, CSU/SDSU will consider funding the cost of adaptive signal equipment at these additional locations and will coordinate with the City and Caltrans as we move forward with project development.

- X9-4** The comment states that for mitigation measures MM-TRA-5, 6, 7, 14, and 15, which relate to the I-15 Friars Road interchange, Caltrans recommends CSU/SDSU pay for the cost to prepare a comprehensive Project Initiation document such as a Project Study Report to identify reasonable and feasible alternatives to increase capacity, improve mobility, and relieve congestion on the interchange. The comment also states that Caltrans requests that CSU/SDSU identify the cost of the fair share percentages for the referenced mitigation measures and place such funds into a capital improvement fund to be used to fund capital improvement projects at the interchange.

Final EIR mitigation measures MM-TRA-5, 6, and 7, and related MM-TRA-14 and 15, each identify recommended improvements at the I-15 Friars Road interchange and provide for CSU/SDSU to pay its fair share towards those improvements, although because CSU cannot guarantee that Caltrans will be able to obtain the other funds necessary to implement the improvements pursuant to a funding plan or program, the improvements are considered infeasible. Any fair-share payments to Caltrans must be consistent with existing law. Please see Response X9-2, above, for related information.

To the extent that the comment proposes that CSU/SDSU pay the cost to prepare a comprehensive study towards relieving congestion at the interchange *in lieu* of the mitigation presently proposed, and

Late Letters and Responses

Late Comment Letter; Response Not Legally Required

further to the extent that such proposal constitutes feasible alternative mitigation, CSU/SDSU will continue to meet with Caltrans as part of the ongoing negotiations process to discuss such proposal.

- X9-5** The comment states that any work performed within Caltrans' right-of-way, such as bikeway segments identified as part of the Community Benefit Improvements, will require discretionary review and approval by Caltrans. The comment further states that an encroachment permit will be required for any work within the Caltrans right-of-way prior to construction, and as part of that process appropriate environmental analysis must be provided. The comment is noted.
- X9-6** The comment states that any questions related to these comments should be directed to Kimberly Dodson at the contact information provided. The comment is noted.

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