RIVERWALK

Final Environmental Impact Report

SCH No. 2018041028

Project No. 581984

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VOLUME II
Responses to Letters of Comment

Prepared for:

City of San Diego
Development Services Department
Land Development Review
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RIVERWALK PROJECT DRAFT EIR COMMENT LETTERS

The following comment letters were received from agencies, organizations, and individuals during the public review of the Draft EIR. A copy of each comment letter along with corresponding staff responses has been included.

Comment letters on the Draft Environmental Impact Report (Draft EIR) were received from the following agencies, organizations and individuals (Table 1). Several comment letters received during the Draft EIR public review period contained requests for revisions that resulted in minor changes and text clarifications to the Draft EIR text. These changes to the text are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings. Some of the comments do not pertain to the adequacy of analysis in the Draft EIR or to other aspects pertinent to the potential effects of the proposed project on the environment pursuant to CEQA. However, a good faith effort has been made by the City to respond to the comments submitted. Each comment letter is reproduced alongside the corresponding responses to individual comments.

Table 1. Comment Letters Received

Letter	Author	Date	Page Number of Letter
FEDERAL AGENCIES			
A	Patrick Gower Fish and Wildlife Biologist Carlsbad Fish and Wildlife Office United States Fish and Wildlife Service (USFWS)	July 6, 2020	27
STATE AGENCIES			
B	Governor's Office of Planning and Research (OPR) State Clearing House	June 29, 2020	31
C	Maurice Eaton Branch Chief Local Development and Intergovernmental Review California Department of Transportation (Caltrans)	June 29, 2020	35
D	Erinn Wilson Environmental Program Manager California Department of Fish and Wildlife (CDFW)	June 24, 2020	44
LOCAL AGENCIES			
E	Denis Desmond Director of Planning San Diego Metropolitan Transit System (MTS)	July 6, 2020	55

Letter	Author	Date	Page Number of Letter
ORGANIZATIONS, GROUPS, AND INDIVIDUALS			
F	James W. Royle, Jr. Chairperson Environmental Review Committee San Diego County Archaeological Society, Inc.	June 15, 2020	57
G	Deneen Pelton Administrative Assistant II Rincon Band of Luiseno Indians	June 5, 2020	59
H	Bruce Coons Executive Director Save Our Heritage Organization	June 23, 2020	60
I	Tom Holm Executive Director Kumeyaay Heritage Preservation Council	June 24 2020	62
J	Felicity Senoski Linda Vista Planning Group Riverwalk Ad Hoc Subcommittee Chair	July 2, 2020	63
J.A	Felicity Senoski Linda Vista Planning Group Riverwalk Ad Hoc Subcommittee Chair	July 2, 2020	96
K	Felicity Senoski Linda Vista Planning Group Riverwalk Ad Hoc Subcommittee Chair	July 2, 2020	125
L	Jonathan Frankel Mission Valley Planning Group For Michele Addington Riverwalk Ad hoc Subcommittee Chair	July 3, 2020	154
M	Everett DeLano, DeLano & DeLano on behalf of The Courtyards Homeowner's Association	July 6, 2020	157
N	Julie M. Hamilton, The Law Office of Julie M. Hamilton on behalf of Park Place Estates Homeowner's Association	July 6, 2020	265
O	Felicity Senoski HOA Coalition Gregorio Lira, President Courtyards HOA Felicity Senoski, President Park Place Estates HOA Paul Richmond, President Presidio Place HOA	July 2, 2020	318

Letter	Author	Date	Page Number of Letter
P	Jennifer Carroll on behalf of the Linda Vista Community Planning Group Riverwalk Subcommittee	July 5, 2020	346
Q	Jennifer Carroll HOA Coalition Gregorio Lira, President Courtyards HOA Felicity Senoski, President Park Place Estates HOA Paul Richmond, President Presidio Place HOA	July 5, 2020	374
R	Jennifer Carroll HOA Coalition Gregorio Lira, President Courtyards HOA Felicity Senoski, President Park Place Estates HOA Paul Richmond, President Presidio Place HOA	July 6, 2020	403
S	Heidi Arnest	June 15, 2020	432
T	Christine L. August	June 22 ,2020	433
U	Phillip Ball	June 19, 2020	440
V	Sarah Brand	June 14, 2020	441
W	Tim Broadway	June 22, 2020	443
X	Tim Broadway	June 22, 2020	444
Y	Laurence Brunton	July 6, 2020	445
Z	Laurence Brunton	July 6, 2020	452
AA	Bobby G Butcher	June 13, 2020	453
BB	Kita Cameron	July 5, 2020	454
CC	Suzanne Carlson	June 18, 2020	457
DD	Genevieve Chesnut	May 21, 2020	458
EE	Dan Cisco	June 24, 2020	459
FF	Karen Cook	June 22, 2020	460
GG	Gregory de Lira	July 5, 2020	461
HH	Vicki Duffy	June 7. 2020	490
II	Carlos Elliott	June 22, 2020	491
JJ	Farzin Espahani	June 16, 2020	492
KK	Earon Fairbourn	July 4, 2020	493
LL	Harry Fotinos	May 15, 2020	494
MM	Harry Fotinos	May 15, 2020	495
NN	James Ghadiali	July 5, 2020	496
OO	Edward Gonzalez	June 22, 2020	504

Letter	Author	Date	Page Number of Letter
PP	Wilma Goodness	July 4, 2020	507
QQ	James and Martha Grant	June 29, 2020	509
RR	Carolyn Greer	June 23 ,2020	511
SS	Laurie Hackman	June 23, 2020	512
TT	Doug and Julie Harrigan	July 6, 2020	513
UU	Jeff Hensel	July 6, 2020	514
VV	Mitch Hill	May 18, 2020	515
WW	Jerry Holden	June 28, 2020	516
XX	Mary E Hurley	July 2, 2020	517
YY	Jack Illeman	June 15, 2020	518
ZZ	Joan Illeman	June 26, 2020	519
AAA	Sandra Keefer	June 24, 2020	521
BBB	Diane Lindwall	June 24, 20202	522
CCC	Roman Maes III	June 7, 2020	524
DDD	Mary McMillan	June 19, 2020	525
EEE	Thomas Murry	May 15, 2020	526
FFF	Victor Alberto Ochoa	July 2, 2020	527
GGG	Marilyn Owens	July 4, 2020	531
HHH	Amanda Perricone	June 23, 2020	532
III	Brian Phelps	June 27, 2020	533
JJJ	Brian Phelps	July 3, 2020	535
KKK	Ginger Pieper	July 2 ,2020	536
LLL	Patricia Pieper	June 30, 2020	537
MMM	Patricia Pieper	July 5, 2020	542
NNN	Robert Pieper	June 29, 2020	546
PPP	Jamie Plemons	June 27, 2020	548
QQQ	LuAnn Porter	June 22, 2020	549
RRR	Alison and Alvaro Quesada	June 29, 2020	550
SSS	Allen Riedy	July 6, 2020	551
TTT	Margie Roehm	June 27, 2020	555
UUU	Margie Roehm	June 27, 2020	557
VVV	Jason Rosner	May 26, 2020	559
WWW	Jason Rosner	June 23, 2020	560
XXX	Ron Rubin	June 24, 2020	561
YYY	Ron Rubin	July 24, 2020	562

Letter	Author	Date	Page Number of Letter
ZZZ	R. Rudy	July 3, 2020	563
AAAA	Raul Salazar	July 6, 2020	564
BBBB	Michael Shakowski	June 17, 2020	565
CCCC	Robert Shandor	July 2, 2020	566
CCCC.A	Robert Shandor	July 6, 2020	607
DDDD	Brian Shaw Signed Brian and Judy Shaw	June 27, 2020	646
EEEE	Mary Shepperd	July 6, 2020	647
FFFF	Deborah Shramek	June 28, 2020	651
GGGG	Candice Stephens	July 5, 2020	653
HHHH	Melissa Tarmon	June 25, 2020	655
IIII	Matthew Taylor	July 6, 2020	656
JJJJ	Terry Treiber	July 2, 2020	657
KKKK	DJ Wade	June 29, 2020	658
LLLL	Diana Webster	June 29, 2020	659
MMMM	Katherine Whitley	June 23, 2020	660
NNNN	Jason Greer	June 14, 2020	662
OOOO	Melinda W. Butcher	June 13, 2020	663
PPPP	Earon Fairbourn	July 9, 2020	664

MASTER RESPONSES TO COMMENTS

Common themes were repeated throughout many of the comment letters listed in Table 1, *Comment Letters Received*. Eleven Master Responses have been developed to respond to these common themes. Each Master Response has been identified by a corresponding number, as shown below in Table 2, *Master Responses to Comments*. For efficiency, the text for each Master Response is provided here for ease of reference instead of repeating text for each individual comment received. Individual comments that are addressed by these Master Responses are referred to by the numbered code (e.g., "Refer to Master Response 1").

Table 2 – Master Responses to Comments

Master Response Number	Master Response Topic	Page Number
1	Development Intensity/Density	6
2	Project Phasing	8
3	Air Quality/Health Risk	9
4	Neighborhood Character/Building Heights/Height Limits	14
5	Visual Quality/Views	15
6	Transportation/Circulation/Transit	16
7	Parking	20
8	Public Services	20
9	Flooding	23
10	COVID/Pandemic	24
11	Alvarado 2nd Pipeline Expansion Project	24

All references to section numbers in the Master Responses are from the *Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., tit. 14, § 15000et seq*, ("CEQA Guidelines") unless otherwise noted.

Master Response 1 – Development Intensity/Density

This Master Response has been prepared in response to comments that address concerns over the project's development intensity and residential density. Several comments state that development of the project could result in 10,000 dwelling units, which is derived from the Mission Valley Community Plan land use designation for the site and the underlying zones, which would allow for about 9,995 dwelling units (assuming a 91.7-acre development area with an allowable density of up to 109 dwelling units per acre).

The project would result in no more than 4,300 residential dwelling units. The Specific Plan has been revised to indicate the maximum development permitted by the Specific Plan. This change is reflected in

the EIR in track-changes (~~strike-out~~/underline text) throughout. Specifically, the language "Overall Targeted Project Density/ Intensity" has been changed to "Maximum Project Density/Intensity" to clarify the project in response to comments received. Additionally, in Table E-2, *North District Specific Zoning and Development Regulations*, the maximum floor area ratio in CC-3-9 zones of the North District has been revised from 6.0 down to 4.0 and the Tailored Development Standard that would have allowed units as small as 200 square feet has been clarified to reflect a ratio of units per land area.

With approval of the Specific Plan, development would be regulated by the policies and regulations of the Specific Plan, including the Maximum Project Density/Intensity. Development intensity in excess of what is expressly provided for in the Specific Plan would be evaluated in accordance with Chapter 7 and Appendix D of the Specific Plan and require separate CEQA analysis.

The Draft EIR evaluated the environmental impacts of the project, as guided and restricted by the Specific Plan. The Development Agreement would further limit development to the uses and intensities documented in the Specific Plan.

The allowable uses and densities are outlined in the Specific Plan, specifically in Chapters 2, 6, and 7, and Appendices C, D, and E. Implementation is also described in Section 3.27 of the EIR. The Specific Plan clearly defines allowable uses, residential densities, non-residential development intensities, zoning, development regulations, and Tailored Development Standards. The project as presented in the Specific Plan and evaluated in the EIR is the same project that has been presented to and discussed with the various planning groups and community stakeholders through its evolution to the final project.

Any development that does not meet the building permit criteria of the Specific Plan (Project Review Category 1) would be evaluated based on the standards in Chapter 7, *Implementation*, of the Specific Plan and would follow the regulations established in Table 7-4, *Development Project Review Process*, and further described in Section 7.3.1, *Development Project Review Process*, of the Specific Plan.

Development within the Specific Plan would be required to complete the tracking sheet included as Table D-1, *Specific Plan Implementation Table,* of Appendix D, *Density/Intensity Monitoring Process*, which outlines the Maximum Project Density/Intensity. Table D-1 monitors development based on average daily trips (ADT) - both driveway ADT and peak hour trips - and equivalent dwelling units (for non-residential development). As individual developments come online, they will be tracked in this table and debited from the Maximum Project Density/Intensity, thereby reducing the remaining available Project Density/Intensity until the Maximum Project Density/Intensity is reached at full buildout of the project. Any development that is beyond the Maximum Project Density/Intensity in Table D-1 would require discretionary review and related CEQA compliance so the impacts of exceeding the maximum would be known prior to any approval of such discretionary review.

Master Response 2 – Project Phasing

A number of comments have raised concerns pertaining to whether the project would have the potential to exceed air quality emission thresholds due to alternative phasing or overlapping construction and operational phases. In response to comments received, the following language has been struck from the Specific Plan:

> This Specific Plan does not require that development occur in a specific order. Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development.

This language had been included prior to the applicant solidifying its phasing plan. Since then, the applicant has retained a licensed construction contractor, who has experience in phased master plan construction projects, and confirmed that phasing will logically occur as described in the phasing plan (i.e., Phase I, then Phase II, then Phase III). The three anticipated phases represent the best estimate for the order and duration of project buildout based on expert advice considering site constraints and the scale of development. It is not anticipated that phasing could occur substantially faster than planned; however, the anticipated phasing is not required under the City regulations or the project entitlements. The necessary on-site and off-site infrastructure must be in place to service development as it is constructed, which is assured through conditions of the project and the Riverwalk Development Agreement.

CEQA does not require discussion in an EIR of future development scenarios that are unspecified and uncertain. The project's licensed construction contractor is experienced in land development and the factors that influence what order a project is constructed. Per the applicant, the licensed construction contractor notes that phasing the project in a linear fashion is most efficient from a site development and construction standpoint. This allows construction to follow a logical progression for grading and installation of utilities and infrastructure, where installation must connect to existing facilities on-site or off-site.

It has been assumed that development would start north of the MTS Trolley tracks, as this area is generally outside of the floodplain, well serviced by existing utilities, and provides site access from existing major thoroughfares of Friars Road, Fashion Valley Road, and Via Las Cumbres. In contrast, the area south of the MTS tracks is largely within the 100-year floodplain and will require extensive grading throughout the Central, South, and Park Districts to comply with the FEMA CLOMR and LOMR process prior to construction of any buildings. Lastly, the area south of the MTS Trolley tracks is an operational golf course, which will remain open during Phase I construction and some of Phase II.

In a similar manner, the west end of the North District is the logical place to begin construction north of the MTS tracks, which is why it was selected for Phase I of the project. The west end of the project allows for installation of permanent utilities as opposed to expensive temporary utilities. Specifically, storm drain and sewer connection points under the MTS Trolley tracks exist at the west end of the site, which precludes the need for expensive and difficult utility crossings of the MTS Trolley tracks. Connection

points for electrical and water can be made directly on Friars Road in this area, minimizing long runs of utility trenches that would be required in other areas of the site.

Phase I of the project contains amenities and parks that create the neighborhood character envisioned at the project within a self-contained phase. Specifically, Phase I contains neighborhood parks and linear parks to create recreational opportunities for this first phase of the development. The Transit Stop will be built by the project and operational before occupancy of the 3,386th equivalent dwelling units (EDU), which would occur at the end of Phase I. The neighborhood commercial component of the project, which surrounds the new trolley station, ensures amenities and retail opportunities are provided with this phase. Site access can be taken from the existing signalized intersection at Friars Road and Via Las Cumbres, which is the major connection point north from Linda Vista. This is the most prominent intersection along Friars Road, allowing the best site access compared to other areas of the North District along Friars Road. Phasing would naturally progress to the east after Phase I, to allow extensions of utilities, roads, and the existing neighborhood established during Phase I, including parks and amenities.

Master Response 3 – Air Quality/Health Risk

This Master Response has been prepared in response to comments that address air quality concerns raised during the public review period, including comments about air quality in general, the Air Quality Study prepared for the project, accuracy of project phasing modeled in the Air Quality Study, effects relative to architectural coatings, trip generation, and air quality-related health concerns. As a result, the Air Quality Study has been updated to address public comments.

Relative to public comment regarding the phasing language included in the Specific Plan, text stating that phases can occur in any order and that more than one phase may occur at any time has been stricken. Since then, the applicant has retained a licensed construction contractor, who has experience in phased master plan construction projects, and confirmed that phasing will logically occur as described in the phasing plan (i.e., Phase I, then Phase II, then Phase III). The three anticipated phases represent the best estimate for the order and duration of project buildout based on expert advice considering site constraints and the scale of development. It is not anticipated that phasing could occur substantially faster than planned; however, the anticipated phasing is not required under the City regulations or the project entitlements. The necessary on-site and off-site infrastructure must be in place to service development as it is constructed, which is assured through conditions of the project and the Riverwalk Development Agreement. This refinement to phasing was taken into consideration in the update to the Air Quality Study. Thus, air quality impacts are modelled with the best estimate of what can be reasonably expected with construction of the project known at this time. The Air Quality Study reflects the licensed construction contractor's best data about the foreseeable construction phasing of the project. Clarifications are provided in the update to the Air Quality Study (September 2020) included as Appendix F to the EIR and summarized below. A copy of the construction contractor's review letter is included in Appendix C of the August 2020 Air Quality Report.

A Health Risk Assessment (HRA) was also completed for the project during the Draft EIR public review period. The HRA prepared for the project is included as Appendix EE to the Final EIR. The HRA provides a more detailed assessment further clarifying if there are health risks resulting from the project's air quality emissions. While there is no requirement from the City of San Diego or State of California for the preparation of an HRA to analyze the effects of exposure from temporary project construction-related emissions, one has been conducted to address concerns raised by the public during public review of the Draft EIR. The HRA also analyzes the operations-related health risks associated with the location of residential uses in the South District, proximate to I-8. As such, the HRA expands upon and supplements the analysis included in the Air Quality Study and Section 5.5 of the EIR. The clarifications from the HRA are presented below. The Final EIR has been updated to include these clarifications. (See Appendix F.)

Air Quality Study Update

Construction phasing described in the Air Quality Study (Birdseye Planning Group, May 2020) represented a Specific Plan-level understanding of how the project would likely be constructed and phased at that time. Comments received during public review of the Draft EIR indicated a desire on the part of the commenters to have a more precise understanding of project phasing that can only come from the construction company performing a pre-construction level of project phasing. As a result of the construction contractor's review, assumptions regarding specific equipment to be used during construction were refined and the phasing and phase durations were confirmed as accurate and did not change.

Specifically relative to construction phasing, the construction contractor recommends construction to begin in the northwestern corner of the project site, and then proceed to the east on the north side of the MTS trolley tracks. Construction north of the MTS tracks has many advantages as compared to other areas. These advantages include better site access, existing utility tie-ins, and minimized temporary improvements. Construction south of the MTS trolley tracks, which is largely within the floodway, will require mass grading to achieve FEMA CLOMR/LOMR compliance prior to building construction. Accordingly, there would be no advantage to constructing south of the MTS tracks until after the areas north of the MTS tracks were constructed due to the time, cost, and complications associated with the permitting process for FEMA-required mass grading work. Finally, due to coordination with the FEMA CLOMR/LOMR process, construction in the South District near Hotel Circle North is anticipated to be the last phase of the project. In this manner, project construction would occur in the most efficient manner consistent with best practices in the construction industry. Based on this approach to project construction, the assumption that Phases I, II, and III would be constructed over a period of approximately five years for each phase (as described in more detail in the Air Quality Study) is accurate. Construction cannot occur any faster than this based on the scale of development occurring in each phase and the duration associated with leasing or selling these residential units.

This clarification and confirmation represents the most likely build-out and phasing of the project and was, therefore, used to model the air quality analysis. This confirmation responds to public comments requesting a more detailed phasing plan, particularly in the Air Quality Study in which the analysis

concludes that the project has cumulatively significant and unmitigated air quality emissions, consistent with the conclusions of the Draft EIR. Accordingly, the updated Air Quality Study (Birdseye Planning Group, August 2020) reflects the clarifications that are based on the expert opinion of the construction contractor's professional knowledge of the project's likely construction and phasing.

The updated study also includes more detailed air quality modeling assumptions related to construction equipment needed for demolition, site preparation, grading, building construction, architectural coatings, and paving phases. With respect to demolition quantities, the amount of material to be removed was based on square footage converted to cubic yards with haul trips added for Phases I, II, and III.

Relative to architectural coatings, adjustments were made in the emissions model to reflect the industry best practice of staggering building construction within each phase and painting buildings as they are completed. The May 2020 Air Quality Study assumed that architectural coating (i.e., painting) of buildings would overlap into future phases of construction; the updated Air Quality Study (September 2020) has been revised to reflect this industry best practice of painting buildings as they are completed, which assumes buildings are painted within the same phase they are constructed. In phased projects of this size, where multiple buildings are under construction at the same time, best practice is to stagger building construction starts. This allows the project to be efficiently phased, so construction crews with specific skill sets can finish work on one building and move onto the next within the phase. Again, as buildings are completed, they would be painted. Accordingly, modeling input parameters in the Air Quality Study for architectural coatings have been clarified to occur within the respective phases of construction. Moreover, although the project proposes some building materials that may not require architectural coating, such as metal and brick, the Air Quality Study has been updated to assume the worst case: that all building exteriors would be painted.

The May 2020 Air Quality Report assumed a phased approach where demolition, site preparation, grading, building construction, architectural coating (i.e., painting), and paving would occur sequentially over a five-year period for each phase with some painting work overlapping into the first year of the subsequent phase. The revised analysis includes model inputs for sitework (e.g., demolition, site preparation, and grading) for follow-on phases that overlap with the building construction, painting, and paving phases of previous phases. For example, sitework for Phase II was modelled to occur while building construction for Phase I is underway such that workers from buildings in Phase I can immediately move to construction of buildings Phase II. Again, this assumption is a more conservative approach for air quality modeling purposes and, thus, provides a conservative analysis in the updated Air Quality Study.

The default trip generation numbers in CalEEMod were clarified to reflect trip projections estimates for Phases I, II, and III provided in the Riverwalk San Diego Mobility Assessment (September 2020) and Transportation Impact Analysis (September 24, 2020). Project trips were calculated based on the trip generation rates in the City of San Diego Trip Generation Manual (May 2003). The trips were then reduced by applying the San Diego Association of Governments (SANDAG) Mixed-Use Development (MXD) methodology. This method reduces projected trips by applying mixed-use and transit credits. Further, existing trips associated with Riverwalk Golf Course were subtracted from the total because those trips are

part of the baseline. Because the MXD method was used to determine the final daily trip estimates, no CalEEMod mitigation measures related to trip reduction were used as part of the emission calculations.

As revised, the updated Air Quality Study reached the same conclusion as the May 2020 Air Quality Study (included as Appendix C of the Draft EIR and upon which the EIR analysis of air quality impacts was based) that the project would not result in significant construction air quality impacts. As stated in the Air Quality Study and Section 5.5 of the EIR, the project would result in a cumulatively significant air quality impact associated with project operations at buildout and when combined with construction emissions from all phases at buildout. As disclosed in Section 5.5.3.2 of the Draft EIR, no significant air quality impacts would occur solely due to construction with implementation of requirements in the Specific Plan regulations. Due to the cumulative nature of the impact and the size and scope of the project, no feasible mitigation is available that would avoid the cumulative impact. As stated in the Mitigation Measures of Section 5.5.3.2: "Based on the size and scope of development, there are no feasible methods for reducing all cumulative emissions to meet daily and annual SDAPCD standards for ROG, CO, and PM10 due primarily to the projected increase in traffic associated with project buildout. However, the project design incorporates the CAPCOA recommended measures as project features for reducing criteria air pollutant emissions from mobile sources, such as increasing density, increasing the diversity of developments, increasing location efficiency and destination and transit accessibility, which have been incorporated and accounted for in the trip generation estimates used in the analysis. Nonetheless, operational impacts remain significant and unmitigable."

The analysis accounts for the project's proposed features such as increased development density near transit and the mix and location of land uses that would support more localized trips and reduce vehicle miles traveled. The project implements the applicable CAPCOA recommended measures (see Table 5.5-8 of the Final EIR) except those that are not in the control of the City or a single developer/builder. Because there were no further applicable measures that can reduce the project's air quality impacts to below a level of significance, as stated under Mitigation Measures in Section 5.5.3.2, the Draft EIR concluded that the impacts are significant and unavoidable.

Air Quality and Health Risk

As noted above, an HRA has been conducted to evaluate the potential health risks due to construction emissions and during the operations of the project. The HRA is provided in Appendix FF of the Final EIR and summarized below.

As previously stated, the project will be developed in phases, which could be sequential or, more likely, overlapping, where the sitework of Phase II begins as construction finalizes in Phase I and the sitework of Phase III begins as construction finalizes in Phase II. Both scenarios, sequential and overlapping, were analyzed in the HRA. Construction would generate emissions of toxic air contaminants (TACs) such as diesel PM, from a variety of sources including off-road construction equipment and on-road vehicles. The emissions summarized in the Air Quality Study were used to conduct the HRA to assess cancer risk and chronic non-cancer risk from diesel PM. Additionally, the Riverwalk Specific Plan includes a requirement

(Reg-132) that all off-road diesel-powered construction equipment larger than 50 horsepower meet or exceed Tier 3 US Environmental Protection Agency (EPA) and/or State of California Air Resources Board (ARB) rating and be equipped with Tier 3 Diesel Particulate Filters (DPF), which would reduce exposure of TACs. This Specific Plan requirement is factored into the HRA.

Sensitive receptors located within 1,000 feet of the project site were analyzed in the HRA, including the Francis Parker Upper/Middle School and the San Diego County Office of Education/Classroom of the Future Foundation. In addition, residential dwelling units constructed as part of Phase I were assumed to be occupied beginning in 2026, and residential receptors were modeled to determine exposure from construction occurring in Phases II and III. Residential dwellings constructed as part of Phase II were assumed to be occupied beginning in 2031, and residential receptors were modeled to determine exposure from construction occurring during Phase III. At 3.81 persons per million, the results of the HRA are well below the SDAPCD's cancer risk threshold of 10 persons per million at the closest receptors, which are located at the Town and County residential units currently under construction. The chronic non-cancer risk is well below the SDAPCD threshold of 1.0 persons per million, at less than 0.01 persons per million.

The South District to be built during Phase III is zoned CC-3-9, which allows for office, retail, and/or residential development. The South District of the project is situated northwest of the intersection of Hotel Circle North and Fashion Valley Road, approximately 50 feet north of the Interstate-8 (I-8). Freeways, including I-8, are sources of listed TACs in the State of California. The California Air Resources Board (ARB) published the *Air Quality and Land Use Handbook: A Community Health Perspective* (*Air Quality and Land Use Handbook*), which recommends that projects avoid siting new sensitive land uses, such as residences, within 500 feet of a freeway (ARB 2005). Since a portion of the South District of the project site would be located within that distance, the HRA evaluates the health risks specifically from the adjacent freeway-related traffic emissions from vehicles traveling on I-8 on the potential future residences in the South District. It was conservatively assumed in the analysis in the HRA that residences would be located across the entire South District.

Average daily trip estimates on the I-8 freeway were obtained from Appendix L, *Mobility Assessment*, of the Riverwalk Draft EIR (LLG 2020) for the 2035 Project Buildout year, which assumes buildout of the South District in 2035. Since there is some flexibility for ultimate buildout year of Phase III, the analysis conservatively assumed the 2025 calendar year as the first year of operations. Given that emissions from on-road medium and heavy-duty vehicles are expected to decrease over time as stricter standards take effect, assuming a 2025 opening year would generate conservative estimates that are likely to overestimate the actual impact. The assumptions for the heavy-duty trucks and light-duty automobiles, were obtained from California Department of Transportation (Caltrans) Traffic Volumes and Annual Average Daily Truck Traffic on I-8 (Caltrans 2018). The fuel type assumptions, including the percentage of diesel-fueled trips, were obtained from EMFAC 2017 fleet mix for San Diego County. Total $PM_{2.5}$ running exhaust (a surrogate for diesel PM) emissions were estimated based on annual vehicle trips and VMT for the project area.

To reduce health risks related to vehicle emissions from I-8, the Riverwalk Specific Plan incorporates Reg-196 through Reg-199 for any residential buildings in the South District , which require: installation of air filtration devices rated minimum efficiency reporting value (MERV-13) or higher in the intake of ventilation systems; air intakes not be located on the south side of buildings; the provision of a 10-foot landscape buffer on the southern border of the property adjacent to Hotel Circle North; and, if residential buildings are proposed adjacent to Hotel Circle North, they shall be set back a minimum of 100 feet from I-8. These Specific Plan Regulations would further reduce the potential health risk impact.

Master Response 4 – Neighborhood Character/Building Heights/Height Limits

The City received comments that address the adequacy of the EIR's analysis regarding neighborhood character, building heights imposed by the Specific Plan. The EIR evaluated the residential density of the project in relation to the existing and future community character in Section 5.3, *Visual Effects and Neighborhood Character*. As concluded in Section 5.3 of the EIR, impacts relative to visual effects and neighborhood character (including existing conditions) would be less than significant. The project would result in a change to the existing character of the community of the area, as the site is currently developed as a private-use golf course and the project proposes the development of an integrated infill mixed-use neighborhood. As discussed in Section 5.3 of the EIR, the character of the area surrounding the project site is a mix of multi-family residential, hotel development, retail commercial, and office/employment both as low- and mid-rise structures. The project proposes mid-rise structures not to exceed seven stories in height (not to exceed 85 feet in height from the highest adjacent finished grade) north of the San Diego River; not to exceed five stories in height (not to exceed 65 feet in height from the highest adjacent finished grade) adjacent to existing multi-family developments in the west and northeast; and includes land uses that currently exist in the surrounding area. For additional clarification, the Specific Plan has been adjusted to identify a maximum building height of 85 feet from the highest adjacent finished grade where seven story height caps are identified (see Tables E-2 and E-3 of the Specific Plan).

The project would be consistent with the planned character of the community of the area, both as presented in the Mission Valley Community Plan and as demonstrated by project incorporation of applicable Mission Valley Community Plan design guidelines, as shown in Table 5.3-1 of the EIR. The character of Mission Valley is evolving, particularly in the area of the project, where redevelopment projects are being implemented. The project is consistent with the planned land use and design guidelines of the Mission Valley Community Plan; impacts relative to alteration of the character of the community of the area, therefore, would be less than significant

Development along Friars Road would occur in the North District, one of two districts where the project's residential development is envisioned. Development in this area would be limited to seven stories in height (not to exceed 85 feet in height from the highest adjacent finished grade). Where the project interfaces directly with existing residential development, the building height is capped at five stories (not to exceed 65 feet in height from the highest adjacent finished grade) and the setback is expanded to minimize shadows from the project on these adjacent uses. In the instance of The Courtyards, because residential buildings in that development are actually sited on top of a partially above-grade garage and

because of the topographical difference between the site and The Courtyards, the buildings of the project along this interface would actually appear the same height or slightly shorter than The Courtyards. As concluded in Section 5.3 of the EIR, no significant impacts relative to visual effects and neighborhood character would occur.

Redevelopment has occurred or is actively occurring in Mission Valley and southern Linda Vista at higher residential densities. These developments include the Friars Road Residential project in southern Linda Vista, located along the north side of Friars Road just east of the site, which has an approximately residential density of approximately 58 du/ac. Within the Mission Valley community, adjacent to the site is the Town and Country mixed-use redevelopment project, which has an approximate residential density of approximately 109 du/ac; the Union Tribune site mixed-use redevelopment, located east of the Town and Country site, which includes a residential density of approximately 38 du/ac (assumes a residential area of approximately 5.2 acres); the Alexan Fashion Valley mixed-use project, located east of the Union Tribune site, which includes a residential density of approximately 58 du/ac; the Witt Mission Valley mixed-use redevelopment project, located east of Alexan Fashion Valley, which includes a residential density of approximately 57 du/ac; and the Camino del Rio mixed-use project, located east of the Witt Mission Valley site, which includes a residential density of approximately 52 du/ac.

The project's overall residential density in the North and Central Districts (i.e., 46.89 du/ac) is in the middle of the density ranges for residential development in this portion of the community (southern Linda Vista/west to central Mission Valley). Thus, the project provides a transition between established residential developments in the north and west and new developments coming online in the east.

Master Response 5 – Visual Quality/Views

A number of comments identify the change from open space to a developed site. Views and view corridors are addressed in Section 5.3 of the EIR.

As discussed in Section 5.3, the Mission Valley Community Plan includes the following design guideline, relative to views:

> DG-50 Views. Take advantage of views to the San Diego River, hillsides, and other natural features in design, particularly for living areas."

The Specific Plan includes discussion of views and view corridors in Section 3.5, *Site Planning and View Corridors*. View corridors are considered both within the Specific Plan area and also into the site from adjacent roadways (see EIR Figure 5.3-4, *Riverwalk View Corridors*). These are views as seen by pedestrians, from automobiles and transit, and other individuals passing by the property at the street level. Most of the views from I-8 are obscured by existing development. The Specific Plan would additionally afford views from the north and south into the Riverwalk River Park. Views of other elements of the project's open space system include emphasis on view corridors from Friars Road through the development parcels of the North District and Central District toward the San Diego River. A major view corridor into the San

Diego River would be provided from Fashion Valley Road. Section 3.5.2, Views and View Corridors, of the Specific Plan includes the following additional discussion:

> "The placement and orientation of buildings should reflect the visual corridor objectives by organizing in a pattern which emphasizes these focal points. Providing interior view opportunities defines the urban character of Riverwalk through a variety of spaces linked by walkways and plazas, and articulated by overhead structures that frame views and create a changing spatial experience for pedestrians. Tree-framed view corridors are encouraged."

The Specific Plan would implement and preserve view corridors to and through the site in the north/south and westerly directions. These view corridors will ensure pedestrians, residences, transit riders, and motorists will have views to the San Diego River from the north, and up to the southern slopes of Linda Vista from the south in perpetuity. The view corridors go beyond the requirement of DG-50 of the Mission Valley Community Plan, resulting in greater view enhancement and preservation.

In addition to established view corridors, the Specific Plan includes linear parks perpendicular to Friars Road and allows for expanded setbacks along Friars Road, which would create views into and through the site in the north-south and east-west direction. Additionally, the project site gradually slopes southward, toward the San Diego River, which when combined with the building height limit of seven stories (not to exceed 85 feet in height from the highest adjacent finished grade) and the setback/stepback requirements both adjacent to the San Diego River as well as in other locations, creates greater view opportunities from the slopes of Linda Vista through the project site to the San Diego River and the park elements that would be implemented here.

Finally, compared to the existing condition where only private residents living in the vicinity and patrons paying to play golf experience views of this portion of the San Diego River, the proposed project invites more of the public to enjoy these views from the project's development of public parks south of the trolley tracks and on both sides of the San Diego River. Therefore, the project enhances visual quality and public views. As concluded in Section 5.3.3.1 and Section 5.3.3.5 of the EIR, the project would not result in significant impacts relative to views and view corridors.

Master Response 6 – Transportation/Circulation/Transit

A number of comments pertain to the project's Vehicle Miles Traveled (VMT) analysis, transit ridership, and project trip generation.

Vehicle Miles Traveled (VMT) Analysis

Pursuant to Public Resources Code (PRC Section 21099 (b)(2)), CEQA Section 15064.3 and as discussed in Draft EIR Section 5.2.2.1, automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion shall not be used as the metric to evaluate transportation impacts on the environment for a land use project after July 1, 2020. Therefore, the

evaluation of potential transportation impacts associated with the project reflects consistency with Senate Bill 743, and the CEQA Section 15064.3, which establishes VMT as the appropriate metric to evaluate transportation impacts. In its December 2018 Technical Advisory[1], OPR provides its recommendations to assist lead agencies in selecting a significance threshold that may be appropriate for their particular projects. While OPR's Technical Advisory is not binding on public agencies, CEQA allows lead agencies to "consider thresholds of significance . . . recommended by other public agencies, provided the decision to adopt those thresholds is supported by substantial evidence." (CEQA Guidelines, § 15064.7, subd. (c).) The City of San Diego has released a draft Transportation Study Manual (June 10, 2020) that covers VMT analysis and significance thresholds. Therefore, as stated in Draft EIR Section 5.2.2.1, a project-specific VMT-based threshold was used for this project. In compliance with SB 743 and OPR guidance, the project evaluated impacts under CEQA using a VMT metric. Using the VMT metric and thresholds, the project is concluded to result in a less than significant transportation impact.

As lead agency, the City has discretion to choose a methodology for analyzing project impacts and a Project-Specific VMT analysis was conducted in accordance with OPR guidelines. The project would be expected to cause a less than significant VMT impact given that the project will be wholly located within a Transit Priority Area (TPA) once the project constructs the onsite trolley station and it becomes operational at the end of Phase I.

As shown in Table 5.2-3, the project's Resident VMT per capita and the project's VMT per Employee is at least 15 percent below the San Diego regional average Resident VMT/Capita and VMT/Employee averages, respectively. Achieving 15 percent lower per capita (residential) or per employee (office) VMT than regional average is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals. Therefore, based on the suggested significance criteria, the project results in a less than significant VMT impact.

As the lead agency, the City determined the SANDAG Series 13 Travel Demand Model used in the project's TIA is consistent with the finding that the project does not have a significant transportation impact for several reasons. The OPR Technical Advisory noted the Travel Demand Model as an option for modeling a project's VMT. Additionally, the Travel Demand Model would be appropriate because it would provide the best "apples-to-apples" comparison with the type of model SANDAG used to model the regional average VMT per resident and VMT per employee and that the City is using for its VMT regulations. Finally, as described in the 2017 Regional Transportation Plan Guidelines for Metropolitan Planning Organizations, "[t]he [Transportation Demand Model] utilizes a series of mathematical equations that forecast travel behavior and transportation service demand in a given region. The inputs include but are not limited to population, employment, land use, and the transportation network. The outputs of a [Transportation Demand Model] are used to assist decision-makers in developing policies and strategies, to inform the public, and for the National Environmental Protection Act (NEPA) and the California

[1] https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Environmental Quality Act (CEQA) analysis." (2017 RTP Guidelines for MPOs at p. 46; https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/f0009312-2017rtpguidelinesformpos-a11y.pdf.)

Riverwalk Transit Stop is not the sole Basis for Concluding there is No Significant Traffic Impact: The Project's Phase One Would Have a VMT Efficient Average of at least 15% Below the Regional VMT Rate Before Construction of the Riverwalk Transit Stop Due to Inclusion of Items in Table A

As shown in Draft EIR Figure 5.2-7: Proximity to Transit per SB 743, portions of the proposed project are within ½ mile of an existing high-quality light rail transit station and bus terminal at Fashion Valley Transit Center. Consistent with CEQA Guidelines Section 15064.3 (b)(1), "Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact."

The Trolley Stop will be constructed and operational prior to occupancy of the 3,386th equivalent dwelling unit (EDU) at the end of Phase I, after which the entire project site will be located within one-half mile of a major transit stop at the site and the existing Fashion Valley Transit Center. Per CEQA Guidelines 15064.3 (b)(1), projects within one-half mile of an existing major transit stop are presumed to cause a less than significant transportation impact.

In addition to the presumption, the VMT analysis provided in the EIR Section 5.2.4.2 establishes that the project at completion would result in a less than significant 2050 transportation impact as a result of VMT being at least 15% below the average regional VMT per capita and VMT per employee.

Utilizing the current SANDAG VMT screening maps available on the website[2], it can be seen that the project area is located in a census tract where the 2016 VMT per capita is 16.7 (87.9% of the regional average) and the 2016 VMT per employee is 25.0 (91.9% of the regional average). The project design features that incorporate Transportation Demand Management (TDM) measures (as included in Draft EIR Section 5.1), which are also a requirement of the City of San Diego's Climate Action Plan for the project, would reduce VMT. Specifically, using the CAPCOA methodology mentioned in the City of San Diego, Draft Transportation Study Manual (June 10, 2020), Appendix E, a 4.15% reduction in VMT per resident and 8.33% reduction in VMT per employee would be achieved for the early phases of the project given the project's commitment to implementing TDM measures for the following four (4) categories: Neighborhood Enhancement (pedestrian and bicycle infrastructure), Parking Pricing (unbundled parking), Transit System Improvements (transit pass subsidy for residents and employees). With this reduction of 4.15 percent and 8.33 percent, both the VMT per capita and VMT per employee in Phase I would equate to less than 85 percent of the regional average baseline and result in a less than significant transportation VMT impact for Project Phase I without the Trolley Station.

[2] https://sandag.maps.arcgis.com/apps/webappviewer/index.html?id=5b4af92bc0dd4b7babbce21a7423402a

TABLE A
TDM PROGRAM VMT REDUCTION ANALYSIS SUMMARY

Project TDM Measure	Required Elements for TDM Measure Effectiveness	Project's Applicability	CAPCOA / City of San Diego TSM Reference	Individual Strategy VMT Reduction	Combined Strategy VMT Reduction
Residents					
Pedestrian Network Improvements	▪ Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a potential reduction in VMT.	▪ Project construction of non-contiguous sidewalks on Friars Road and Phase I internal streets (Street A, D1, F, I, J1, E and K)	CAPCOA SDT-1: Provide Pedestrian Network Improvements – within Project site and connecting off-Site	1%	1.59%[d]
Bicycle Infrastructure Improvements	▪ Add additional bicycle facilities (Class I, II, or IV) or upgrade existing facilities to Class I, II or IV. This mode shift results in people driving less and thus a potential reduction in VMT.	▪ Project upgrade of existing Class IV cycle track and Class II bike lane on south side of Friars Road ▪ Project construction of Class II bike lanes on Street J, J1, D1, F, D1, F, I, J1, E and K) ▪ Project construction of a north-south Class I path (west of Street A) on the western edge of the project site to connect Friars Road to Street D.	Neighborhood / Site Enhancement: Bicycle TDM per City of San Diego TSM Appendix E	0.6%	
Parking Policy / Pricing	▪ Unbundled parking costs from property separates parking from property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property cost. This removes the burden from those who do not wish to utilize a parking space. Parking will be priced separately from the costs of a home lease.	▪ The project will include a minimum of $25 monthly parking fee separate from the residential unit lease amount.	CAPCOA PDT-2: Unbundle parking costs from property costs	2.6%[a]	2.6%
Transit Pass Subsidy	▪ Provide transit pass subsidies for residents to promote transit usage	▪ For residents, the project will provide a 25% subsidy. The subsidy value will be limited to the equivalent value of 25% of the cost of an MTS "Regional Adult Monthly/30-Day Pass" (currently $72 for a subsidy value of $18 per month). ▪ Subsidies will be available on a per unit basis to residential tenants and will be offered from the completion of the first dwelling unit until ten years after the opening of the Riverwalk Transit Station.	CAPCOA TRT-4: Implement subsidized or discounted transit pass program	0%[b]	0%
Trip Reduction Marketing	▪ Provide trip reduction information for residents	▪ The project will install informational Transit Boards in the residential lobbies ▪ The project will participate in the iCommute program and provide SANDAG/MTS Information at Leasing Centers. iCommute, the TDM program for the San Diego region (operated by SANDAG and the 511 transportation information service) also would contribute to VMT reductions. iCommute assists users in setting up carpools and vanpools, planning transit trips, and promoting alternative mode choices such as biking. Expanding this service to the Riverwalk project would make it more convenient for residents to use alternative modes of transportation.	CAPCOA TRT-7: Commute Trip Reduction Marketing	0%[c]	
Overall Resident VMT Reduction[e]					*4.15%*
Employees					
Pedestrian Network Improvements	▪ Providing a pedestrian access network to link areas of the Project site encourages employees to walk instead of drive to the project retail uses. This mode shift results in people driving less and thus a potential reduction in VMT.	▪ Project construction of non-contiguous sidewalks on Friars Road and Phase I internal streets (Street A, D1, F, I, J1, E and K)	CAPCOA SDT-1: Provide Pedestrian Network Improvements – within Project site and connecting off-Site	1%	1.59% [d]
Bicycle Infrastructure Improvements	▪ Add additional bicycle facilities (Class I, II, or IV) or upgrade existing facilities to Class I, II or IV.	▪ Project proposed upgrade of existing Class IV cycle track and Class II bike lane on south side of Friars Road ▪ Project construction of Class II bike lanes on Street J, J1, D1, F, D1, F, I, J1, E and K) ▪ Project construction of a north-south Class I path (west of Street A) on the western edge of the project site to connect Friars Road to Street D.	Neighborhood / Site Enhancement: Bicycle TDM per City of San Diego TSM Appendix E	0.6%	
Parking Policy / Pricing	▪ Unbundled parking costs from property separates parking from property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property cost. This removes the burden from those who do not wish to utilize a parking space. Parking will be priced separately from the office space lease.	▪ The project will include a minimum of $25 monthly parking fee separate from the office space lease amount.	CAPCOA PDT-2: Unbundle parking costs from property costs	2.6%[a]	2.6%

TABLE A
TDM PROGRAM VMT REDUCTION ANALYSIS SUMMARY

Project TDM Measure	Required Elements for TDM Measure Effectiveness	Project's Applicability	CAPCOA / City of San Diego TSM Reference	Individual Strategy VMT Reduction	Combined Strategy VMT Reduction
Transit Pass Subsidy	▪ Provide transit pass subsidies for employees	▪ For employees, a 25% subsidy will be required as a part of the lease condition. The subsidy value will be limited to the equivalent value of 25% of the cost of an MTS "Regional Adult Monthly/30-Day Pass" (currently $72 for a subsidy value of $18 per month). The subsidies will be required of office and retail tenant employees as a lease condition until ten years after the opening of the Riverwalk Transit Station.	CAPCOA TRT-4: Implement subsidized or discounted transit pass program	3.40%[f]	4.35%[h]
Trip Reduction Marketing	▪ Provide trip reduction information for employees	▪ The project will install informational Transit Boards in the office lobbies ▪ The project will participate in the iCommute program and provide SANDAG/MTS Information at Leasing Centers. iCommute, the TDM program for the San Diego region (operated by SANDAG and the 511 transportation information service) also would contribute to potential VMT reductions. iCommute assists users in setting up carpools and vanpools, planning transit trips, and promoting alternative mode choices such as biking. Expanding this service to the Riverwalk project would make it more convenient for employees to use alternative modes of transportation.	CAPCOA TRT-7: Commute Trip Reduction Marketing	4.00%[g]	
Overall Employee VMT Reduction[i]					*8.33%*

Footnotes:

a. Per CAPCOA (page 210), VMT reduction formula (%) = change in vehicle cost * elasticity (4%) * A (85%). Change in vehicle cost = monthly parking cost * 12 / $4,000 (annual vehicle cost).
b. While the project would offer transit subsidies for residents, no VMT reductions for this TDM measure were taken to be conservative.
c. While the project would implement this TDM measure, no VMT reductions were taken to be conservative. T
d. Combined category reduction = 1 – (1-1%) * (1-0.6%) = 1.59%
e. Overall resident VMT reduction = 1 – (1-1.59%) * (1-2.6%) = 4.15%
f. Per CAPCOA (page 230), VMT reduction formula = % employees eligible to participate * reduction in commute VMT * adjustment from commute VT to commute VMT; % of employees to participate = 100% (CAPCOA suggests an eligibility rate of 20-100%); reduction in commute VMT = 3.4% (CAPCOA page 232 for $0.75 daily subsidy for Activity Center-mode neutral context location); adjustment from commute VT (vehicle trips) to VMT = 1 (CAPCOA Appendix C)
g. Per CAPCOA (page 241), VMT reduction formula = % employees eligible to participate * reduction in commute VMT * adjustment from commute VT to commute VMT; % of employees to participate = 100% (CAPCOA suggests an eligibility rate of 20-100%); reduction in commute VMT = 4% (CAPCOA page 241); adjustment from commute VT (vehicle trips) to VMT = 1 (CAPCOA Appendix C)
h. Combined category reduction = 1 – (1-3.4%) * (1-4.0%) = 7.26%. Per CAPCOA Page 62, a 25% reduction in work-related VMT is assumed equivalent to 15% reduction in overall project VMT. Therefore, 7.26% is converted to 4.35% (7.26% * 15% / 25%) representing overall project VMT.
i. Overall employee VMT reduction = 1 – (1-1.59%) * (1-2.6%) * (1-4.35%) = 8.33%

Project Trip Generation and Transit

The trip generation for the project was estimated using the trip rates from the City of San Diego Land Development Code, Trip Generation Manual (May 2003). As shown in the Draft EIR Section 5.2.3.3), the Phase I project is calculated to generate 17,248 total driveway trips and Phase II is calculated to generate 30,896 total driveway trips. The Phase II total trip generation of 30,896 includes the prior Phase I land use density and their associated trips. Similarly, the Phase III total trip generation of 41,186 trips includes the trips from the prior project Phases (I and II). Details that show the inclusion of prior phases into each phase's trip generation calculation are shown in Table 7-5 of the Mobility Assessment, included as Appendix L to the EIR. For clarity, the trip generation tables have been added as Appendix L-2 of the EIR.

Several comments incorrectly add the Phase I trip generation of 17,248 trips and Phase II trip generation of 30,896 trips (this includes Phase I trips) to calculate 48,144 trips. Therefore, these comments incorrectly conclude that the Phase I and Phase II generate a total of 48,144 trips and incorrectly conclude that Phase I and II total trips are more than the Project Build-Out of 41,186 trips. Based on the above, no changes are required to the project trip generation and the trip generation was correctly conducted per City of San Diego standards.

Moreover, some comments failed to consider trip credits estimated by the SANDAG Mixed-Use Development (MXD) model and pass-by trips in their alternative trip generation calculations. The SANDAG MXD Model was prepared by the regional planning agency (SANDAG) and is based on local San Diego data. These trip credits are shown in a line item for each phase in Table 7-5 of the Mobility Assessment, included as Appendix L to the EIR. Additionally, some comments incorrectly calculate the commercial office trip generation to be 9,149 ADTs using a linear trip rate that assumes a single 935,000 SF office building. The project does not propose a single 935,000 SF office building and the City's commercial trip generation rates are based on a logarithmic formula, not a linear formula as noted in Footnote d to Table 7-5 in the Mobility Assessment. Further detail on the background of the MXD model, project trip generation methodology and calculations is provided in the Appendix L: Mobility Assessment (Section 7.0). As shown in the Mobility Assessment, the project was correctly calculated to generate 41,186 total driveway trips at Project Build Out.

Ridership projections for the proposed on-site Transit Station were obtained from the Travel Demand Model that was conducted for the recently approved Mission Valley Community Plan (MVCP, 2019). The Travel Demand Model is an Activity Based Model (ABM), which is maintained and run by the regional planning agency, SANDAG, and is based on empirical data collected by SANDAG, Caltrans, and the federal government. The model development has been regularly peer-reviewed by the ABM Advisory Committee, a panel of national experts in the travel demand forecasting field. The ABM simulates the travel decisions of San Diego residents at a detailed level, considering a multitude of personal and household attributes such as age, income, and gender as well as travel behavior inputs such as trip origins, destinations, mode of travel (walking, biking, transit, auto etc.) and land use mix. This model has been recently calibrated for

the Mission Valley Community Plan Update process. For more information on the ABM, please visit the attached website.[3]

Master Response 7 – Parking

A number comments raise the issue of insufficient parking and its impact on air quality, fire, and life safety response times. As stated in the Specific Plan Reg-40, the number of parking spaces for automobile, bicycle, and motorcycle parking shall comply with the Land Development Code (LDC) based on the zoning and land uses of each development area. In accordance with CEQA 21099(d), parking impacts of a mixed-use project on an infill site within a transit priority area shall not be considered significant impact on the environment. There would be no deficit in parking, as the project would meet the minimum requirement as stated per the LDC.

Master Response 8 – Public Services

Several comments raised concerns that the EIR did not adequately analyze the project's impacts on public services and facilities, which include police, fire-rescue, libraries, and parks. Specifically, the comments raise the project's consistency with the Mission Valley Community Plan policies relative to public services and the potential for the project to result in adverse effects due to response times, demand for emergency services, and traffic congestion.

Regarding community plan consistency, as concluded in Section 5.1, Land Use, of the Draft EIR, the project is consistent with the Mission Valley Community Plan land use and zone designations

Regarding emergency service response times and how they might be affected by traffic congestion, emergency vehicles are not required to follow standard rules-of-the-road during an emergency response. Emergency vehicles use flashing lights and sirens activated and will either pass by as traffic stops for them or will use maneuvers such as traveling on the wrong side of a divided roadway, if required.

As disclosed in Section 5.15 of the draft EIR, the project is required to provide approximately 22 acres of population-based parks. The project would provide 97 acres of parks and open space, including approximately 55 acres of publicly-accessible park space to satisfy and exceed its population-based park requirement and enhancement of the San Diego River. Physical effects from construction and operation of the approximately 97 acres of parks and open space, including the 55 acres of publicly-accessible park space, have been analyzed and disclosed within the Draft EIR.

[3] https://www.sandag.org/index.asp?subclassid=120&fuseaction=home.subclasshome#dataSources

In accordance with the CEQA Guidelines, impacts related to public services and facilities (police, fire-rescue, and libraries) are evaluated in light of whether the impact would result in a physical change to the environment. Response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval by the City Council of the affected department's budget proposal for operations within the affected area because individual development projects cannot be required to fund ongoing operational costs nor can individual development projects make budgetary decisions regarding such funding. The provision of adequate facilities are a planning and facility matter. As discussed in Section 5.15 of the Draft EIR, the project would not result in an increased demand for facilities associated with police, fire rescue or libraries through either the provision of new or physically altered facilities.

Master Response 9 – Flooding

A number of comments raised concerns that pertained to hydraulics and flooding due to the proposed development. As presented in Section 5.10 of the EIR, the project would not result in increased flooding on- or off-site and would not cause significant impacts on upstream or downstream properties or to environmental resources. The project would not impose flood hazards on other properties or development. No impacts would occur on any properties or environmental resources surrounding the project site.

The majority of the project site would be graded including portions of the current San Diego River floodplain and floodway to meet the requirement of no rise in water surface elevations upstream, downstream, or onsite. The existing low-flow river channel would remain in the same location and alignment as it is today and will not be impacted by project grading. Specifically, the project would create development pads along the northerly and southeasterly portions of the site. In addition, a park would be constructed along the river corridor. However, these activities would not result in a significant alteration or increase of the existing condition 100-year water surface elevations through the project area (i.e. the no rise criteria) because the fill in the floodplain and floodway will be offset by excavation within the park area. Therefore, because the project follows the no rise criteria, the project would not cause a significant impact to the environment from flooding.

As shown in Table 5.12-1, comparison of the existing and proposed condition shows that the proposed grading would not increase the 100-year water surface elevations; therefore, no rise would result. In addition, the water surface elevations upstream of Fashion Valley Road are lowered due to the project's proposed arch culvert under the Fashion Valley Road crossing, as shown in Table 5.12-2, *Comparison of 100-Year Water Surface Elevations*. In conjunction with the improvements to Fashion Valley Road, automated gates would be installed adjacent to the road to restrict traffic when the river reaches the level at which it crosses over the roadway. The gates would be connected to sensors in the river, which would measure the water level and would trigger the gates to close Fashion Valley Road to traffic, across the culvert, in a north and south direction. Implementation of the project would not result in significant and unavoidable flooding impacts.

Moreover, the project is required to obtain a CLOMR prior to issuance of a grading permit since the FEMA floodplain and floodway are being altered. The CLOMR will be provided to the City first for review and then, upon approval, the CLOMR will be submitted to FEMA for review. During the FEMA review process, the public notice requirements will be met. This typically involves publication of a public notice in the local newspaper and individual letters sent to all property owners affected by the mapping revisions, which would include Caltrans. Once the public notice and other plan review comments are addressed, FEMA will issue a CLOMR letter with conditions to be met in order to obtain post-construction floodplain and floodway mapping approval that are consistent with the performance standards in the FEMA regulations and City Municipal Code. This regulatory process assures the project results in no rise in water surface elevation, and therefore there will be no significant project impacts from flooding.

With regards to whether the proposed development is designed to be safe for habitation in a 100-year floodplain area, the project is safe because it will follow the regulatory requirement to construct habitable structures. The project has been designed in accordance with City, State, and Federal regulations with regards to flooding. The project is required to build consistent with SDMC, which mandates that buildings will be elevated two feet freeboard above the 100-year flood water surface elevation. Furthermore, this area of Mission Valley is subcritical flow, which means that while the project would maintain or lower the 100-year flood water surface elevations in the eastern portion of the project, water surface elevations downstream will not be affected. Last, the project will provide two points of code compliant ingress and egress that are elevated two feet above the 100-year floodplain, which will allow evacuation during a flood event both to the north and south without crossing the San Diego River.

Master Response 10 – COVID-19/Pandemics

The City received comments that expressed concern about COVID-19 and pandemics. An EIR is required to identify and focus on the significant effects of a proposed project on the environment. Environment is defined as the "physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise, [and] objects of historic or aesthetic significance." Cal. Pub. Res. Code § 21060.5; *see also* CEQA Guidelines § 15360. As such, effects that are subject to review under CEQA must be related to a change to the *physical* environment. CEQA Guidelines § 15358(b). This is further outlined in CEQA Guidelines Section 15126.2, which states that in assessing impacts of a project on the environment, the lead agency is required to "limit its examination to changes in the existing physical conditions." Regardless, COVID 19 is not a physical condition as defined in Cal. Pub. Res. Code § 21060.5 and is outside the purview of CEQA.

Master Response 11 –Alvarado 2nd Pipeline Expansion Project

This Master Response has been prepared in response to comments that address the Alvarado 2nd Pipeline Expansion project and its cumulative effects relative to the project. Relative to the Alvarado 2nd Pipeline Expansion project, the City is coordinating design and construction to upsize the Alvarado Pipeline. That improvement will extend from I-805 to West Mission Bay Drive along Friars Road and Fashion Valley

Road. Some comments assert that the EIR is inadequate without a specific analysis of this pipeline expansion's cumulative impacts with the project.

According to Section 15130(b) of the CEQA Guidelines, the evaluation of cumulative impacts is to be based on either:

- *A list of past, present and probable future projects producing related or cumulative impacts including, if necessary, those projects outside the control of the agency; or*
- *A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated region- or area-wide conditions contributing to the impacts, including, if necessary, those projects outside the control of the agency; or cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.*

This EIR utilizes the "Plan" approach for the project's cumulative analysis in accordance with CEQA Section 15130(b). CEQA Section 15130(e) identifies *If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).* The Mission Valley CPU Program EIR adequately addressed cumulative impacts from buildout of the Mission Valley Community Plan for the environmental resource areas addressed in the CPU Program EIR. Consistent with CEQA Guidelines 15130(d), the Cumulative Effects analysis provided in Chapter 6.0 of the EIR summarizes and incorporates by reference for purposes of tiering from the Mission Valley CPU PEIR cumulative effects analysis that adequately addresses each resource issue area. It analyzes the site-specific project-level cumulative impacts from the project without assuming that the project's cumulative impacts are the same as the seven cumulatively considerable and unmitigated impacts identified the Mission Valley CPU Program EIR. In doing so, this analysis identifies whether the City's CEQA findings for why the Mission Valley CPU Program EIR found cumulatively considerable and unmitigated impacts are applicable to the project, and whether there are alternatives available to avoid those cumulatively considerable impacts that are applicable to the project. The cumulative analysis included in the Mission Valley CPU Program EIR assumes buildout of the Mission Valley Community Plan and, because it tiers of the General Plan's analysis of cumulative effects, anticipated development in surrounding communities known at the time the CPU Program EIR was developed.

The pipeline is not listed as a cumulative project for impact analysis because the EIR utilizes the Plan method for cumulative effects analysis, as CEQA does not require a lead agency to use a list method as the exclusive means of analyzing cumulative impacts. See Chapter 6.0 of the EIR for a discussion of the cumulative impact methodology.

Traffic congestion is no longer considered a significant impact under CEQA pursuant to SB 743. See Master Response 6. It should be noted that both the Alvarado 2nd Pipeline Extension Project and the proposed project would be required to prepare a Traffic Control Plan (which would include pedestrian and

bicycle traffic), which would be reviewed and approved by the City Engineer prior to construction activities for all phases. The traffic control plans would ensure that appropriate access remains available, and the City would assist each team to coordinate traffic control within the work area in case of concurrent construction activities. As such, coordination between any overlapping pipeline project and project construction would occur to minimize disruption and facilitate orderly development.

From: **Gower, Patrick** patrick_gower@fws.gov
Subject: [EXTERNAL] Riverwalk Project Draft Environmental Impact Report SCH No. 2018041028
Date: July 6, 2020 at 4:17 PM
To: Shearer-Nguyen, Elizabeth EShearer@sandiego.gov
Cc: Melissa.Stepek@wildlife.ca.gov melissa.stepek@wildlife.ca.gov

PG

This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.

In Reply Refer To:
FWS-SDG- 20B0204 - 20TA1283

Ms. E. Shearer-Nguyen
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101

Subject: Riverwalk Project Draft Environmental Impact Report, San Diego County, California (SCH No. 2018041028)

Dear Ms. Shearer-Nguyen:

A-1 The U.S. Fish and Wildlife Service (Service), has reviewed the draft Environmental Impact Report (DEIR) for the proposed Riverwalk (Project), dated May 15, 2020. The comments provided herein are based on the information provided in the DEIR, the Service's knowledge of sensitive and declining species and their habitats, and our participation in the Multiple Species Conservation Program (MSCP) and the City of San Diego's MSCP Subarea Plan (SAP).

A-2 The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The City participates in the Service's HCP program by implementing its SAP.

A-3 The Project request for the rescission of the Levi-Cushman Specific Plan, Mission Valley Community Plan Amendment, General Plan Amendment, Land Development Code amendment to remove the Community Plan Implementation Overlay Zone from the site, and adoption of the Riverwalk Specific Plan The Buildout of Riverwalk Specific Plan would provide approximately 97 acres of parks, open space, and trails; 4,300 residential units; 152,000 square feet of commercial retail space; 1,000,000 square feet of office and non-retail commercial use and improve the Fashion Valley Road crossing. The project is located on the 195-acre 27-hole Riverwalk Golf Course is located at 1150 Fashion Valley Road Portions of the Project intersect or are adjacent to core biological resource areas along the San Diego River and are identified as the Multi-Habitat Planning Area (MHPA or preserve) in the City's SAP.

The following comments will help the City further avoid or reduce project impacts to the

A-1 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

A-2 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

A-3 Comment noted. This comment summarizes the project. No response is necessary.

sensitive resources found in the San Diego River.

1. To be consistent with the MSCP B15 *Native vegetation shall be restored as a condition of future development proposals along this portion of the San Diego River corridor* we recommend all of the proposed restoration occur in Phase 1
2. Due to the time elapsed since the last surveys were completed we recommend new surveys be completed before the onset of project impacts.
3. We recommend the 50-foot wide no use buffer be extended to 100 feet where ever possible.
4. There is a statement on page 5.4-26 that the MHPA will not be impacted by the project. However it appears in the figure 5.4.-3 that the project will impact the MHPA. Please confirm which statement is correct.
5. Picnic areas and other public facilities that may generate trash should be placed as far from the San Diego River as possible to reduce the possibility of attracting predators to sensitive areas.

We appreciate the opportunity to comment on the DEIR. If you have questions regarding this email, please contact Patrick Gower of the Service at 760-431-9440, extension 352.

Patrick Gower
Fish and Wildlife Biologist
Carlsbad Fish and Wildlife Office
(760) 431-9440 ext 352

A-4 Restoration would be required to occur at time of impacts associated with the construction of Fashion Valley Road between Riverwalk Drive and Hotel Circle North.

A-5 Biological Resources are discussed in Section 5.4 of the Environmental Impact Report (EIR). As stated in Mitigation Measure 5.4-1, pre-construction surveys would be conducted prior to the start of construction activities. The results of the pre-construction surveys would determine if additional surveys are required prior to commencement of grading and construction. If needed, the pre- construction survey would be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant would submit the results of the pre-construction survey to the City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, willow flycatcher, southwestern willow flycatcher, least bittern, Vaux's swift and the light-footed Ridgway's rail are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) would be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan would be submitted to the City for review and approval and implemented to the satisfaction of the City. Additionally, a qualified biologist would monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

A-6 As discussed in Section 5.4 of the EIR, the project would provide a biological buffer through the establishment of a 50-foot wide no use buffer and passive park area. Boulders or deterrent vegetation, as well as peeler log fencing, would be installed at the edge of the no use buffer to deter public access. The no use buffer and passive park areas north and south of the river channel would be graded to provide flood capacity along the river and restored with native plant species appropriate within and adjacent to native wetland/riparian habitats. No uses would be

	allowed in the no use buffer [except Multiple Species Conservation Program (MSCP) compliant trails attached to the two existing bridges on-site], and the passive park would only allow passive uses (i.e., walking/hiking trails and nature observation nodes). This would result in an overall buffering of the Multi-Species Conservation Area (MHPA), river, and wetland habitat restoration from active park uses by a minimum of 55 feet (in the southwestern and northeastern portions of the project site) to a maximum of 590 feet (in the western portion of the project site), with an average distance of 175 feet. The wetland buffer provided by the project is in compliance with all requirements of the City's Land Development Code and Biology Guidelines (2018), as well as the California Environmental Quality Act (CEQA). The City acknowledges that the USFWS request to expand the no-use buffer from 50 feet wide to 100 feet wide. The Passive park areas adjacent to the no-use buffer also serve as a buffer to the preserved wetland habitats along the San Diego River Channel and MHPA on site. As noted in the Biological Technical Report, the combination of the no-use and passive park buffers would result in an overall buffering of the MHPA, river, and wetland habitat restoration from active park uses by a minimum of 55 feet (in the southwestern and northeastern portions of the Project site) to a maximum of 590 feet (in the western portion of the Project site), with an average distance of 175 feet overall. These proposed buffers were analyzed in the EIR and they were determined to be adequate to protect wetland function and values to result in no net loss of wetland habitat. Expanding the no-use buffer would not increase the area of the overall buffers; rather, it would just further limit uses within the passive and active park areas. The park areas are already designed to be compatible with the MHPA land use adjacency guidelines. As such, no expansion of the no-use limitation into the park areas is warranted.
	A-7 Impacts associated with Fashion Valley Road would occur within the MHPA. Fashion Valley Road is identified as a Mobility Element roadway in the Mission Valley Community Plan. Community Plan Circulation Element roadways, essential collector streets, and necessary maintenance/emergency access roads are allowed in the MHPA.
	A-8 Picnic areas and other public facilities would occur as far from the San Diego River as possible and beyond the 50-foot wide no use buffer.

	A-9 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

Riverwalk

Summary

SCH Number	2018041028
Lead Agency	San Diego, City of *(City of San Diego)*
Document Title	Riverwalk
Document Type	EIR - Draft EIR
Received	5/15/2020
Present Land Use	CC-3-9 (Commercial—Community); RM-4-10 (Residential—Multiple Unit); OP-1-1 (Open Space—Park); OC-1-1 (Open Space – Conservation)

Document Description A request for the RESCISSION OF THE LEVI-CUSHMAN SPECIFIC PLAN, MISSION VALLEY COMMUNITY PLAN AMENDMENT, GENERAL PLAN AMENDMENT, LAND DEVELOPMENT CODE AMENDMENT to remove the Community Plan Implementation Overlay Zone (CPIOZ) from the site, ADOPTION of the RIVERWALK SPECIFIC PLAN, REZONE from OP-1-1 to CC-3-9 and CC-3-9 to OP-1-1, VESTING TENTATIVE MAP, various PUBLIC RIGHT-OF-WAY EASEMENT VACATIONS, PARK GENERAL DEVELOPMENT PLAN, FINANCING DISTRICT FORMATION, PUBLIC IMPROVEMENT AGREEMENTS, DEVELOPMENT AGREEMENT, SITE DEVELOPMENT PERMIT, and a CONDITIONAL USE PERMIT (CUP) to amend CUP No. 94-0563 to adopt the Riverwalk Specific Plan to establish goals, policies, development standards and architectural guidelines for a transit-oriented development (TOD) with a range of land uses, comprised of four districts. Land uses within the Specific Plan would include parks and open space, multi-family residential, commercial retail, and office and non-retail commercial. Buildout of Riverwalk Specific Plan would provide approximately 97 acres of parks, open space, and trails; 4,300 residential units; 152,000 square feet of commercial retail space; and 1,000,000 square feet of office and non-retail commercial use. The Riverwalk Specific Plan area is divided into four planning districts: North District, Central District, South District, and Park District. The approximate 195-acre 27-hole Riverwalk Golf Course is located at 1150 Fashion Valley Road. The General Plan designates the project site as Commercial Employment, Retail, and Services, in the northeastern and central portions of the site; Multiple Use, in the northern and southern portions of the site; Residential, in the western portion of the site; and Park, Open Space, and Recreation, in the central portion of the site. The Mission Valley Community Plan designates the project site as Residential (High Density) in the northeastern and northwestern portions of the site; Office and Visitor Commercial in the northcentral, northeastern, and southeastern portions of the site; and Potential Park/Open Space in the central portion of the site. The Levi-Cushman Specific Plan identifies the project site for a mix of residential, retail, office, hotel, and recreational uses. Zoning on the site are CC-3-9 (Commercial—Community) in the central, northeastern, and southeastern portions of the site; RM-4-10 (Residential—Multiple Unit) in the northwestern and northeastern portions of the site; OP-1-1 (Open Space—Park) in the central portion of the site, and OC-1-1 (Open Space – Conservation) in the central portion of the site. Ad-

B-1

B-1 This letter acknowledges compliance with the State Clearinghouse review requirements for draft environmental documents. Additionally, the printout identifies two state agencies that submitted comment letters: California Department of Fish and Wildlife and California Department of Transportation. Those letters and specific responses are provided below. No further response is required.

B-1 (cont.)

ditionally, the site is located within a Community Plan Implementation Overlay Zone (CPIOZ-A), the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area (AIA) for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2), the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field, Transit Area Overlay Zone, and Transit Priority Area. (Parcel 1: APN: 437-240-03, 437-240-26, 437-240-27; Parcel 2: 437-240-28, 437-240-29; Parcel 3: 436-611-06, 436-611-29, 436-611-30, 436-650-14). The site is not included on any Government Code listing of hazardous waste sites.

Contact Information

Elizabeth Shearer-Nguyen
City of San Diego
1222 1st Ave
San Diego, CA 92101
Phone : (619) 446-5369
EShearer@sandiego.gov

Location

Coordinates 32°45'49.9"N 117°10'45.4"W
Cities Mission Valley, San Diego
Counties San Diego
Cross Streets Hotel Circle North / Fashion Valley Road/Friars Road
Zip 92108
Total Acres approx. 195 acre
State Highways I-8/I-5/SR-163/I-805/I-15
Railways San Diego Trolley
Airports Montgomery Field/SDIA
Waterways San Diego River

Notice of Completion

Review Period Start 5/15/2020
Review Period End 6/29/2020
Development Type Residential (4,300 Units), Office (office and non-retail commercial)(1,000,000 Sq. Ft.), Commercial (152,000 Sq. Ft.)
Local Action General Plan Amendment, Specific Plan, Rezone, See NOC
Project Issues Aesthetic/Visual, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Flood Plain/Flooding, Geologic/Seismic, Greenhouse Gas Emissions, Noise, Public Services, Traffic/Circulation, Tribal Cultural Resources, Vegetation, Water Quality, Wetland/Riparian, Wildlife, Land Use, Cumulative Effects
Reviewing Agencies California Air Resources Board, California Department of Conservation, California Department of Forestry and Fire Protection, California Department of Housing and Community Development, California Department of Parks and Recreation, California Department of Transportation, Division of Aeronautics, California Department of Water Resources, California Governor's Office of Emergency Services, California Highway Patrol

California Native American Heritage Commission | California Natural Resources Agency
California Public Utilities Commission | California Regional Water Quality Control Board, San Diego Region 9
California San Diego River Conservancy | California State Lands Commission | Department of Toxic Substances Control
Office of Historic Preservation | State Water Resources Control Board, Division of Drinking Water
State Water Resources Control Board, Division of Water Quality
California Department of Fish and Wildlife, South Coast Region 5 | California Department of Transportation, District 11

Attachments

Environmental Document

2020-05 PDF 182980 K
Appendix A - Notice of Preparation and Letters of Comment PDF 10697 K
Appendix AA - MTS letter for Levi Cushman Specific Plan Recission PDF 78 K
Appendix B - Transcript of Public Scoping Meeting PDF 79 K
Appendix BB - Interpretive Signage for Tribal Cultural Resources for the Riverwalk Development Project PDF 102 K
Appendix C1 - CAP Conformance Evaluation PDF 156 K
Appendix C2 - CAP Consistency Checklist PDF 625 K
Appendix CC - Draft Riverwalk Specific Plan PDF 412447 K
Appendix D - Transportation Impact Analysis PDF 29904 K
Appendix DD - Draft Amendment to the Mission Valley Community Plan PDF 8143 K
Appendix E - Biological Technical Report PDF 28223 K
Appendix F - Air Quality Report PDF 4026 K
Appendix G - Cultural Resources Inventory Report PDF 5788 K
Appendix H - Addendum to Class III Cultural Resource Inventory PDF 359 K
Appendix I - Historic Resources Technical Report PDF 42355 K
Appendix J - LettersResponses to Service Providers PDF 2186 K
Appendix K - Noise Study PDF 10778 K
Appendix L - Moblility Assessment PDF 64985 K
Appendix M - Preliminary Geotechnical Investigation PDF 69945 K
Appendix N - Drainage Report PDF 17143 K
Appendix O - Storm Water Quality Management Plan PDF 45029 K
Appendix P - Water Supply Assessment PDF 922 K
Appendix Q - Waste Management Plan PDF 9041 K
Appendix R - Water Study PDF 10728 K
Appendix S - Sewer Study PDF 12790 K
Appendix T - Phase I Environmental Site Assessment PDF 35466 K
Appendix U - Subsurface Assessment PDF 8497 K
Appendix V - Envirofacts Search PDF 401 K
Appendix W - Riverwalk Wetland Restoration Plan PDF 6406 K
Appendix X - Riverwalk Archaeological Research & Data Recovery Program PDF 771 K
Appendix Y - FAA Determination of No Hazard Letters PDF 6185 K

B-1 (cont.)

B-1 (cont.)

Appendix Z - SDCRAA Airport Land Use Commission Determination PDF 88 K

Summary Submittal Form_2018041028_Riverwalk 581984 PDF 436 K

NOC

Notice of Completion_2018041028_Riverwalk 581984 PDF 484 K

State Comments

2018041028_ CDFW Comment PDF 663 K

2018041028_Caltrans Comment PDF 325 K

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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
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www.dot.ca.gov

Making Conservation a California Way of Life.

June 29, 2020

11-SD-8
PM 2.21
Riverwalk
DEIR/SCH#2018041028

Ms. Elizabeth Shearer-Nguyen
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

C-1 Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report for the Riverwalk project located near Interstate 8 (I-8) and State Route 163 (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 has the following comments:

SANDAG is starting the process for a Comprehensive Multimodal Corridor Plan (CMCP) for I-8.

Traffic Impact Study

C-2
- Caltrans District 11 will not approve the additional intersection leg opposite the westbound Interstate 8 (I-8) exit ramp at Hotel Circle North as proposed in the Intersection Control Evaluation (ICE) document for any of the alternatives. Caltrans will not entertain intersection modifications that lack improvement to the existing geometry and operation of the westbound I-8 ramps/Hotel Circle intersection. The proposal adds volume, movement configurations, and impacts the operations of the intersection.

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

C-1 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

C-2 Comment noted. Through on-going discussions between the City of San Diego, the project applicant, and Caltrans, it is understood that Caltrans would not entertain modifications to this intersection that do not improve the existing geometry and operation of this intersection. Therefore, an alternative improvement may be identified in the one-way couplet Circulation Study, for which the applicant would contribute up to $500,000, as stated in Appendix A Transportation Improvement Plan (TIP) of the Transportation Impact Analysis (TIA). (The TIA is provided as Appendix D).

Improvements at this intersection would only proceed with Caltrans' approval in compliance with the design standards and agency approvals listed in the comment. The project roadway network and site access has been revised to include a right-in, right-out only driveway on Hotel Circle North and interim widening of this portion of Hotel Circle North, between the westbound I-8 hook ramps and Fashion Valley Road, to accommodate vehicles in the Phase III area of the development. With the addition of this driveway and the widening, an operational analysis indicates that access to the project can be served without adding the fourth leg at the hook ramp intersection.

It is noted that any changes to Caltrans facilities, whether the location mentioned in this comment or other locations, would require close coordination with Caltrans as well as Caltrans approval. Options for access as well as potential alternatives are planned to be evaluated in consultation with Caltrans when the "Circulation Study for Hotel Circle one-way couplet and I-8 corridor between State Route (SR) 163 and Taylor Street" is completed pursuant to the Transportation Improvement Plan (Appendix A to the TIA) , completed prior to the occupancy of the 750th Equivalent Dwelling Unit (EDU).

- Caltrans would welcome a different proposal as mitigation for this project.
- Federal Highway (FHWA) approval will be required to add a north/south connecting street as the north side of the hook ramps should have access control per the Caltrans' Highway Design Manual (HDM).
- Any modifications to the access control will need both Caltrans and FHWA approval. This is an important standard to maintain on the Interstate System and it would need very strong justification if it were to be granted.
- The access control standard is in Chapter 500 of the Highway Design Manual: Index 504.8 Access Control.

Design

1. Comments associated with Project Development Procedures Manual, Chapter 27--Access Control Modifications:
   a. Clarify if potential access control modifications been identified and evaluated.
   b. Clarify if interchange spacing requirements been evaluated in respect to Chapter 27 policies and in respect to interchange spacing design standards in the Highway Design Manual.
2. Verify if design alternatives that involve improvements within Caltrans Right-of-Way (R/W) comply with the standards in the Highway Design Manual.

Hydrology and Drainage Studies

The Riverwalk project significantly alters San Diego River by proposing:

- Significant grading alterations in the Federal Emergency Management Administration (FEMA) defined Floodplain and Floodway.
- Creation of a canal and manufactured lake separate of the river on the southern edge of the San Diego River bank.
- Raising Fashion Valley Road to accommodate the 10 to15 year storm event.

These proposed project features can significantly alter the FEMA defined Floodplain and associated water surface elevations through the project area and have potential adverse impacts to the California Department of the Transportation (Department) Interstate 8 (I-8) facility adjacent to the proposed

C-2 (cont.)

C-3 Comment regarding the appropriate design manuals for access control modification noted.

C-3

C-4 Grading plans meet the "no rise" conditions of the Federal Emergency Management Agency (FEMA) and would not result in a significant alteration of the existing condition 100-year water surface elevations. The project would require processing of a Conditional Letter of Map Revision (CLOMR), which would be provided to the City first for review and then, upon approval, the City would submit the CLOMR to FEMA for review. During the FEMA review process, the public notice requirements include publication of a public notice in the local newspaper and individual letters sent to all property owners affected by the mapping revisions, which would include Caltrans.

C-4

project. The Department requests that the City of San Diego, acting as the Local FEMA Administrator, include the Department in reviews of all submittals to the Development Services Department regarding floodplain administration and allow for the Department to comment prior to the Conditional Letter of Map Revision (CLOMR) application or the Permit issue, to assure that I-8 is not adversely impacted by any change in the water surface elevation resulting from this project. In addition, the Department requests that a formal notification be sent when the City of San Diego approves the permit to alter the floodplain and/or when the Developer applies for the CLOMR and Letter of Map Revision (LOMR) under 44 CFR §65.12.

C-4 (cont.)

Upon review of the "Draft EIR" the Hydraulics Branch has the following specific comments:

1. § 1.5.7 states that the project has processed a Conditional Letter of Map Revision (CLOMR), which FEMA has approved. This implies that 100% construction plans have been submitted to the Local FEMA Administrator and to FEMA itself and that the project will be entering the construction phase. However, the provided Preliminary Drainage Report states that the Hydraulics Studies performed where to determine if the project concepts are feasible and the project is in the Draft EIR stage. How was a CLOMR obtained from FEMA with only a feasibility Hydraulics study and without the appropriate finalized EIR certification and permits in place? C-5
2. §3.7.2 states that the project anticipates LOMR issuance with project approval and EIR certification. As a LOMR is only issued after a project has been constructed how will the project obtain the LOMR prior to construction of the project? C-6
3. What is the expected time frame between EIR certification and project approval? C-7
4. The project proposes a dedication of public streets "J" and "U". Are these proposed public streets included in the Floodplain/Floodway analysis for the project area? If not, who will perform the Floodplain/Floodway analysis and determine the impacts for these streets? C-8
5. The potential impacts to I-8 are not addressed in this document and therefore any impacts to the Department facilities remained unknown and unaddressed. C-9

C-5 The project is required to obtain a CLOMR prior to issuance of a grading permit since the FEMA floodplain and floodway are being altered. The CLOMR would be provided to the City first for review and then, upon approval, the City would submit the CLOMR to FEMA for review. During the FEMA review process, the public notice requirements would be met. This involves publication of a public notice in the local newspaper and individual letters sent to all property owners affected by the mapping revisions, which would include Caltrans. Once the public notice and other plan review comments are addressed, FEMA will issue a CLOMR letter with conditions to be met in order to obtain post-construction floodplain and floodway mapping approval. The project results in no rise in water surface elevation, and therefore there would be no impacts to I-8.

The Final EIR has been revised to reflect that a FEMA CLOMR is to be obtained following EIR certification and issuance of resource agency permits.

C-6 The Final EIR has been corrected to read "CLOMR", not "LOMR" (Section 3.7.2).

C-7 The City of San Diego would certify the Final EIR and approve the project at the same time. It is anticipated that the project would be before the San Diego City Council in Fall 2020.

C-8 The project includes irrevocable offers of dedication (IODs) for future Streets J and U. The project does not dedicate Streets J and U. Grading associated with Streets J and U is included in the floodplain and floodway analysis but would need to be further considered as designs for these roads are completed as part of future projects.

C-9 The hydraulic analyses prepared for the project (see Appendices N and O of the EIR) demonstrate no rise in the base flood elevations. The final grading of the project would also meet this condition. Therefore, no impacts to I-8 and/or Caltrans facilities are anticipated. Since no impacts are anticipated by the project, I-8 was not evaluated in the analysis of the EIR.

Ms. Elizabeth Shearer-Nguyen
June 29, 2020
Page 4

Upon review of the "Preliminary Drainage Report for Riverwalk - Vesting Tentative Map No. 2046680 (PTS No 581984)" dated December 6, 2019 the Hydraulics Branch has the following specific comments:

6. The report states that the FEMA FIS flow rates were used. When were these flow rates established? Do these flow rates accurately represent the expected flow rates given the amount of development that has occurred in the San Diego River Hydrologic Basin?
7. The feasibility study conducted compared existing condition water surface elevation to proposed water surface elevations. However, another required comparison is to compare the effective model water surface elevations to the proposed water surface elevations. The effective model water surface elevations were not provided; therefore, it is undetermined what the overall impact is to I-8 at this time.
8. Identify Effective Study cross sections as labeled in the FEMA FIRM mapping.
9. Identify I-8 on the HEC-RAS work map.
10. Show the following on the HEC-RAS work map:
    a. Effective 100-yr Floodplain boundaries.
    b. Effective 100-yr Floodway boundaries.
    c. Existing100-yr Floodplain boundaries.
    d. Existing 100-yr Floodway boundaries.

Complete Streets and Mobility Network

Coordinate early and often with Caltrans for studies, approvals, and encroachment permits. The project team should plan to coordinate early in the project development process with Caltrans District 11 Planning to navigate the Caltrans encroachment permit process for the pedestrian and bicycle network projects that require Caltrans approval.

Furthermore, the following Caltrans documents should be utilized to design pedestrian and bicycle facilities through Caltrans R/W.

- Caltrans Highway Design Manual (HDM): http://www.dot.ca.gov/design/manuals/hdm.html
- California Manual on Uniform Traffic Control Devices (CA MUTCD): http://www.dot.ca.gov/trafficops/camutcd/camutcd2014rev3.html

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

C-10 The FEMA flow rates were established by the US Army Corps of Engineers in 1975. FEMA is in the process of updating the San Diego River hydrology, and the preliminary results indicate that the 1-percent annual flow rate will be lower. One reason is because of additional storage at San Vicente reservoir. The 1975 rates are the current available approved flow rates. All projects in the Mission Valley are analyzed based on these flow rates.

C-11 The effective studies were performed in 2002. The existing conditions model used in the Feasibility Study is a more accurate representation of pre-project conditions. The effective model is in the process of being updated by FEMA and will reflect existing conditions once that update is complete. The CLOMR will contain all comparisons, including a comparison to the effective model; however, those are not required at this stage. The Preliminary Drainage Report (Appendix N of the EIR) found no rise in water surface elevation from today through project construction. No impact to I-8 would occur.

C-12 Following certification of the EIR by the City, the effective FIRM cross-sections would be included as part of the FEMA package prepared by the applicant to be submitted by the City.

C-13 I-8 will be included on the CLOMR Work Map as part of the FEMA package prepared by the applicant to be submitted by the City after City certification of the EIR.

C-14 The required floodplain and floodway boundaries will be included on the CLOMR Work Map prepared by the applicant to be submitted by the City after City certification of the EIR.

C-15 Comment noted. This comment relates to Caltrans procedures and studies and does not address the adequacy of the EIR. Coordination between the City of San Diego, the applicant and Caltrans will continue as discussed in response C-2.

C-16 Comment noted. This comment relates to Caltrans procedures and studies and does not address the adequacy of the Draft EIR. Coordination between the City of San Diego, the applicant and Caltrans will continue as discussed in response C-2.

- Caltrans Design Information Bulletin (DIB) 82-06 Pedestrian Accessibility Guidance for Highway Projects https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib82-06-a11y.pdf
- Caltrans Design Information Bulletin (DIB) 89-01 Class IV Bikeway Guidance: http://www.dot.ca.gov/design/stp/dib/dib89-01.pdf

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego, is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change targets, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

C-16 (cont.)

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-8 and State Route 163 (SR-163).

C-17

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation

C-18

C-17 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

C-18 Comment noted. This comment relates to Caltrans procedures and studies and does not relate to the validity of studies within the EIR. Coordination between the City, the applicant and Caltrans will continue as discussed in response C-2. As requested in this comment, discussions have occurred and will continue as the project progresses.

C-18 (cont.) measure for our R/W. We would appreciate meeting with you to discuss the elements of the Environmental Impact Report (EIR) that Caltrans will use for our subsequent environmental compliance.

C-19 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 approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, California Environmental Quality Act (CEQA) determination or exemption. The supporting documents must address all environmental impacts within the Caltrans R/W, and address any impacts from avoidance and/or mitigation measures.

C-20 We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (including but not limited to lighting/signs/guardrail).

Mitigation

C-21 Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

C-22 Future interstate highway projects proposed for mitigation will need to be approved by the Federal Highway Administration based on the type of project.

C-23 Caltrans would welcome a different proposal as mitigation for this project than the mitigation identified in the DEIR. One suggestion would be to propose a new freeway interchange at Via Las Cumbres that would include a bridge overcrossing, entrance and exit ramps for both eastbound and westbound directions of I-8 with the inclusion of the proposed City of San Diego's One Directional Couplet. Such proposal would remove the ramp locations along I-8 at Taylor Street/Hotel Circle North and South, plus the westbound I-8 ramps at Hotel Circle North, and eastbound I-8 ramps at Hotel Circle South.

C-19 Comment noted. This comment relates to Caltrans procedures and studies and does not relate to the validity of studies within the EIR. Should the project be required to complete work within Caltrans' right-of-way, coordination between the City, the applicant, and Caltrans will occur.

C-20 Comment noted. As no significant VMT impacts related to transportation under CEQA are expected to occur, no mitigation measures are proposed.

C-21 See response to C-20.

C-22 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

C-23 Comment noted. The Draft EIR concluded that no significant transportation VMT impacts would occur under CEQA. As a result, no mitigation related to transportation is required and no alternative mitigation would need to be identified. The discussion and proposal for a new freeway interchange at Via Las Cumbres is no longer proposed under the recently approved Mission Valley Community Plan. Instead, a connection referred to as Street J is proposed. The project is constructing the portion from Friars Road to Riverwalk Drive and offering Irrevocable Offer of Dedication (IOD) for the future construction of Street J pursuant to discussions with the City's Planning Department. Improvements including the one-way couplet and Street J overcrossing of I-8 as well as options for improving freeway ramps will be evaluated when the "Circulation Study for Hotel Circle one-way couplet and I-8 corridor between SR 163 and Taylor Street" is completed pursuant to the Transportation Improvement Plan (Appendix A to the TIA) and prior to the occupancy of the 750th EDU.

C-24 Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

C-25 Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy. Please refer to the policy for more information and requirements (http://www.dot.ca.gov/trafficops/ice.html).

C-26 Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

Right-of-Way

C-27
- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at http://www.dot.ca.gov/trafficops/ep/index.html. Early coordination with Caltrans is strongly advised for all encroachment permits.

C-24 Comment noted. This comment relates to Caltrans procedures and studies and does not address the adequacy of the Draft EIR. Coordination between the City, the applicant and Caltrans will continue as discussed in response C-1 of this letter. Please also note that the Draft EIR concluded that no significant transportation VMT impacts would occur under CEQA. As a result, no mitigation related to transportation is required and no alternative mitigation would need to be identified.

C-25 See response C-24.

C-26 See response C-24.

C-27 Comment noted. This comment relates to Caltrans procedures and studies and does not address the adequacy of the Draft EIR.

Ms. Elizabeth Shearer-Nguyen
June 29, 2020
Page 8

C-28 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,

electronically signed by

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review

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

C-28 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 24, 2020

Elizabeth Shearer-Nguyen
Senior Environmental Planner
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

Riverwalk (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2018041028

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of San Diego (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the DEIR.

D-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

D-2

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

PROJECT DESCRIPTION SUMMARY

D-3

Proponent: Riverwalk

Objective: The 195-acre Project will replace the existing 27-hole Riverwalk golf course with a mixed-use neighborhood that features a Regional River Park along the San Diego River (River). The scope of work includes 4,300 multi-family residential dwelling units; 152,000 square feet of commercial retail space; 1,000,000 square feet of office and non-retail commercial space; approximately 97 acres of park, open space, and trails; adaptive

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

D-1 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-2 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-3 Comment noted. This comment provides description of the project and the biological setting as presented in Chapter 2.0, Chapter 3.0, and Section 5.4 of the EIR. No response is necessary.

reuse of the existing golf clubhouse into a community amenity; and a new Green Line Trolley stop within the development. Modifications to Fashion Valley Road, a street that traverses the River on the east side of the Project site, are expected to provide expanded storm water flow volume, improved emergency response times during storm events with increased north-south vehicular access, and expanded active transportation circulation.

Biological Setting: The Project footprint supports 4.45 acres of southern cottonwood-willow riparian forest, 1.37 acres of disturbed southern cottonwood-willow riparian forest, 3.37 acres of southern willow scrub, 0.17-acre of disturbed southern willow scrub, 3.08 acres of coastal and valley freshwater marsh, 0.14-acre of emergent wetland, 0.89-acre of open water, 6.95 acres of disturbed land, and 174.62 acres of urban/developed land. As a result of the modifications to Fashion Valley Road, the Project will directly impact 0.57-acre of southern cottonwood-willow riparian forest, 0.01-acre of coastal and valley freshwater marsh, and 0.06-acre of open water within the City's Multi-Habitat Planning Area (MHPA). Outside of the MHPA, 0.05-acre of disturbed southern willow scrub will be impacted. These impacts will be mitigated through the creation of 0.21-acre of freshwater marsh, 0.57-acre of southern cottonwood-willow riparian forest, and enhancement of 1.14 acres of southern cottonwood-willow riparian forest in the Riverwalk Project Wetland Mitigation area. Though not mitigation, the Wetland Restoration Plan describes enhancing 11.54 acres of wetland habitat, creating 13.32 acres of new wetland habitat, and restoring 0.30-acre of wetland habitat along the River channel in order to comply with Guideline B15 in the City's SAP. This guideline states that, "*Native vegetation shall be restored as a condition of future development proposals along this portion of the San Diego River corridor.*"

D-3 (cont.)

The Project supports the Endangered Species Act (ESA)-listed, CESA-listed, and MSCP-covered species: light-footed clapper rail (*Rallus obsoletus levipes*); MSCP-covered, State Watch List: Cooper's hawk (*Accipiter cooperii*); California Species of Special Concern (SSC): Vaux's swift (*Chaetura vauxi*), Clark's marsh wren (*Cistothorus palustris clarkae*), and yellow-breasted chat (*Icteria virens*); CSS, Federal Bird of Conservation Concern (FBCC): yellow warbler (*Setophaga petechia*); CESA-listed, FBCC, and MSCP Covered Species: willow flycatcher (*Empidonax traillii*); MSCP covered: western bluebird (*Sialia mexicana*), and State Watch List species: osprey (*Pandion haliaetus*), and the double-crested cormorant (*Phalacrocorax auritus*). The ESA-listed, CESA-listed, and MSCP covered least Bell's vireo (*Vireo bellii pusillus*), was observed approximately 350 meters to the west of the Project footprint. No sensitive plant species were observed on site.

Location: The 195-acre Project is located at 1150 Fashion Valley Road in Mission Valley and is currently developed with the 27-hole Riverwalk golf course. Regional access is provided by Interstate 8 directly south, State Route 163 located approximately one mile east, and Interstate 5 located less than two miles west. Locally, the site is bordered by Friars Road to the north, Fashion Valley Road to the east, and Hotel Circle to the south. The Project is located within the City's MSCP. A portion of the MHPA occurs within the central portion of the site over portions of the River.

Timeframe: The development of Riverwalk is set to occur in three phases over a period of approximately 10 to 15 years. The full buildout of the Project is expected by 2035.

COMMENTS AND RECOMMENDATIONS

CDFW provided prior comments to the City on the NOP on May 8, 2018. CDFW recommended an increase of the buffer width along the River channel and associated riparian habitat to protect the biological resources found within and to maintain the functionality of the River corridor for wildlife movement between core resource areas. Additional recommendations included orienting development away from the River to reduce avian collisions with reflective windows, strict adherence to the MHPA adjacency guidelines required by the MSCP (Section 1.4.3), and demonstrating how the City's underlying planning documents and discretionary approvals will be amended as a result of the Project scope.

D-4

D-4 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-5 CDFW offers the comments and recommendations below to assist City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Wetland Buffer

D-6 **Issue**: The DEIR identifies mixed-use development adjacent to the 50-foot no-use buffer on the north side of the River channel. CDFW advocated for the widening of this buffer in the May 8, 2018 NOP comment letter to the City. While the Project is consistent with the San Diego River Park Master Plan (no development within the 100-foot River floodway and a minimum of a 35-foot no-use buffer adjacent to the floodway), CDFW continues to support widening the buffer along the northern reach of the River between sensitive habitat and development.

D-7 **Specific impact:** CDFW is concerned about the potential Project-related direct and indirect effects on the River, the sensitive habitat it supports, and on the adjacent transitional/upland habitat (including sensitive species that occur in both the riparian and transitional/upland habitats). Specific concerns include possible conflicts resulting from wildlife-human interactions at the interface between the proposed development and the northern wetland buffer. These conflicts include encroachment by humans, domestic animals, line-of-sight disturbances, noise, light, glare, and shading.

D-8 Wetland buffers are crucial for the protection of riparian habitat in urban areas and maintaining biodiversity (Semlitsch and Bodie 2003). They provide numerous functions, including: (a) expansion of the habitat's biological values; (b) protection from direct disturbance by humans and domestic animals; and (c) reduction of edge effects from, for example, artificial noise and light, line-of-sight disturbances, invasive species, and anthropogenic nutrients and sediments. Determining an adequate buffer width requires considering that edge effects can penetrate up to 650 feet into habitat (CBI 2000). In order to fulfill their primary function of protecting wetlands and the faunal species they support, buffers to wetland habitats are primarily comprised of upland vegetation. They should be adjacent to and not include any of the wetlands they are trying to protect.

D-9 Edge effects are defined as undesirable anthropogenic disturbances beyond urban boundaries into potential reserve habitat (Kelly and Rotenberry 1993). Edge effects, such as disturbance by humans and non-native predators (pets), exotic ants, trampling, noise, and lighting, and decreases in avian productivity (Andren and Angelstam 1988), are all documented effects that have negative impacts on sensitive biological resources in southern California. Surrounding natural habitat could be permanently destroyed by human or domestic animal encroachment, trampling, bushwacking, and frequent fires; therefore, development and open space configurations should minimize adverse edge effects (Soule 1991).

Recommendation #1:

D-10 **To minimize significant impacts:** CDFW recommends the final EIR adopt the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative, which removes development that is currently proposed directly north and adjacent to the 50-foot no-use buffer and River channel. This alternative would still require wetland creation mitigation for 0.64-acre of direct impacts to wetland habitat, along with wetland restoration following Guideline B15 in the City's SAP, in association with improvements to Fashion Valley Road; however, the buffer between development and the northern reach of the River would be increased. With a larger buffer surrounding the River, the entire riparian corridor and upland habitat is less likely to be negatively impacted by edge effects and function more successfully as a wildlife corridor.

D-5 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-6 As stated on Sections 5.1, 5.4, and 5.8 of the Draft EIR, the buffer along the northern reach of the river would include the 50-foot wide no-use buffer, as well as additional buffer provided by passive use areas of the Riverwalk River Park. An overall buffer of 55 feet to 590 feet would result. These proposed buffers were analyzed in the EIR and they were determined to be adequate to protect wetland function and values to result in no net loss of wetland habitat.

The project provides a buffer along the northern side of the river channel in the form of the no use buffer and the passive use areas of the Riverwalk River Park. The buffer only narrows in the area where there is an existing golf clubhouse, which would remain and be re-purposed as a common project amenity. Furthermore, there would be a vertical separation between the closest wetland habitat and the existing golf clubhouse and the graded pad, which would enhance the effectiveness of the no use and passive park buffers. As noted in the comment, the project is consistent with the San Diego River Park Master Plan, and no additional buffer is required to adequately protect habitat in the river corridor.

D-7 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-8 The no use buffer is adjacent to and outside of the existing wetland habitat in the river channel, the MHPA, and the wetland habitat restoration/mitigation areas. As such, it does not include the wetland habitats it is intended to protect. While not a component of the project's wetland habitat mitigation, the no use buffer would be revegetated with native species suitable for a river corridor. The planting palette for the landscaping within the no use buffer would include a broad range of species, from true hydrophytes to transitional wetland/upland species. The intent is to provide a buffer that complements the adjacent protected habitat areas and does not present a source of invasive plant species that could diminish the quality of the protected habitats.

D-9 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-10 Comment noted. The comment identifies support of Alternative 3. See also responses D-6. – D-8.

COMMENT #2: Bird Collisions with Windows

Issue: The northern area of the Project adjacent to the 50-foot no-use buffer is zoned for mixed-use residential and commercial. Table 5.3-1 Riverwalk Application of Mission Valley Community Plan Applicable Design Guidelines states that, "*For building facades facing the San Diego River on buildings within the River Influence Area, oversized windows or balconies shall be provided for each residential unit.*" Windows oriented towards the River corridor and are highly reflective and transparent create a lethal illusion of clear airspace that birds do not see as a barrier. As birds are foraging during the day, they see reflections of the landscape in the glass and perceive it as habitat, leading to avian mortality through collisions with the windows.

Specific impact: The specific impact is the take of bird species through fatal window collisions.

Recommendation #2:

To minimize significant impacts: While the DEIR does mention the City will consult with the American Bird Conservancy Bird-Friendly Design guidelines, CDFW recommends the City also review Reducing Bird Collisions with Buildings and Building Glass Best Practices written by the U.S. Fish and Wildlife Service (2016). There are several different measures that can be used to minimize the potential for bird collisions. These include using ultraviolet patterned glass, incorporating some type of visual signal or cue to help birds detect and avoid glass, adding screens, or installing an external film on the glass.

COMMENT #3: Development of the Active Park

Issue: The DEIR identifies a 45.6-acre active park that would surround the passive park area (riparian restoration area along the River channel and a 50-foot no-use wetland buffer). The active park is anticipated to include walking trails, a sports court, soccer field, softball field, dog park, and an amphitheater. Figure 3-5 in the DEIR mentions that the design of the active park is still under development and will be finalized per a Future Development Plan. The active park will be within 50 to 550 feet from the MHPA, which has Land Use Adjacency Guidelines (Section 1.4.3 MSCP SAP). These Guidelines state that "*Land uses adjacent to the MHPA will be managed to ensure minimal impacts to the MHPA.*" Indirect effects include those from drainage, toxics, lighting, noise, barriers, invasive species, and brush management. All these effects can be detrimental to the natural environment and ecosystem processes within the MHPA. For example, studies have documented that avian species nest further away from light sources. With a reduction in available nesting habitat and the potential selection of suboptimal nest sites, these species can become more vulnerable to predation, weather, or cowbird parasitism (de Molenaar et al 2000).

Specific impact: While the active park will only be open from dawn until dusk, the proposed uses for the active park still need to be configured in such a way as to minimize impacts from noise, lighting, and human and domestic animal encroachment into the MHPA and River channel.

Mitigation Measure #1:

To minimize significant impacts: While the draft EIR states that, "*Active park uses would not occur adjacent to the MHPA, including the dog parks that would be fenced,*" CDFW reiterates how important it is to locate the dog parks the furthest distance away possible from the MHPA. In reference to the amphitheater, the draft EIR states that, "*Of the above, the amphitheater has the highest potential to produce excessive noise that could have an adverse effect on wildlife within the MHPA. Because the facility location and design are unknown, this is regarded as a potentially significant secondary land use impact to biological resources associated with noise.*" The removal of the amphitheater as a current design element of the active park would remove several potentially significant impacts to the MHPA (lighting and noise). CDFW would

D-11 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-12 The USFWS document "Reducing Bird Collisions with Buildings and Building Glass Best Practices (2016)" was reviewed during preparation of the EIR and found to be less robust than the American Bird Conservancy (ABC) Bird Friendly Design Guidelines that are referenced in the EIR. For example, the 15-page USFWS document provides a short discussion of design options, while the 59-page ABC document provides a more in depth analysis of bird collision issues, a longer list of potential design options (including those in the USFWS document), and tools for evaluation collision and design planning. Additionally, the ABC document is referenced as source material for the USFWS document. For these reasons, the ABC Bird-Friendly Design Guidelines have been incorporated into the Specific Plan and would be consulted by the City, pursuant to Reg-152 of the Specific Plan, when designing the buildings facing the San Diego River within the project.

D-13 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-14 The design for the Riverwalk River Park and location of uses have been developed to be sensitive to habitats and species within the San Diego River corridor. The active park portions of the Riverwalk River Park would encompass 40.19 acres and are located on the north and south ends of the park, between 55 and 550 feet from the San Diego River corridor and the MHPA. Uses within the active park may include sports fields, picnic areas, fenced dog parks, playgrounds, water features, a ranger station, a recreation center, restroom facilities, walking/jogging/biking paths and trails, and other amenities. Uses nearer to the channel and partially within the MHPA would be passive in nature and would include walking/hiking trails and nature observation nodes with educational kiosks. The minimum 50-foot distance from the MHPA, as well as the placement of boulders or deterrent vegetation and peeler log fencing at the edge of this no use buffer, would deter public encroachment into the MHPA. The project would adhere to the MHPA LUAGs, which require that uses in or adjacent to the MHPA be designed to minimize indirect effects to the MHPA.

Active park uses were evaluated to determine whether those facilities could generate noise levels that would exceed 60 dBA Leq, the generally accepted noise level established to determine impacts to avian sensitive species. The 60 dBA noise contour for any proposed use would occur at a minimum of approximately 150 feet and a maximum of approximately 520 feet and would include passive park, the 50-foot no-use buffer, and habitat restoration areas.

The project would comply with City landscape standards and MHPA LUAGs for invasive species. Riverwalk River Park plantings would be comprised of native species. The MHPA area also would be restored to native conditions. As such, the project would not introduce invasive species of plants into natural open space.

The Riverwalk River Park would be a dawn-to-dusk facility, much of which is within the floodway, and lighting would not be provided in the floodway. Any other project lighting installed, however, would be shielded, as necessary, to prevent light from spilling into the MHPA. Shielding would consist of the installation of fixtures that physically direct light away from the outer edges of the MHPA or landscaping, berms, or other barriers that prevent such light overspill. Final project plans would depict the shielded light fixtures or other mechanisms used to protect the MHPA from night lighting, and the lighting used would adhere to the City's Outdoor Lighting Regulations (SDMC §142.0740).

Relative to animal encroachment, in order to discourage excessive predation of sensitive species by non-native predators, such as feral cats, all trash containers associated with the development project would be secured, and trash would be disposed of on a regular schedule such that containers would not overflow. In the park, trash receptacles would have covers to prevent rummaging by wildlife and would be located in proximity to potential picnic areas and other seating areas. Litter and trash removal within the MHPA and park space would be the responsibility of the land management entity. Brown-headed cowbirds (a nest parasite) have been observed on-site. Brown-headed cowbirds would likely continue to occupy the site following implementation of the project. Future land uses allowed in the Specific Plan area would not

include land uses attractive to cow birds (such as agricultural fields, and pastured cattle and horses). Because cowbird presence is part of the existing conditions on-site, the project would conduct cowbird monitoring and control during the maintenance and monitoring period of the wetland habitat restoration. Any further cowbird control would be the responsibility of the land management entity. Additionally, enhancement and restoration of suitable habitat combined with restoration of an upland buffer (i.e., increased riparian corridor width) from surrounding anthropogenic disturbances, and compliance with the City's LUAGs would increase the quality of riparian habitat in general.

D-15 Regarding location of dog parks, if constructed, dog parks would be located in the active park, which is not adjacent to the MHPA, and would be fenced. The fenced dog parks would include signs that state dogs may only be unleashed within the fenced dog park areas and that dog waste must be collected and disposed of immediately and appropriately by their handlers. The dog parks also would include trash receptacles and dog waste bag dispensers and would be cleaned and maintained by the City per standard City dog park requirements and guidelines.

The amphitheater has been removed as a project feature and is no longer being considered as a component of the Riverwalk River Park. Therefore, noise impacts to wildlife in the San Diego River corridor due to noise from the amphitheater would not occur, and MM 5.8-2 is no longer required.

appreciate the opportunity to provide feedback on biological issues once the design for the active park has been fully developed.

CDFW recommends that a mitigation measure be included that reads as follows:

To minimize disturbance to sensitive bird species, the amphitheater should be removed from the active park design and the dog parks located the furthest distance away possible from the MHPA within the active park. CDFW will have the opportunity to provide feedback on biological resources issues once the design for the active park has been fully developed.

D-15 (cont.)

COMMENT #4: Brush Management

Issue: In 2009, a fire risk zone map was established for San Diego County in coordination between the San Diego Fire Department and Cal-Fire. A portion of the Project is mapped as a Very High Fire Hazard Severity Zone (VHFHSZ). Per Chapter 14: General Regulations, Division 4: Landscape Regulations of the San Diego Municipal Code, standard brush management zones consist of a 35-foot Zone One with a corresponding 65-foot Zone Two measured from the façade of habitable structures. There can be modifications to these two zones where Zone One is expanded to 79 feet and Zone Two reduced to zero feet. In the DEIR on page 5.16-16 it states that, "*Development within Lots 36 through 40 would be separated from the native and naturalized condition by a brush management Zone One varying from 25 feet to 79 feet with no Zone Two, and therefore subject to alternative compliance.*" The DEIR does not specify what the alternative compliance measures are, and a brush management Zone One less than 79 feet is inconsistent with the City's Municipal Code.

D-16

Specific impact: There is the potential for destruction of sensitive habitat along the River corridor if a fire occurs in the developed areas of Riverwalk without a sufficient brush management zone to contain the spread.

Mitigation Measure #2:

To minimize significant impacts: CDFW recommends that a mitigation measure be included that reads as follows:

Zone One should be no less than a minimum of 79 feet to be consistent with the City's Municipal Code.

II. Mitigation Measure and Related Impact Shortcoming

COMMENT #5: Bird Nesting Avoidance Measures

Issue: Section 5.4. Biological Resources, I. Prior to Construction, E. Avian Protection Requirements in the DEIR states that, "*the pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation).*" There is no mention of the size of the area to be surveyed. Section 5.4 continues to state that, "*If nesting Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, southwestern willow flycatcher, and the light-footed Ridgway's rail are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law…shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities in avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City.*" It is important that CDFW review the report or mitigation plan and provide approval in coordination with the City as these avian species are considered sensitive per the City's Municipal Code (Chapter 11, Article 3, Division 1). Species are considered sensitive that are ESA and/or CESA-listed, a Covered Species under the MSCP, a Narrow Endemic as listed in the City's Biology Guidelines, on CDFW's Special Animals List, or a FBCC.

D-17

D-16 City adopted Brush Management requirements in 2007 to protect life and structures from wildfires. All structures within the development would comply with the Fire code including where appropriate sprinklers to limit structure fires.

Brush management for the project is discussed in Section 5.16 of the EIR. Most structures within the project would be sited over 79 feet from the native and naturalized condition, separated from the fuel load through a combination of parcel setbacks and developed fire breaks such as the MTS Green Line Trolley tracks, the proposed Riverwalk River Park, the San Diego River Pathway, and various trails. Where the Zone One width is reduced, or where the equivalency of full brush management is not achieved per Section 142.0412(f), future development would be subject to alternative compliance measures as allowed under Section 142.0412(i) and in conformance with FPB Policy B-18-01. Development within Lots 36 through 40, where development may be less than 79 feet from the wildland-urban interface, would be separated from the native and naturalized condition by a brush management Zone One varying from 26 feet to 70 feet with no Zone Two, and therefore subject to alternative compliance Based upon consultation with the Development Services and Fire and Rescue Departments, the Brush Management section of the Specific Plan was modified to include the specific types of alternative compliance features required by Land Development Code section 142.0412(i) and FPB Policy B-18-01. Prior to issuance of any construction permit for lots 36-40, the applicant shall demonstrate compliance with Specific Plan which include Brush Management Alternative Compliance.

Specific impact: The specific impact would be the potential take of birds or eggs or disturbance of breeding activities.

Mitigation Measure #3:

To minimize significant impacts: CDFW recommends that a mitigation measure be included that reads as follows:

To avoid impacts to nesting birds, preconstruction nesting surveys should be conducted by a qualified biologist no more than three days prior to the initiation of construction activities. The survey area shall cover the limits of disturbance and 300 feet (500 feet for raptors) from the area of disturbance.

D-17 (cont.)

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

D-18

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

D-19

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

D-20

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of San Diego in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melissa Stepek, Senior Environmental Scientist at (858) 637-5510 or Melissa.Stepek@wildlife.ca.gov.

D-21

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E50CFE2473F5...

Erinn Wilson
Environmental Program Manager
Attachment A: Draft MMRP (CDFW 2020)

cc: Office of Planning and Research, State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad

D-17 Comment noted. The following has been added to Mitigation Measure 5.4-1 E: "The survey area shall cover the limits of disturbance and 300 feet (500 for raptors) from the area of disturbance."

D-18 Comment noted. See responses D-10, D-12, D-14, D-15, D-16, and D-17.

D-19 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-20 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

D-21 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

REFERENCES

Andred, H. and P. Angelstrom. 1988. Elevated predation rates as an edge effect in habitat islands: experimental evidence. Ecology 69: 544-547.

Conservation Biology Institute. 2000. Public Review Draft HCP Plan Volume 1.

Kelly, P.A. and J.T. Rotenberry. 1993. Buffer zones for ecological reserves in California: replacing guesswork with science. *In* J.E. Keeler, ed. Interface Between Ecology and Land Development in California. Southern California Academy of Sciences, Los Angeles.

Molenaar, J.G. de, D.A. Jonkers, and M.E. Sanders. 2000. "Road Illumination and Nature III. Local Influence of Road Lights on a black-tailed Godwit (Limosa l. limosa) Population." Alterra and Ministry of Transport, Public Works and Water Management, The Netherlands. DWW Report No. P-DWWW-2000-058. 88pp.

Semlitsch, Raymond D. and J. Russell Bodie. 2003. Biological Criteria for Buffer Zones around Wetlands and Riparian Habitats for Amphibians and Reptiles. Conservation Biology 17(5): 1219-1228.

Michael E. Soule. 1991. Land Use Planning and Wildlife Maintenance. Journal of the American Planning Association 57(3): 313-323.

D-22

D-22 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

Biological Resources			
	Mitigation Measures	**Timing**	**Responsible Party**
REC-BIO-1	The Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative shall be adopted as the Recommended Plan in the final EIR.	Prior to the public review period for the final EIR	City of San Diego
REC-BIO-2	To reduce the likelihood of bird collisions with windows, CDFW recommends using ultraviolet patterned glass, incorporating some type of visual signal or cue to help birds detect and avoid glass, adding screens, or installing an external film on the glass.	During construction	City of San Diego
MM-BIO-1	To minimize disturbance to sensitive bird species, the amphitheater should be removed from the active park design and the dog parks located the furthest distance away possible from the MHPA within the active park. CDFW will have the opportunity to provide feedback on biological resources issues once the design for the active park has been fully developed.	Before construction	City of San Diego
MM-BIO-2	To be consistent with the City's Municipal Code, Zone One around the northern development areas that border the River corridor should be increased to a minimum of 79 feet.	Before construction	City of San Diego
MM-BIO-3	To avoid impacts to nesting birds, preconstruction nesting surveys should be conducted no more than three days prior to the initiation of project activities. The survey area shall cover the limits of disturbance and 300 feet (500 feet for raptors) from the area of disturbance.	Before construction	City of San Diego in coordination with the qualified biologist

D-23

D-23 Comment noted. See responses D-10, D-12, D-14, D-15, D-16 and D-17.

Metropolitan Transit System

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

July 6, 2020

E. Shearer-Nguyen
Environmental Analysis Section
Development Services Department
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101
(via e-mail, DSDEAS@sandiego.gov)

SUBJECT: PROJECT NO. 581984 (RIVERWALK) DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Shearer-Nguyen:

Thank you for providing the San Diego Metropolitan Transit System (MTS) the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Riverwalk. As the public transportation provider for the City of San Diego and our other member cities in southern San Diego County, MTS strongly supports smart growth in the region, and are encouraged to see transit-oriented developments move forward. MTS has no comments on the adequacy of the DEIR. However, we appreciate the opportunity to provide clarity on some findings and reinforce certain requests.

Proposed Riverwalk Trolley Station

E-1

- (T-1) MTS supports the proposed future Riverwalk Trolley Station along our Sycuan Green Line. However, we do not have dedicated capital funding for infill stations along existing lines. MTS would like the Final EIR to make clear that funding and construction of this new Trolley station (to MTS specifications) will be the responsibility of the Riverwalk development.

- (T-2) MTS also requests a commitment to any needed modifications outside the Trolley station footprint to ensure station serviceability and access for MTS service vehicles.

E-1 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

Bus Transit Access

MTS requests the following accommodations to ensure our ability to serve Riverwalk with future bus services:

- (B-1) Clear bus travel paths from Friars Road and Fashion Valley Road through to the proposed future Trolley Station, including design and construction of Streets J and P to minimum standards that can accommodate MTS buses.
- (B-2) Accommodations for a bidirectional bus stop pair adjacent to the proposed future Trolley station.
- (B-3) That the Riverwalk project include bus boarding facilities (such as bus islands) on Friars Road for future services at designated project intersections. These should be compatible with any existing and future improved bicycle facilities.

Access to the MTS-Owned Parcel within Riverwalk Boundaries

MTS owns property in the vicinity of MTS's Sycuan Green Line right-of-way that would be impacted by the Riverwalk development. MTS requests language in the Final EIR to guarantee vehicle access to the MTS parcel.

Clarifications on Existing Transit Service

MTS would like to update certain information found within the DEIR and its appendices regarding existing transit service in the area of the Riverwalk site. (MTS does not feel that the inconsistencies had a material impact on the adequacy of the analysis.)

- Appendix D – The Sycuan Green Line terminal is listed as Old Town in the Executive Summary; the Sycuan Green Line currently operates between Downtown San Diego and Santee, providing direct service to the San Diego Convention Center, Old Town, Fashion Valley, SDSU, and the future SDSU Mission Valley Campus.
- Section 5.2.1.2/Appendix D – The list of bus routes serving the Fashion Valley Transit Center should include Route 1, operating between Fashion Valley and La Mesa via El Cajon Boulevard since 2018.

Thank you again for the opportunity to provide comment. We look forward to continued cooperation between the City of San Diego and the Riverwalk project team.

Sincerely,

Denis Desmond
Director of Planning

L-SHEARER-NGUYEN_RIVERWALK-DRAFT-EIR_DDESMOND_DD

CC: Sharon Cooney, Wayne Terry, Heather Furey, Tim Allison, Brent Boyd, Peter Casellini

-2-

E-2 Comment regarding the accommodation to provide a clear bus travel route from Friars Road and Fashion Valley Road to the trolley station is noted. The portion of Street J, which would traverse between Friars Road and the trolley station, and Street P, which would traverse between Fashion Valley Road and the trolley station, have been designed to public street standards, which would accommodate MTS buses.

Comments regarding the accommodation of a bi-directional bus stop pair adjacent to the trolley station and the provision of bus facilities for future services at designated project intersections on Friars Road are noted. The developer will coordinate with MTS and the City regarding potential future bus facilities.

E-3 Chapter 3.0 of Draft EIR has been revised to clarify that the project's design and street layout would not preclude future access to any other private property, including the 15-acre MTS parcel.

E-4 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

E-5 Comment regarding the Green Line Trolley terminus from Old Town to Downtown is noted.

E-6 Comment noted. Section 5.2.1.1 of the Final EIR has been updated to include Route 1 to the list of bus routes serving the Fashion Valley Transit Center.

San Diego County Archaeological Society, Inc.

Environmental Review Committee

15 June 2020

RECEIVED
JUN 19 2020
Development Services

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
Riverwalk
Project No. 581984

Dear Ms. Shearer-Nguyen:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendices G, H, I and X, we have the following comments:

1. Appendix G, the report prepared by Spindrift, has largely been superseded by the ASM-prepared Appendix H. One item not otherwise addressed is the omission of an inspection of the 1928-29 aerial photos available in digital format at the County offices in Kearny Mesa and the San Diego Archaeological Center.

2. The analysis in Appendix H is comprehensive and our only comment is a minor one: In Section 2.4, at the end of the next-to-last paragraph, it refers to the "City Manager". As the City no longer has a city manager, the identity of the person who would review and approve the data recovery program needs to be inserted.

3. We have no comments on Appendix I.

4. Appendix X does not provide guidance on *how* the caps on sites SDI-11767, SDI-12126 and SDI-12220 are to be removed. When archaeological sites are capped, there are typically actions and procedures defined so that the site is not damaged by the capping process itself. A particular concern is the compaction and disturbance of the site by heavy equipment until the depth of capping soil reaches a "safe" amount. If heavy equipment is permitted to operate over the cap until the plastic marker laid

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

F-1 Comments noted. The comments do not address the adequacy of the Draft EIR and provide an introduction to comments that follow.

F-2 In a follow-up discussion with the San Diego County Archaeological Society, Mr. Royal confirmed that there is no need to incorporate the 1928 and 1929 aerials into the technical appendices conducted for the project.

F-3 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

F-4 Comment noted. No further response is required.

F-5 A plan for site cap removal has been added to the methods section of Appendix X, Archaeological Research Design and Data Recovery Program, and Section 5.6 of the EIR. The plan specifies how the depth of fill is to be determined and what type of equipment may be employed to remove the cap with the aid of maps and GPS guided technology for the graders and archaeological monitors.

F-5 (cont.)

out when the original capping took place is encountered, is there a possibility that the capped site will be damaged? In any case, the method to be used for removing the cap needs to be defined, to avoid any misunderstandings at the time it is actually accomplished.

F-6

5. Our other comment on Appendix X, which like Appendix H is comprehensive, is that it needs to be clear in the mitigation measures that the number of monitors (both archaeological and Native American) on site at any time may need to be increased if work is taking place at multiple locations on the 195 acre project. The determination of the number of monitors should be at the discretion of the archaeological principal investigator and the appropriate Native Americans.

Thank you for the opportunity to participate in the public review of this project's environmental review.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Spindrift Archaeological Consultants
ASM Affiliates
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

F-6 Section 5.6 of the Final EIR and the monitoring methods section in Appendix X, Archaeological Research Design and Data Recovery Program, have been revised to specify that more than one set of archaeological and Native American monitors may be necessary during grading construction and site data recovery.

Rincon Band of Luiseño Indians
CULTURAL RESOURCES DEPARTMENT
One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov

June 5, 2020

Sent via email: dsdeas@sandiego.gov
E. Shearer-Nguyen
City of San Diego Development Services Center
1222 1st Avenue, MS 501
San Diego, CA 92101

Re: Riverwalk Project No. 581984

Dear Ms. Shearer-Nguyen,

This letter is written on behalf of Rincon Band of Luiseño Indians, ("Rincon Band" or "Band"), a federally recognized Indian Tribe and sovereign government.

The Band has received the notification for the above referenced project. The location identified within project documents is not within the Band's specific Area of Historic Interest (AHI).

G-1

At this time, we have no additional information to provide. We recommend that you directly contact a Tribe that is closer to the project and may have pertinent information.

Thank you for submitting this project for Tribal review. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635 or via electronic mail at crd@rincon-nsn.gov.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Deneen Pelton

Administrative Assistant II
Culture Resource Department
dpelton@rincon-nsn.gov

G-1 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

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

Wednesday, June 23, 2020

E. Shearer-Nguyen, Environmental Analysis Section
Development Services Department
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Re: Riverwalk draft EIR comments, Project No. 581984 / SCH No. 2018041028

Ms. Shearer-Nguyen,

H-1 Save Our Heritage Organisation (SOHO) has reviewed the draft Environmental Impact Report for the Riverwalk project (No. 581984) and, due to being the last of any undeveloped parcels that remains in Mission Valley, supports the Environmentally Superior Alternative, which is Alternative 1, no project and no new development to avoid all significant impacts. However, of the buildable alternatives, SOHO potentially supports Alternative 3, Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts, with some recommended modifications.

H-2 Alternative Three is the best of the buildable alternatives because by eliminating areas of development where subsurface resources occur, as well as mixed-use development where grading can potentially affect significant historical resources and tribal cultural resources, impacts would be reduced or even eliminated. This alternative should be modified to keep all development north of the trolley tracks, other than commercial development along the track itself, and all areas south of the tracks should be parkland, which will help to avoid mitigation. Also, there should be no development within the 100- and 200-year floodplains, and the parcel fronting onto Hotel Circle must be included within the park and not built upon.

H-3

H-4 SOHO encourages the project applicants to recognize that the current pandemic has changed many things about the way our world operates; as a result of these changes, SOHO recommends slowing down this environmental review and development process, to understand where and how priorities have changed, and to seriously consider the no build/no development alternative, as Mission Valley's last undeveloped parcel.

Thank you,

Bruce Coons
Executive Director
Save Our Heritage Organisation

2476 San Diego Avenue • San Diego CA 92110 • www.sohosandiego.org • 619/297-9327 • 619/291-3576 fax

H-1 Comments noted. For clarification purposes, the project site is developed with a 27-hole golf course. It is acknowledged that Save Our Heritage Organisation (SOHO) supports Alternative 1, the No Project Alternative, which would leave the site developed as it is today. Of the buildable alternatives, SOHO acknowledges supports of Alternative 3.

H-2 As discussed in Chapter 10.0, Alternative 3 would avoid potential impacts to three significant archaeological sites. However, archaeological and tribal cultural resources impacts would not be fully avoided because, like the project, unknown subsurface resources could be encountered during grading. Alternative 3 would require the same mitigation measures (MM 5.6-1 and MM 5.6-2) as the project, therefore impacts would be reduced to below a level of significance under both the project and Alternative 3.

H-3 The comment identifies support of Alternative 3 with requested modifications. The comments do not address the adequacy of the Draft EIR. No further response is required.

Section 5.12 of the Draft EIR depicts those portions of the project within the 100-year floodplain. No portion of the project site is located within the 200-year floodplain of the San Diego River, as the 200-year floodplain has not been defined for the San Diego River. Further, the project has been designed in accordance with City regulations: LDC 143.0146. An alternative where no development occurs within the 100-year floodplain would result

in a substantial reduction in development area and would be similar to the No Project alternative described and analyzed in Chapter 10.0 of the EIR. The 100-year floodplain area on the project site extends nearly to Friars Road at the west end of the project and 50 feet to 100 feet north of the MTS trolley tracks elsewhere in the North District of the Specific Plan. The entirety of the Central, South and Park districts are within the 100-year floodplain. When overlaid with development areas lost under Alternative 3 in order to avoid disturbance to sensitive cultural resources, this results in a project where only lots 7 through 15 would be available for development. Such a reduction in development area and development intensity would be substantially similar to the No Project alternative and would not meet any of the project objectives.

CEQA Section 15126.6(a) of the CEQA Guidelines requires that an EIR must contain a discussion of "a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project". Consistent with CEQA, Chapter 10.0 of the EIR includes a reasonable range of alternatives in a manner that sets "forth only those alternatives necessary to permit a reasoned choice," in accordance with CEQA Guidelines Section 15126.6(f).

H-4 Comments noted. See Master Response 10 regarding Covid pandemic.

KUMEYAAY HERITAGE PRESERVATION COUNCIL

June 24, 2020

Ms. Elizabeth Shearer-Nguyen
City of San Diego

via email only to: DSDEAS@sandiego.gov
cc: KevinFaulconer@sandiego.gov

RE: Riverwalk / Project Number 581984

Dear Ms. Shearer-Nguyen

I-1 I am writing to you in my capacity as Executive Director of the Kumeyaay Heritage Preservation Council ("KHPC"). KHPC is a sanctioned alliance comprising nine federally-recognized Kumeyaay governments working collectively to preserve the heritage, spirituality, and cultural resources of the Kumeyaay within their homelands. These lands include the entirety of San Diego County and more.

I-2 KHPC celebrates not only the lives, lifestyles, and customs of ancestors, but also the vibrant Kumeyaay communities which continue to thrive in Southern California and Northern Mexico. KHPC is authorized by the Chairperson and Governments of each member tribe to employ appropriate policies and laws to preserve and rejuvenate indigenous heritage. To assist us in ensuring these safeguards, we request your department permits us to preview plans for all construction in San Diego managed by your office, including, but not limited to, the proposed Riverwalk development and all construction associated with that project. **Further, we formally request that you enable KHPC to preview and monitor all unnatural land disturbances in San Diego using Cultural Resource Management (CRM) personnel and monitors provided exclusively by our office.**

I-3 KHPC considers the area of the proposed Riverwalk project a unique and irreplaceable vestige of the desecrated Kumeyaay homelands, and the last remaining place of its kind. Therefore, we expect to work closely with your office to ensure this project remains compliant with CEQA and all available laws, as well as the cultural standards of our Kumeyaay community.

Thank you for your consideration. Please feel free to contact me anytime.

Respectfully and with kind regards,

Tom Holm, Executive Director
Kumeyaay Heritage Preservation Council
(An Alliance of Nine Federally-Recognized Kumeyaay Governments)*
5663 Balboa Avenue, Suite 610
San Diego, CA 92111
619 392-8623
tomholm@khpc.net

*Manzanita Band of the Kumeyaay Nation, Campo Band of Mission Indians, Ipay Nation of Santa Ysabel, Sycuan Band of the Kumeyaay Nation, San Pasqual Band of Diegueno Mission Indians of California, La Posta Band of Mission Indians, Viejas Band of Kumeyaay Indians, Mesa Grande Band of Mission Indians, Jamul Indian Village A Kumeyaay Nation

I-1 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

I-2 The Kumeyaay Heritage Preservation Council is on the City's interested parties list to receive draft environmental documents when archeological resources are raised. The City's MMRP does not specify that a particular organization and/or person be a monitor. However, the common practice in the City is to include Kumeyaay monitors on projects.

I-3 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

July 1, 2020

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

Re: Riverwalk Specific Plan & Draft EIR Comments

Dear Ms. Shearer-Nguyen

The Riverwalk Ad Hoc Subcommittee of the Linda Vista Planning Group, took up a review of the Riverwalk Specific Plan Draft (RSPD), the Riverwalk Project (project), and the related Draft Environmental Impact Report (DEIR) and on June 29, 2020, the Linda Vista Planning Group (LVPG) approved the following comments.

J-1

First, by way of background, Friars Road is the dividing line between the Mission Valley and Linda Vista Community Planning Areas. While Riverwalk is on the Mission Valley side of Friars Road, it is immediately across the street from existing developments in the Linda Vista Planning Area that stand to be greatly impacted by the Riverwalk proposal. Therefore, on November 24, 2014, the LVPG created the Linda Vista Riverwalk Ad Hoc Subcommittee to work with the Mission Valley Planning Group and the Riverwalk project developer on issues of mutual community interest such as traffic, parking, pedestrian access and safety, and other relevant planning matters, and to make regular reports to the LVPG. The Subcommittee has since been actively engaged in meetings and workshops on the proposed development of the Riverwalk site.

J-2

The LVPG notes that there is substantial confusion because there are two different proposals being advanced:

J-1 Comment noted. The comments provide background about the Riverwalk Ad Hoc Subcommittee of the Linda Vista Planning Group.

J-2 See Master Response 1 regarding development intensity/density.

1. The RSPD, which authorizes about 10,000 residential units; and
2. The Riverwalk Project, which the developer has represented will consist of no more than 4,300 residential units.

J-2 (cont.)

Then there is the DEIR, which supports the Riverwalk Project.

J-3

It would be a better apples-to-apples review if the RSPD was reformed to permit only the 4,300 residential units specified in the Riverwalk Project. Absent that, community residents are concerned that sooner or later Riverwalk will be transformed into the 10,000-unit monstrosity that would be allowed under the proposed RSPD.

J-4

The Riverwalk developer has submitted a project level DEIR, which is also a topic of this comment letter. There are five areas of concern addressed in this comment: air quality, traffic, public health, public safety, and cumulative impacts. Because the DEIR fails to adequately inform of the likely effects of the proposed Riverwalk project, offer meaningful mitigation, and address foreseeable impacts, it should be re-circulated until such time that it is brought into conformance with CEQA standards. Absent recirculation, Alternative 3 is the only acceptable scope for the project. Alternative 3 obviates the LVPG's air quality concerns because it decreases density and use. Further, it preserves important tribal cultural resources.

J-5

J-6

J-7

A. The Allowable Land Uses in the Riverwalk Specific Plan Draft Dramatically Exceed Project-Level Uses

In its development intensity districts (A and B) in the western end of the planning area, the existing Levi-Cushman Specific Plan in effect allows 56 dwelling units per acre. (See RSPD at p. 1-4; MVPD-MV-M/SP; and former SDMC §§ 1514.0307, 1514.0304.) By comparison, the RSPD allows residential high density of 109 dwelling units per acre for

J-8

J-3 Comment noted. The Draft EIR evaluates the environmental effects of the project, as presented in the Specific Plan and described in Chapter 3.0 of the Draft EIR.

J-4 See Master Response 1 regarding the project's proposed development intensity/density.

J-5 Comment noted. This comment provides a brief overview on the five areas of concern.

J-6 The Draft EIR has been prepared in accordance with the appropriate criteria, standards, and procedures of CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14 Section 15000 et seq.). As described in the environmental document, the Draft EIR identified the significant impacts caused by the project and identification of feasible mitigation measures, where feasible.

The Draft EIR has been prepared in accordance with the appropriate criteria, standards, and procedures of CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14 Section 15000 et seq.). As described in the environmental document, the Draft EIR identified the significant effects caused by the project and identification of mitigation measures, where feasible.

Pursuant to CEQA Guidelines Section 15088.5(a), a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New

information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revisions to the Final EIR include typographical corrections, clarification of project description and technical analysis in response to public comments, and updates to technical studies. The addition of the information does not result in the inclusion of significant new information necessitating recirculation. In addition, the revisions do not deprive the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted because there are no new adverse project impacts, and additional mitigation measures are not necessitated. Therefore, the EIR does not require recirculation.

J-7 The comment identifies preference for Alternative 3. Although Alternative 3 would reduce impacts to tribal cultural resources, it would still have the potential to impact tribal cultural resources and require the same mitigation as the project to reduce tribal cultural resources, as well as archaeological resources, impacts to below a level of significance. Like the project, Alternative 3 would result in less than significant impacts to tribal

cultural resources with implementation of the identified mitigation measures.

J-8 With adoption of the Mission Valley Community Plan Update, the Planned District Ordinance (PDO) was dissolved and City-wide zoning was applied to the entire Mission Valley Community Plan area, including the project site. Development Intensity Districts (DIDs) no longer apply to the Mission Valley Community Plan area.

Page 7-2 of the Specific Plan does not provide residential density information. Rather, the table provides the applicable zoning, land use, and development intensity of the various project districts. Table E-2, *North District Specific Zoning and Development Regulations,* Table E-3, *Central District Specific Zoning and Development Regulations*, and Table E-4, *South District Specific Zoning and Development Regulations*, provide the maximum permitted density for residential development, which is one dwelling unit per minimum 400 square feet of lot area as determined in accordance with LDC §113.0222 in the RM-4-10 and CC-3-9 zones. (The Specific Plan has a Tailored Development Standard that allows for one dwelling unit per minimum 200 square feet of lot area as determined in accordance with LDC §113.0222 in the CC-3-9 zone.) Note, the maximum FAR in CC-3-9 zones of the North District has been modified from 6.0 down to 4.0, in response to comments received. Further, the building height maximum with the districts north of the San Diego River at seven stories not to exceed 85 feet in height from the highest adjacent finished grade, and five stories not to exceed 65 feet in height from the highest adjacent finished grade at the interfaces with The Courtyards and Mission Greens, further limit implementable residential density. However, the Maximum Project Density/Intensity would be limited as shown in Table 7-1 of the Specific Plan, which is a maximum of 4,300 residential dwelling units within the project. See also Master Response 1 relative to development intensity/density.

residential and 140 dwelling units per acre for high density mixed use in this same area. (RSPD at p. 7-2.) The RSPD imposes high intensity residential (RM-4-10) and mixed-use zoning (CC-3-9) in the North, Central, and South Districts. (RSPD at p. 2-10, 2-14, 2-17; see LDC §§ 131-0406, 131-0507.) Further, the RSPD seeks deviation from the Land Development Code for high density mixed use-- from one dwelling unit for each 400 square feet of lot area to one dwelling unit for each 200 square feet of lot area. (RSPD at p. 6-62, 67.) If the amendment is permitted, micro units will be permitted. (See https://en.wikipedia.org/wiki/Microapartment.)

As it relates to residential density in Western Mission Valley and Southern Linda Vista, the RSPD is totally inconsistent with the existing conditions of the community. It envisions downtown densities in a low- to mid- density neighborhood setting. For example, to the west of the Riverwalk Specific Plan area, residential units total 739 between two HOA communities. To the north of the Riverwalk development area, there are 10 residential complexes, ranging from 16-unit to 440-unit HOAs, totaling approximately 1,040 units. To the east of the Riverwalk development area, there are 242 residential units in two HOA communities. The RSPD allows for maximum densities, which if built represent more than four times the number of units within the existing conditions—the allowable maximum density is about 10,000 units. As drafted, the RSPD goes too far in allowing maximum high intensity uses while overlooking the existing conditions of the community and the burdens such uses would impose on the community.

The Riverwalk developer's current representation of project density is less than the maximum allowed in the RSPD discussed above. The Riverwalk project developer's current representation is that 4,300 residential units are contemplated in their project plans, which amounts to about 75 dwelling units per acre in the land proposed to be developed north of the

J-8 (cont.) See response J-8..

J-9 See response J-8..

J-10 Project proposes a Specific Plan that would be adopted by ordinance with Tailored Development Standards; no deviations are proposed. See response J-8.

J-11 See Master Response 1 relative to development intensity/density. The project provides a transition between established residential developments north and west of the project site and new developments coming online to the east.

J-12 The Specific Plan would allow for the development of 4,300 multi-family residential units. Residential development would occur at a mid-rise intensity of no more than seven stories not to exceed 85 feet in height from the highest adjacent finished grade in the development districts north of the San Diego River, development that interfaces with The Courtyards and Mission Greens would be limited to five stories not to exceed 65 feet in height from the highest adjacent finished grade. As such, the project would not develop "maximum high intensity uses". A total of 4,300 multi-family residential units represents the maximum density allowed by the Specific Plan. Future projects that propose to exceed this limit would be subject to the requirements of Chapter 7 and Appendix D of the Specific Plan. See also Master Response 1 regarding the project's proposed development intensity/density.

	The EIR evaluates the residential density of the project in relation to the existing and future community character in Section 5.3, *Visual Effects and Neighborhood Character*. As concluded in Section 5.3 of the EIR, impacts relative to visual effects and neighborhood character (including existing conditions) would be less than significant.
	J-13 The maximum allowed intensity of the Specific Plan is 4,300 du. Residential development is envisioned to occur in the North and Central Districts (the development area north of the San Diego River), which total approximately 91.7 acres. The density of 4,300 dwelling units across 91.7 acres equates to approximately 46.89 du/ac (4,300 units divided by 91.7 acres equals approximately 46.89 du/ac), not 75 du/ac as the comment suggests. As presented in Chapter 3.0 of the EIR, the Specific Plan allows for the development of 4,300 multi-family residential units, 152,000 square feet of retail commercial use; 1,000,000 of office and non-retail commercial use; a new transit stop for the MTS Green Line Trolley; and 97 acres of parks and open space, including approximately 55 acres of publicly-accessible park space and enhancement of the San Diego River. The Draft EIR adequately analyzed the environmental effects of the project.

San Diego River, in the area of Friars Road. The RSPD allowable maximum uses and densities discussed above cannot be reconciled with the proposed project-level use and density that has been heavily marketed to the community by the project developer. The maximum allowable densities and land uses currently in the RSPD should be removed and the RSPD should re-drafted to reflect the project-level density and uses are the maximum allowable. The caveat to bringing the RSPD into conformance with the developer's project is whether the project as currently proposed can pass the scrutiny of environmental review.

J-13 (cont.)

Should the RSPD not be re-drafted, there is opportunity for this or any new developer's project plans to significantly increase the intensity of the land uses and units, as the project is divided into 49 or 52 sellable lots. (Compare RSPD at p. 4-17, figure 4-9, and RSPD App. A-1.) The Planning Department has acquiesced in the private developer's marketing campaign for its proposed project.[1] The community has been involved in a discussion of that project and nothing more. Therefore, the RSPD is either a specific plan for that project or it is not; it should not also be a regulatory document that allows for thousands and thousands more units and intense land uses than the proposed project. If that were the case, the project is only as viable as its principals deem it and until they chose to sell off parcels for another to take up development under these extreme maximum allowable land uses.

J-14

In sum, for purposes of the specific plan, maximum allowable uses and densities that grossly exceed project-level uses and densities should be removed from the RSPD. The community should not have to bear the uncertainty of a plan that has been heavily marketed by the developer with the intent of gaining community approval, to be something that it is not.

J-15

[1] In fact, in April 2018, Nancy Graham of the Planning Department refused a request by the LVPG to discuss the project.

J-14 The Specific Plan includes 52 developable (numbered) lots. The Draft EIR evaluated the project as described in Chapter 3.0, which is the project that has been presented and discussed with the planning groups, including the Riverwalk Subcommittee of the Linda Vista Planning Group.

J-15 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

The project-level uses and densities currently proposed by the developer are problematic for the resulting burdens on the community, such as unsafe air quality, traffic, public health and safety impacts. Some additional consequences of the project that is proposed under the guise of the RSPD which require mitigation are identified and discussed in further detail below.

J-16

B. The DEIR Does Not Meet Its Mandated Purpose Under CEQA

CEQA provides: "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects .... " Pub. Res. Code § 21002.

CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *(Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134.) "[T]he Legislature has□ declared it to be the policy of the state 'that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects .... '" *(Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597-598 (citations omitted).)

J-17

"The basic purpose of an EIR is to 'provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be

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J-16 The Draft EIR determined that the project would not result in significant impacts relative to transportation and circulation, and health and safety. As disclosed in the EIR, the project would result in cumulatively significant operational air quality impacts, for which there is no feasible mitigation.

J-17 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

minimized; and to indicate alternatives to such a project.' " (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511 (*Sierra Club*).) " ' "The EIR is the heart of CEQA" and the integrity of the process is dependent on the adequacy of the EIR.' " (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 924.)

"But the question whether an agency has followed proper procedures is not always so clear. This is especially so when the issue is whether an EIR's discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

"The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' " (*Sierra Club, supra*, 6 Cal.5th at p. 516, footnote omitted.)

The air quality, public safety, and traffic analyses contained in the DEIR do not adequately address the underlying issues of density, trolley ridership, reliance on the automobile, traffic impacts, and parking requirements in the 15-year horizon of the proposed project. Further, the DEIR does not adequately address foreseeable impacts related to pandemics or foreseeable impacts resulting from the installation of the Alvarado 2nd Pipeline Extension Project. The DEIR fails to adequately address mitigation of significant impacts. For the reasons

J-17 (cont.) **J-18** **J-19** **J-20**

J-18 Comment noted. The project's proposed density is addressed in Chapter 3.0 of the EIR. The project's transportation and circulation is addressed in Section 5.2 of the EIR. See Master Response 6 regarding a discussion of trolley ridership.

J-19 See Master Response 10 regarding Covid pandemic.

See Master Response 11 regarding the Alvarado 2nd Pipeline Expansion project.

J-20 See response J-6.

J-20 (cont.)

stated, the DEIR fails to meet the CEQA mandate and should be revised to address these inadequacies and be re-circulated.[2]

1. Unsafe Air Quality Resulting from the Project

The Air Quality Report (Appendix F) associated with the DEIR assumes the project will be built out in three scheduled phases: Phase 1, the western portion of North District, completed by 2025; Phase 2, the eastern portion of North District and Central District, completed by 2030; and, Phase 3, South District, completed by 2035. (App. F at p. 16.) However, the Specific Plan draft expressly rejects any phasing schedule. The draft states, "Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

J-21

The report admits that it is unknown how many parking spaces will be provided, so it assumes that a total of 10,274 parking spaces will be provided as follows: 3,520 spaces in Phase 1; 3,637 spaces in Phase 2; and, 3,117 spaces in Phase 3. (App. F at p. 18.) The RSPD is not so generous and does not guarantee any number of spaces to be provided. Rather, it states without any attribution that "studies" support shared parking in mixed-use development is an option, because less parking would be required under those conditions. (RSPD at p. 4-56.)

J-22

The report addresses air quality impacts resulting from construction of the project, including diesel-powered construction equipment used on and off site (to haul debris and

J-23

[2] The absence of comment on any particular topic in the DEIR (e.g. hydrology, noise, public utilities) should not be construed as tacit approval of the analysis or methodology utilized.

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J-21 The construction schedule was refined with input from an experienced and licensed construction contractor who has conducted project scheduling. Phasing of the project is based on the best available source of information regarding likely construction scheduling and activities. Based on this information, modifications have been made to the construction schedule and associated air pollutant emission modeling. No new significant impacts have been identified; therefore, recirculation of the Draft EIR is not required. See Master Response 2 regarding project phasing and Master Response 3 regarding air quality/health risk.

J-22 See Master Response 7 regarding parking.

The Air Quality Study includes an estimate of parking that may be constructed on-site based on current Land Development Code requirements for proposed uses in order to include an estimate of emissions during construction of parking facilities. The Air Quality Study includes the estimated parking ratios for the project and associated construction quantities and emissions based on 1.5 space per multifamily unit, 3.3 spaces per 1,000 square feet of office space and 4 spaces per 1,000 square feet of retail. This would equate to 3,520 spaces in Phase I, 3,637 spaces in Phase II, and 3,117 spaces in Phase III. For modeling purposes, 80 percent of the spaces would be accommodated in garages while the remainder would be constructed in surface lots. Note that parking rates used in the Air Quality Study are conservative, in that parking would be required at the following minimum rates for the development per the current LDC: 0 space per multifamily residential unit and 2.1 spaces per 1,000 square feet of office and retail land use in the CC-3-9 zone. Should the project ultimately build-out with less parking than this estimate, the related construction emissions would be decreased commensurately.

	J-23 Comments noted. The Air Quality Report has been updated to more accurately reflect construction emissions related to demolition and site preparation and grading, which were overlapped with construction of previous phases to be conservative. The architectural coating phase was also modified to occur within the same phase, rather than occur sequentially at the completion of all building construction, which allows buildings to be put in service as they complete as opposed to painting them all at the same time. The updated modeling results indicated that construction emissions for Phases I, II, and III would remain below the City of San Diego daily, hourly, and annual thresholds. See also Appendix F of the EIR.

materials) and operational uses and needs of the project, including impacts from vehicle emissions, energy consumption for space and water heating, landscape equipment, and use of consumer products. (App. F at p. 18.)

J-23 (cont.)

With respect to construction of the project, the report assumes that about 10 acres will be disturbed daily during construction of each general grading phase (known to create particulate matter, a.k.a "fugitive dust") and heavy equipment operations during the construction process (known to emit diesel particulate). (App. F at p. 21, 23.) Based on the assumption that five construction rules for grading would be implemented and because the term of construction is assumed to be under 30 years, the report concludes that these toxic air contaminates were not significant. (App. F at p. 23.)

J-24

Additionally, the report (1) assumes maximum daily emissions by designating an 8-hour work day, (2) does not consider the impact of exterior coatings of the project, (3) extends interior painting schedules and, (4) overlaps those schedules with next-phase construction, in order to claim a reduction in significant Reactive Organic Gas (ROG) impacts. The report's manipulation of construction schedules in order to find less than significant ROG impacts pushes the completion of Phase 3 the project outside the 15-year horizon, into 2036. (App. F at p. 21-23; see RSPD at p. 7-5, Table 7-2.)

J-25

The report concludes that impacts from construction activities will have less than significant impacts. It assumes discrete, scheduled phases of construction in its analysis, although as previously mentioned, the project expressly rejects any such schedule. (App. F at p. 22-23, and compare RSPD at p. 7-5.) When the phases are properly considered without a discrete schedule, thresholds are exceeded. For example, the 2025 Maximum tons/year ROG

J-26

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J-24 Comments noted. See response J-23.

J-25 See Master Responses 3 regarding air quality/health risk. For purposes of the air quality analysis, all interior and exterior surfaces are assumed to be painted. Any project's build-out and horizon year is a best estimate. Project build-out may vary from the estimated horizon year due to market consideration (both positive and negative), supply chain issues (including materials, equipment, and available labor), economic conditions, and other factors. See Master Responses 2 regarding project phasing and Master Response 3 regarding air quality/health risk.

J-26 The Air Quality Study has been updated to more accurately reflect construction emissions related to demolition and site preparation and grading, which were overlapped with construction of previous phases to be conservative. Phasing is anticipated to occur as presented in the Specific Plan based on inputs from construction experts. See Master Responses 2 and 3 regarding project phasing and air quality/health risk, respectively.

J-26 (cont.)

emission is 15.2 tons, already in excess of the screening threshold of 15 tons, and in combination with *any* construction year in Phase 2 for the same emission is exceeded. (App.Fat p. 24-25, see Tables 5 and 6.)

The report concludes that air quality impacts resulting from project operations of individual phases are less than significant. However, it concludes the cumulative effect of operational emissions (from all phases of the project) exceeds thresholds in three areas: Reactive Organic Gas (ROG); Carbon Monoxide (CO); and, Particulate Matter 10 (PM10). The excessive operational emissions culminate in BOTH vehicle trips produced by the project AND the operations of the residential buildings, consumer products, and landscape equipment associated with the project. (App.Fat p. 27.) The report states as follows:

> [T]he project's regional air quality impacts **(including impacts related to criteria pollutants, sensitive receptors, violations of air quality standards per threshold d)** would be significant. The project would also result in a cumulatively considerable net increase in PM10 and ozone precursor emissions. This would be a **significant impact per threshold c.** Because of the size and scope of the proposed development, there are no feasible methods for reducing all cumulative emissions to meet daily SDAPCD standards for ROG, CO, and PMlO and the annual standards for PMI0.

J-27

(App. F at p. 27, emphasis in original.)

Underscored in this comment is that the report identifies the nearest "sensitive receptors" of the project as the Mission Valley residents who currently reside in the northeast and northwest corners of the project site, and those Linda Vista residents "located along the northern site boundary on the north side of Friars Road." (App.Fat p. 14.) The DEIR

J-27 Comment noted. See Appendix F of the EIR. See Master Response 2 regarding project phasing and Master Response 3 regarding air quality/health risk.

illustrates additional sensitive receptor locations in Linda Vista, including the University of San Diego, Francis Parker Middle and Upper School, and Carson Elementary School. (DEIR Figure 5.16-2, at p. 5.16-31.) As the report points out, air quality standards are designed to protect the public, and especially those most at risk for respiratory distress such as children. (App. F at p. 13.)

J-28

The report clearly establishes the harm to residents resulting from project operations, that is, the existence of the project itself, based on its sheer magnitude. The report deems construction of the project to have less than significant impacts. (App. F at p. 22-23.) However, the report fails to fully and adequately address impacts from construction of the project during phases that "may occur in any order," and because construction activities from "more than one phase may occur at any time." (RSPD at p. 7-5.) Construction of the project must be properly analyzed to establish the impacts of phases occurring in any order and at the same time. The report, which presents the phases in a vacuum, fails to " 'sufficiently perform[] the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

J-29

2. Transportation/Circulation and Parking

The vehicles associated with the Riverwalk development will result in traffic and parking impacts, especially on Friars Road, Via Las Cumbres, Gaines Street, Cirrus Street, and Goshen Street. Notably, Via Las Cumbres is a major north-south connector to the project site, and Goshen is another north-south connector to Friars Road. As discussed below, the DEIR fails to adequately address these impacts.

J-30

J-28 Comments noted. The comment presents information included in both the EIR and the Air Quality Study. See also Master Response 3 regarding air quality/health risk.

J-29 See response J-26.

J-30 As analyzed in Section 5.2 of the EIR and in the project's Transportation Impact Analysis (TIA) included as Appendix D of the EIR, no significant transportation VMT impacts would occur as a result of the project. This comment incorrectly refers to the transportation metric of Level of Service (LOS) and delay to suggest that addition of project traffic would result in transportation impacts under CEQA.

The evaluation of transportation impacts associated with the project reflects consistency with Senate Bill 743, and the CEQA Section 15064.3, which establishes VMT as the appropriate metric to measure transportation impacts. Based on the VMT standards, the project is calculated to result in a less than significant transportation VMT impact. See also Master Response 6 for a discussion of the transportation/ circulation analysis under CEQA using the VMT metric.

See Master Response 7 regarding parking.

a. Traffic

The DEIR relies on a flawed Transportation Impact Analysis (TIA) as it fails to adequately state the phases, timelines and the scenarios allowed for development since phasing is rejected in the RSPD; any order of phasing may occur and phases may occur concurrently. "The Specific Plan does not require that phases occur in a specific order. Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-4.) To adequately analyze the traffic impacts, the analysis must include the phases in every possible order and combination, should the developer proceed with any order or combinations of phases as allowed under the RSPD.

J-31

The DEIR states "the Riverwalk Project is anticipated to have a less than significant transportation impact," and bases its finding on Vehicle Miles Traveled (VMT) guidelines from the state that indicate "in most instances a per capita or per employee VMT that is 15 per cent below that of existing development may be a reasonable threshold." The presumption of less than significant transportation impacts derives from state law under SB 743. "Essentially, the proposed threshold means that future land use development projects and future land use plans would need to demonstrate that they are capable of producing VMT per capita or VMT per employee that is 15 per cent better than existing development." (ADC10 News, "An Evolutionary Change to CEQA, Transportation Impact Analysis: Replacing LOS with VMT," by Ronald T. Milam, Summer 2018)

J-32

The TIA concludes that the 15 percent lower per capita VMT is "generally achievable" based solely on the presence of public transit in the project area, particularly the

J-33

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J-31 The Mobility Assessment clearly designates the analyzed phases in both the Executive Summary of the report (page i, Table A, Figure A), as well as Section 2.3 (page 13, Table 2-1, Figures 2-4 and 2-5). These sections include the following information: "Given the intensity and density of uses proposed, the project phasing includes a total of three (3) phases spread out over a period of 10 years with the ultimate buildout anticipated in Year 2035. These phases include Opening Day (Phase I) in Year 2025, Phase II in Year 2030, and Phase III in Year 2035. A Community Plan buildout analysis at Year 2050 is also included in the Mobility Assessment as the project requires a GPA/CPA." As such, the Mobility Assessment includes discrete phases utilized for analysis. See also Master Response 2 regarding project phasing.

J-32 Comments noted. The comments do not address the adequacy of the EIR and no further response is necessary.

J-33 See Master Response 6 regarding a discussion of the project-specific VMT analysis performed for the project.

Trolley ridership projections from the Mission Valley Community Plan Update Program EIR transportation impact analysis in 2019 were utilized for the project. Trolley ridership projections are based on assumptions in the SANDAG Series 13 Transportation Demand Model, which is provided by the regional planning agency. Trolley ridership projections are mathematically derived by industry practices and local and regional authorities.

trolley stop. (TIA, at p. 35, 37.) The TIA is overly optimistic in its conclusion. First, the trolley stop will not be constructed until years after almost fifty percent of the residents move in to the project development. Second, there are no trolley ridership studies to show that an adequate number of residents will use the trolley to set the proposed project below the 15 percent threshold. Indeed, the trolley ridership projections in the TIA are not impressive. For example, the projection for the year 2050 total weekday daily ridership at the Riverwalk stop is 2,734. (By comparison, the projection for the year 2050 total weekday daily ridership at the Fashion Valley Transit Center 5,344.) If the project is occupied as proposed in year 2050, there will be 4,300 units that house about 8,000 residents. The ridership projections do not justify the density proposed.

J-33 (cont.)

Further, the presumption of less than significant traffic impacts is rebutted by the well-established metric for accurate measurement of vehicles on the roadways as a result of the proposed project. The City of San Diego's Land Development Code Trip Generation Manual (TGM) is the authority used by the City to determine how many vehicles enter and exit sites devoted to particular land uses. (City of San Diego Land Development Code Trip Generation Manual, p. 1). Average Daily Trips (ADTs) are the measure of two-direction, 24-hour total count of vehicles crossing a line on an average day. Unusual seasonal variations must be identified, or less than the typical annual conditions are assumed. In the project area, the holiday season brings significant increases in traffic and congestion from October through January due to retail operations at the Fashion Valley Mall.

J-34

Driveway Trips are the total number of trips that are generated by a site. The DEIR provides faulty analysis and data regarding the expected generation of net new ADTs by the proposed project (TIA at p. ii-iii). It states, "Phase I Project is calculated to generate 17,248

J-35

J-34 The TIA and Mobility Assessment prepared for the project utilized the rates in the City's Land Development Code Trip Generation Manual (TGM) to estimate the number of trips expected to occur with implementation of the project, including average daily traffic (ADT) as well as peak hour trips for the AM and PM periods. The Mobility Assessment analyzed typical conditions to evaluate transportation operations in the project study area.

While the TGM is the City's standard to estimate project trip generation, this manual does not establish the CEQA metric to evaluate transportation impacts. See Master Response 6 for a discussion of CEQA's requirements to evaluate transportation impacts using the VMT metric.

J-35 See Master Response 6 regarding the discussion of the expected Project Trip Generation.

driveway trips … Phase II Project is calculated to generate 30,896 driveway trips." The DEIR further states, "The Project Buildout (Phase I, II and III) is calculated to generate 41,186 new driveway trips …." The total stated for Project Buildout (41,186) is *less than the total the document states for Phase I and II* (48,144) AND fails to include Phase III generated driveway trips.

Referencing the TGM, the total anticipated ADTs for Phase III are 12,592, comprised of: 3,432 ADTs from 28,600 square feet of Commercial-Retail at the Neighborhood rate of 120 trips per 1,000 square feet; 9,149 ADTs from 935,000 square feet of multi-tenant Commercial-Office pursuant to the required logarithm; and 11 ADTs derived from 5 trips per acre for an Undeveloped Park of 2.2 acres. Combining the analysis stated in the TIA for Phases I and II, and incorporating the Phase III estimated calculation based on the TGM above, all three phases result in 60,736 ADTs generated by the project.

J-35 (cont.)

The proposed project will result in a significant increase in traffic which is substantial in relation to existing traffic load and capacity of the street system.

J-36

The proposed project states that project buildout is calculated to generate 41,186 driveway ADTs. (TIA, at p. iii.) The analysis is flawed, in that per the TGM:

- At a Daily Trip Rate of 6 ADTs per resident dwelling unit (multi-family), 4,300 units will generate an impact of **25,800 ADTs *every day***. Note that the developer has stated in public presentations that about 1,910 units need to be completed prior to the construction of the Riverwalk trolley stop in 2025; those units generate 11,460 ADTs daily without the benefit of nearby transit. Residents dependent on or preferring to use transit will be required to walk more than ½ mile to a transit stop.

J-37

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J-36 As concluded in the project's TIA and disclosed in the EIR, although the project would result in increased vehicle trips compared to what exists currently, the increase does not result in a significant transportation VMT impact. See also Master Response 6 regarding VMT Analysis.

J-37 See Master Response 6 regarding the expected project trip generation.

- At a Daily Trip Rate for Neighborhood Commercial Retail of 120 trips per 1,000 square feet, at 152,000 square feet, the Neighborhood Commercial Retail generates an impact of **18,240 ADTs *every day***.
- At a Daily Trip Rate for multi-tenant Commercial-Office and using the required TGM logarithm, the separated Commercial-Office areas were calculated at 65,000 and 935,000 square feet, and resulted in 1,219 and 9,149 ADTs, respectively. The combined total results in an additional **10,368 ADTs *every day***.
- The Daily Trip Rate for a Developed Park is 50 trips per acre. At 27.87 acres, this totals 1,394 ADTs. The Daily Rate Trip for Undeveloped Parks, the rate is 5 trips per acre and at 58.79 acres, the total is 294 ADTs. The ADTs for the Undeveloped and Developed Parks total **1,688 ADTs *every day***.
- Combining the above expected ADTs from the project total of **56, 096 ADTs *every day***.[3]

J-37 (cont.)

The DEIR fails to address the reality of the traffic impacts, citing the implementation of Intelligent Transportation Systems (ITS) strategies and Transportation Demand Management plans (TDM) as the cure-all. As stated, Friars Road already has traffic signal coordination. (TIA, at p. 79.) The project proposes using ITS Adaptive Traffic Signal Controls at three major corridors and three lesser corridors as the answer to mitigating this significant impact of the addition of over 55,000 ADTs on the adjacent roads *every single day*. ITS will likely not provide for a smoother circulation of the tens of thousands of average daily trips that will be generated by the project; the measure of vehicles on the road is a

J-38

[3] Projected ADTs in the TIA and in this analysis based on the TGM for Phase 1 and Phase 2 slightly vary and it could be the result of different methodologies or base data.

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J-38 See Master Response 6 regarding the metric used to evaluate transportation impacts under CEQA. Comment incorrectly characterizes the project's trip generation. The project is expected to generate 41,186 total driveway trips, not "over 55,000 ADTs".

Comment disagrees with the use of Intelligent Transportation Systems (ITS) and Transportation Demand Management (TDM) plans as a means of addressing transportation impacts. The project is calculated to result in a less than significant transportation VMT impact and therefore mitigation measures are not required. Based on the results of the TIA, the project proposes the implementation of the Intelligent Transportation Systems (ITS) and Transportation Demand Management (TDM) measures as one of several improvements as shown in the Transportation Improvement Plan (TIP). ITS and TDM plans are industry-standard features that contribute to operational improvements and reduction of single-occupant vehicle trips in a transportation system.

reality that requires mitigation. Other TDM measures proposed to be implemented are a transit stop and the implementation of paid parking in the project. (TIA, at p. 79-83.)

b. On-Street Parking by Project Residents

The DEIR fails to consider the impacts associated with an anticipated shortage of parking. (See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1052 ["a project's impact on parking generally should be studied for any potential impact on the environment"].) Indeed, the EIR fails to discuss how a lack of parking could have several impacts, including increases in traffic, increased police and fire response times, and air pollution associated with the insufficiency of available parking spaces provided by the project. This is particularly significant considering the City's recent adoption of an ordinance that, among other things, does not require developers to provide *any* residential parking, when the project is located within ½ mile of a transit stop. However, the transit stop is not planned to be constructed until 2025 or later, or until after 1,910 residential dwelling units have been constructed. The DEIR fails to address the impact from vehicles associated with the project prior before a transit stop in the project area is fully operational.

The DEIR fails to address impacts associated with a lack of parking following the City's adoption of the ordinance. (See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728 ["secondary parking impacts caused by ensuing traffic congestion ('air quality, noise, safety, or any other impact associated with transportation') must be addressed"].) For example, the DEIR fails to address the fact that there is no adjacent on-street parking allowed on the project borders, and only limited available on-street parking on the north side of Friars Road across from the project. With no requirement to provide parking, and a proposed transit stop that is not required to be built prior to the development of 1,910 units, the

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J-38 (cont.) See Master Response 7 regarding parking.

J-39 See Master Response 7 regarding parking.

J-40 See Master Response 7 regarding parking.

J-41 See Master Response 7 regarding parking.

See also Master Response 6 regarding the VMT analysis.

J-42 With implementation of the project, on-street parking would continue to exist on public streets where it exists today.

The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th equivalent dwelling unit (EDU). Unbundled parking is a requirement of the City's Parking Standards Transit Priority Area Regulations and an option of the Climate Action Plan (CAP) Consistency Checklist. Parking for the project would be provided in accordance with City regulations. See Master Response 7 regarding parking.

adjacent streets will be heavily impacted by residential parking and for the next 10-15 years, by the construction of the project. Further, any residential parking provided by the developer is required by to be unbundled (parking is required to be paid separate from rent). The unbundled parking presents problems with residents choosing not to pay for parking onsite or not having the ability to purchase parking if parking is no longer available due to purchase by other residents.

J-42 (cont.)

On-street parking is prohibited or exhausted by existing residential communities in the project area. The project is bounded by three major streets which prohibit on-street parking: to the north – the south side of Friars Road; to the south – Hotel Circle North and to the east – Fashion Valley Road. Directly abutting the project property to the west are the Courtyards condominiums, a gated community with underground parking. The lack of on-street residential parking adjacent to the project will cause residents, visitors, and retail customers who are not able nor willing to pay for parking, to park on the closest available streets: Friars, Via Las Cumbres, Gaines, Cirrus, and Goshen in the Linda Vista Community Planning Area. All of these streets currently have limited parking and currently accommodate overflow parking from nearby retail, residents, and USD.

J-43

Further, the expected parking impacts to the community have the potential to increase. Current mandated limited parking as it exists today may be further reduced as stated in the Mobility Plan (at page 286), "during the course of Riverwalk's build out, parking regulations within the Land Development Code may change, resulting in reduced parking regulations, which would not require a change to the Specific Plan. Instead, these changes would be reviewed as a Substantial Conformance Review."

J-44

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J-43 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-44 Comment notes the potential for City parking regulations to change through the course of build-out of the project. As described in Chapter 6 of the Specific Plan, should City parking regulations change during the build-out of the project such that required parking is reduced, development seeking to utilize reduced parking requirements would require Substantial Conformance Review (SCR). This SCR requirement of the Specific Plan provides certainty that any future reduced parking, which could occur as a result of updated or new City parking requirements, would be analyzed by City staff to determine that parking requirements in place at the time are met.

J-45

In sum, the DEIR fails to address the impacts of vehicles circulating for extended periods of time and contributing to poor air quality, traffic congestion, and an increase in police and fire response times. The DEIR needs to be re-circulated to properly analyze these impacts.

3. Public Safety Impacts Are Not Adequately Addressed In the DEIR

a. Police

J-46

The Riverwalk development area is served by the SDPD Western Division Substation, that also serves the neighborhoods of Linda Vista, Morena, University Heights, North Park, Burlingame, Hillcrest, Midtown, Mission Hills, Midway District, Loma Portal, Point Loma Heights, Ocean Beach, Sunset Cliffs, Roseville-Fleetridge, La Playa, and Wooded Area. SDPD acknowledges that police response times in the Mission Valley community will continue to slow with build-out of community plans and the increase of traffic generated by new growth. Yet, there are no current plans for additional police sub-stations in the immediate area to absorb this growth. (See Appendix J, Letter from SDPD, dated May 9, 2020.)

SDPD breaks its calls into five categories: emergency calls, and Priority 1, 2, 3 and 4 calls. Priority "E" and priority one calls involve serious crimes in progress or those with a potential for injury. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD advises citizens to report emergencies such as "crimes that are in progress or about to happen, and ones that have resulted in serious personal injury, property damage, or property loss," and that also "include situations in which the suspect may still be at the scene and some suspicious activities." (See https://www.sandiego.gov/police/services/emergencies.) SDPD provides examples of emergencies that should be reported by calling 9-1-1 as fights, sexual assaults, burglaries and robberies, domestic violence, child and elder abuse, sounds of gunshots, screaming, breaking

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J-45 See responses J-21 through J-29 regarding air quality; J-30 through J-38 regarding transportation, and J-46 through J-51 regarding police and fire. The Draft EIR has been prepared in accordance with the appropriate criteria, standards, and procedures of CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14 Section 15000 et seq.). As described in the environmental document, the Draft EIR identified the significant effects caused by the project and identification of mitigation measures, where feasible. See response J-6 regarding recirculation.

J-46 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

glass, explosions, alarms, hit and run accidents with possible injuries, road hazards that require immediate attention to prevent personal injuries and property damage, graffiti and other acts of vandalism in progress. (See https://www.sandiego.gov/police/services/emergencies.) The 9-1-1 reports for 2020 through May show that citizens have made about 500,000 calls or 100,000 calls each month to report crimes. (See https://www.sandiego.gov/police/services/911monthlyreports.)

J-46 (cont.)

Priority 2 calls include calls for prostitution, trespassing, disturbing the peace, criminal threats with a gun, casing a burglary or for people having a mental health episode. Priority 3 calls include loud parties, homeland security checks, calls to pick up evidence, hate crime investigations and taking reports and statements for serious crimes like arson, battery and assault with a deadly weapon. Priority 4 calls include parking issues, computer crimes, graffiti and reporting lost or found property. (See https://www.voiceofsandiego.org/topics/public-safety/sdpd-now-takes-hours-to-respond-to-non-emergency-calls/.)

The DEIR identifies that response times for Beat 623 in the Western Division for Priority 2, 3 and 4 calls are, respectively 38%, 36% and 88% longer than Citywide goals. In other words, citizens reporting a Priority 3 event waited almost two hours for a response. Worse, the wait time for a response to a Priority 4 event was almost three hours. (DEIR at p. 5.15-1-2.)

J-47

Beat 623 of the Western Division does not meet response time goals as currently staffed in 3 out of 5 of the categories. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD's statement of even longer response times based on community growth presents a grim forecast, especially with respect to the risk the growth places on emergency and Priority 1 call for service.

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J-47 The comment provides information presented in the EIR and Appendix J. This comment does not address the adequacy of the EIR and no further response is required.

The DEIR strains to conclude that "[a]lthough the project could result in an increase in service calls, the SDPD has facilities and staffing in the project area to adequately serve the project, ongoing funding for police services is provided by the City General Fund; and no new facilities or improvements to existing faculties would be required." (DEIR at p. 5.15-9.) That statement is not supported by the record of response to calls and importantly, the SDPD's own statement. The DEIR fails to properly analyze the public safety impacts that the project population creates. The discussion fails to sufficiently perform "the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.) The DEIR must be rejected for its lack of adequate analysis of adequate police protection.

J-48

b. Fire & Life Safety

Fire Station 45 at 9366 Friars Road serves the existing project site and according to the DEIR, will remain the primary station for the Riverwalk development. (DEIR at p. 5.15-3.) Fire Station 45 has a Battalion Chief's vehicle, an engine, an aerial truck, and a HAZMAT unit. A Battalion Chief (BC) is a staff officer who serves as the Incident Commander on the scene of fire and medical incidents and has authority over the equipment on the scene. The fire engine is a pumper which usually carries 500 gallons of water, hose, pump and 48 feet of ground ladders. The primary task of a fire engine crew is: search and rescue, locate, confine and extinguish fire and, when warranted, respond to 9-1-1 medical incidents. The primary tasks of a truck company are search and rescue, salvage, ventilation, securing utilities and overhaul (clean-up crew). The HAZMAT unit is a specialized emergency response vehicle equipped to handle hazardous material incidents (chemical spills, fuel spills, compressed gas releases, etc.) and is staffed with specially trained personnel. Each apparatus is equipped with a mobile mini-

J-49

J-48 Public Services and Facilities are addressed in Section 5.15 of the EIR. As concluded in that section, impacts would be less than significant. See Master Response 8 regarding public services and facilities.

J-49 The comment provides background information about Fire Station 45 and does not address the adequacy of the EIR; no further response is required. Stations 23 (for areas north of the San Diego River) and Station 5 (for areas south of the San Diego River) would serve the project. Fire Station 45 serves as a backup station for the project. Section 5.15. of the EIR has been updated to reflect this clarification.

J-49 (cont.)

laboratory, which allows the Hazardous Materials Technicians and Specialists to identify unknown substances and "suspicious" materials on site. (See https://www.sandiego.gov/fire/about/firestations/sta45.)

J-50

Fire Station 45 does not meet San Diego's first-due unit response standards that were adopted in 2017. Currently, Fire Station 45 is 2 minutes (40%) longer than the 5-minute travel time goal, and 1.5 minutes (20%) longer than the arrival time goal of 7.5 minutes. (DEIR at p. 5.15-3.) Minimum standards are put in place for purpose of avoiding loss of life and property. Communities with good response times enhance the quality of life for residents. Conversely, communities that do not have the proper allocation of life and property saving resources place citizens, their homes, and their businesses at great risk (see generally, www.nfpa.org).

J-51

The DEIR concedes that the population resulting from development of Riverwalk will increase the demand for fire protection. Although minimum standards are currently not being met, the DEIR concludes that even though the project will result in an increase in service calls, "no new or expanded facilities or improvements to existing facilities would be required as a result of the project," because there are facilities and staffing in the project area to adequately serve the project. (DEIR at p. 5.15-10.) The conclusion is inconsistent with the community plan. The Mission Valley Community Plan Update states as follows:

> To augment the existing services provided by the Fire-Rescue Department, the co-location of a Fire-Rescue station with the San Diego Police Department at the existing facility at [the] corner of Napa Street and Friars Road just outside of Mission Valley in Linda Vista is recommended.

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J-50 Comments noted. See Master Response 8 regarding public services and facilities.

J-51 See response J-6 regarding recirculation and Master Response 8 regarding public services and facilities.

(MVCPU at p. 94.)

A co-located station would allow first-due units to meet the minimum response times. (MVCPU at p. 94.) However, there are no plans for such co-location. Given the City's economic condition, there are questions as to how it would be financed. The Riverwalk developer has not taken up the responsibility to provide for a co-located police and fire station. The DEIR ignores the express recommendation in the community plan and frustrates public safety by making the existing excessive response time even worse. The DEIR should be re-circulated for adequate study of the impacts the Riverwalk project population places on Fire and Life Safety services. The augmented services called for in the Mission Valley Community Plan Update should be a condition of this project, given the need it creates.

J-51 (cont.)

C. The DEIR Fails to Analyze Foreseeable Impacts Resulting from Contagious Disease

The DEIR for the Riverwalk project must be re-circulated because it fails to consider the project's potential contribution to the COVID-19 and future pandemics. This is not surprising because the drafting of the DEIR preceded public awareness of the pandemic. However, because the DEIR is designed to inform the lead agency of the environmental impacts of a proposed project, this DEIR is inadequate for failure to consider what is now known and what must be considered by the lead agency. (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

J-52

The pandemic has taught us that high density residential and mass transit are vectors of disease. The DEIR fails to evaluate how the Riverwalk project will exacerbate contagion, whether there are ways to mitigate this impact, and if there are alternatives that will avoid it.

J-52 See Master Response 10 regarding Covid pandemic.

Densification and mass transit are the very opposite of social distancing. New York City, the nation's densest major city, was the hotbed of COVID-19 contagion. New York Governor Andrew Cuomo said high-rise apartment complexes and busy subways were responsible for the city's plight.

Specifically, he asked "Why are we seeing this level of infection? Why cities across the country? It is about density." He added that dense environments are the contagion's feeding grounds.

This vulnerability to pandemic is sometimes referred to as "Exposure Density." Wendell Cox, writing about this matter on April 12, 2020 in New Geography, said "residents who live in high rise residential buildings are likely to experience greater exposure densities because they must use common hallways and elevators. One New York developer expressed concern about the high-rise residential market, calling the City 'a gargantuan petri dish.'"

J-52 (cont.)

The New York Times recently quoted a Stanford University epidemiologist as calling density "an enemy in a situation like this." In the United States, the earliest flashpoint for COVID-19 were dense places such as New York City, Seattle, Detroit, and Chicago.

The Riverwalk DEIR fails to consider the effects of density and transit on spreading illness. It is not that a yet-undiscovered vaccine will soon liberate us, or that the virus will disappear in warm weather as some government leaders have predicted, or even that this is a once-in-a-hundred-year event. In less than two decades there have been epidemics of SARS, MERS, H1N1, Ebola and now COVID-19. In our globalized era, where people travel to the United States and Europe from parts of the world where diseases jump from animals to humans, future pandemics are not only possible – they are inevitable. Social distancing is a strategy to

limit their impact until cures can be found, but density defeats this strategy. Edward Glaeser of Harvard University noted, "There are always demons that creep in when human beings are living very close to one another."

J-52 (cont.)

Moreover, the pandemic has raised the basic question of the need for density and mass transit. High density infill residential, built relatively close to job centers and clustered around mass transit, was designed to limit Greenhouse Gas (GHG) emissions by reducing commuter Vehicle Miles Traveled (VMT). Under this construct, employees would travel shorter distances to job centers than if they lived in sprawl development, and also under this construct they would travel on mass transit rather than ride alone in private vehicles.

J-53

What had often been talked about, but not seriously tested, was telecommuting/work from home. The pandemic caused an experiment in large-scale use of telecommuting. A third or more of employees, working from home, did not travel any distance to work and did not cause GHG emissions. Moreover, it was unimportant where they lived. They could be living and working in sprawl developments or across the country. In short, reduction in VMT and GHG emissions does not require density or mass transit. The EIR must be re-circulated to consider that reduction in emissions can be achieved by telecommuting rather than by the density imposed by the Riverwalk project.

J-54

Finally, the Riverwalk project is purportedly justified by its claimed reduction in GHG emission due to its access to the trolley. However, it is highly questionable that mass transit will reduce GHG. Prior to the pandemic, mass transit use in San Diego was about 3%. The pandemic has diminished even this anemic number by 75% as commuters opt not to risk their lives.

J-55

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J-53 The Draft EIR evaluated transportation and circulation in Section 5.2 and GHG Emissions in Section 5.9 and concluded the project would result in less than significant impacts.

J-54 Comments noted. See also response J-53. Regarding recirculation, see response J-6.

J-55 Comment noted. GHG emissions were discussed and analyzed in Section 5.9; impacts were found to be less than significant. CEQA Guidelines, Section 15126.6 requires that project alternatives describe a reasonable range of alternative to the project that would avoid or substantially lessen any of the significant effects of a project. As disclosed, GHG Emissions were analyzed and determined to be less than significant, therefore, the development of an alternative that would either avoid or lessen GHG Emissions impacts is not required.

In an April 28, 2020 article in Forbes magazine, Brad Templeton wrote that public transit is broken in most of North America. He added that it is not pleasant or convenient and "shocking to most, in almost all cities, it's not even energy efficient, using more energy per passenger mile than efficient gasoline cars and way more than electric cars" according to the Department of Energy.

J-56

The San Diego City Council does not believe mass transit is the future, as it declined to place a tax on the November 2020 ballot for increased funding to expand mass transit. It has been a federally subsidized money loser in San Diego, and now the federal government and the City have opted out. Given these circumstances, the DEIR must evaluate whether the Riverwalk project, given the minimized use and likely non-expansion of the trolley, will result in the reduction of GHG emissions over other alternatives.

J-57

D. The DEIR Does Not Adequately Address Cumulative Impacts

The DEIR fails to provide adequate cumulative analysis. The directive under CEQA is clear: an EIR must discuss cumulative impacts if a project's incremental effect combined with other projects is cumulatively considerable. (CEQA Guidelines, § 15130(a).) The import of cumulative impact analysis is to avoid evaluating projects in a vacuum. This is so because the failure to adequately evaluate cumulative harm risks environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) In other words, piecemeal approval of several projects with related impacts could lead to severe environmental harm. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.)

J-58

J-56 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-57 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-58 Cumulative effects of the project have been adequately addressed in Chapter 6.0 of the EIR, which concluded that the project would result in a significant cumulative impact to air quality (operational). All other impacts were identified to have a less than significant cumulative impact.

Here, as discussed above, the DEIR fails to adequately address traffic, air quality, public health, and public safety. Cumulative impacts cannot be assessed without a proper analysis of these challenged areas.

J-59

Further, the DEIR fails to address the cumulative impacts of the Alvarado 2nd Pipeline Extension Project. This project includes construction of approximately 10 miles of water mains in the Mission Valley and Mission Bay areas. According to a letter to residents dated June 1, 2020, the pipeline extension "is one of multiple public infrastructure projects occurring in this area over the next several years." Pertinent here, the project involves the installation of a 48-inch water main and the replacement of a 16-inch water main along Friars Road in the project area from Napa Street to Fashion Valley Road. Construction is anticipated to occur from mid-2021 to mid-2024. The project will require heavy construction equipment mobilization, traffic control, lane closures, detours, daytime and nighttime work hours, trench digging and backfill, temporary pavement, and bike lane, sidewalk and bus stop closures. (https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf.)

J-60

According to the Riverwalk project, Phase 1 of the project may occur through 2025, however, "[p]hasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

Because of the simultaneous timelines for the projects, impacts on air quality, noise, public safety, and traffic must be addressed for the Riverwalk project area. Further, because the phasing schedules for both projects overlap, the pipeline extension calls into

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J-59 See response J-58.

J-60 See Master Response 11 regarding the Alvarado 2nd Pipeline Expansion project.

question the timely installation of the ITS Adaptive Traffic Signal Controls that the Riverwalk developer is committed to install on Friars Road in the project area. The uncertainty of the installation of this traffic mitigation measure is further compounded by the developer's statement that the Riverwalk trolley stop will not be constructed until about 2,000 residential units are already occupied. Hence, if one were to grant the dubious assumption the trolley will reduce VMT, there would be a substantial increase in VMT before the trolley station is opened, which means more traffic.

J-60 (cont.)

J-61

In sum, the cumulative impact of the Riverwalk project and the pipeline project must be addressed in the DEIR for an analysis of environmental harm of the concurrent projects.

J-62

E. Project Alternatives

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." ***(San Bernardino Valley Audubon Society*** v. ***County of San Bernardino*** (1984) 155 Cal.App.3d 738, 750- 751.) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines§ 15126.6(b).) "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." ***(Laurel Heights Improvement Assoc.*** v. ***University of California*** **(1988)** 47 Cal.3d 376,404.)

J-63

The DEIR states the no project alternative is the environmentally superior alternative to the project. (DEIR at p. 10-32.) The LVPG recognizes that the no project

J-64

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J-61 The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th equivalent dwelling unit (EDU). See also Master Response 6 regarding transit ridership and VMT.

J-62 See Master Response 11 regarding the Alvarado 2nd Pipeline Expansion project.

J-63 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-64 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

alternative does not advance the City's goals. The DEIR identifies Alternative 3- Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources as the next environmentally superior alternative. (RSPD at p. 10-32.)

J-64 (cont.)

Alternative 3 provides 2,200 residential units; 40,000 square feet of commercial retail space; 900,000 square feet of office and non-commercial retail space; and approximately 114 acres of park, open space, and trails. (DEIR at 10-23, Table 10-2.) Under Alternative 3, no development would occur in the Central District and about one-third of the developable area in North District would be removed. (DEIR at p. 10-23.) The elimination of certain buildings in Alternative 3 avoids potential impacts to three significant archaeological sites of the Iipay Nation of Santa Isabel and Jamul Indian Village. Avoiding disturbance of these sites results in fewer potential impacts to tribal cultural resources. Monitoring of any ground disturbing activities would still be required, further reducing impacts to tribal resources. (RSPD at p. 5. 10-6, 10-26, 10-27.) The LVPG notes that the RSPD implements native plants species, street signs, and interpretive signage in recognition of the Kumeyaay people. (RSPD at p. 5.10-7.) The LVPG vigorously advocates for greater recognition and greater inclusion of Native American culture within the project site through relevant and lasting symbolism, murals, sculpture, and architecture, in order to represent this important ancestral heritage.

J-65

J-66

In short, Alternative 3 provides for less intensive density and uses, falls within the range of reasonably feasible alternatives, has less impacts on public safety, avoids significant air quality impacts and the disturbance of tribal cultural resources, while remaining consistent with the City's General Plan and goals under CAP. (RSPD at p. 10-30, 10-31, 10-32.) Alternative 3

J-67

J-65 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-66 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-67 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required. See also response J-6.

allows for informed decision making, unlike the project as presented in the DEIR. (*Sierra Club, supra*, 6 Cal.5th at pp. 511–513.)

J-67 (cont.)

Accordingly, the DEIR for the project cannot be certified without providing for an adequate analysis of the project's impact on air quality, traffic, public safety, contagious disease, and its cumulative impacts.

J-68

F. Need to Re-circulate

The DEIR is sufficiently lacking such that the only way to fix these issues is to revise it and re-circulate an adequate report. (See *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

J-69

Conclusion

The LVPG recognizes the unique development opportunity the Riverwalk golf course presents. The planning of the Riverwalk development area will greatly affect the community and for that reason, the issues raised by the Linda Vista Community cannot be disposed of summarily.

J-70

A shortcoming of the RSPD is the lack of limits on density and land uses. Because the RSPD does not accurately reflect density and uses that the project developer has touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

J-71

Further, the DEIR should be re-circulated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, the project should be held to require a co-located police and fire

J-72

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J-68 The Draft EIR has been prepared in accordance with the appropriate criteria, standards, and procedures of CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14 Section 15000 et seq.). As described in the environmental document, the Draft EIR identified the significant effects caused by the project and identification of mitigation measures, where feasible. See also response J-58 regarding cumulative impacts and Master Response 10 regarding Covid pandemic.

J-69 As discussed in responses to the comments raised in this letter (comments J-1 through J-68), the EIR adequately analyzed environmental effects associated with the project. Recirculation is not required. See also response J-6.

J-70 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

J-71 See Master Response 1 regarding the project's development intensity/density.

J-72 Comments noted. See Master Response 10 regarding Covid pandemic, Master Response 11 regarding the Alvarado 2nd Pipeline Expansion project, Master Response 8 regarding public services and facilities; Master Response 3 regarding air quality/health risk, Master Response 6 regarding transportation/circulation/transit, and response J-6 regarding recirculation.

J-72 (cont.)

station for purposes of public safety, adequately mitigate air quality impacts, and adequately address traffic impacts. Finally, to the extent that Alternative 3 serves to minimize or obviate these impacts, as well as impacts to tribal cultural resources, it is the only alternative that can be certified without objection.

Respectfully submitted,

Felicity Senoski
Linda Vista Planning Group
Riverwalk Ad Hoc Subcommittee Chair

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July 1, 2020

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

Re: Riverwalk Specific Plan & Draft EIR Comments

Dear Ms. Shearer-Nguyen

The Riverwalk Ad Hoc Subcommittee of the Linda Vista Planning Group, took up a review of the Riverwalk Specific Plan Draft (RSPD), the Riverwalk Project (project), and the related Draft Environmental Impact Report (DEIR) and on June 29, 2020, the Linda Vista Planning Group (LVPG) approved the following comments.

First, by way of background, Friars Road is the dividing line between the Mission Valley and Linda Vista Community Planning Areas. While Riverwalk is on the Mission Valley side of Friars Road, it is immediately across the street from existing developments in the Linda Vista Planning Area that stand to be greatly impacted by the Riverwalk proposal. Therefore, on November 24, 2014, the LVPG created the Linda Vista Riverwalk Ad Hoc Subcommittee to work with the Mission Valley Planning Group and the Riverwalk project developer on issues of mutual community interest such as traffic, parking, pedestrian access and safety, and other relevant planning matters, and to make regular reports to the LVPG. The Subcommittee has since been actively engaged in meetings and workshops on the proposed development of the Riverwalk site.

The LVPG notes that there is substantial confusion because there are two different proposals being advanced:

J.A-1

J.A Comments provided in this letter are identical to comments submitted by Linda Vista Planning Group (Letter J). See responses J-1 through J-72.

1. The RSPD, which authorizes about 10,000 residential units; and
2. The Riverwalk Project, which the developer has represented will consist of no more than 4,300 residential units.

Then there is the DEIR, which supports the Riverwalk Project.

It would be a better apples-to-apples review if the RSPD was reformed to permit only the 4,300 residential units specified in the Riverwalk Project. Absent that, community residents are concerned that sooner or later Riverwalk will be transformed into the 10,000-unit monstrosity that would be allowed under the proposed RSPD.

The Riverwalk developer has submitted a project level DEIR, which is also a topic of this comment letter. There are five areas of concern addressed in this comment: air quality, traffic, public health, public safety, and cumulative impacts. Because the DEIR fails to adequately inform of the likely effects of the proposed Riverwalk project, offer meaningful mitigation, and address foreseeable impacts, it should be re-circulated until such time that it is brought into conformance with CEQA standards. Absent recirculation, Alternative 3 is the only acceptable scope for the project. Alternative 3 obviates the LVPG's air quality concerns because it decreases density and use. Further, it preserves important tribal cultural resources.

J.A-1 (cont.)

A. The Allowable Land Uses in the Riverwalk Specific Plan Draft Dramatically Exceed Project-Level Uses

In its development intensity districts (A and B) in the western end of the planning area, the existing Levi-Cushman Specific Plan in effect allows 56 dwelling units per acre. (See RSPD at p. 1-4; MVPD-MV-M/SP; and former SDMC §§ 1514.0307, 1514.0304.) By comparison, the RSPD allows residential high density of 109 dwelling units per acre for

residential and 140 dwelling units per acre for high density mixed use in this same area. (RSPD at p. 7-2.) The RSPD imposes high intensity residential (RM-4-10) and mixed-use zoning (CC-3-9) in the North, Central, and South Districts. (RSPD at p. 2-10, 2-14, 2-17; see LDC §§ 131-0406, 131-0507.) Further, the RSPD seeks deviation from the Land Development Code for high density mixed use-- from one dwelling unit for each 400 square feet of lot area to one dwelling unit for each 200 square feet of lot area. (RSPD at p. 6-62, 67.) If the amendment is permitted, micro units will be permitted. (See https://en.wikipedia.org/wiki/Microapartment.)

As it relates to residential density in Western Mission Valley and Southern Linda Vista, the RSPD is totally inconsistent with the existing conditions of the community. It envisions downtown densities in a low- to mid- density neighborhood setting. For example, to the west of the Riverwalk Specific Plan area, residential units total 739 between two HOA communities. To the north of the Riverwalk development area, there are 10 residential complexes, ranging from 16-unit to 440-unit HOAs, totaling approximately 1,040 units. To the east of the Riverwalk development area, there are 242 residential units in two HOA communities. The RSPD allows for maximum densities, which if built represent more than four times the number of units within the existing conditions—the allowable maximum density is about 10,000 units. As drafted, the RSPD goes too far in allowing maximum high intensity uses while overlooking the existing conditions of the community and the burdens such uses would impose on the community.

J.A-1 (cont.)

The Riverwalk developer's current representation of project density is less than the maximum allowed in the RSPD discussed above. The Riverwalk project developer's current representation is that 4,300 residential units are contemplated in their project plans, which amounts to about 75 dwelling units per acre in the land proposed to be developed north of the

San Diego River, in the area of Friars Road. The RSPD allowable maximum uses and densities discussed above cannot be reconciled with the proposed project-level use and density that has been heavily marketed to the community by the project developer. The maximum allowable densities and land uses currently in the RSPD should be removed and the RSPD should re-drafted to reflect the project-level density and uses are the maximum allowable. The caveat to bringing the RSPD into conformance with the developer's project is whether the project as currently proposed can pass the scrutiny of environmental review.

Should the RSPD not be re-drafted, there is opportunity for this or any new developer's project plans to significantly increase the intensity of the land uses and units, as the project is divided into 49 or 52 sellable lots. (Compare RSPD at p. 4-17, figure 4-9, and RSPD App. A-1.) The Planning Department has acquiesced in the private developer's marketing campaign for its proposed project.[1] The community has been involved in a discussion of that project and nothing more. Therefore, the RSPD is either a specific plan for that project or it is not; it should not also be a regulatory document that allows for thousands and thousands more units and intense land uses than the proposed project. If that were the case, the project is only as viable as its principals deem it and until they chose to sell off parcels for another to take up development under these extreme maximum allowable land uses.

J.A-1 (cont.)

In sum, for purposes of the specific plan, maximum allowable uses and densities that grossly exceed project-level uses and densities should be removed from the RSPD. The community should not have to bear the uncertainty of a plan that has been heavily marketed by the developer with the intent of gaining community approval, to be something that it is not.

[1] In fact, in April 2018, Nancy Graham of the Planning Department refused a request by the LVPG to discuss the project.

The project-level uses and densities currently proposed by the developer are problematic for the resulting burdens on the community, such as unsafe air quality, traffic, public health and safety impacts. Some additional consequences of the project that is proposed under the guise of the RSPD which require mitigation are identified and discussed in further detail below.

B. The DEIR Does Not Meet Its Mandated Purpose Under CEQA

CEQA provides: "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the si$_{gn}$ificant environmental effects of such projects .... " Pub. Res. Code § 21002.

CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *(Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134.) "[T]he Legislature has□ declared it to be the policy of the state 'that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects .... '" *(Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597-598 (citations omitted).)

"The basic purpose of an EIR is to 'provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be

J.A-1 (cont.)

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minimized; and to indicate alternatives to such a project.' " (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511 (*Sierra Club*).) " ' "The EIR is the heart of CEQA" and the integrity of the process is dependent on the adequacy of the EIR.' " (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 924.)

"But the question whether an agency has followed proper procedures is not always so clear. This is especially so when the issue is whether an EIR's discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

"The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' " (*Sierra Club, supra*, 6 Cal.5th at p. 516, footnote omitted.)

J.A-1 (cont.)

The air quality, public safety, and traffic analyses contained in the DEIR do not adequately address the underlying issues of density, trolley ridership, reliance on the automobile, traffic impacts, and parking requirements in the 15-year horizon of the proposed project. Further, the DEIR does not adequately address foreseeable impacts related to pandemics or foreseeable impacts resulting from the installation of the Alvarado 2nd Pipeline Extension Project. The DEIR fails to adequately address mitigation of significant impacts. For the reasons

stated, the DEIR fails to meet the CEQA mandate and should be revised to address these inadequacies and be re-circulated.[2]

1. Unsafe Air Quality Resulting from the Project

The Air Quality Report (Appendix F) associated with the DEIR assumes the project will be built out in three scheduled phases: Phase 1, the western portion of North District, completed by 2025; Phase 2, the eastern portion of North District and Central District, completed by 2030; and, Phase 3, South District, completed by 2035. (App. F at p. 16.) However, the Specific Plan draft expressly rejects any phasing schedule. The draft states, "Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

J.A-1 (cont.)

The report admits that it is unknown how many parking spaces will be provided, so it assumes that a total of 10,274 parking spaces will be provided as follows: 3,520 spaces in Phase 1; 3,637 spaces in Phase 2; and, 3,117 spaces in Phase 3. (App. F at p. 18.) The RSPD is not so generous and does not guarantee any number of spaces to be provided. Rather, it states without any attribution that "studies" support shared parking in mixed-use development is an option, because less parking would be required under those conditions. (RSPD at p. 4-56.)

The report addresses air quality impacts resulting from construction of the project, including diesel-powered construction equipment used on and off site (to haul debris and

[2] The absence of comment on any particular topic in the DEIR (e.g. hydrology, noise, public utilities) should not be construed as tacit approval of the analysis or methodology utilized.

materials) and operational uses and needs of the project, including impacts from vehicle emissions, energy consumption for space and water heating, landscape equipment, and use of consumer products. (App. F at p. 18.)

With respect to construction of the project, the report assumes that about 10 acres will be disturbed daily during construction of each general grading phase (known to create particulate matter, a.k.a "fugitive dust") and heavy equipment operations during the construction process (known to emit diesel particulate). (App. F at p. 21, 23.) Based on the assumption that five construction rules for grading would be implemented and because the term of construction is assumed to be under 30 years, the report concludes that these toxic air contaminates were not significant. (App. F at p. 23.)

J.A-1 (cont.)

Additionally, the report (1) assumes maximum daily emissions by designating an 8-hour work day, (2) does not consider the impact of exterior coatings of the project, (3) extends interior painting schedules and, (4) overlaps those schedules with next-phase construction, in order to claim a reduction in significant Reactive Organic Gas (ROG) impacts. The report's manipulation of construction schedules in order to find less than significant ROG impacts pushes the completion of Phase 3 the project outside the 15-year horizon, into 2036. (App. F at p. 21-23; see RSPD at p. 7-5, Table 7-2.)

The report concludes that impacts from construction activities will have less than significant impacts. It assumes discrete, scheduled phases of construction in its analysis, although as previously mentioned, the project expressly rejects any such schedule. (App. F at p. 22-23, and compare RSPD at p. 7-5.) When the phases are properly considered without a discrete schedule, thresholds are exceeded. For example, the 2025 Maximum tons/year ROG

emission is 15.2 tons, already in excess of the screening threshold of 15 tons, and in combination with *any* construction year in Phase 2 for the same emission is exceeded. (App.Fat p. 24-25, see Tables 5 and 6.)

The report concludes that air quality impacts resulting from project operations of individual phases are less than significant. However, it concludes the cumulative effect of operational emissions (from all phases of the project) exceeds thresholds in three areas: Reactive Organic Gas (ROG); Carbon Monoxide (CO); and, Particulate Matter 10 (PM10). The excessive operational emissions culminate in BOTH vehicle trips produced by the project AND the operations of the residential buildings, consumer products, and landscape equipment associated with the project. (App.Fat p. 27.) The report states as follows:

> [T]he project's regional air quality impacts **(including impacts related to criteria pollutants, sensitive receptors, violations of air quality standards per threshold d)** would be significant. The project would also result in a cumulatively considerable net increase in PM10 and ozone precursor emissions. This would be a **significant impact per threshold c.** Because of the size and scope of the proposed development, there are no feasible methods for reducing all cumulative emissions to meet daily SDAPCD standards for ROG, CO, and PMlO and the annual standards for PM10.

(App. F at p. 27, emphasis in original.)

J.A-1 (cont.)

Underscored in this comment is that the report identifies the nearest "sensitive receptors" of the project as the Mission Valley residents who currently reside in the northeast and northwest comers of the project site, and those Linda Vista residents "located along the northern site boundary on the north side of Friars Road." (App.Fat p. 14.) The DEIR

illustrates additional sensitive receptor locations in Linda Vista, including the University of San Diego, Francis Parker Middle and Upper School, and Carson Elementary School. (DEIR Figure 5.16-2, at p. 5.16-31.) As the report points out, air quality standards are designed to protect the public, and especially those most at risk for respiratory distress such as children. (App. F at p. 13.)

The report clearly establishes the harm to residents resulting from project operations, that is, the existence of the project itself, based on its sheer magnitude. The report deems construction of the project to have less than significant impacts. (App. F at p. 22-23.) However, the report fails to fully and adequately address impacts from construction of the project during phases that "may occur in any order," and because construction activities from "more than one phase may occur at any time." (RSPD at p. 7-5.) Construction of the project must be properly analyzed to establish the impacts of phases occurring in any order and at the same time. The report, which presents the phases in a vacuum, fails to " 'sufficiently perform[] the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

J.A-1 (cont.)

2. Transportation/Circulation and Parking

The vehicles associated with the Riverwalk development will result in traffic and parking impacts, especially on Friars Road, Via Las Cumbres, Gaines Street, Cirrus Street, and Goshen Street. Notably, Via Las Cumbres is a major north-south connector to the project site, and Goshen is another north-south connector to Friars Road. As discussed below, the DEIR fails to adequately address these impacts.

a. Traffic

The DEIR relies on a flawed Transportation Impact Analysis (TIA) as it fails to adequately state the phases, timelines and the scenarios allowed for development since phasing is rejected in the RSPD; any order of phasing may occur and phases may occur concurrently. "The Specific Plan does not require that phases occur in a specific order. Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-4.) To adequately analyze the traffic impacts, the analysis must include the phases in every possible order and combination, should the developer proceed with any order or combinations of phases as allowed under the RSPD.

J.A-1 (cont.)

The DEIR states "the Riverwalk Project is anticipated to have a less than significant transportation impact," and bases its finding on Vehicle Miles Traveled (VMT) guidelines from the state that indicate "in most instances a per capita or per employee VMT that is 15 per cent below that of existing development may be a reasonable threshold." The presumption of less than significant transportation impacts derives from state law under SB 743. "Essentially, the proposed threshold means that future land use development projects and future land use plans would need to demonstrate that they are capable of producing VMT per capita or VMT per employee that is 15 per cent better than existing development." (ADC10 News, "An Evolutionary Change to CEQA, Transportation Impact Analysis: Replacing LOS with VMT," by Ronald T. Milam, Summer 2018)

The TIA concludes that the 15 percent lower per capita VMT is "generally achievable" based solely on the presence of public transit in the project area, particularly the

trolley stop. (TIA, at p. 35, 37.) The TIA is overly optimistic in its conclusion. First, the trolley stop will not be constructed until years after almost fifty percent of the residents move in to the project development. Second, there are no trolley ridership studies to show that an adequate number of residents will use the trolley to set the proposed project below the 15 percent threshold. Indeed, the trolley ridership projections in the TIA are not impressive. For example, the projection for the year 2050 total weekday daily ridership at the Riverwalk stop is 2,734. (By comparison, the projection for the year 2050 total weekday daily ridership at the Fashion Valley Transit Center 5,344.) If the project is occupied as proposed in year 2050, there will be 4,300 units that house about 8,000 residents. The ridership projections do not justify the density proposed.

Further, the presumption of less than significant traffic impacts is rebutted by the well-established metric for accurate measurement of vehicles on the roadways as a result of the proposed project. The City of San Diego's Land Development Code Trip Generation Manual (TGM) is the authority used by the City to determine how many vehicles enter and exit sites devoted to particular land uses. (City of San Diego Land Development Code Trip Generation Manual, p. 1). Average Daily Trips (ADTs) are the measure of two-direction, 24-hour total count of vehicles crossing a line on an average day. Unusual seasonal variations must be identified, or less than the typical annual conditions are assumed. In the project area, the holiday season brings significant increases in traffic and congestion from October through January due to retail operations at the Fashion Valley Mall.

J.A-1 (cont.)

Driveway Trips are the total number of trips that are generated by a site. The DEIR provides faulty analysis and data regarding the expected generation of net new ADTs by the proposed project (TIA at p. ii-iii). It states, "Phase I Project is calculated to generate 17,248

driveway trips … Phase II Project is calculated to generate 30,896 driveway trips." The DEIR further states, "The Project Buildout (Phase I, II and III) is calculated to generate 41,186 new driveway trips …." The total stated for Project Buildout (41,186) is *less than the total the document states for Phase I and II* (48,144) AND fails to include Phase III generated driveway trips.

Referencing the TGM, the total anticipated ADTs for Phase III are 12,592, comprised of: 3,432 ADTs from 28,600 square feet of Commercial-Retail at the Neighborhood rate of 120 trips per 1,000 square feet; 9,149 ADTs from 935,000 square feet of multi-tenant Commercial-Office pursuant to the required logarithm; and 11 ADTs derived from 5 trips per acre for an Undeveloped Park of 2.2 acres. Combining the analysis stated in the TIA for Phases I and II, and incorporating the Phase III estimated calculation based on the TGM above, all three phases result in 60,736 ADTs generated by the project.

J.A-1 (cont.)

The proposed project will result in a significant increase in traffic which is substantial in relation to existing traffic load and capacity of the street system.

The proposed project states that project buildout is calculated to generate 41,186 driveway ADTs. (TIA, at p. iii.) The analysis is flawed, in that per the TGM:

- At a Daily Trip Rate of 6 ADTs per resident dwelling unit (multi-family), 4,300 units will generate an impact of **25,800 ADTs *every day***. Note that the developer has stated in public presentations that about 1,910 units need to be completed prior to the construction of the Riverwalk trolley stop in 2025; those units generate 11,460 ADTs daily without the benefit of nearby transit. Residents dependent on or preferring to use transit will be required to walk more than ½ mile to a transit stop.

- At a Daily Trip Rate for Neighborhood Commercial Retail of 120 trips per 1,000 square feet, at 152,000 square feet, the Neighborhood Commercial Retail generates an impact of **18,240 ADTs *every day***.
- At a Daily Trip Rate for multi-tenant Commercial-Office and using the required TGM logarithm, the separated Commercial-Office areas were calculated at 65,000 and 935,000 square feet, and resulted in 1,219 and 9,149 ADTs, respectively. The combined total results in an additional **10,368 ADTs *every day***.
- The Daily Trip Rate for a Developed Park is 50 trips per acre. At 27.87 acres, this totals 1,394 ADTs. The Daily Rate Trip for Undeveloped Parks, the rate is 5 trips per acre and at 58.79 acres, the total is 294 ADTs. The ADTs for the Undeveloped and Developed Parks total **1,688 ADTs *every day***.
- Combining the above expected ADTs from the project total of **56, 096 ADTs *every day***.[3]

J.A-1 (cont.)

The DEIR fails to address the reality of the traffic impacts, citing the implementation of Intelligent Transportation Systems (ITS) strategies and Transportation Demand Management plans (TDM) as the cure-all. As stated, Friars Road already has traffic signal coordination. (TIA, at p. 79.) The project proposes using ITS Adaptive Traffic Signal Controls at three major corridors and three lesser corridors as the answer to mitigating this significant impact of the addition of over 55,000 ADTs on the adjacent roads *every single day*. ITS will likely not provide for a smoother circulation of the tens of thousands of average daily trips that will be generated by the project; the measure of vehicles on the road is a

[3] Projected ADTs in the TIA and in this analysis based on the TGM for Phase 1 and Phase 2 slightly vary and it could be the result of different methodologies or base data.

reality that requires mitigation. Other TDM measures proposed to be implemented are a transit stop and the implementation of paid parking in the project. (TIA, at p. 79-83.)

b. On-Street Parking by Project Residents

The DEIR fails to consider the impacts associated with an anticipated shortage of parking. (See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1052 ["a project's impact on parking generally should be studied for any potential impact on the environment"].) Indeed, the EIR fails to discuss how a lack of parking could have several impacts, including increases in traffic, increased police and fire response times, and air pollution associated with the insufficiency of available parking spaces provided by the project. This is particularly significant considering the City's recent adoption of an ordinance that, among other things, does not require developers to provide *any* residential parking, when the project is located within ½ mile of a transit stop. However, the transit stop is not planned to be constructed until 2025 or later, or until after 1,910 residential dwelling units have been constructed. The DEIR fails to address the impact from vehicles associated with the project prior before a transit stop in the project area is fully operational.

J.A-1 (cont.)

The DEIR fails to address impacts associated with a lack of parking following the City's adoption of the ordinance. (See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728 ["secondary parking impacts caused by ensuing traffic congestion ('air quality, noise, safety, or any other impact associated with transportation') must be addressed"].) For example, the DEIR fails to address the fact that there is no adjacent on-street parking allowed on the project borders, and only limited available on-street parking on the north side of Friars Road across from the project. With no requirement to provide parking, and a proposed transit stop that is not required to be built prior to the development of 1,910 units, the

adjacent streets will be heavily impacted by residential parking and for the next 10-15 years, by the construction of the project. Further, any residential parking provided by the developer is required by to be unbundled (parking is required to be paid separate from rent). The unbundled parking presents problems with residents choosing not to pay for parking onsite or not having the ability to purchase parking if parking is no longer available due to purchase by other residents.

On-street parking is prohibited or exhausted by existing residential communities in the project area. The project is bounded by three major streets which prohibit on-street parking: to the north – the south side of Friars Road; to the south – Hotel Circle North and to the east – Fashion Valley Road. Directly abutting the project property to the west are the Courtyards condominiums, a gated community with underground parking. The lack of on-street residential parking adjacent to the project will cause residents, visitors, and retail customers who are not able nor willing to pay for parking, to park on the closest available streets: Friars, Via Las Cumbres, Gaines, Cirrus, and Goshen in the Linda Vista Community Planning Area. All of these streets currently have limited parking and currently accommodate overflow parking from nearby retail, residents, and USD.

J.A-1 (cont.)

Further, the expected parking impacts to the community have the potential to increase. Current mandated limited parking as it exists today may be further reduced as stated in the Mobility Plan (at page 286), "during the course of Riverwalk's build out, parking regulations within the Land Development Code may change, resulting in reduced parking regulations, which would not require a change to the Specific Plan. Instead, these changes would be reviewed as a Substantial Conformance Review."

In sum, the DEIR fails to address the impacts of vehicles circulating for extended periods of time and contributing to poor air quality, traffic congestion, and an increase in police and fire response times. The DEIR needs to be re-circulated to properly analyze these impacts.

3. Public Safety Impacts Are Not Adequately Addressed In the DEIR

a. Police

The Riverwalk development area is served by the SDPD Western Division Substation, that also serves the neighborhoods of Linda Vista, Morena, University Heights, North Park, Burlingame, Hillcrest, Midtown, Mission Hills, Midway District, Loma Portal, Point Loma Heights, Ocean Beach, Sunset Cliffs, Roseville-Fleetridge, La Playa, and Wooded Area. SDPD acknowledges that police response times in the Mission Valley community will continue to slow with build-out of community plans and the increase of traffic generated by new growth. Yet, there are no current plans for additional police sub-stations in the immediate area to absorb this growth. (See Appendix J, Letter from SDPD, dated May 9, 2020.)

J.A-1 (cont.)

SDPD breaks its calls into five categories: emergency calls, and Priority 1, 2, 3 and 4 calls. Priority "E" and priority one calls involve serious crimes in progress or those with a potential for injury. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD advises citizens to report emergencies such as "crimes that are in progress or about to happen, and ones that have resulted in serious personal injury, property damage, or property loss," and that also "include situations in which the suspect may still be at the scene and some suspicious activities." (See https://www.sandiego.gov/police/services/emergencies.) SDPD provides examples of emergencies that should be reported by calling 9-1-1 as fights, sexual assaults, burglaries and robberies, domestic violence, child and elder abuse, sounds of gunshots, screaming, breaking

glass, explosions, alarms, hit and run accidents with possible injuries, road hazards that require immediate attention to prevent personal injuries and property damage, graffiti and other acts of vandalism in progress. (See https://www.sandiego.gov/police/services/emergencies.) The 9-1-1 reports for 2020 through May show that citizens have made about 500,000 calls or 100,000 calls each month to report crimes. (See https://www.sandiego.gov/police/services/911monthlyreports.)

Priority 2 calls include calls for prostitution, trespassing, disturbing the peace, criminal threats with a gun, casing a burglary or for people having a mental health episode. Priority 3 calls include loud parties, homeland security checks, calls to pick up evidence, hate crime investigations and taking reports and statements for serious crimes like arson, battery and assault with a deadly weapon. Priority 4 calls include parking issues, computer crimes, graffiti and reporting lost or found property. (See https://www.voiceofsandiego.org/topics/public-safety/sdpd-now-takes-hours-to-respond-to-non-emergency-calls/.)

J.A-1 (cont.)

The DEIR identifies that response times for Beat 623 in the Western Division for Priority 2, 3 and 4 calls are, respectively 38%, 36% and 88% longer than Citywide goals. In other words, citizens reporting a Priority 3 event waited almost two hours for a response. Worse, the wait time for a response to a Priority 4 event was almost three hours. (DEIR at p. 5.15-1-2.) Beat 623 of the Western Division does not meet response time goals as currently staffed in 3 out of 5 of the categories. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD's statement of even longer response times based on community growth presents a grim forecast, especially with respect to the risk the growth places on emergency and Priority 1 call for service.

The DEIR strains to conclude that "[a]lthough the project could result in an increase in service calls, the SDPD has facilities and staffing in the project area to adequately serve the project, ongoing funding for police services is provided by the City General Fund; and no new facilities or improvements to existing faculties would be required." (DEIR at p. 5.15-9.) That statement is not supported by the record of response to calls and importantly, the SDPD's own statement. The DEIR fails to properly analyze the public safety impacts that the project population creates. The discussion fails to sufficiently perform "the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.) The DEIR must be rejected for its lack of adequate analysis of adequate police protection.

b. Fire & Life Safety

J.A-1 (cont.)

Fire Station 45 at 9366 Friars Road serves the existing project site and according to the DEIR, will remain the primary station for the Riverwalk development. (DEIR at p. 5.15-3.) Fire Station 45 has a Battalion Chief's vehicle, an engine, an aerial truck, and a HAZMAT unit. A Battalion Chief (BC) is a staff officer who serves as the Incident Commander on the scene of fire and medical incidents and has authority over the equipment on the scene. The fire engine is a pumper which usually carries 500 gallons of water, hose, pump and 48 feet of ground ladders. The primary task of a fire engine crew is: search and rescue, locate, confine and extinguish fire and, when warranted, respond to 9-1-1 medical incidents. The primary tasks of a truck company are search and rescue, salvage, ventilation, securing utilities and overhaul (clean-up crew). The HAZMAT unit is a specialized emergency response vehicle equipped to handle hazardous material incidents (chemical spills, fuel spills, compressed gas releases, etc.) and is staffed with specially trained personnel. Each apparatus is equipped with a mobile mini-

laboratory, which allows the Hazardous Materials Technicians and Specialists to identify unknown substances and "suspicious" materials on site. (See https://www.sandiego.gov/fire/about/firestations/sta45.)

Fire Station 45 does not meet San Diego's first-due unit response standards that were adopted in 2017. Currently, Fire Station 45 is 2 minutes (40%) longer than the 5-minute travel time goal, and 1.5 minutes (20%) longer than the arrival time goal of 7.5 minutes. (DEIR at p. 5.15-3.) Minimum standards are put in place for purpose of avoiding loss of life and property. Communities with good response times enhance the quality of life for residents. Conversely, communities that do not have the proper allocation of life and property saving resources place citizens, their homes, and their businesses at great risk (see generally, www.nfpa.org).

J.A-1 (cont.)

The DEIR concedes that the population resulting from development of Riverwalk will increase the demand for fire protection. Although minimum standards are currently not being met, the DEIR concludes that even though the project will result in an increase in service calls, "no new or expanded facilities or improvements to existing facilities would be required as a result of the project," because there are facilities and staffing in the project area to adequately serve the project. (DEIR at p. 5.15-10.) The conclusion is inconsistent with the community plan. The Mission Valley Community Plan Update states as follows:

> To augment the existing services provided by the Fire-Rescue Department, the co-location of a Fire-Rescue station with the San Diego Police Department at the existing facility at [the] corner of Napa Street and Friars Road just outside of Mission Valley in Linda Vista is recommended.

(MVCPU at p. 94.)

A co-located station would allow first-due units to meet the minimum response times. (MVCPU at p. 94.) However, there are no plans for such co-location. Given the City's economic condition, there are questions as to how it would be financed. The Riverwalk developer has not taken up the responsibility to provide for a co-located police and fire station. The DEIR ignores the express recommendation in the community plan and frustrates public safety by making the existing excessive response time even worse. The DEIR should be re-circulated for adequate study of the impacts the Riverwalk project population places on Fire and Life Safety services. The augmented services called for in the Mission Valley Community Plan Update should be a condition of this project, given the need it creates.

C. The DEIR Fails to Analyze Foreseeable Impacts Resulting from Contagious Disease

The DEIR for the Riverwalk project must be re-circulated because it fails to consider the project's potential contribution to the COVID-19 and future pandemics. This is not surprising because the drafting of the DEIR preceded public awareness of the pandemic. However, because the DEIR is designed to inform the lead agency of the environmental impacts of a proposed project, this DEIR is inadequate for failure to consider what is now known and what must be considered by the lead agency. (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

The pandemic has taught us that high density residential and mass transit are vectors of disease. The DEIR fails to evaluate how the Riverwalk project will exacerbate contagion, whether there are ways to mitigate this impact, and if there are alternatives that will avoid it.

J.A-1 (cont.)

Densification and mass transit are the very opposite of social distancing. New York City, the nation's densest major city, was the hotbed of COVID-19 contagion. New York Governor Andrew Cuomo said high-rise apartment complexes and busy subways were responsible for the city's plight.

Specifically, he asked "Why are we seeing this level of infection? Why cities across the country? It is about density." He added that dense environments are the contagion's feeding grounds.

This vulnerability to pandemic is sometimes referred to as "Exposure Density." Wendell Cox, writing about this matter on April 12, 2020 in New Geography, said "residents who live in high rise residential buildings are likely to experience greater exposure densities because they must use common hallways and elevators. One New York developer expressed concern about the high-rise residential market, calling the City 'a gargantuan petri dish.'"

J.A-1 (cont.)

The New York Times recently quoted a Stanford University epidemiologist as calling density "an enemy in a situation like this." In the United States, the earliest flashpoint for COVID-19 were dense places such as New York City, Seattle, Detroit, and Chicago.

The Riverwalk DEIR fails to consider the effects of density and transit on spreading illness. It is not that a yet-undiscovered vaccine will soon liberate us, or that the virus will disappear in warm weather as some government leaders have predicted, or even that this is a once-in-a-hundred-year event. In less than two decades there have been epidemics of SARS, MERS, H1N1, Ebola and now COVID-19. In our globalized era, where people travel to the United States and Europe from parts of the world where diseases jump from animals to humans, future pandemics are not only possible – they are inevitable. Social distancing is a strategy to

limit their impact until cures can be found, but density defeats this strategy. Edward Glaeser of Harvard University noted, "There are always demons that creep in when human beings are living very close to one another."

Moreover, the pandemic has raised the basic question of the need for density and mass transit. High density infill residential, built relatively close to job centers and clustered around mass transit, was designed to limit Greenhouse Gas (GHG) emissions by reducing commuter Vehicle Miles Traveled (VMT). Under this construct, employees would travel shorter distances to job centers than if they lived in sprawl development, and also under this construct they would travel on mass transit rather than ride alone in private vehicles.

What had often been talked about, but not seriously tested, was telecommuting/work from home. The pandemic caused an experiment in large-scale use of telecommuting. A third or more of employees, working from home, did not travel any distance to work and did not cause GHG emissions. Moreover, it was unimportant where they lived. They could be living and working in sprawl developments or across the country. In short, reduction in VMT and GHG emissions does not require density or mass transit. The EIR must be re-circulated to consider that reduction in emissions can be achieved by telecommuting rather than by the density imposed by the Riverwalk project.

J.A-1 (cont.)

Finally, the Riverwalk project is purportedly justified by its claimed reduction in GHG emission due to its access to the trolley. However, it is highly questionable that mass transit will reduce GHG. Prior to the pandemic, mass transit use in San Diego was about 3%. The pandemic has diminished even this anemic number by 75% as commuters opt not to risk their lives.

In an April 28, 2020 article in Forbes magazine, Brad Templeton wrote that public transit is broken in most of North America. He added that it is not pleasant or convenient and "shocking to most, in almost all cities, it's not even energy efficient, using more energy per passenger mile than efficient gasoline cars and way more than electric cars" according to the Department of Energy.

The San Diego City Council does not believe mass transit is the future, as it declined to place a tax on the November 2020 ballot for increased funding to expand mass transit. It has been a federally subsidized money loser in San Diego, and now the federal government and the City have opted out. Given these circumstances, the DEIR must evaluate whether the Riverwalk project, given the minimized use and likely non-expansion of the trolley, will result in the reduction of GHG emissions over other alternatives.

J.A-1 (cont.)

D. The DEIR Does Not Adequately Address Cumulative Impacts

The DEIR fails to provide adequate cumulative analysis. The directive under CEQA is clear: an EIR must discuss cumulative impacts if a project's incremental effect combined with other projects is cumulatively considerable. (CEQA Guidelines, § 15130(a).) The import of cumulative impact analysis is to avoid evaluating projects in a vacuum. This is so because the failure to adequately evaluate cumulative harm risks environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) In other words, piecemeal approval of several projects with related impacts could lead to severe environmental harm. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.)

Here, as discussed above, the DEIR fails to adequately address traffic, air quality, public health, and public safety. Cumulative impacts cannot be assessed without a proper analysis of these challenged areas.

Further, the DEIR fails to address the cumulative impacts of the Alvarado 2nd Pipeline Extension Project. This project includes construction of approximately 10 miles of water mains in the Mission Valley and Mission Bay areas. According to a letter to residents dated June 1, 2020, the pipeline extension "is one of multiple public infrastructure projects occurring in this area over the next several years." Pertinent here, the project involves the installation of a 48-inch water main and the replacement of a 16-inch water main along Friars Road in the project area from Napa Street to Fashion Valley Road. Construction is anticipated to occur from mid-2021 to mid-2024. The project will require heavy construction equipment mobilization, traffic control, lane closures, detours, daytime and nighttime work hours, trench digging and backfill, temporary pavement, and bike lane, sidewalk and bus stop closures. (https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf.)

J.A-1 (cont.)

According to the Riverwalk project, Phase 1 of the project may occur through 2025, however, "[p]hasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

Because of the simultaneous timelines for the projects, impacts on air quality, noise, public safety, and traffic must be addressed for the Riverwalk project area. Further, because the phasing schedules for both projects overlap, the pipeline extension calls into

question the timely installation of the ITS Adaptive Traffic Signal Controls that the Riverwalk developer is committed to install on Friars Road in the project area. The uncertainty of the installation of this traffic mitigation measure is further compounded by the developer's statement that the Riverwalk trolley stop will not be constructed until about 2,000 residential units are already occupied. Hence, if one were to grant the dubious assumption the trolley will reduce VMT, there would be a substantial increase in VMT before the trolley station is opened, which means more traffic.

In sum, the cumulative impact of the Riverwalk project and the pipeline project must be addressed in the DEIR for an analysis of environmental harm of the concurrent projects.

E. Project Alternatives

J.A-1 (cont.)

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." ***(San Bernardino Valley Audubon Society*** v. ***County of San Bernardino*** (1984) 155 Cal.App.3d 738, 750- 751.) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines§ 15126.6(b).) "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." ***(Laurel Heights Improvement Assoc.*** v. ***University of California*** **(1988)** 47 Cal.3d 376,404.)

The DEIR states the no project alternative is the environmentally superior alternative to the project. (DEIR at p. 10-32.) The LVPG recognizes that the no project

alternative does not advance the City's goals. The DEIR identifies Alternative 3- Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources as the next environmentally superior alternative. (RSPD at p. 10-32.)

Alternative 3 provides 2,200 residential units; 40,000 square feet of commercial retail space; 900,000 square feet of office and non-commercial retail space; and approximately 114 acres of park, open space, and trails. (DEIR at 10-23, Table 10-2.) Under Alternative 3, no development would occur in the Central District and about one-third of the developable area in North District would be removed. (DEIR at p. 10-23.) The elimination of certain buildings in Alternative 3 avoids potential impacts to three significant archaeological sites of the Iipay Nation of Santa Isabel and Jamul Indian Village. Avoiding disturbance of these sites results in fewer potential impacts to tribal cultural resources. Monitoring of any ground disturbing activities would still be required, further reducing impacts to tribal resources. (RSPD at p. 5. 10-6, 10-26, 10-27.) The LVPG notes that the RSPD implements native plants species, street signs, and interpretive signage in recognition of the Kumeyaay people. (RSPD at p. 5.10-7.) The LVPG vigorously advocates for greater recognition and greater inclusion of Native American culture within the project site through relevant and lasting symbolism, murals, sculpture, and architecture, in order to represent this important ancestral heritage.

J.A-1 (cont.)

In short, Alternative 3 provides for less intensive density and uses, falls within the range of reasonably feasible alternatives, has less impacts on public safety, avoids significant air quality impacts and the disturbance of tribal cultural resources, while remaining consistent with the City's General Plan and goals under CAP. (RSPD at p. 10-30, 10-31, 10-32.) Alternative 3

allows for informed decision making, unlike the project as presented in the DEIR. (*Sierra Club, supra*, 6 Cal.5th at pp. 511–513.)

Accordingly, the DEIR for the project cannot be certified without providing for an adequate analysis of the project's impact on air quality, traffic, public safety, contagious disease, and its cumulative impacts.

F. Need to Re-circulate

The DEIR is sufficiently lacking such that the only way to fix these issues is to revise it and re-circulate an adequate report. (See *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

Conclusion

J.A-1 (cont.)

The LVPG recognizes the unique development opportunity the Riverwalk golf course presents. The planning of the Riverwalk development area will greatly affect the community and for that reason, the issues raised by the Linda Vista Community cannot be disposed of summarily.

A shortcoming of the RSPD is the lack of limits on density and land uses. Because the RSPD does not accurately reflect density and uses that the project developer has touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

Further, the DEIR should be re-circulated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, the project should be held to require a co-located police and fire

station for purposes of public safety, adequately mitigate air quality impacts, and adequately address traffic impacts. Finally, to the extent that Alternative 3 serves to minimize or obviate these impacts, as well as impacts to tribal cultural resources, it is the only alternative that can be certified without objection.

J.A -1 (cont.)

Respectfully submitted,

Felicity Senoski
Linda Vista Planning Group
Riverwalk Ad Hoc Subcommittee Chair

July 1, 2020

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

Re: Riverwalk Specific Plan & Draft EIR Comments

Dear Ms. Shearer-Nguyen

The Riverwalk Ad Hoc Subcommittee of the Linda Vista Planning Group, took up a review of the Riverwalk Specific Plan Draft (RSPD), the Riverwalk Project (project), and the related Draft Environmental Impact Report (DEIR) and on June 29, 2020, the Linda Vista Planning Group (LVPG) approved the following comments.

First, by way of background, Friars Road is the dividing line between the Mission Valley and Linda Vista Community Planning Areas. While Riverwalk is on the Mission Valley side of Friars Road, it is immediately across the street from existing developments in the Linda Vista Planning Area that stand to be greatly impacted by the Riverwalk proposal. Therefore, on

K-1

November 24, 2014, the LVPG created the Linda Vista Riverwalk Ad Hoc Subcommittee to work with the Mission Valley Planning Group and the Riverwalk project developer on issues of mutual community interest such as traffic, parking, pedestrian access and safety, and other relevant planning matters, and to make regular reports to the LVPG. The Subcommittee has since been actively engaged in meetings and workshops on the proposed development of the Riverwalk site.

The LVPG notes that there is substantial confusion because there are two different proposals being advanced:

K-1 Comments provided in this letter are identical to comments submitted by Linda Vista Planning Group (Letter J). See responses J-1 through J-72.

1. The RSPD, which authorizes about 10,000 residential units; and
2. The Riverwalk Project, which the developer has represented will consist of no more than 4,300 residential units.

Then there is the DEIR, which supports the Riverwalk Project.

It would be a better apples-to-apples review if the RSPD was reformed to permit only the 4,300 residential units specified in the Riverwalk Project. Absent that, community residents are concerned that sooner or later Riverwalk will be transformed into the 10,000-unit monstrosity that would be allowed under the proposed RSPD.

The Riverwalk developer has submitted a project level DEIR, which is also a topic of this comment letter. There are five areas of concern addressed in this comment: air quality, traffic, public health, public safety, and cumulative impacts. Because the DEIR fails to adequately inform of the likely effects of the proposed Riverwalk project, offer meaningful mitigation, and address foreseeable impacts, it should be re-circulated until such time that it is brought into conformance with CEQA standards. Absent recirculation, Alternative 3 is the only acceptable scope for the project. Alternative 3 obviates the LVPG's air quality concerns because it decreases density and use. Further, it preserves important tribal cultural resources.

K-1 (cont.)

A. The Allowable Land Uses in the Riverwalk Specific Plan Draft Dramatically Exceed Project-Level Uses

In its development intensity districts (A and B) in the western end of the planning area, the existing Levi-Cushman Specific Plan in effect allows 56 dwelling units per acre. (See RSPD at p. 1-4; MVPD-MV-M/SP; and former SDMC §§ 1514.0307, 1514.0304.) By comparison, the RSPD allows residential high density of 109 dwelling units per acre for

residential and 140 dwelling units per acre for high density mixed use in this same area. (RSPD at p. 7-2.) The RSPD imposes high intensity residential (RM-4-10) and mixed-use zoning (CC-3-9) in the North, Central, and South Districts. (RSPD at p. 2-10, 2-14, 2-17; see LDC §§ 131-0406, 131-0507.) Further, the RSPD seeks deviation from the Land Development Code for high density mixed use-- from one dwelling unit for each 400 square feet of lot area to one dwelling unit for each 200 square feet of lot area. (RSPD at p. 6-62, 67.) If the amendment is permitted, micro units will be permitted. (See https://en.wikipedia.org/wiki/Microapartment.)

As it relates to residential density in Western Mission Valley and Southern Linda Vista, the RSPD is totally inconsistent with the existing conditions of the community. It envisions downtown densities in a low- to mid- density neighborhood setting. For example, to the west of the Riverwalk Specific Plan area, residential units total 739 between two HOA communities. To the north of the Riverwalk development area, there are 10 residential complexes, ranging from 16-unit to 440-unit HOAs, totaling approximately 1,040 units. To the east of the Riverwalk development area, there are 242 residential units in two HOA communities. The RSPD allows for maximum densities, which if built represent more than four times the number of units within the existing conditions—the allowable maximum density is about 10,000 units. As drafted, the RSPD goes too far in allowing maximum high intensity uses while overlooking the existing conditions of the community and the burdens such uses would impose on the community.

K-1 (cont.)

The Riverwalk developer's current representation of project density is less than the maximum allowed in the RSPD discussed above. The Riverwalk project developer's current representation is that 4,300 residential units are contemplated in their project plans, which amounts to about 75 dwelling units per acre in the land proposed to be developed north of the

San Diego River, in the area of Friars Road. The RSPD allowable maximum uses and densities discussed above cannot be reconciled with the proposed project-level use and density that has been heavily marketed to the community by the project developer. The maximum allowable densities and land uses currently in the RSPD should be removed and the RSPD should re-drafted to reflect the project-level density and uses are the maximum allowable. The caveat to bringing the RSPD into conformance with the developer's project is whether the project as currently proposed can pass the scrutiny of environmental review.

Should the RSPD not be re-drafted, there is opportunity for this or any new developer's project plans to significantly increase the intensity of the land uses and units, as the project is divided into 49 or 52 sellable lots. (Compare RSPD at p. 4-17, figure 4-9, and RSPD App. A-1.) The Planning Department has acquiesced in the private developer's marketing campaign for its proposed project.[1] The community has been involved in a discussion of that project and nothing more. Therefore, the RSPD is either a specific plan for that project or it is not; it should not also be a regulatory document that allows for thousands and thousands more units and intense land uses than the proposed project. If that were the case, the project is only as viable as its principals deem it and until they chose to sell off parcels for another to take up development under these extreme maximum allowable land uses.

K-1 (cont.)

In sum, for purposes of the specific plan, maximum allowable uses and densities that grossly exceed project-level uses and densities should be removed from the RSPD. The community should not have to bear the uncertainty of a plan that has been heavily marketed by the developer with the intent of gaining community approval, to be something that it is not.

[1] In fact, in April 2018, Nancy Graham of the Planning Department refused a request by the LVPG to discuss the project.

The project-level uses and densities currently proposed by the developer are problematic for the resulting burdens on the community, such as unsafe air quality, traffic, public health and safety impacts. Some additional consequences of the project that is proposed under the guise of the RSPD which require mitigation are identified and discussed in further detail below.

B. The DEIR Does Not Meet Its Mandated Purpose Under CEQA

CEQA provides: "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects .... " Pub. Res. Code § 21002.

CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *(Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134.) "[T]he Legislature has□ declared it to be the policy of the state 'that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects .... '" *(Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597-598 (citations omitted).)

"The basic purpose of an EIR is to 'provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be

K-1 (cont.)

minimized; and to indicate alternatives to such a project.' " (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511 (*Sierra Club*).) " ' "The EIR is the heart of CEQA" and the integrity of the process is dependent on the adequacy of the EIR.' " (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 924.)

"But the question whether an agency has followed proper procedures is not always so clear. This is especially so when the issue is whether an EIR's discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

"The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' " (*Sierra Club, supra*, 6 Cal.5th at p. 516, footnote omitted.)

The air quality, public safety, and traffic analyses contained in the DEIR do not adequately address the underlying issues of density, trolley ridership, reliance on the automobile, traffic impacts, and parking requirements in the 15-year horizon of the proposed project. Further, the DEIR does not adequately address foreseeable impacts related to pandemics or foreseeable impacts resulting from the installation of the Alvarado 2nd Pipeline Extension Project. The DEIR fails to adequately address mitigation of significant impacts. For the reasons

K-1 (cont.)

stated, the DEIR fails to meet the CEQA mandate and should be revised to address these inadequacies and be re-circulated.[2]

1. Unsafe Air Quality Resulting from the Project

The Air Quality Report (Appendix F) associated with the DEIR assumes the project will be built out in three scheduled phases: Phase 1, the western portion of North District, completed by 2025; Phase 2, the eastern portion of North District and Central District, completed by 2030; and, Phase 3, South District, completed by 2035. (App. F at p. 16.) However, the Specific Plan draft expressly rejects any phasing schedule. The draft states, "Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

K-1 (cont.)

The report admits that it is unknown how many parking spaces will be provided, so it assumes that a total of 10,274 parking spaces will be provided as follows: 3,520 spaces in Phase 1; 3,637 spaces in Phase 2; and, 3,117 spaces in Phase 3. (App. F at p. 18.) The RSPD is not so generous and does not guarantee any number of spaces to be provided. Rather, it states without any attribution that "studies" support shared parking in mixed-use development is an option, because less parking would be required under those conditions. (RSPD at p. 4-56.)

The report addresses air quality impacts resulting from construction of the project, including diesel-powered construction equipment used on and off site (to haul debris and

[2] The absence of comment on any particular topic in the DEIR (e.g. hydrology, noise, public utilities) should not be construed as tacit approval of the analysis or methodology utilized.

materials) and operational uses and needs of the project, including impacts from vehicle emissions, energy consumption for space and water heating, landscape equipment, and use of consumer products. (App. F at p. 18.)

With respect to construction of the project, the report assumes that about 10 acres will be disturbed daily during construction of each general grading phase (known to create particulate matter, a.k.a "fugitive dust") and heavy equipment operations during the construction process (known to emit diesel particulate). (App. F at p. 21, 23.) Based on the assumption that five construction rules for grading would be implemented and because the term of construction is assumed to be under 30 years, the report concludes that these toxic air contaminates were not significant. (App. F at p. 23.)

K-1 (cont.)

Additionally, the report (1) assumes maximum daily emissions by designating an 8-hour work day, (2) does not consider the impact of exterior coatings of the project, (3) extends interior painting schedules and, (4) overlaps those schedules with next-phase construction, in order to claim a reduction in significant Reactive Organic Gas (ROG) impacts. The report's manipulation of construction schedules in order to find less than significant ROG impacts pushes the completion of Phase 3 the project outside the 15-year horizon, into 2036. (App. F at p. 21-23; see RSPD at p. 7-5, Table 7-2.)

The report concludes that impacts from construction activities will have less than significant impacts. It assumes discrete, scheduled phases of construction in its analysis, although as previously mentioned, the project expressly rejects any such schedule. (App. F at p. 22-23, and compare RSPD at p. 7-5.) When the phases are properly considered without a discrete schedule, thresholds are exceeded. For example, the 2025 Maximum tons/year ROG

emission is 15.2 tons, already in excess of the screening threshold of 15 tons, and in combination with *any* construction year in Phase 2 for the same emission is exceeded. (App.Fat p. 24-25, see Tables 5 and 6.)

The report concludes that air quality impacts resulting from project operations of individual phases are less than significant. However, it concludes the cumulative effect of operational emissions (from all phases of the project) exceeds thresholds in three areas: Reactive Organic Gas (ROG); Carbon Monoxide (CO); and, Particulate Matter 10 (PMl0). The excessive operational emissions culminate in BOTH vehicle trips produced by the project AND the operations of the residential buildings, consumer products, and landscape equipment associated with the project. (App.Fat p. 27.) The report states as follows:

K-1 (cont.)

> [T]he project's regional air quality impacts **(including impacts related to criteria pollutants, sensitive receptors, violations of air quality standards per threshold d)** would be significant. The project would also result in a cumulatively considerable net increase in PM10 and ozone precursor emissions. This would be a **significant impact per threshold c.** Because of the size and scope of the proposed development, there are no feasible methods for reducing all cumulative emissions to meet daily SDAPCD standards for ROG, CO, and PMlO and the annual standards for PMI0.

(App. F at p. 27, emphasis in original.)

Underscored in this comment is that the report identifies the nearest "sensitive receptors" of the project as the Mission Valley residents who currently reside in the northeast and northwest corners of the project site, and those Linda Vista residents "located along the northern site boundary on the north side of Friars Road." (App.Fat p. 14.) The DEIR

illustrates additional sensitive receptor locations in Linda Vista, including the University of San Diego, Francis Parker Middle and Upper School, and Carson Elementary School. (DEIR Figure 5.16-2, at p. 5.16-31.) As the report points out, air quality standards are designed to protect the public, and especially those most at risk for respiratory distress such as children. (App. F at p. 13.)

The report clearly establishes the harm to residents resulting from project operations, that is, the existence of the project itself, based on its sheer magnitude. The report deems construction of the project to have less than significant impacts. (App. F at p. 22-23.) However, the report fails to fully and adequately address impacts from construction of the project during phases that "may occur in any order," and because construction activities from "more than one phase may occur at any time." (RSPD at p. 7-5.) Construction of the project must be properly analyzed to establish the impacts of phases occurring in any order and at the same time. The report, which presents the phases in a vacuum, fails to " 'sufficiently perform[] the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

K-1 (cont.)

2. Transportation/Circulation and Parking

The vehicles associated with the Riverwalk development will result in traffic and parking impacts, especially on Friars Road, Via Las Cumbres, Gaines Street, Cirrus Street, and Goshen Street. Notably, Via Las Cumbres is a major north-south connector to the project site, and Goshen is another north-south connector to Friars Road. As discussed below, the DEIR fails to adequately address these impacts.

a. Traffic

The DEIR relies on a flawed Transportation Impact Analysis (TIA) as it fails to adequately state the phases, timelines and the scenarios allowed for development since phasing is rejected in the RSPD; any order of phasing may occur and phases may occur concurrently. "The Specific Plan does not require that phases occur in a specific order. Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-4.) To adequately analyze the traffic impacts, the analysis must include the phases in every possible order and combination, should the developer proceed with any order or combinations of phases as allowed under the RSPD.

K-1 (cont.)

The DEIR states "the Riverwalk Project is anticipated to have a less than significant transportation impact," and bases its finding on Vehicle Miles Traveled (VMT) guidelines from the state that indicate "in most instances a per capita or per employee VMT that is 15 per cent below that of existing development may be a reasonable threshold." The presumption of less than significant transportation impacts derives from state law under SB 743. "Essentially, the proposed threshold means that future land use development projects and future land use plans would need to demonstrate that they are capable of producing VMT per capita or VMT per employee that is 15 per cent better than existing development." (ADC10 News, "An Evolutionary Change to CEQA, Transportation Impact Analysis: Replacing LOS with VMT," by Ronald T. Milam, Summer 2018)

The TIA concludes that the 15 percent lower per capita VMT is "generally achievable" based solely on the presence of public transit in the project area, particularly the

trolley stop. (TIA, at p. 35, 37.) The TIA is overly optimistic in its conclusion. First, the trolley stop will not be constructed until years after almost fifty percent of the residents move in to the project development. Second, there are no trolley ridership studies to show that an adequate number of residents will use the trolley to set the proposed project below the 15 percent threshold. Indeed, the trolley ridership projections in the TIA are not impressive. For example, the projection for the year 2050 total weekday daily ridership at the Riverwalk stop is 2,734. (By comparison, the projection for the year 2050 total weekday daily ridership at the Fashion Valley Transit Center 5,344.) If the project is occupied as proposed in year 2050, there will be 4,300 units that house about 8,000 residents. The ridership projections do not justify the density proposed.

Further, the presumption of less than significant traffic impacts is rebutted by the well-established metric for accurate measurement of vehicles on the roadways as a result of the proposed project. The City of San Diego's Land Development Code Trip Generation Manual (TGM) is the authority used by the City to determine how many vehicles enter and exit sites devoted to particular land uses. (City of San Diego Land Development Code Trip Generation Manual, p. 1). Average Daily Trips (ADTs) are the measure of two-direction, 24-hour total count of vehicles crossing a line on an average day. Unusual seasonal variations must be identified, or less than the typical annual conditions are assumed. In the project area, the holiday season brings significant increases in traffic and congestion from October through January due to retail operations at the Fashion Valley Mall.

Driveway Trips are the total number of trips that are generated by a site. The DEIR provides faulty analysis and data regarding the expected generation of net new ADTs by the proposed project (TIA at p. ii-iii). It states, "Phase I Project is calculated to generate 17,248

K-1 (cont.)

driveway trips … Phase II Project is calculated to generate 30,896 driveway trips." The DEIR further states, "The Project Buildout (Phase I, II and III) is calculated to generate 41,186 new driveway trips …." The total stated for Project Buildout (41,186) is *less than the total the document states for Phase I and II* (48,144) AND fails to include Phase III generated driveway trips.

Referencing the TGM, the total anticipated ADTs for Phase III are 12,592, comprised of: 3,432 ADTs from 28,600 square feet of Commercial-Retail at the Neighborhood rate of 120 trips per 1,000 square feet; 9,149 ADTs from 935,000 square feet of multi-tenant Commercial-Office pursuant to the required logarithm; and 11 ADTs derived from 5 trips per acre for an Undeveloped Park of 2.2 acres. Combining the analysis stated in the TIA for Phases I and II, and incorporating the Phase III estimated calculation based on the TGM above, all three phases result in 60,736 ADTs generated by the project.

K-1 (cont.)

The proposed project will result in a significant increase in traffic which is substantial in relation to existing traffic load and capacity of the street system.

The proposed project states that project buildout is calculated to generate 41,186 driveway ADTs. (TIA, at p. iii.) The analysis is flawed, in that per the TGM:

- At a Daily Trip Rate of 6 ADTs per resident dwelling unit (multi-family), 4,300 units will generate an impact of **25,800 ADTs *every day***. Note that the developer has stated in public presentations that about 1,910 units need to be completed prior to the construction of the Riverwalk trolley stop in 2025; those units generate 11,460 ADTs daily without the benefit of nearby transit. Residents dependent on or preferring to use transit will be required to walk more than ½ mile to a transit stop.

- At a Daily Trip Rate for Neighborhood Commercial Retail of 120 trips per 1,000 square feet, at 152,000 square feet, the Neighborhood Commercial Retail generates an impact of **18,240 ADTs *every day***.
- At a Daily Trip Rate for multi-tenant Commercial-Office and using the required TGM logarithm, the separated Commercial-Office areas were calculated at 65,000 and 935,000 square feet, and resulted in 1,219 and 9,149 ADTs, respectively. The combined total results in an additional **10,368 ADTs *every day***.
- The Daily Trip Rate for a Developed Park is 50 trips per acre. At 27.87 acres, this totals 1,394 ADTs. The Daily Rate Trip for Undeveloped Parks, the rate is 5 trips per acre and at 58.79 acres, the total is 294 ADTs. The ADTs for the Undeveloped and Developed Parks total **1,688 ADTs *every day***.
- Combining the above expected ADTs from the project total of **56, 096 ADTs *every day***.[3]

K-1 (cont.)

The DEIR fails to address the reality of the traffic impacts, citing the implementation of Intelligent Transportation Systems (ITS) strategies and Transportation Demand Management plans (TDM) as the cure-all. As stated, Friars Road already has traffic signal coordination. (TIA, at p. 79.) The project proposes using ITS Adaptive Traffic Signal Controls at three major corridors and three lesser corridors as the answer to mitigating this significant impact of the addition of over 55,000 ADTs on the adjacent roads *every single day*. ITS will likely not provide for a smoother circulation of the tens of thousands of average daily trips that will be generated by the project; the measure of vehicles on the road is a

[3] Projected ADTs in the TIA and in this analysis based on the TGM for Phase 1 and Phase 2 slightly vary and it could be the result of different methodologies or base data.

reality that requires mitigation. Other TDM measures proposed to be implemented are a transit stop and the implementation of paid parking in the project. (TIA, at p. 79-83.)

b. On-Street Parking by Project Residents

The DEIR fails to consider the impacts associated with an anticipated shortage of parking. (See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1052 ["a project's impact on parking generally should be studied for any potential impact on the environment"].) Indeed, the EIR fails to discuss how a lack of parking could have several impacts, including increases in traffic, increased police and fire response times, and air pollution associated with the insufficiency of available parking spaces provided by the project. This is particularly significant considering the City's recent adoption of an ordinance that, among other things, does not require developers to provide *any* residential parking, when the project is located within ½ mile of a transit stop. However, the transit stop is not planned to be constructed until 2025 or later, or until after 1,910 residential dwelling units have been constructed. The DEIR fails to address the impact from vehicles associated with the project prior before a transit stop in the project area is fully operational.

K-1 (cont.)

The DEIR fails to address impacts associated with a lack of parking following the City's adoption of the ordinance. (See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728 ["secondary parking impacts caused by ensuing traffic congestion ('air quality, noise, safety, or any other impact associated with transportation') must be addressed"].) For example, the DEIR fails to address the fact that there is no adjacent on-street parking allowed on the project borders, and only limited available on-street parking on the north side of Friars Road across from the project. With no requirement to provide parking, and a proposed transit stop that is not required to be built prior to the development of 1,910 units, the

adjacent streets will be heavily impacted by residential parking and for the next 10-15 years, by the construction of the project. Further, any residential parking provided by the developer is required by to be unbundled (parking is required to be paid separate from rent). The unbundled parking presents problems with residents choosing not to pay for parking onsite or not having the ability to purchase parking if parking is no longer available due to purchase by other residents.

On-street parking is prohibited or exhausted by existing residential communities in the project area. The project is bounded by three major streets which prohibit on-street parking: to the north – the south side of Friars Road; to the south – Hotel Circle North and to the east – Fashion Valley Road. Directly abutting the project property to the west are the Courtyards condominiums, a gated community with underground parking. The lack of on-street residential parking adjacent to the project will cause residents, visitors, and retail customers who are not able nor willing to pay for parking, to park on the closest available streets: Friars, Via Las Cumbres, Gaines, Cirrus, and Goshen in the Linda Vista Community Planning Area. All of these streets currently have limited parking and currently accommodate overflow parking from nearby retail, residents, and USD.

K-1 (cont.)

Further, the expected parking impacts to the community have the potential to increase. Current mandated limited parking as it exists today may be further reduced as stated in the Mobility Plan (at page 286), "during the course of Riverwalk's build out, parking regulations within the Land Development Code may change, resulting in reduced parking regulations, which would not require a change to the Specific Plan. Instead, these changes would be reviewed as a Substantial Conformance Review."

In sum, the DEIR fails to address the impacts of vehicles circulating for extended periods of time and contributing to poor air quality, traffic congestion, and an increase in police and fire response times. The DEIR needs to be re-circulated to properly analyze these impacts.

3. Public Safety Impacts Are Not Adequately Addressed In the DEIR

a. Police

The Riverwalk development area is served by the SDPD Western Division Substation, that also serves the neighborhoods of Linda Vista, Morena, University Heights, North Park, Burlingame, Hillcrest, Midtown, Mission Hills, Midway District, Loma Portal, Point Loma Heights, Ocean Beach, Sunset Cliffs, Roseville-Fleetridge, La Playa, and Wooded Area. SDPD acknowledges that police response times in the Mission Valley community will continue to slow with build-out of community plans and the increase of traffic generated by new growth. Yet, there are no current plans for additional police sub-stations in the immediate area to absorb this growth. (See Appendix J, Letter from SDPD, dated May 9, 2020.)

K-1 (cont.)

SDPD breaks its calls into five categories: emergency calls, and Priority 1, 2, 3 and 4 calls. Priority "E" and priority one calls involve serious crimes in progress or those with a potential for injury. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD advises citizens to report emergencies such as "crimes that are in progress or about to happen, and ones that have resulted in serious personal injury, property damage, or property loss," and that also "include situations in which the suspect may still be at the scene and some suspicious activities." (See https://www.sandiego.gov/police/services/emergencies.) SDPD provides examples of emergencies that should be reported by calling 9-1-1 as fights, sexual assaults, burglaries and robberies, domestic violence, child and elder abuse, sounds of gunshots, screaming, breaking

glass, explosions, alarms, hit and run accidents with possible injuries, road hazards that require immediate attention to prevent personal injuries and property damage, graffiti and other acts of vandalism in progress. (See https://www.sandiego.gov/police/services/emergencies.) The 9-1-1 reports for 2020 through May show that citizens have made about 500,000 calls or 100,000 calls each month to report crimes. (See https://www.sandiego.gov/police/services/911monthlyreports.)

Priority 2 calls include calls for prostitution, trespassing, disturbing the peace, criminal threats with a gun, casing a burglary or for people having a mental health episode. Priority 3 calls include loud parties, homeland security checks, calls to pick up evidence, hate crime investigations and taking reports and statements for serious crimes like arson, battery and assault with a deadly weapon. Priority 4 calls include parking issues, computer crimes, graffiti and reporting lost or found property. (See https://www.voiceofsandiego.org/topics/public-safety/sdpd-now-takes-hours-to-respond-to-non-emergency-calls/.)

K-1 (cont.)

The DEIR identifies that response times for Beat 623 in the Western Division for Priority 2, 3 and 4 calls are, respectively 38%, 36% and 88% longer than Citywide goals. In other words, citizens reporting a Priority 3 event waited almost two hours for a response. Worse, the wait time for a response to a Priority 4 event was almost three hours. (DEIR at p. 5.15-1-2.) Beat 623 of the Western Division does not meet response time goals as currently staffed in 3 out of 5 of the categories. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD's statement of even longer response times based on community growth presents a grim forecast, especially with respect to the risk the growth places on emergency and Priority 1 call for service.

The DEIR strains to conclude that "[a]lthough the project could result in an increase in service calls, the SDPD has facilities and staffing in the project area to adequately serve the project, ongoing funding for police services is provided by the City General Fund; and no new facilities or improvements to existing faculties would be required." (DEIR at p. 5.15-9.) That statement is not supported by the record of response to calls and importantly, the SDPD's own statement. The DEIR fails to properly analyze the public safety impacts that the project population creates. The discussion fails to sufficiently perform "the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.) The DEIR must be rejected for its lack of adequate analysis of adequate police protection.

b. Fire & Life Safety

K-1 (cont.)

Fire Station 45 at 9366 Friars Road serves the existing project site and according to the DEIR, will remain the primary station for the Riverwalk development. (DEIR at p. 5.15-3.) Fire Station 45 has a Battalion Chief's vehicle, an engine, an aerial truck, and a HAZMAT unit. A Battalion Chief (BC) is a staff officer who serves as the Incident Commander on the scene of fire and medical incidents and has authority over the equipment on the scene. The fire engine is a pumper which usually carries 500 gallons of water, hose, pump and 48 feet of ground ladders. The primary task of a fire engine crew is: search and rescue, locate, confine and extinguish fire and, when warranted, respond to 9-1-1 medical incidents. The primary tasks of a truck company are search and rescue, salvage, ventilation, securing utilities and overhaul (clean-up crew). The HAZMAT unit is a specialized emergency response vehicle equipped to handle hazardous material incidents (chemical spills, fuel spills, compressed gas releases, etc.) and is staffed with specially trained personnel. Each apparatus is equipped with a mobile mini-

laboratory, which allows the Hazardous Materials Technicians and Specialists to identify unknown substances and "suspicious" materials on site. (See https://www.sandiego.gov/fire/about/firestations/sta45.)

Fire Station 45 does not meet San Diego's first-due unit response standards that were adopted in 2017. Currently, Fire Station 45 is 2 minutes (40%) longer than the 5-minute travel time goal, and 1.5 minutes (20%) longer than the arrival time goal of 7.5 minutes. (DEIR at p. 5.15-3.) Minimum standards are put in place for purpose of avoiding loss of life and property. Communities with good response times enhance the quality of life for residents. Conversely, communities that do not have the proper allocation of life and property saving resources place citizens, their homes, and their businesses at great risk (see generally, www.nfpa.org).

K-1 (cont.)

The DEIR concedes that the population resulting from development of Riverwalk will increase the demand for fire protection. Although minimum standards are currently not being met, the DEIR concludes that even though the project will result in an increase in service calls, "no new or expanded facilities or improvements to existing facilities would be required as a result of the project," because there are facilities and staffing in the project area to adequately serve the project. (DEIR at p. 5.15-10.) The conclusion is inconsistent with the community plan. The Mission Valley Community Plan Update states as follows:

> To augment the existing services provided by the Fire-Rescue Department, the co-location of a Fire-Rescue station with the San Diego Police Department at the existing facility at [the] corner of Napa Street and Friars Road just outside of Mission Valley in Linda Vista is recommended.

(MVCPU at p. 94.)

A co-located station would allow first-due units to meet the minimum response times. (MVCPU at p. 94.) However, there are no plans for such co-location. Given the City's economic condition, there are questions as to how it would be financed. The Riverwalk developer has not taken up the responsibility to provide for a co-located police and fire station. The DEIR ignores the express recommendation in the community plan and frustrates public safety by making the existing excessive response time even worse. The DEIR should be re-circulated for adequate study of the impacts the Riverwalk project population places on Fire and Life Safety services. The augmented services called for in the Mission Valley Community Plan Update should be a condition of this project, given the need it creates.

K-1 (cont.)

C. The DEIR Fails to Analyze Foreseeable Impacts Resulting from Contagious Disease

The DEIR for the Riverwalk project must be re-circulated because it fails to consider the project's potential contribution to the COVID-19 and future pandemics. This is not surprising because the drafting of the DEIR preceded public awareness of the pandemic. However, because the DEIR is designed to inform the lead agency of the environmental impacts of a proposed project, this DEIR is inadequate for failure to consider what is now known and what must be considered by the lead agency. (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

The pandemic has taught us that high density residential and mass transit are vectors of disease. The DEIR fails to evaluate how the Riverwalk project will exacerbate contagion, whether there are ways to mitigate this impact, and if there are alternatives that will avoid it.

Densification and mass transit are the very opposite of social distancing. New York City, the nation's densest major city, was the hotbed of COVID-19 contagion. New York Governor Andrew Cuomo said high-rise apartment complexes and busy subways were responsible for the city's plight.

Specifically, he asked "Why are we seeing this level of infection? Why cities across the country? It is about density." He added that dense environments are the contagion's feeding grounds.

This vulnerability to pandemic is sometimes referred to as "Exposure Density." Wendell Cox, writing about this matter on April 12, 2020 in New Geography, said "residents who live in high rise residential buildings are likely to experience greater exposure densities because they must use common hallways and elevators. One New York developer expressed concern about the high-rise residential market, calling the City 'a gargantuan petri dish.'"

K-1 (cont.)

The New York Times recently quoted a Stanford University epidemiologist as calling density "an enemy in a situation like this." In the United States, the earliest flashpoint for COVID-19 were dense places such as New York City, Seattle, Detroit, and Chicago.

The Riverwalk DEIR fails to consider the effects of density and transit on spreading illness. It is not that a yet-undiscovered vaccine will soon liberate us, or that the virus will disappear in warm weather as some government leaders have predicted, or even that this is a once-in-a-hundred-year event. In less than two decades there have been epidemics of SARS, MERS, H1N1, Ebola and now COVID-19. In our globalized era, where people travel to the United States and Europe from parts of the world where diseases jump from animals to humans, future pandemics are not only possible – they are inevitable. Social distancing is a strategy to

limit their impact until cures can be found, but density defeats this strategy. Edward Glaeser of Harvard University noted, "There are always demons that creep in when human beings are living very close to one another."

Moreover, the pandemic has raised the basic question of the need for density and mass transit. High density infill residential, built relatively close to job centers and clustered around mass transit, was designed to limit Greenhouse Gas (GHG) emissions by reducing commuter Vehicle Miles Traveled (VMT). Under this construct, employees would travel shorter distances to job centers than if they lived in sprawl development, and also under this construct they would travel on mass transit rather than ride alone in private vehicles.

What had often been talked about, but not seriously tested, was telecommuting/work from home. The pandemic caused an experiment in large-scale use of telecommuting. A third or more of employees, working from home, did not travel any distance to work and did not cause GHG emissions. Moreover, it was unimportant where they lived. They could be living and working in sprawl developments or across the country. In short, reduction in VMT and GHG emissions does not require density or mass transit. The EIR must be re-circulated to consider that reduction in emissions can be achieved by telecommuting rather than by the density imposed by the Riverwalk project.

K-1 (cont.)

Finally, the Riverwalk project is purportedly justified by its claimed reduction in GHG emission due to its access to the trolley. However, it is highly questionable that mass transit will reduce GHG. Prior to the pandemic, mass transit use in San Diego was about 3%. The pandemic has diminished even this anemic number by 75% as commuters opt not to risk their lives.

In an April 28, 2020 article in Forbes magazine, Brad Templeton wrote that public transit is broken in most of North America. He added that it is not pleasant or convenient and "shocking to most, in almost all cities, it's not even energy efficient, using more energy per passenger mile than efficient gasoline cars and way more than electric cars" according to the Department of Energy.

The San Diego City Council does not believe mass transit is the future, as it declined to place a tax on the November 2020 ballot for increased funding to expand mass transit. It has been a federally subsidized money loser in San Diego, and now the federal government and the City have opted out. Given these circumstances, the DEIR must evaluate whether the Riverwalk project, given the minimized use and likely non-expansion of the trolley, will result in the reduction of GHG emissions over other alternatives.

K-1 (cont.)

D. The DEIR Does Not Adequately Address Cumulative Impacts

The DEIR fails to provide adequate cumulative analysis. The directive under CEQA is clear: an EIR must discuss cumulative impacts if a project's incremental effect combined with other projects is cumulatively considerable. (CEQA Guidelines, § 15130(a).) The import of cumulative impact analysis is to avoid evaluating projects in a vacuum. This is so because the failure to adequately evaluate cumulative harm risks environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) In other words, piecemeal approval of several projects with related impacts could lead to severe environmental harm. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.)

Here, as discussed above, the DEIR fails to adequately address traffic, air quality, public health, and public safety. Cumulative impacts cannot be assessed without a proper analysis of these challenged areas.

Further, the DEIR fails to address the cumulative impacts of the Alvarado 2nd Pipeline Extension Project. This project includes construction of approximately 10 miles of water mains in the Mission Valley and Mission Bay areas. According to a letter to residents dated June 1, 2020, the pipeline extension "is one of multiple public infrastructure projects occurring in this area over the next several years." Pertinent here, the project involves the installation of a 48-inch water main and the replacement of a 16-inch water main along Friars Road in the project area from Napa Street to Fashion Valley Road. Construction is anticipated to occur from mid-2021 to mid-2024. The project will require heavy construction equipment mobilization, traffic control, lane closures, detours, daytime and nighttime work hours, trench digging and backfill, temporary pavement, and bike lane, sidewalk and bus stop closures. (https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf.)

K-1 (cont.)

According to the Riverwalk project, Phase 1 of the project may occur through 2025, however, "[p]hasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

Because of the simultaneous timelines for the projects, impacts on air quality, noise, public safety, and traffic must be addressed for the Riverwalk project area. Further, because the phasing schedules for both projects overlap, the pipeline extension calls into

question the timely installation of the ITS Adaptive Traffic Signal Controls that the Riverwalk developer is committed to install on Friars Road in the project area. The uncertainty of the installation of this traffic mitigation measure is further compounded by the developer's statement that the Riverwalk trolley stop will not be constructed until about 2,000 residential units are already occupied. Hence, if one were to grant the dubious assumption the trolley will reduce VMT, there would be a substantial increase in VMT before the trolley station is opened, which means more traffic.

In sum, the cumulative impact of the Riverwalk project and the pipeline project must be addressed in the DEIR for an analysis of environmental harm of the concurrent projects.

E. Project Alternatives

K-1 (cont.)

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." ***(San Bernardino Valley Audubon Society*** v. ***County of San Bernardino*** (1984) 155 Cal.App.3d 738, 750- 751.) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines§ 15126.6(b).) "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." ***(Laurel Heights Improvement Assoc.*** v. ***University of California*** **(1988)** 47 Cal.3d 376,404.)

The DEIR states the no project alternative is the environmentally superior alternative to the project. (DEIR at p. 10-32.) The LVPG recognizes that the no project

alternative does not advance the City's goals. The DEIR identifies Alternative 3- Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources as the next environmentally superior alternative. (RSPD at p. 10-32.)

Alternative 3 provides 2,200 residential units; 40,000 square feet of commercial retail space; 900,000 square feet of office and non-commercial retail space; and approximately 114 acres of park, open space, and trails. (DEIR at 10-23, Table 10-2.) Under Alternative 3, no development would occur in the Central District and about one-third of the developable area in North District would be removed. (DEIR at p. 10-23.) The elimination of certain buildings in Alternative 3 avoids potential impacts to three significant archaeological sites of the Iipay Nation of Santa Isabel and Jamul Indian Village. Avoiding disturbance of these sites results in fewer potential impacts to tribal cultural resources. Monitoring of any ground disturbing activities would still be required, further reducing impacts to tribal resources. (RSPD at p. 5. 10-6, 10-26, 10-27.) The LVPG notes that the RSPD implements native plants species, street signs, and interpretive signage in recognition of the Kumeyaay people. (RSPD at p. 5.10-7.) The LVPG vigorously advocates for greater recognition and greater inclusion of Native American culture within the project site through relevant and lasting symbolism, murals, sculpture, and architecture, in order to represent this important ancestral heritage.

K-1 (cont.)

In short, Alternative 3 provides for less intensive density and uses, falls within the range of reasonably feasible alternatives, has less impacts on public safety, avoids significant air quality impacts and the disturbance of tribal cultural resources, while remaining consistent with the City's General Plan and goals under CAP. (RSPD at p. 10-30, 10-31, 10-32.) Alternative 3

allows for informed decision making, unlike the project as presented in the DEIR. (*Sierra Club, supra*, 6 Cal.5th at pp. 511–513.)

Accordingly, the DEIR for the project cannot be certified without providing for an adequate analysis of the project's impact on air quality, traffic, public safety, contagious disease, and its cumulative impacts.

F. Need to Re-circulate

The DEIR is sufficiently lacking such that the only way to fix these issues is to revise it and re-circulate an adequate report. (See *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

Conclusion

K-1 (cont.)

The LVPG recognizes the unique development opportunity the Riverwalk golf course presents. The planning of the Riverwalk development area will greatly affect the community and for that reason, the issues raised by the Linda Vista Community cannot be disposed of summarily.

A shortcoming of the RSPD is the lack of limits on density and land uses. Because the RSPD does not accurately reflect density and uses that the project developer has touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

Further, the DEIR should be re-circulated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, the project should be held to require a co-located police and fire

station for purposes of public safety, adequately mitigate air quality impacts, and adequately address traffic impacts. Finally, to the extent that Alternative 3 serves to minimize or obviate these impacts, as well as impacts to tribal cultural resources, it is the only alternative that can be certified without objection.

K-1 (cont.)

Respectfully submitted,

Felicity Senoski
Linda Vista Planning Group
Riverwalk Ad Hoc Subcommittee Chair

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MISSION VALLEY PLANNING GROUP

July 3, 2020

Mrs. Elizabeth Shearer-Nguyen, Senior Planner
City of San Diego
Development Services Department
1222 First Avenue, MS-501 San Diego, CA 92101

Re: Riverwalk Specific Plan & Draft EIR Comments

Dear Ms. Shearer-Nguyen:

L-1 On July 1, 2020, the Board of the Mission Valley Planning Group Planning Group approved the following comments on the Riverwalk DEIR. Please include these comments in the draft EIR and administrative record.

ES-1 Executive Summary
ES.4 Project Description

L-2 This project's only unmitigated impact is Air Quality. In order to minimize impacts on Air Quality:

1. Hines and City of SD should ensure improvements to Frias Road and Fashion Valley, including smart signaling (ITS), are completed as early in the project as possible. Alleviating traffic congestion in the vicinity will help offset negative Air Quality effects.

L-3 2. Hines and the City of SD should ensure completion of the park aspects of the plan as early in the project as possible to keep local residents enjoying the outdoors locally.

5.3 Visual Effects/Neighborhood Character

L-4 Building Heights should be added to each building in addition to number of Stories. Without a clear understanding of maximum total height, expressed in feet, members of the public cannot adequately assess potential impacts to visual effects and scenic vistas.

5.5 Air Quality

L-5 1) The DEIR fails to include a construction health risk assessment ("HRA"), and as such, the DEIR fails to adequately analyze whether the project may result in exposure to substantial concentrations of toxic air contaminants. The DEIR incorrectly concludes that project construction cannot result in exposure to concentrations of toxic air contaminants capable of increasing individual cancer risk for nearby sensitive receptors. The California Office of Environmental Health Hazard Assessment ("OEHHA") published guidelines suggest completion of toxic hot spot health risk assessments can occur for short term projects, such as project construction. OEHHA guidelines suggest that construction projects as short as two months can be adequately studied. The DEIR states that project construction will occur until 2035 and the Specific Plan provides that construction phases may occur concurrently.

1

L-1 The comments provide background for the letter and does not address the adequacy of the EIR. No further response necessary.

L-2 The Intelligent Transportation Systems (ITS) improvements along Friars Road would be completed and operational prior to occupancy of the first Equivalent Dwelling Unit (EDU) and therefore would be in place before any additional traffic is generated by the project. The ITS improvements along Fashion Valley Road would be completed and operational prior to occupancy of the 1,500th EDU. Frontage improvements for Friars Road would occur in concert with development of the adjacent lots along Friars Road.

These measures would not be sufficient to mitigate to below a level of significance cumulative operational air quality impacts associated with the project. Thus, as stated in the EIR, cumulative operational air quality impacts would be significant and unmitigated.

L-3 The Riverwalk River Park would be completed in Phase II of project development. Parks within the North District would be completed during Phase I and II of the project. These parks would be accessible to the public.

L-4 The Specific Plan caps building heights in the North and Central District at 7 stories (not to exceed 85 feet from the highest adjacent finished grade). Along shared property lines with Courtyards and Mission Greens, building heights are further restricted to five stories (not to exceed 65 feet in height from the highest adjacent finished grade).

L-5 See Master Response 3 regarding air quality/health risk**.**

L-5 (cont.)

Thus, The DEIR's conclusion that because the construction schedule is "short term", specifically not 30 or 70 years, no elevated individual cancer risk is possible is erroneous and contrary to published OEHHA guidance. A construction HRA is required to adequately address whether the project would expose sensitive receptors to substantial pollutant concentrations. If TAC emissions exceed adopted SDAPCD guidance for individual cancer risk, use of Tier 4 final equipment and other Best Available Control Technology ("BACT") should be employed.

L-6

2) The DEIR fails to analyze the reasonably foreseeable overlapping of construction phases. As such, the DEIR does not adequately disclose whether the project has the potential to exceed published SDAPCD daily emissions thresholds for construction and operations.

The DEIR states that the project will be constructed in three phases. The first phase will include construction of 1,910 multi-family housing units, 110,300 square feet of commercial retail space and 65,000 square feet of office space. The second phase will include the construction of 2,390 multi-family units; 13,100 square feet commercial retail space; construction of the Riverwalk trolley station; and 79.75 acres of developed park (including the River Park). The third phase will include the South District and would involve the construction of 28,600 square feet commercial retail space; 935,000 square feet office and non-retail commercial space; and 2.2 acres of undeveloped park. The DEIR Air Quality analysis relies on CalEMOD to produce daily emissions levels. The construction schedule inputs utilized in the Air Quality technical report largely ignores the possibility that these three phases will overlap, and instead, assumes each will occur in succession.

However, the Riverwalk Specific plan expressly states, "This Specific Plan does not require that development occur in a specific order. Phasing may occur in any order, and *more than one phase may occur at any time*, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSP, Page 7-4)(emphasis added). As such, it is reasonably foreseeable that construction phases may overlap or that all three construction phases could occur concurrently. The DEIR should disclose daily emission levels in the event of such overlapping phases.

5.15.12. Police

L-7

1. Per this DEIR, police department staffing is currently 1.34 versus goal of 1.48 per 1000 citizens. Adding the population contemplated in this EIR takes the department further from their goal. The DEIR fails to adequately analyze how the project will impact demand for additional police officers in Mission Valley.

2. This DEIR identifies that response times in the Western Division for Priority 2, 3 and 4 calls are, respectively 38%, 36% and 88% higher than stated goals. The DEIR fails to sufficiently analyze if and how the proposed project will make response times longer as compared to existing failing conditions.

5.15.1.3 Fire/Life Safety Protection

Station 45, the primary service provider for this project, is currently 2 minutes (40%) above their 5 minutes travel time goal, and 1.5 minutes (20%) above their arrival time goal of 7.5 minutes. Added traffic resulting from this and many other Mission Valley projects currently under development may exacerbate existing

2

L-6 See Master Response 2 regarding project phasing.

Assumptions regarding construction sequencing, architectural coating, equipment type and mix, and duration of construction phases have all been reviewed and updated based on input from a licensed contracting company experienced in similar large-scale phased projects. The most significant change relative to construction was overlapping demolition, site preparation, and grading required for Phase II into the building construction phase for Phase I. Similarly, demolition, site preparation and grading required for Phase III was overlapped into the building construction phase for Phase II. This assumption has been included in the updated analysis as a conservative assumption. These adjustments, as well as adjustments to the equipment mix, phasing durations and use of Tier 3 equipment with Level 3 Diesel Particulate Filters as required in the Specific Plan, were incorporated into the air quality emission modelling. Consistent with the Draft EIR, the updated Air Quality analysis confirms that construction emissions would not exceed thresholds, and air quality impacts associated with construction would be less than significant.

L-7 See Master Response 8 regarding public services and facilities.

L-7 (cont.)

response times. Additional analysis is required to demonstrate the project impact on fire response travel and arrival times.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

Jonathan Frankel
Mission Valley Planning Group
For Michele Addington
Riverwalk Ad Hoc Subcommittee Chair

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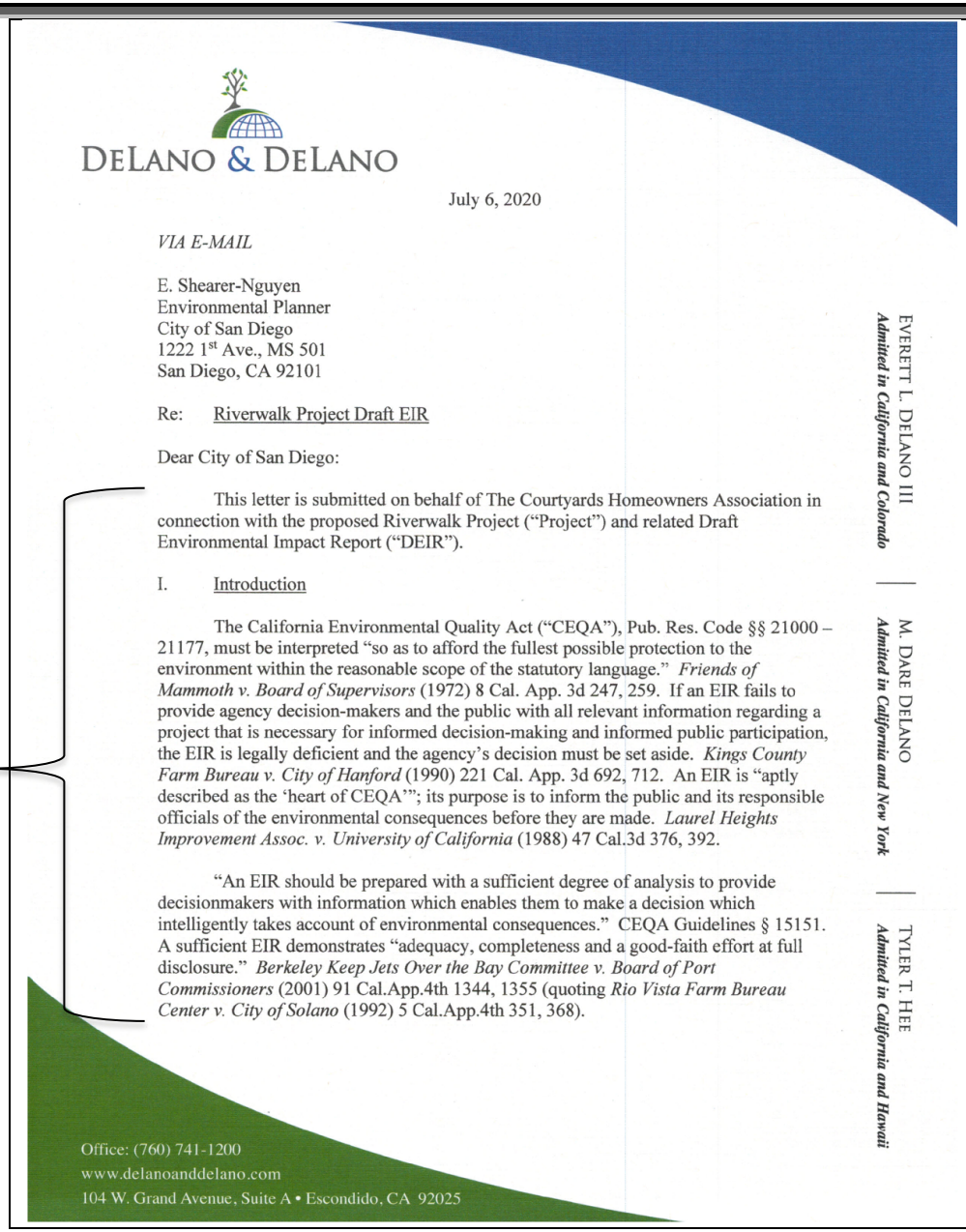

DELANO & DELANO

July 6, 2020

VIA E-MAIL

E. Shearer-Nguyen
Environmental Planner
City of San Diego
1222 1st Ave., MS 501
San Diego, CA 92101

Re: Riverwalk Project Draft EIR

Dear City of San Diego:

This letter is submitted on behalf of The Courtyards Homeowners Association in connection with the proposed Riverwalk Project ("Project") and related Draft Environmental Impact Report ("DEIR").

I. Introduction

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. App. 3d 247, 259. If an EIR fails to provide agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency's decision must be set aside. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712. An EIR is "aptly described as the 'heart of CEQA'"; its purpose is to inform the public and its responsible officials of the environmental consequences before they are made. *Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376, 392.

"An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. A sufficient EIR demonstrates "adequacy, completeness and a good-faith effort at full disclosure." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Rio Vista Farm Bureau Center v. City of Solano* (1992) 5 Cal.App.4th 351, 368).

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M-1

M-1 The comment identifies that the letter has been submitted on the behalf of The Courtyards Homeowners Association. and provides general guidance regarding CEQA. The comment does not address the adequacy or accuracy of the Draft EIR. No further response is required.

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II. The DEIR's Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze land use impacts.

M-2
- The DEIR acknowledges requirements related to airport noise (DEIR at 5.1-36), yet fails to include any discussion of potential Project impacts associated with such noise.

The DEIR fails to adequately analyze traffic impacts.

M-3
- The DEIR fails to provide any analysis of existing failing streets and intersections, as well as the Project's potential to impact each. Indeed, as noted below, the Mobility Assessment reveals significant traffic impacts, but those are not addressed in the DEIR.

The DEIR fails to adequately analyze impacts to biological resources.

M-4
- The DEIR claims a 50-foot buffer to the San Diego River is sufficient. DEIR at 5.4-26. Yet several studies have shown that 100 feet and greater buffers are necessary to protect biological resources.

M-5
- The DEIR acknowledges impacts from improvements to Fashion Valley Road. DEIR at 5.4-23. It notes that a consideration of alternatives is required. Yet the DEIR fails to include any evidence of the alleged infeasibility of a spanned bridge over the San Diego River. *Id.* At 5.4-24. The DEIR simply references supposed "property constraints" without any evidence or explanation as to how such "constraints" would make a spanned bridge infeasible.

M-6
- Likewise, the DEIR dismisses potential alternatives to minimize wetland impacts without any consideration of actual alternatives that would actually accomplish that task. *Id.* Contrary to the requirements, the DEIR lacks "an appropriate range of substantive wetland impact minimization alternatives."

The DEIR fails to adequately analyze impacts to air quality.

M-7
- The DEIR fails to analyze the combined emissions of construction and operational emissions.

M-8
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated, since the traffic analysis failed to include such information.

M-9
- The DEIR acknowledges both significant Project impacts to air quality and significant cumulative impacts. DEIR at 5.5-14. Yet there is no analysis of potential mitigation to address such impacts.
- The DEIR's assertion that mitigation is infeasible because of the Project's "size and scope" is insufficient and unsupported by any evidence. *Id.*

M-2 Analysis presented in Section 5.1 of the EIR identifies that the project site is not within the noise contours for Montgomery-Gibbs Executive Airport or the San Diego International Airport. Therefore, the project would not result in any significant noise compatibility impacts associated with either airport's Airport Land Use Compatibility Plan (ALUCP).

M-3 Pursuant to Public Resources Code (PRC Section 21099 (b)(2)), CEQA Section 15064.3 and as described in EIR Section 5.2.2.1, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment. Therefore, the evaluation of potential transportation impacts associated with the project reflects consistency with Senate Bill 743, and the CEQA Section 15064.3, which establishes VMT as the appropriate metric to evaluate transportation impacts. Therefore, the EIR does analyze traffic impacts using VMT as shown in EIR Section 5.2.4.2. The project-specific Mobility Assessment includes LOS information relating to streets and intersections to identify the project traffic's effect in the study area and recommend transportation improvements which are consistent with the transportation improvements identified in the Mission Valley Community Plan, and that improvements would be implemented consistent with the Transportation Improvement Plan. However, LOS and automobile delay are no longer used as a metric to evaluate transportation significant impacts. See Master Response 6 regarding VMT.

M-4 The project would provide a biological buffer through the establishment of a 50-foot wide no use buffer and a passive park area. The no use buffer and passive park areas north and south of the river channel would be graded to provide flood capacity along the river and restored with native plant species appropriate within and adjacent to native wetland/riparian habitats. No uses would be allowed in the no use buffer (except proposed MSCP compliant trails attached to the two existing bridges on-site), and the passive park would only allow passive uses (i.e., walking/hiking trails and nature observation nodes). This would result in an overall buffering of the MHPA, river, and wetland habitat restoration from active park uses by a minimum of 55 feet (in the southwestern and northeastern portions of the project site) to a maximum of 590 feet (in the western portion of the project site), with an average distance of 175 feet. Additionally, boulders

or deterrent vegetation, as well as peeler log fencing, would be installed at the edge of this no use buffer to deter public access. These measures would ensure that habitats and sensitive biological resources within the San Diego River corridor are protected.

M-5 Section 5.4 of the EIR provides a summary of the wetland alternatives for Fashion Valley Road improvements that were evaluated in accordance with the ESL Regulations. These alternatives include: No Project Alternative, Wetlands Avoidance Alternative that analyzes alternative sites irrespective of ownership, and Wetlands Minimization Alternative that would substantively minimize wetland impacts. The No Project Alternative would result in no improvements to the Fashion Valley Road crossing of the river and would allow continued flooding of the roadway and areas upstream during heavy or prolonged rainfall events. Upstream flooding could result in soil erosion, removal of habitat, and wildlife displacement and/or mortality. Therefore, a No Project alternative is considered impracticable for avoidance of impacts to biological resources. Relative to the Wetlands Avoidance Alternative, Fashion Valley Road is the only existing roadway that crosses the river in the immediate vicinity; no alternative site exists for improvements to a roadway crossing of the San Diego River that would alleviate the flooding impacts to the roadway and immediate environs. Therefore, there is no other location suitable for the crossing.

A traditional river crossing for the Fashion Valley Road improvements to minimize impacts would involve in-channel structural supports/culverts and would not allow for an open span of the river, nor would a soft channel bottom be left underneath. While this alternative would result in less impacts, it would result in the greatest permanent wetland impacts of all Fashion Valley Road alternatives considered, because construction of this alternative would require a larger footprint with deeper supports.

Section 5.4 of the EIR also described the spanned bridge alternatives and concludes that a spanned bridge is infeasible. A spanned bridge solution would require significantly raising the entire profile of the roadway, which is not feasible due to adjacent property constraints (MTS trolley track and station and the Town and Country development). Construction of a spanned bridge would also require a much larger footprint with deeper supports, more temporary and permanent wetland impacts, and only a marginal increase in the soft bottom channel with essentially the same

flood conveyance properties over the proposed arch culvert. Specifically, due to site constraints of the adjacent Town & Country property, a larger spanned bridge is infeasible. Similarly, to the north, the MTS trolley tracks and station are constructed as a raised track and platform. Construction of a spanned bridge would result in placing Fashion Valley Road at an elevation that could result in less than minimum required clearance of 16 feet beneath the existing trolley tracks and support structure.

Therefore, as described in the Draft EIR, the various wetland impact alternatives were concluded as infeasible due to constraints associated with adjacent properties and increased wetlands impacts.

M-6 Biological Resources, Section 5.4 of the EIR, provides an appropriate range of wetland impact minimization alternatives, which include: No Project Alternative, Wetlands Avoidance Alternative that analyzes alternative sites irrespective of ownership, and Wetlands Minimization Alternative that would substantively minimize wetland impacts. Additionally, Section 5.4 of the EIR addresses alternative bridge designs to minimize impacts. See also response M-5.

M-7 See Master Response 3 regarding air quality/health risk.

M-8 The Mobility Assessment (Appendix L of the EIR) and Transportation Impact Analysis (TIA) (Appendix D of the EIR) estimate the expected trip generation and include both average daily traffic (ADT) and peak hour traffic as a result of project implementation. The project is expected to generate approximately 41,186 total driveway trips. See Master Response 6 regarding trip generation.

M-9 The project would result in significant cumulative operational air quality impacts as disclosed in Section 5.5 of the EIR. The Specific Plan includes project design and regulations that assist in reducing air quality emissions. However, there are no feasible mitigation measures that can reduce the project's operational air quality impacts to below a level of significance, as stated in the EIR. Thus, cumulative operational air quality impacts would remain significant and unmitigable.

The DEIR fails to adequately analyze noise impacts.

- The DEIR discusses potentially significant construction and operational noise impacts but chooses to assume they would be less than significant by using an hourly average. But the temporary nature of a noise impact does not make it insignificant. *See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380-81. **M-10**
- The DEIR acknowledges construction equipment can result in as much as 95 dBA at 25 feet. DEIR at 5.8-9. It notes sensitive receptors within 50 feet of the Project and acknowledges noise as high as 87 dBA to those sensitive receptors. *Id.* at 5.8-10. Yet it fails to adequately account for construction noise, reasoning that "[c]onstruction noise would not be continuous …." *Id.* at 5.8-11. But the fact that construction noise may not be continuous does not mean impacts will be insignificant. Indeed, such noise could still exceed the hourly average, even assuming such averaging were appropriate. **M-11**
- The DEIR acknowledges noise impacts to "bird species, breeding habitat, and adjacent foraging habitat." DEIR at 5.8-14. Yet there is no discussion of potential mitigation to address these impacts. Indeed, the table of mitigation in the DEIR fails to even acknowledge these significant impacts. *Id.* at ES-13. **M-12**
- Traffic noise during Phase I would result in a greater than 3 dBA change, which is higher than the standard utilized in the DEIR. DEIR at 5.8-17. Yet the DEIR fails to acknowledge the impact or consider appropriate mitigation and alternatives. **M-13**
- Furthermore, even where the DEIR discusses mitigation, that mitigation is insufficient. DEIR at 5.8-21 to 22; *see Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 ("there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced"). **M-14**

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The EIR relies primarily upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance - "That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts." *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229. **M-15**
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated, since the traffic analysis failed to include such information. **M-16**
- The DEIR identifies requirements in the City's Climate Action Plan, but fails to analyze specifically whether and how the Project will actually implement those requirements. *See generally* DEIR Table 5.9-3. **M-17**

M-10 As stated in Section 5.3, the primary noise source within the study area is and will remain traffic. Other sources, including construction activities, use of yard/grounds maintenance equipment and other sources common in urban environments also contribute to ambient conditions. Section 5.8 of the EIR evaluates potential noise impacts from the project based on the project-specific noise study that considered both operational (traffic and HVAC systems) and construction (including vibration) noise.

Traffic noise is predicted based on peak hour traffic volumes. The methodology first established baseline noise levels. Noise measurements were taken on and in proximity to the project site. A traffic noise model was developed for the surrounding street network to replicate measured noise conditions. Peak hour project traffic was added to the baseline traffic and compared to the City of San Diego residential exterior standard of 65-dBA. As concluded in the Draft EIR, the project would result in less than significant operational noise impacts due to traffic because the project would not result in an increase in noise by 3 dBA or greater.

Relative to HVAC systems associated with operation of the project, the Draft EIR concluded that there would be the potential for significant noise impacts associated with ground-level units, because it is unknown what type of HVAC units would be installed and where exterior units would be located. Thus, mitigation measure 5.8-1 requires a site specific acoustical evaluation of HVAC noise be performed prior to issuance of building permits to ensure exterior stationary noise sources would not exceed applicable exterior or interior standards.

Construction noise levels were estimated based on a mix of construction equipment. Construction noise varies depending on the number of pieces of equipment in operation and where construction is occurring, as well as the duration of activity throughout the day. Not all equipment operates simultaneously in the same area for the same duration. Further, construction noise is often masked by ambient traffic noise. In this case, traffic on Friars Road, Fashion Valley Road and I-8 would in part, mask construction noise. The EIR approximates construction noise based on referenced noise levels for each piece of equipment and conservatively assumes the equipment is operating in proximity to one another. Over a 12-hour construction day, the variability in the type of equipment used and the fact that the equipment both moves around the construction site

and/or only operates periodically during the day, results in an average noise level that is less than the City of San Diego 75-dBA standard over a 12-hour work day. As presented in Section 5.8, the nearest sensitive receptors proximate to future construction within the project site are units in The Courtyard condominium complex, located adjacent to the southwest corner of the subject property. These units are approximately 30 feet from the property line. Construction noise levels at these units would be approximately 74.4 dBA. Thus, while noise during construction may be audible at neighboring sensitive properties, it is not predicted to exceed the 12-hour (7:00 am to 7:00 pm) daily standard for construction noise (i.e., 75 dBA) and no significant construction noise impacts would occur. To minimize nuisance impacts associated with construction noise levels at neighboring sensitive properties, Section 5.8 of the Draft EIR provides Best Management Practices (BMPs) that would be implemented as part of the project.

M-11 The City of San Diego Municipal Code Section 59.5.0404: Construction Noise (b), states that noise levels shall not exceed an average of 75 A-weighted decibels (dBA) over a 12-hour period (7:00 a.m. to 7:00 p.m.). Thus, construction noise impacts are addressed based on compliance with the standard provided in the Municipal Code rather than an hourly noise level that is commonly used to address traffic noise or noise from other sources. Use of an hourly standard for construction noise is not appropriate because of the variability in the construction process. Further, unlike traffic noise, there is no peak hour for construction operation where the noise is predictably higher than during other periods of the day. Construction noise is based on various factors like the number and type of equipment in operation, the equipment location and duration of operation. Noise levels are averaged over a 12-hour day rather than predicted for a peak hour. Noise levels would attenuate to approximately 74.4 dBA at the closest sensitive receptors and thus would be less than the 75 dBA limit required by the SDMC. The daily 12-hour average was measured to be 76 dBA at a distance of 25 feet. This results from periodic rather than constant use of equipment and other factors referenced above. Based on the discussion above, the 12-hour noise standard would not be exceeded during construction. See also response M-10.

M-12 Section 5.8, Noise, and Section 5.4, Biological Resources, of the EIR discloses potential temporary noise impacts to sensitive bird species during construction that could be considered significant and outlines mitigation measures to reduce impacts to below a level of significance. The project would avoid direct impacts to the sensitive species observed or detected on-site including Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, willow flycatcher, southwestern willow flycatcher, least bittern, Vaux's swift through pre-construction and nest avoidance measures as a part of Biological Resource Protection Measures for the project. Further, the project is required to comply with the avian breeding season requirements of the Migratory Bird Treaty Act (MBTA; 16 U.S. Code Section 703-711) and the California Fish and Game Code (Sections 3503 and 3503.5).

M-13 To address the comment regarding the 3.1 dBA reported increase in baseline noise levels at Receiver 1, Traffic Noise Model (TNM) input files were reviewed for consistency with the traffic numbers in the Mobility Assessment (May 2020). As a result, an error was identified in how the traffic volumes were divided between the westbound and eastbound travel directions on Friars Road east of Via Las Cumbres. The May 2020 Noise Study showed 920 peak hour westbound trips while, in reality, 1,070 trips occur in either direction. Correcting the error in trip distribution resulted in minor changes to baseline noise levels at receivers along Friars Road. With this correction, projected noise levels would increase from 67.9 dBA to 69.1 dBA at Receiver 1, 68.3 dBA to 68.4 at Receiver 2, from 68.7 dBA to 68.8 dBA at Receiver 3, and from 68.0 dBA to 68.1 dBA at Receiver 8.

Additionally, the distance between the noise sources (i.e., Friars Road and Fashion Valley Road) and receivers was reviewed to ensure accuracy between the locations used for calibrating the model and actual field conditions. It was determined that the distance between Receiver 1 and Friars Road/Fashion Valley Road was inaccurate. All other receiver locations were accurately plotted. Correcting this error results in a change in distance from 45 feet to 65 feet from the Friars Road westbound centerline to Receiver 1, which reduced baseline noise levels affected in the model. With distance corrected, noise levels at Receiver 1 decreased

by 1.7 dBA (i.e., 69.1 dBA to 67.4 dBA) for baseline conditions and 1.1 dBA (71.0 dBA to 69.9 dBA) with Phase I.

With the distribution of westbound traffic and measurements corrected, the increase in noise levels resulting from Phase I project traffic at Receiver 1 would be a 2.5 dBA(i.e., 69.9 minus 67.4) and not 3.1 dBA as presented in the May 2020 Noise Report. No other receiver locations would be affected with this correction. The greatest increase in noise associated with Phase I traffic would be 2.9 dBA, which occurs at Receiver 5. Therefore, the project would result in a maximum of 2.9 dBA increase in ambient noise levels, which is less than the less than the City's 3.0 dBA increase criterion for determining significance.

The Noise Study and Section 5.8 of the EIR have been revised to correctly show the ambient noise increase resulting from the project. The conclusions of the revised analysis do not affect the conclusions of the EIR and impacts would remain less than significant.

M-14 As stated in Noise, Section 5.8 of the EIR, impacts would be potentially significant associated with operational stationary uses (ground-level HVAC systems) because the size and location of HVAC systems are unknown at this time. Therefore, mitigation measure MM 5.8-1 would be implemented to reduce potential impacts to below a level of significance. Through adoption of the Mitigation Monitoring and Reporting Program, and enforced as a condition of approval, the mitigation measures would be enforced.

Relative to the potential for significant noise impacts to result from events at a future amphitheater, the amphitheater has been removed from the list of potential uses at Riverwalk River Park. Thus, impacts that had been associated with that use would no longer occur.

M-15 In accordance with CEQA Guidelines Section 15126.4(c): "Measures to mitigate the significant effects of greenhouse gas emissions may include, among others: (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision." The City adopted a Climate Action Plan (CAP), pursuant to CEQA Guidelines Section 15183.5(b)(1)(A-F). A project relying on the CAP through compliance with the CAP Consistency Checklist may determine its incremental contribution to a cumulative effect is not cumulatively considerable, if the project complies with the requirements of the adopted GHG emission reduction plan.

The project's GHG emissions were analyzed in Section 5.9 of the Draft EIR. An assessment of the Specific Plan's conformance with the CAP was conducted through the CAP Conformance Evaluation (Appendix C1); whereas future development projects were assessed through the CAP Consistency Checklist (Appendix C2). Both the Specific Plan and future projects associated with buildout of the plan would be consistent with the CAP. Therefore, the project would not result in a cumulatively significant GHG emissions impacts and impacts were concluded to be less than significant.

M-16 See response J-34.

M-17 CAP Consistency Checklist Step 2 CAP Strategies would be required of future individual projects as a condition of approval.

The DEIR fails to adequately analyze impacts to waters and drainages.

- The DEIR claims there will be no impacts to hydrology, yet it acknowledges a substantial increase in impervious surfaces and acknowledges the Site is within the FEMA floodplain. DEIR at 5.12-8 to 10.

M-18

The DEIR fails to adequately analyze impacts to public services and facilities.

- The DEIR acknowledges response standards for both police and fire. DEIR at 5.15-10. Yet it fails to include analysis as to how the Project would impact compliance with these standards.

M-19

The DEIR fails to adequately analyze water supply impacts.

- There is an inadequate showing of water supply for the Program. The California Supreme Court recently identified three "principles for analytical adequacy under CEQA": (1) "CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project"; (2) "an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years"; and (3) "the future water supplies identified and analyzed must bear a likelihood of actually proving available …. An EIR for a land use project must address the impacts of likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted). The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

M-20

The DEIR fails to adequately analyze cumulative impacts.

- The DEIR asserts: "As addressed in Chapter 6.0, *Cumulative Effects*, cumulative impacts have been evaluated for build-out of the Mission Valley Community Plan as part of the Mission Valley CPU Program EIR." DEIR at 10-2. In Chapter 6.0, the DEIR claims: "the Mission Valley CPU Program EIR assumes buildout of the Mission Valley Community Plan …." *Id.* at 6-2. However, the DEIR is not consistent with the Mission Valley CPU EIR. Yet there are several mitigation measures specifically required by the Mission Valley CPU EIR, which are not addressed in the DEIR. For example:
  - MM-NOS-1 requires several "measures to minimize short-term noise levels caused by construction activities." Mission Valley CPU EIR at 4.9-44 (this page is enclosed for your convenience). The DEIR fails to address these measures.

M-21

M-22

M-18 As stated in Section 5.12 of the Draft EIR, the amount of impervious surfaces would increase from approximately 13 acres (or approximately four percent of the project site) to approximately 60 acres (or approximately 20 percent of the project site), leaving the remainder of the site as pervious conditions associated with park development and open space. The project would construct a storm drain system that would adequately control and convey storm water runoff. The project would also avoid significant impacts to hydrology by increasing conveyance within the proposed major park. The major park would be widened and/or lowered to provide the offset of water surface impacts from floodplain and floodway encroachments. Furthermore, the project would increase conveyance of floodwaters at Fashion Valley Road by replacing the existing drainage facility with an arch culvert.

As shown in Table 5.12-1 of the EIR, comparison of the existing and proposed condition shows that the proposed grading would not increase the 100-year water surface elevations; therefore, no rise would result. In addition, the water surface elevations upstream of Fashion Valley Road are lowered due to the proposed arch culvert. Table 5.12-2, *Comparison of 100-Year Water Surface Elevations,* shows that the upstream water surface elevations would be benefited (lowered) by the project, because the project causes a decrease just upstream of Fashion Valley Road.

M-19 See Master Response 8 regarding public services and facilities.

M-20 Water supply impacts were analyzed in Section 5.13 of the Draft EIR; more specifically, a Water Supply Assessment was prepared, which is summarized in Section 5.13. The Draft EIR disclosed the project would be consistent with water demand assumptions of the regional water resource planning documents for the City, Water Authority, and MWD. There are sufficient water supplies over a 25-year planning horizon to meet the projected demands of the project, as well as the existing and other planned development projects within the PUD service area in normal, dry year and multiple-dry year forecasts.

M-21 The project is consistent with the Mission Valley Community CPU EIR as documented in responses M-22 and M-23, below.

M-22 Noise impacts are addressed in Section 5.8 of the Draft EIR. The Draft EIR concludes that the project would result in less than significant construction noise impacts. As presented in Section 5.8 of the EIR, while no significant construction noise impacts would occur, construction activities would include best management practices to minimize nuisance level noise. See response M-10. The BMPs effectively implement the requirements of the CPU Program EIR.

The project incorporates all of the CPU Program EIR MM-NOS-1 mitigation measures. As shown Section 5.8 of the EIR, the project BMPs include all five requirements: (1) combustion engines shall be equipped with a muffler of a type recommended by manufacturer and in good repair; (2) stationary noise-generating equipment, such as generators and compressors, should be located as far as practically possible from the nearest residential property lines; (3) construction equipment that continues to generate substantial noise at the project boundaries should be shielded with temporary noise barriers, such as barriers that meet a sound transmission class (STC) rating of 25, sound absorptive panels, or sound blankets on individual pieces of construction equipment. Stationary noise-generating equipment, such as generators and compressors, should be located as far as practically possible from the nearest residential property lines; (4) stationary noise-generating equipment, such as generators and compressors, should be located as far as practically possible from the nearest residential property lines; and (5) the notification should include a telephone number for local residents to call to submit complaints associated with construction noise.

- MM-TR-63 requires "specific plan proposals shall conduct transportation studies and include coordination between the City of San Diego, Caltrans, SANDAG and MTS to identify needed transportation improvements and transportation demand management measures." *Id.* at 4.13-48 (this page is enclosed for your convenience). The DEIR fails to comply – indeed, Appendix L to the DEIR, the Mobility Assessment, notes that conditions at intersections and roadways would go from acceptable LOS to unacceptable LOS conditions, even with Project improvements. It also notes that a majority of freeway segments would operate at LOS E or F by the year 2035 with development of the Project.

M-23

Additionally, the DEIR fails to apply the City's own CEQA Significance Determination Thresholds ("City CEQA Thresholds"), which are attached hereto and hereby incorporated by reference. Those thresholds identify relevant criteria for consideration of environmental impacts, which the EIR ignores. For example:

M-24

1. The EIR fails to address potential impacts to public services by assessing whether the activity would:
   a. "conflict with the community plan in terms of the number, size, and location of public service facilities." City CEQA Thresholds at 60.
   b. "provide for adequate SDFD access …." *Id.*
   c. "substantially affect Police or Fire-Rescue response times." *Id.*
   d. Comply with the General Plan's guidelines and standards for libraries. City CEQA Thresholds at 61 – 62.
   e. Comply with the General Plan's guidelines and standards for parks and recreation resources. City CEQA Thresholds at 62.

M-25

2. The EIR fails to address potential impacts to transportation, circulation or parking by assessing whether the activity would:
   a. result in any intersection, roadway segment, or freeway segment to operate at LOS E or F. City CEQA Thresholds at 72.
   b. result in any ramp meter location having delays above 15 minutes. *Id.*
   c. "result in the construction of a roadway which is inconsistent with the General Plan and/or a community plan." *Id.*
   d. "result in a substantial restriction in access to publicly or privately owned land." *Id.*
   e. "substantially affect the availability of parking in an adjacent residential area." City CEQA Thresholds at 73.
   f. "severely impede the accessibility of a public facility." *Id.*

M-26

III. <u>The DEIR's Discussion of Mitigation and Alternatives is Deficient</u>

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion*

M-27

M-23 The project does not propose to tier from the Mission Valley PEIR and is therefore not required to provide fair-share contributions to mitigation measures identified in this document.

The Mobility Assessment (Appendix L to the EIR) analyzed the project's effect in the study area and recommended transportation improvements that are consistent with the Mission Valley Community Plan. Therefore, the EIR does not conflict with the Program EIR mitigation framework or MM-TR-63 regarding transportation improvements or MM-TR-64 regarding fair share mitigation strategies for freeway improvements. MM-TR-63 states, "[f]uture specific plan proposals shall conduct transportation studies and include coordination between the City of San Diego, Caltrans, SANDAG and MTS to identify needed transportation improvements and transportation demand management measures." MM-TR-64 states, "the City of San Diego shall continue to coordinate with Caltrans and SANDAG on future improvements, as future project-level development proceeds, to potentially develop "fair share" mitigation strategies for freeway impacts, as appropriate."

Neither MM-TR-63 or MM-TR-64 require the City to condition a Specific Plan project to pay a fair share or construct transportation improvements that are identified in the TIA and Mobility Assessment. MM-TR-63 requires a Specific Plan project proposal to conduct a transportation study, coordinate with Caltrans, SANDAG and MTS to identify needed transportation improvements and transportation demand management measures. The Mobility Assessment identifies transportation improvements as shown in the Transportation Improvement Plan (TIP). MM-TR-64 only requires the City to "potentially develop a 'fair share' mitigation strategies for freeway impacts, as appropriate."

In compliance with these mitigation measures, the City and the applicant coordinated with Caltrans, SANDAG, and MTS. Caltrans coordination included meeting with Caltrans staff and discussing reviewing the local and regional transportation network, funding, timeline and Riverwalk project's local and regional transportation (vehicular and non-vehicular) improvements. SANDAG and MTS coordination included reviewing the status of the Mission Valley Community traffic model and working with MTS staff on the desired location and preliminary designs for the Riverwalk Trolley Station to supplement the existing Fashion Valley Trolley

Station on the MTS Green Line Trolley as well as bus stop locations, and vehicular and pedestrian crossings of the existing trolley tracks.

M-24 The CEQA Guidelines Section 15064.3 states that a "lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or any other measure." In accordance with the lead agency's authority to use a project-specific threshold, the Draft EIR and TIA use a project-specific VMT threshold, based on guidance from the OPR Technical Advisory on analyzing VMT, consistent with the City's draft Transportation Study Manual (June 10, 2020).

M-25 See response M-24.

See Master Response 8 regarding public services and facilities.

In addition, relative to the project's compliance with the General Plan's guidelines and standards for parks and recreation, the project would provide approximately 22 acres of population-based parkland. The project would provide approximately 55 acres of population-based parks, resulting in an excess of approximately 33 acres of park space provided beyond what is required by City standards. The project would also receive equivalency park credit for two pedestrian bridges within the Riverwalk River Park. Therefore, the project would more than satisfy its approximately 22-acre population-based park requirement through the provision of parks on-site.

M-26 See response M-24.

M-27 The comment provides general guidance regarding CEQA. The comment does not address the adequacy or accuracy of the Draft EIR. No further response is required.

M-27 (cont.)

Foundation v. Fish and Game Comm. (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; *see also* CEQA Guidelines § 15126.6(b).

A. The DEIR's Discussion of Mitigation is Insufficient

M-28

The DEIR acknowledges significant impacts to air quality and noise, yet fails to discuss or consider feasible mitigation to address such impacts. The City's claims "of infeasibility [are not] supported by substantial evidence," particularly since the DEIR fails even to discuss or consider possible mitigation. *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 100 (citing Pub. Res. Code § 21081.5; CEQA Guidelines § 15091(b)).

M-29

Additionally, the DEIR fails to ensure compliance with mitigation requirements of the Mission Valley CPU EIR. "Mitigation measures are not mere expressions of hope." *Lincoln Place Tenants Assoc. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508. A public agency "may not authorize the destruction of cancellation of the mitigation – whether or not the approval is ministerial – without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence." *Katzeff v. California Dept. of Forestry & Fire Protection* (2010) 181 Cal.App.4th 601, 614. As noted, there are several mitigation measures specifically required by the Mission Valley CPU EIR, which are not addressed in the DEIR. For example:

M-30

- MM-NOS-1 requires several "measures to minimize short-term noise levels caused by construction activities." Mission Valley CPU EIR at 4.9-44. The DEIR fails to address these measures.

M-31

- MM-TR-63 requires "specific plan proposals shall conduct transportation studies and include coordination between the City of San Diego, Caltrans, SANDAG and MTS to identify needed transportation improvements and transportation demand management measures." *Id.* at 4.13-48. The DEIR fails to comply. It acknowledges an LOS analysis was done to address consistency with the Mission Valley CPU. DEIR at 5.2-11. However, Appendix L to the DEIR, the Mobility Assessment, notes that conditions at intersections and roadways would go from acceptable LOS to unacceptable LOS conditions and a majority of freeway segments would operate at LOS E or F by the year 2035 with development of the Project. *See e.g.*, Tables 12-5, 12-6, 12-8 & 15-1. The DEIR fails to ensure coordination and the identification of "needed transportation improvements …."

M-28 The EIR identifies mitigation to fully mitigate noise impacts, as discussed in Section 5.8 and included in the Mitigation Monitoring and Reporting Program (Section 11.0). With implementation of MM 5.8-1, noise impacts would be reduced to below a level of significance.

Relative to air quality, the EIR concluded that the project would result in cumulatively significant operational air quality impacts associated with the project. Due to the cumulative nature of the impact and the size and scope of the project, mitigation for the cumulative impact is infeasible, as concluded in Section 5.5. Thus, pursuant to CEQA Section 15126.6(a), a project alternative that avoids or substantially lessens the significant air quality impact was evaluated in Section 10.5.3 of the EIR.

In accordance with CEQA, the Draft EIR addressed a range of alternatives that would either avoid or lessen the significant effects of the project. Furthermore, pursuant to CEQA Guidelines Section 15093, the decision-makers are required to balance the benefits of a project against its unavoidable impacts when determining whether to approve a project. A Statement of Overriding Considerations has been prepared for the consideration of the decision-making body and left to its discretion to determine whether to approve or deny the project or any of the alternatives, or combination thereof. This allows for decision-makers to make findings of overriding considerations relative to alternatives and/or mitigation measures. Thus, as part of their decision-making authority, the City Council will need to adopt finding of infeasibility for Alternative 3 and also a Statement of Overriding Consideration for unmitigated air quality impacts.

M-29 See response M-21 through M-23.

M-30 See response M-22.

M-31 See response M-23.

B. The DEIR's Discussion of Alternatives is Insufficient

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the EIR identifies several significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added). M-32

The DEIR acknowledges both reduced intensity alternatives would eliminate significant impacts and meet most Project objectives. DEIR at 10-21 & 31. And it acknowledges one of these as the Environmentally Superior Alternative. *Id.* at 32. Yet it fails to provide any evidence as to how or why either or both alternatives are infeasible. M-33

Furthermore, the Program and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Program. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455. M-34

IV. The DEIR Should be Recirculated

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion M-35

For the foregoing reasons, The Courtyards Homeowners Association urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.

Sincerely,

Everett DeLano

Enc.: Pages of Mission Valley CPU EIR
City of San Diego CEQA Significance Determination Thresholds

M-32 As presented in Chapter 5.0 of the EIR, the project would result in potentially significant impacts associated with biological resources, air quality, historical resources, noise, and tribal cultural resources. The EIR includes a reasonable range of alternatives to the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project in compliance with CEQA Guidelines Section 15126.6(a).

M-33 As required under CEQA Guidelines Section 15126.6, the EIR considers and discusses alternatives to the project. Pursuant to Section 15126.6(a), the alternatives were selected to provide a reasonable range of possible project alternatives that could feasibly attain most of the basic objectives of the project but avoid or substantially lessen any significant effects. Further, as required under CEQA Guidelines Section 15126.6(e)(2), the EIR identifies an environmentally superior alternative. Chapter 10.0 provides a reasoned assessment of the alternative impact analysis.

Pursuant to CEQA Guidelines Sections 15091 and 15093, Findings and a Statement of Overriding Considerations have been prepared for the consideration of the decision-maker and left to its discretion to determine whether to approve or deny the project or any of the alternatives, or combination thereof.

M-34 CEQA Guidelines require that the project description include a statement of the objectives sought by the proposed project. According to CEQA, a clearly written statement of the objectives helps the lead agency to develop a reasonable range of alternatives to evaluate in the EIR and aids decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits. In accordance with CEQA Section 15124(b), Chapter 3.0 of the EIR includes a statement of the objectives sought by the proposed project. Chapter 3.0 also includes the underlying purpose of the project.

M-35 Comment noted. This comment offers opinion of The Courtyards Homeowners Association and does not address the adequacy of the EIR.

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Mitigation Measures

The following mitigation measure would be implemented to address potential construction noise impacts:

MM-NOS-1: Future discretionary projects within the CPU area shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction noise shall be included in the contractor specifications and shall include, but not be limited to, the following:

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise-generating equipment (e.g., compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of MM-NOS-1 would reduce construction-related noise impacts for future discretionary projects implemented under the proposed CPU. ~~However, in the case of ministerial projects, there is no procedure to ensure that construction-related noise impacts are mitigated.~~ Even with implementation of MM-NOS-1, significant construction noise impacts may still occur because it is not feasible to ensure and enforce implementation for all projects developed per the proposed CPU. ~~therefore~~ Therefore, this impact would be significant and unavoidable.

(2015) Revenue Constrained Managed Lanes and Highway Network identifies two managed lanes will be added to this segment of I-15, one in each direction. This segment will consist of eight freeway lanes and two managed lanes. This improvement is anticipated to be implemented by 2035.~~operational improvements along this segment. These improvements are anticipated to be completed by Year 2050.~~

MM-TR-60 **I-15 NB (AM and PM peak hours), between I-8 and Adams Avenue.** SANDAG's 2050 San Diego Forward: The Regional Plan (2015) Revenue Constrained Managed Lanes and Highway Network does not identify~~ies operational~~ improvements along this segment. ~~These improvements are anticipated to be completed by Year 2050.~~ The City of San Diego shall coordinate with Caltrans to address freeway capacity at this impacted location. Coordination with Caltrans shall include consideration of further measures that would include additional lanes and transportation demand management (TDM) measures.

MM-TR-61 **I-15 NB (AM & PM peak hours), between Adams Avenue and El Cajon Boulevard.** SANDAG's 2050 San Diego Forward: The Regional Plan (2015) Revenue Constrained Managed Lanes and Highway Network does not identify~~ies operational~~ improvements along this segment. ~~These improvements are anticipated to be completed by Year 2050.~~ The City of San Diego shall coordinate with Caltrans to address freeway capacity at this impacted location. Coordination with Caltrans shall include consideration of further measures that would include additional lanes and transportation demand management (TDM) measures.

Ramp Meters

MM-TR-62: **I-15 NB On-Ramp at Friars Road (AM and PM peak hours).** The City of San Diego shall coordinate with Caltrans to address ramp capacity at this impacted location. The proposed CPU already includes a variety of planned transit, pedestrian, and bicycle facilities that would help to reduce single-occupancy vehicle (SOV) travel and reduce ramp demand. Coordination with Caltrans shall include consideration of further measures that would include additional lanes, interchange reconfigurations, and transportation demand management (TDM) measures. However, specific capacity improvements are still undetermined as these are future improvements that must be defined more over time and implementation of freeway improvements in a timely manner is beyond the full control of the City of San Diego.

All Transportation Facilities

MM-TR-63 Future specific plan proposals shall conduct transportation studies and include coordination between the City of San Diego, Caltrans, SANDAG and MTS to identify needed transportation improvements and transportation demand management measures.

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California Environmental Quality Act

Significance Determination Thresholds

City of San Diego

JULY 2016*

***Note:** Planning Department staff periodically revises sections of the thresholds in response to CEQA case law, and changes in federal, state, and local regulations. Staff also periodically provides updated information and clarification and direction for environmental analysts.

REVISION HISTORY	
Date	**Comments**
January 1991	Prior revision
January 1994	Prior revision
May 1999	Prior revision
April 2001	Prior revision
~~February~~ ~~April~~ 2004 ~~June,~~July 2004	Updated
August 2006	Strikeout/Underline removed; minor edits
January 2007	New Traffic Threshold implemented; minor edits
January 2011	Minor edits to Health and Safety, Paleontology and Public Services and Utilities (Solid Waste Generation/Disposal) sections
July 2016	Addition of Greenhouse Gas Emissions Threshold

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ACRONYMS

AAQA ..... Ambient Air Quality Standards
AB ..... Assembly Bill
ADT ..... Average Daily Traffic
AAOZ ..... Airport Approach Overlay Zone
AEOZ ..... Airport Environs Overlay Zone
APCD ..... Air Pollution Control District
APE ..... Area of Potential Effects
AQIA ..... Air Quality Impact Assessment
AQMD ..... Air Quality Management District
BDR ..... Building Development Review Division
BMP ..... Best Management Practice
CAAQS ..... California Ambient Air Quality Standards
CAP ..... Climate Action Plan
CARB ..... California Air Resources Board
CCR ..... Code of California Regulations
CEQ ..... United States Council on Environmental Quality
CEQA ..... California Environmental Quality Act
CFR ..... United States Code of Federal Regulations
CGS ..... California Geologic Survey
CNEL ..... Community Noise Equivalent Level
CLUP ..... Comprehensive Land Use Plan
CO ..... Carbon Monoxide
CUP ..... Conditional Use Permit
dB ..... decibel
DEH ..... County Department of Environmental Health
DSD ..... Development Services Department
EAS ..... Environmental Analysis Section
EDU ..... Equivalent Dwelling Unit
EIR ..... Environmental Impact Report
EMF ..... Electric and Magnetic Fields
EPA ..... United States Environmental Protection Agency
ESD ..... Environmental Services Department
ESL ..... Environmentally Sensitive Lands
FAA ..... Federal Aviation Administration
FEMA ..... Federal Emergency Management Agency
FPF ..... Flood Plain Fringe
FW ..... Flood Way
GHG ..... Greenhouse Gas
GI ..... Geologic investigation
GR ..... Geologic Report
HAZMAT ..... hazardous materials
HUD ..... U.S. Department of Housing and Urban Development
LDC ..... Land Development Code

LEA ..... Local Enforcement Agency
LDR ..... Land Development Review
LOS ..... Level of Service
MHPA ..... Multi-Habitat Planning Area
MRZ ..... Mineral Resource Zone
MSCP ..... Multiple Species Conservation Program
$\mu g/m^3$ ..... microgram per cubic meter
NAAQS ..... National Ambient Air Quality Standards
NEPA ..... National Environmental Policy Act
NOx ..... Oxides of Nitrogen
OHP ..... Office of Historic Preservation
O_3 ..... Ozone
ppm ..... parts per million
PM_{10} ..... Respirable Particulate Matter
$PM_{2.5}$ ..... Fine Particulate Matter
REDI ..... Regional Economic and Demographic Mapping System
ROG ..... Reactive Organic Gases
RPO ..... Resource Protection Ordinance (outdated)
RPZ ..... Runway Protection Zone
RTK ..... Right to Know
RTIP ..... Regional Transportation Improvement Program
RTP ..... Regional Transportation Plan
RWQCB ..... Regional Water Quality Control Board
SFHA ..... Special Flood Hazard Area
SDG&E ..... San Diego Gas and Electric Company
SANDAG ..... San Diego Regional Association of Governments
SMARA ..... Surface Mining and Reclamation Act
SIP ..... State Implementation Plan
SOx ..... Oxides of Sulfur
SR ..... Soils Report
SUSMP ..... Standard Urban Storm Water Mitigation Plan
SWPPP ..... Stormwater Pollution Prevention Plan
TCM ..... Transportation Control Measures
TLV ..... Threshold Limit Value
VOC ..... Volatile Organic Compounds

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I. INTRODUCTION

The purpose of these Significance Determination Thresholds (also known as Guidelines) is to assist City of San Diego staff, project proponents, and the public in determining whether, based on substantial evidence, a project may have a significant effect on the environment under Section 21082.2 of the California Environmental Quality Act[1] (CEQA), and therefore the environmental impact requires mitigation. They are not intended to be stand alone policies and are to be used in conjunction with commonly accepted professional standards, judgments, and practices. These guidelines should be updated when necessary in response to changes in CEQA, case law, and refinement of recognized scientific analysis of impact thresholds. The City of San Diego has been using these thresholds since 1991 and has provided regular updates. Section 15064.7 of the CEQA Guidelines encourages public agencies to develop and publish such analytical tools. These Thresholds include information on 19 environmental issues as listed in, and to be used in conjunction with, the Initial Study Checklist. They provide technical guidance in evaluating the potential significance of a project's environmental impact and provide a consistent and objective basis for determining the level of impacts. They also recognize that the level of impacts depend upon a multitude of factors such as project setting, design, construction, etc.

SIGNIFICANCE THRESHOLDS

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the agency involved, based to the extent possible on scientific and factual data. An ironclad definition of a significant impact is not possible because the significance of an activity may vary with the setting. For example, an activity which is not significant in an urban area may be significant in a rural area (CEQA Guidelines Section 15064).

According to CEQA Statutes at Section 21082.2:

(a) The lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.

(b) The existence of public controversy over the environmental effects of a project shall not require the preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the agency that the project may have a significant effect on the environment.

(c) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly in accurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

[1] State of California Public Resources Code, Division 13. http://www.leginfo.ca.gov/calaw.html

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(d) If there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) Statements in an environmental impact report and comments with respect to an environmental impact report shall not be deemed determinative of whether the project may have a significant effect on the environment.

This key decision as to whether a project may have a significant effect must be based on substantial evidence in the record. Section 15384 of the CEQA Guidelines defines "substantial evidence" as:

(a) Substantial evidence as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to, or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts

In most instances, the evidence in the record provides a clear link to the decision to prepare an EIR, Mitigated Negative Declaration, or Negative Declaration. However, according to the CEQA Guidelines in marginal cases where it is not clear whether there is substantial evidence that a project would have a significant effect on the environment, the Lead Agency is guided by Section 15064 (7(g) of the CEQA Guidelines:

"After application of the principals set forth above in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principal: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR."

USE OF REGULATORY STANDARDS AS THRESHOLDS OF SIGNIFICANCE

In October 2002, the California Court of Appeal for the Third District issued a decision in the case *Communities for a Better Environment v. California Resources Agency*, Case No. C)38844 (10/28/02). Among other decisions, the court invalidated CEQA Guidelines Section 15064(h), which required lead agencies to rely on adopted environmental standards to determine significance. The Court held that Section 15064(h) conflicted with CEQA's standard for determining whether to prepare an EIR whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact.

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In general, the Significance Determination Thresholds may be used to determine a project's potential impacts, but analysts are cautioned to remember that in some cases there may be substantial evidence of significant impact even when a project does not exceed the threshold.

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II. ENVIRONMENTAL ISSUES

A. AGRICULTURAL RESOURCES

A significant impact on agricultural resources may result from a project which involves the conversion of Prime Farmland*, Unique Farmland**, or Farmland of Statewide Importance*** (as defined by the State of California on its Important Farmlands Map) to non-agricultural use. In San Diego, such land is generally located in portions of the undeveloped northern and southernmost areas of the City.

* Prime Farmland is land with the best combination of physical and chemical features for the production of agricultural crops. It includes:

- All land which qualifies for a rating as Class I or II on the United States Department of Agriculture (USDA) Natural Resources Conservation Service (formerly the Soil Conservation Service) Land Use Capability classifications. The Capability classification indicates the suitability of soils for most kinds of crops. Groupings are made according to the limitation of the soils when used to grow crops and the risk of damage to soils when they are used in agriculture Soils are grouped in eight classes, from I through VIII, with Group I having the highest rating.
- Land which qualifies for a rating of 80 to 100 on the Storie Index. The Storie Index expresses numerically (based on a 100-point scale) the relative degree of suitability, or value of a soil for general intensive agriculture. Profile characteristics, soil surface texture, slope, and other factors such as drainage and salinity are considered in the Index rating.
- Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre, as defined by the USDA.
- Land planted with fruit or nut bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and which will normally return, during the commercial bearing period on an annual basis, from the production of unprocessed agricultural plant production, not less than $200 per acre.
- Land which has returned from the production of unprocessed agricultural plant products at an annual gross value of not less than $200 per acre for three of the previous five years.

** Unique Farmland is land of lesser quality soils used for the production of the state's leading agricultural cash crops.
***Farmland of Statewide Importance is land with a good combination of physical and chemical features for the production of agricultural crops.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Agricultural Resources:

Would the proposal result in:

1. Conversion of a *substantial amount* of Prime Farmland*, Unique Farmland** or Farmland of Statewide Importance*** (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

2. Conflict with existing zoning for agricultural use, or Williamson Act contract?

3. Involve other changes in the existing environment which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

SIGNIFICANCE THRESHOLDS

In evaluating the potential for a significant agricultural resources impacts, analysts should consult the Soil Survey, San Diego Area, Part III (USDA 1973) to determine the Storie Index rating and Capability Group of the soils on the project site. Other resources include the State of California Important Farmlands Map and Environmental Impact Reports prepared for subarea plans and community plan updates. Some of these documents contain maps identifying the various categories of farmland.

The determination of *substantial amount* cannot be based on any one numerical criterion (i.e., one acre), but rather on the economic viability of the area proposed to be converted. Another factor to be considered is the location of the area proposed for conversion. If the site itself is too small to be economically viable, would the proposed use affect the surrounding operations? For instance, the installation of a small housing complex on a formerly agricultural site may preclude or limit future pesticide spraying activities in an adjacent area with the potential to support food crops.

For purposes of defining significant agricultural resources and identifying impacts, it should be noted that the economic viability of a site is based on the characteristics that allow agricultural operations that can make a profit – not on a comparison of agricultural activities with other types of uses that may be more profitable.

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B. AIR QUALITY and ODOR

Impact analysis for air quality should ensure that current air quality regulatory compliance attainment status is not adversely affected by stationary sources of emission, including CO hotspots, from new development. Table A-1 shows San Diego is designated "non-attainment" for ozone and particulate matter.[2] The CEQA review should include measures to reduce project-related ozone and particulate matter emissions to ensure that new developments do not contribute to San Diego's non-attainment status for these pollutants.

Table A-1
SAN DIEGO ATTAINMENT DESIGNATIONS

Pollutant	Attainment Status	
	State	Federal
Carbon Monoxide	Attainment	Attainment
Lead	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Ozone	Non-Attainment	Attainment for 1-hr; not 8-hr. Maintenance[3]
PM_{10}	Non-Attainment	Unclassified
Sulfur Dioxide	Attainment	Attainment
Sulfates	Attainment	no federal standard
Hydrogen Sulfide	Unclassified	no federal standard
Visibility	Unclassified	no federal standard

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Air Quality:

Would the proposal result in:

1. A conflict with or obstruct implementation of the applicable air quality plan?
2. A violation of any air quality standard or contribute substantially to an existing or projected air quality violation?
3. Exposing sensitive receptors to substantial pollutant concentrations?
4. Creating objectionable odors affecting a substantial number of people? (See C-1)
5. Exceeding 100 pounds per day of Particulate Matter (PM)(dust)?
6. Substantial alteration of air movement in the area of the project?

SIGNIFICANCE THRESHOLDS

These air quality significance thresholds are based primarily on regulatory thresholds. However, use of regulatory standards as the sole threshold for significance [former CEQA section

[2] Source: San Diego Air Pollution Control District 9SDAPCD). 2001 Annual Report. http://www.sdapcd.co.san-diego.ca.us/annual/ANNUAL.PDF. Designation for PM 2.5 and the 8-hour ozone standard were pending at time of this revision.

[3] Attainment for 1-hr.standard was promulgated by the US EPA on July 28, 2003; On 4/04 San Diego was classified as non-attainment for 8-hr. standard .

15064(h)] was struck from CEQA pursuant to *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02). The former guideline specified that if a change in the environment is not a significant effect if the change complies with a regulatory standard found in a statute, ordinance, rule, or regulation. The court held that Guideline 15064(h) conflicted with CEQA's standard for determining whether to prepare an Environmental Impact Report (EIR). An agency must prepare an EIR whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact. The court reasoned that Guideline 15064(h) might be construed to allow an agency to avoid preparing an EIR by deeming an impact insignificant based upon compliance with an adopted regulatory standard, even if other substantial evidence supported a fair argument that a significant impact could occur.

Given the October 2002 ruling, reliance on the SDAPCD regulatory standards in Table 1 can no longer be used as the sole determinant of significance. The SDAPCD thresholds are provided in this document as a guideline to be considered on a case-by-case basis with other substantial evidence in light of the whole record to determine if the project may have a significant air quality impact. "Other substantial evidence" may include factors such as the proximity of sensitive receptors as discussed below.

The following Air Quality Thresholds are arranged in three parts beginning with the broadest, and narrowing to the most specific. Use of these should be applied as a screening tool to see where the project aligns along a sliding scale of potential significance. **If sensitive receptors are involved, the more restrictive of the guidelines should be applied.**

General Thresholds

A project may have a significant air quality environmental impact if it could:

a. Conflict with or obstruct implementation of the applicable air quality plan

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation

c. Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release emissions which exceed quantitative thresholds for ozone precursors)

d. Expose sensitive receptors[4] to substantial pollutant concentrations including air toxics such as diesel particulates. … As adopted by the South Coast Air Quality Management District (SCAQMD) in their CEQA Air Quality handbook[5] (Chapter 4), a sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors (and the facilities that

[4] Consider sensitive receptors in locations such as day care centers, schools, retirement homes, and hospitals or medical patients in residential homes close to major roadways or stationary sources, which could be impacted by air pollutants.

[5] http://www.aqmd.gov/ceqa/hdbk.html

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house them) in proximity to localized CO sources, toxic air contaminants or odors are of particular concern. Examples include:

- Long-Term Health Care Facilities
- Rehabilitation Centers
- Convalescent Centers
- Retirement Homes
- Residences – such as medical patients in homes
- Schools
- Playground
- Child Care Centers
- Athletic Facilities

Methodology: The public involvement process of CEQA should be used to help determine the conditions of the existing environment to make a reasonable determination if sensitive receptors are present. The environmental planner should make a field visit as appropriate as part of the environmental initial study which should include specific analysis for sensitive receptors. Using visual survey data and resources such as maps and signs or other identifying features, the planner should specifically look for the following locations/conditions:

Medical patients at:

- Adult/senior day care
- Senior citizen centers/facilities/retirement homes
- Hospitals/convalescent homes/long-term health care facilities
- Acute care/walk-in ambulatory care clinics
- Rehabilitation centers

Elderly persons/athletes/students/children at:

- Public parks/playgrounds
- Long-term care/assisted living facilities
- Churches
- Schools
- Child care centers/homes
- Athletic fields

Note: It is not always possible to know if a sensitive receptor exists adjacent to a project site. For example, a sensitive receptor may exist in a residential site such as an elderly patient living at home requiring in-home care, or a person with asthma, or a person with a compromised immune system. Applicants are not required to conduct door-to-door surveys to determine whether medical patients reside in private dwellings.

e. Create objectionable odors affecting a substantial number of people; or

f. Release substantial quantities of air contaminants beyond the boundaries of the premises upon which the stationary source emitting the contaminants is located.[6]

[6] San Diego Municipal Code, Chapter 14, Article 2, Division 7, "Off-Site Development Impact Regulations" paragraph 142.0710, "Air Contaminant Regulations."

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Federally-supported transportation projects must demonstrate conformity with the State Implementation Plan (SIP) ("transportation conformity") to ensure that new transportation projects would not jeopardize air quality in non-attainment areas. The SIP is the federally approved regional air quality strategy to attain and/or maintain health standards. The conformity requirement applies only to federal non-attainment and attainment/maintenance areas. Further discussion of transportation conformity is provided in item 4 below.

Projects that include stationary sources with impacts that may be significant under these general thresholds may also need an Air Quality Impact Assessment (AQIA) to be prepared in accordance with SDAPCD Rule 20.2.[7]

Note: The APCD applies the AQIA requirement for air quality permitting purposes to stationary sources of emissions. The SDAPCD did not establish these general air quality thresholds specifically for CEQA purposes or to assess mobile source emissions.

SDAPCD Thresholds

The SDAPCD provides criteria in Regulation II, Rule 20.2, Table 20-2-1, "AQIA Trigger Levels." Apply these thresholds as a screening criteria for potential impact significance for stationary sources. If sensitive receptors are involved, or if the potential exists for a significantly cumulative air quality impact, apply the more restrictive Ambient Air Quality Standard (AAQS) threshold from Table A-3.

Table A-2
SAN DIEGO AIR POLLUTION CONTROL DISTRICT POLLUTANT THRESHOLDS FOR STATIONARY SOURCES

POLLUTANT	*EMISSION RATE*		
	Lb/hr	*lb/day*	*tons/yr*
Carbon Monoxide (CO)	100	550	100
Oxides of Nitrogen (NOx)	25	250	40
Particulate Matter (PM_{10})	--	100	15
Oxides of Sulfur (SOx) [b]	25	250	40
Lead and Lead Compounds[c]	--	3.2	0.6
Particulate Matter, 2.5 microns ($PM_{2.5}$)	--	--	--
Volatile Organic Compounds (VOC)Reactive Organic Gases (ROG)	--	137[e]	15

d. Source: SDAPCD Rule 1501, 20.2(d)(2)
e. San Diego Air Basin has been in attainment of SOx standard due to sulfur-free natural gas for electricity generation and lack of heavy industrial/manufacturing uses in the region.

[7] SDAPCD Regulation II, Rule 20.2 (d) (2). http://www.sdapcd.co.san-diego.ca.us/rules/randr.htm For help, contact the SDAPCD at (858) 650-4700 or the California Air Resources Board (CARB) Compliance Assistance Program at 1-800-468-1786.

f. Lead emissions have steadily declined due to catalytic converters and increased use of lead-free gasoline. San Diego is no longer required to monitor for lead.

g. VOC threshold based on SCAQMD levels per South Coast Air Quality Management District SDAPCD (9/01) and the Monterey Bay APCD (MBAPCD) which has similar federal and state attainment status as San Diego.

3. State and Federal Ambient Air Quality Standards (AAQS) Thresholds

Apply AAQS as the threshold where accepted methodology exists when the project involves a sensitive receptor or if the potential exists for a significant cumulative air quality impact.[8] AAQS are established by the regulators to protect even the most sensitive individuals. The federal EPA standard is the National Ambient Air Quality Standards (NAAQS). The more restrictive state standard is the California Ambient Air Quality Standards (CAAQS) as defined by the CARB. Apply current CAAQS. Both sets of standards (as of March 2003) are shown in Table A-3 below.[9]

Note: applying the significance criteria in Table A-3 requires a more rigorous analysis to determine if the threshold would be exceeded. Computer-aided air quality modeling would likely be required to reach this determination. Modeling regional or local concentrations of criteria pollutants from mobile sources is practical only for CO; there are no state recommended models for assessing regional ozone concentrations or local PM_{10} concentration from mobile sources.

Table A-3

NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS [a]

Pollutant	Averaging Time	California Standards		Federal Standards		
		Concentration	*Method*	*Primary*	*Secondary*	*Method*
Ozone (O_3)	1 hour	0.09 ppm (180 µg/m³)	Ultraviolet photometry	0.12 ppm (235 µg/m³)	Same as Primary	Ultraviolet Photometry
	8 hour	--		0.08 ppm (157 µg/m³)		
Respirable Particulate Matter (PM_{10})	24 hour	50µg/m³ [b]	Gravimetric or Beta Attenuation	150µg/m³	Same as Primary	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20µg/m³		50µg/m³		
Fine Particulate Matter ($PM_{2.5}$)	24 hour	no separate state standard		65µg/m³		
	Annual Arithmetic Mean	12µg/m³	Gravimetric or Beta Attenuation	15µg/m³		
Carbon Monoxide	8 hour	9.0 ppm (10 mg/m³)	Non-Dispersive	9.0 ppm (10 mg/m³)	None	Non-Dispersive Infrared

[8] http://www.arb.ca.gov/research/aaqs/aaqs.htm

[9] http://www.arb.ca.gov/research/aaqs/aaqs.htm

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Pollutant	Averaging Time	California Standards		Federal Standards		
		Concentration	*Method*	*Primary*	*Secondary*	*Method*
(CO)	1 hour	20 ppm (23 mg/m^3)	Infrared Photometry	35 ppm (40 mg/m^3)		Photometry
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	--	Gas Phase Chemi-Juninescense	0.053 ppm (100 µg/m^3)	Same as Primary Standard	Gas Phase Chemi-Juninescense
	1 hour	0.25 ppm (470 µg/m^3)		--		
Lead	30 day average	1.5 µg/m^3	Atomic Absorption	--	--	High volume Sampler and Atomic Absorption
	Calendar Quarter	--		1.5 µg/m^3	Same as Primary Standard	
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	--	Ultraviolet Fluorescence	0.030 ppm (80 µg/m^3)	--	Spectrophoto-metry (Pararo-saniline Method)
	24 hour	0.04 ppm (105 µg/m^3)		0.14 ppm (365 µg/m^3)	--	
	3 hour	--		--	0.5 ppm (1300 µg/m^3)	
	1 hour	0.25 ppm (655 µg/m^3)		--	--	
Visibility Reducing Particulates	8 hour	Extinction coefficient of 0.23 per kilometer—visibility of ten miles or more due to particles when relative humidity is less than 70%. Method: Beta Attenuation and Transmittance through Filter Tape.		No federal standards		
Sulfates	24 hour	25 µg/m^3	~~Iron~~ Chroma-tography			
Hydrogen Sulfide (H_2S)	1 hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride	24 hour	0.01 ppm (26 µg/m^3)	Gas Chroma-tography			

Table footnotes:

[a] Data from April 2004 from CARB. Apply current AAQS: http://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm. See also SDAPCD Rule 20.1 (Table 20.1-7). Refer to the CARB web site for use of this table.

[b] On June 20, 2002, the CARB approved staff's recommendation to revise the PM10 annual average standard to 20 µg/m 3 and to establish an annual average standard for PM2.5 of 12 µg/m3 . On June 5, 2003, the Office of Administrative Law approved the amendments for the regulations for the State Ambient Air Quality Standards for particulate matter (PM) and sulfates. Information regarding these revisions can be found at: http://www.arb.ca.gov/research/aaqs/std-rs/std-rs.htm.

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4. Transportation Conformity with State Implementation Plan (SIP)

   Federally-supported transportation projects must demonstrate conformity with the State Implementation Plan SIP ("transportation conformity") to ensure that new transportation projects would not jeopardize air quality in non-attainment areas. The San Diego Regional Association of Governments (SANDAG) demonstrates conformity for projects in the Regional Transportation Plan (RTP). Therefore, projects identified in the March 2003 SANDAG 2030[10] Regional Transportation Plan demonstrate transportation conformity. The San Diego Air Pollution Control District (SDAPCD) Regional Air Quality Strategy is the San Diego element of the SIP. Note that Transportation Control Measures are not a part of the RAQS. Note that federally-supported non-transportation projects must align with the general conformity requirement.

5. CO Hotspot Screening

   The environmental review should also consider the localized health effect of carbon monoxide (CO). Although the San Diego Air Basin is currently an attainment area for CO, exhaust emissions can potentially cause a direct, localized "hotspot" impact at or near the proposed development. The primary source of this pollutant for the San Diego Air Basin in 2001 was mobile sources (mostly on-road passenger vehicles).[11] CO is a product of incomplete combustion of fossil fuel; unlike ozone, CO is emitted directly out of a vehicle exhaust pipe at a congested major roadway intersection with sensitive receptors nearby, and where vehicles are either idling or moving at a stop-and-go pace.

   CO Hotspot screening should follow current accepted protocol by the California Air Resources Board and/or the San Diego County Air Pollution control District. For example, the EMFAC[12] computer model may be appropriate for estimating vehicle emissions. Effective June 30, 2003, new CO studies must use EMFAC (short for "Emission Factor") which is capable of estimating current and forecast emissions for vehicles for gas, diesel, or electric vehicles. The air quality analyst should select the most appropriate methodology in consultation with City of San Diego staff.

   If quantitative evaluation is necessary, the computer model CALINE-4 (or equivalent) using the most recent CO emission factors should be applied.

Significance Determination Examples

The following are only examples of projects or actions that might trigger these levels. They are not to be applied as significance determination thresholds but are for screening purposes only.

1. 950 Single-Family Units/9,500 Average Daily Trips (ADT)

[10] http://www.sandag.org/
[11] Data from http://www.arb.ca.gov/aqd/almanac/almanac01/almanac01.htm
[12] http://www.dot.ca.gov/hg/env/air/ctemfac.htm

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In areas of the City of San Diego where traffic flow is not below (worse than) Level of Service (LOS) C and where development is not located within 100 feet of a congested freeway, significant cumulative air quality impacts could result from the development of 950 or more single-family units. Using URBEMIS 2003[13], the estimated 9,500 ADT generated by 950 units would result in the following emissions.

- NO_x – 153 pounds per day in summer; 234 pounds per day in winter; 180 pounds per day annual average;
- ROG – 126 pounds per day in summer; 141 pounds per day in winter; 141 pounds per day annual average;
- CO – 1,580 pounds per day in summer; 1,738 pounds per day in winter; 1,633 pounds per day annual average.

In this example, the significance thresholds would be exceeded for ROG and CO.

Multi-family, commercial, industrial, or institutional development resulting in 9,500 ADT or more could also result in impacts requiring mitigation.

2. 500 Single-Family Units/5,000 ADT

Additional CO consideration should be given for wood-burning fireplaces. If the 500 homes contain wood-burning fireplaces, and these fireplaces were used on an average of 50 days per year, and each fireplace burned one-eighth of a cord of firewood per year, 615 pounds of CO would be emitted each year or 12 pounds of CO per day in winter.

3. LOS Degradation for Roads

If a proposed development causes a six-lane road to deteriorate to LOS E or worse, the resulting longer queuing at the traffic signals could cause a localized significant air quality impact. A site specific CO hotspot analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development causes a six-lane road to drop to LOS F, the resultant extended wait at the signalized intersections could cause a significant air quality impact. A site-specific CO hotspot screening and/or analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development causes a four-lane road to drop to LOS E or worse, the extended wait at the signalized intersection could cause a significant air quality impact. A site specific CO hotspot screening and/or analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development is within 400 feet of a sensitive receptor and the LOS is worse than D, a site-specific CO hotspot analysis should be performed to determine if health standards are potentially exceeded and to determine the level of adverse effect on the receptors.

4. 100 Pounds per Day PM_{10} (Airborne Dust) Criteria

San Diego is non-attainment for PM_{10}. While it is true that windborne particulate matter from other areas sometimes contributes to the non-attainment status, particular emphasis should be placed on identifying potential PM_{10} emissions and specifying mitigation/control

[13] Use current URBEMISmodel

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measures to be used during project construction activities. Construction grading and demolition dust accounts for 30% of all PM_{10} emissions in the San Diego Air Basin. Road dust (both paved and unpaved roads) from sources such as vehicle tire wear on paved roads, accounts for 47% of all PM_{10} emissions.

The South Coast Air Quality Management District's *CEQA Air Quality Handbook* (1993) estimate of PM_{10} emissions from site grading is 26.4 pounds per graded acre; roughly 100 pounds of PM_{10} is generated by grading 4.0 acres per day. The estimate is for use as a screening tool to help determine if the 100 pounds of dust would be exceeded.

It should be noted that daily watering of the site prior to/during grading reduces the dust emissions by 50%; a second daily watering reduces the dust emissions by 75%. Another acceptable control has been to phase the grading such that the area to be graded each day is kept below the 100 pounds per day threshold.

Alternatively, a project would not result in a significant impact if specified dust controls are included on the project plans such that visible dust plumes would be retained within the property lines. Dust controls would include not only watering, but other measures such as the preventing of trackout, paving of unpaved roads, covering or treating stockpiles, etc., with the extent of controls varying with the size of the project.

Another major source of airborne dust is caused by vehicle travel on paved roads; it is estimated that one pound of airborne dust is produced for each 2,100 of vehicle miles traveled At an average trip length of nine miles per ADT and ten ADTs per single family home, a new development of 2,300 units would cause 100 pounds of airborne dust; likewise any new development causing or attracting 23K ADTs would result in 100 pounds of airborne dust.

Dust is also associated with demolition of existing structures. Evaluation of projects should consider potential for dust generation from demolition. Asbestos containing materials may be present in the structure to be demolished. Notice is required to be provided by the project applicant to the SDAPCD (APCD) prior to demolition. The website and address for San Diego APCD are as follows:

http://www.sdapcd.co.san diego.ca.us/permits/asbestos.html

San Diego APCD
Compliance Div., Asbestos Section
9150 Chesapeake Drive
San Diego, CA 92123 (858) 650-4554

5. Stationary Sources

Consider potential impacts from existing stationary sources. For new stationary ("non-vehicular") sources, contact the SDAPCD.[14] Instruct the applicant to complete

[14] If a project includes a new or modified stationary air source, refer the applicant to the SDAPCD for permitting help: (858) 650-4700 or at http://www.sdapcd.co.san-diego.ca.us/.

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DSD form DS-3163, "Hazardous Materials Questionnaire." See DSD Info Bulletin 116[15] for more information. This bulletin has a sign-off block for SDAPCD to review potential air contaminants from non-vehicular sources. Remember that a permitted sources does not necessarily mean that the source is not "significant" under CEQA.[16] A project with a permitted stationary source may make a considerable contribution to cumulative traffic impacts or may have potential for localized health/air quality impacts.

Air Quality Cumulative Impacts Data Sources

The following data sources should be reviewed to help make a determination of potential significance and/or for cumulative impacts assessment.

1. Site-specific emission data from the SDAPCD is available on-line at: http://www.sdapcd.co.san diego.ca.us/gtoxics/Project1/SourceEmissions.htm. This database includes a cancer risk estimator index. A score between 1 and 100 generally means that the facility will be required to conduct a Health Risk Assessment.

2. The CARB provides an on-line air quality forecaster at: http://www.arb.ca.gov/app/emsinv/fcemssumcat.html The web-based tool will provide an estimate of emissions in the following categories: total organic gases, reactive organic gases, ROG, CO, NOX2, SOX2, PM10, and PM25.

3. To evaluate emissions from stationary sources in an area (for example, by Zip Code), or to support a Hotspot screening, the California Air Resources Board provides an on-line facility query tool: http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php

4. Hotspot analysis -The SDAPCD has also evaluated potential Hotspot issues for San Diego County in its report, "2001 Air Toxics "Hot Spots" Program Report for San Diego County"(October 2002): http://www.sdapcd.co.san diego.ca.us/gtoxics/toxics_reports.html

5. The U.S. Environmental Protection Agency (EPA) Envirofacts on-line database provides environmental information from a variety of EPA databases: http://www.epa.gov/enviro/index_java.html

Note: Cumulative regional air quality impacts cannot be mitigated at the project level.

[15] http://www.sandiego.gov/development-services/industry/infobulletins.shtml

[16] Use of regulatory standards as a threshold for significance [former CEQA section 1506(h)]was struck from CEQA pursuant to *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02).

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ODOR

Projects that involve offensive odors may be a nuisance to neighboring uses, including businesses, residences, sensitive receptors, and public areas. For example, heavy industrial projects and livestock farming operations with the potential to expose sensitive receptors to objectionable odors could be deemed to have a significant impact. Significant odor impacts on residential areas and sensitive receptors warrant close scrutiny. Considerable attention should also be given to other land uses where people congregate such as recreational areas, work sites, and commercial areas. Analysis of potential odor impacts should be conducted for sources of odorous emissions, and receptors located near odorous sources.

INITIAL STUDY CHECKLIST QUESTION

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance from Odor:

Would the proposal result in:

1. Creating objectionable odors affecting a substantial number of people?

SIGNIFICANCE THRESHOLDS

Determining the significance of potential odor impacts should be based on what is known about the quantity of the odor compound(s) that would result from the project's proposed use(s), the types of neighboring uses potentially affected, the distance(s) between the project's point source(s) and the neighboring uses such as sensitive receptors, and the resultant concentration(s) at the receptors. A more detailed odor analysis may be required to fully evaluate and determine significance of the potential impacts if the proposed project would result in objectionable odors to nearby sensitive receptors.

For a project proposing placement of sensitive receptors near an existing odor source, a significant odor impact will be identified if the project site is closer to the odor source than any existing sensitive receptor where there has been more than one confirmed or three confirmed complaints per year (averaged over a three week period) about the odor source.

For projects proposing placement of sensitive receptors near a source of odors where there is currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location.

The San Diego Municipal Code also addresses odor impacts at Chapter 14, Article 2, Division 7 paragraph 142.0710, "Air Contaminant Regulations" which states:

> Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located.

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If a proposed project is determined to result in significant odor problems, mitigation measures should be identified. For some projects such as restaurants, add-on controls or process changes, such as carbon absorption, or other filtration may reduce emissions to below a level of significance.

For City of San Diego Metropolitan Wastewater Department (MWWD) projects, the "Odor Control Design Guidelines" are applied to ensure sewer odor impacts are minimized.[17] The following table may also be used as a guide (not necessarily as CEQA-significant threshold levels) to estimate concentration at which a chemical odor may become recognizable. Note that different organizations have different threshold levels. The environmental analyst should determine which standard to apply based on project-specific conditions such as proximity to sensitive receptors. Odor impacts may have a significant impact unless mitigated. If values are not listed for a particular chemical, lookup tables are available at various websites through most Material Safety Data Sheet (MSDS) applications, or the EPA Envirofacts database: http://www.epa.gov/enviro/html/emci/chemref/index.html

Table A-4
ODOR GUIDELINES [a]

Pollutant	Odor Threshold (ppm)			Threshold Limit Value (TLV) (ppm)
	CHRIS [b]	*AAR* [c]	*AIHA* [d]	
Acetaldehyde	0.21	0.01-0.031	0.0028-1000	25
Acetone	100	0.66-320	0.037-0.15	750
Ammonia (anhydrous)	47	0.037-20	0.043-53	25
Benzene	4.7	0.16-320	0.78-160	10
Carbon monoxide	odorless	Odorless	Odorless	25
Carbon tetrachloride	>10	15-50	1.6-706	5
Chlorine	3.5	0.02-3.5	0.021-3.4	0.5
Cumene	1.2	--	0.0051-1.3	50
Cyclohexane	--	0.41	0.52-784	300
Dicyclopentadiene	0.003	0.002	0.003-0.011	5
Ethyl benzene	140	0.25-2.3	0.092-0.60	100
n-Hexane	--	--	65-248	50
Hydrogen sulfide	0.0047	0.13	0.001 – 1.3*	10

[17] City of San Diego MMWD Program Guidelines for Design Consultants. Appendix D, Chapter D30, "Odor Control Design Guidelines." December 1996

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Pollutant	Odor Threshold (ppm)			Threshold Limit Value (TLV) (ppm)
	CHRIS [b]	*AAR* [c]	*AIHA* [d]	
Methyl ethyl ketone	10	11-27	0.25-85	200
Naphthalene	--	0.3-0.9	0.0095-0.64	10
Phenol	0.05	--	0.0045-1	5
Phosgene	0.5	0.125-1	0.12-5.7	0.1
Phospine	0.14	0.02	0.01-5	0.3
Styrene monomer	0.148	0.02-0.47	0.0047-61	50
Sulfur dioxide	3	3	0.33-5	2
Toluene	0.17	0.17-40	0.021-69	50
Vinyl chloride	260	260-25,000	--	5
o,m,p-Xylene	0.05	0.2-4	0.081-5.4	100

Table notes:

a "**Working with Toxic and Odor Thresholds**." CAMEO Today newsletter, March/April 1997 issue ; (revised August 2001). National Oceanic and Atmospheric Administration (NOAA). Computer-Aided Management of Emergency Operations (CAMEO®). http://response.restoration.noaa.gov/cameo/dr_aloha/odor/odor.html

b **Chemical Hazards Response Information System (CHRIS) Manual**. U.S. Coast Guard. http://www.chrismanual.com/

c Bureau of Explosives, American Association of Railroads (**AAR**). 1996. Emergency Action Guides. Washington, DC: http://www.aar.org

d. American Industrial Hygiene Association (AIHA). 1989. Odor Thresholds for Chemicals with Established Occupational Health Standards. Akron, OH: AIHA. (This document can be ordered from the **AIHA website**, www.aiha.org.).

*** According to the MWWD Odor Control Design Guidelines, odor complaints are not typically generated if ambient concentrations of odorous compounds are less than 5 odor units (five times the odor recognition threshold). Applying this multiplier to the AIHA odor recognition threshold indicates that complaints would not be expected for hydrogen sulfide concentrations that are less than 0.0005 ppm.**

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C. BIOLOGICAL RESOURCES

Sensitive biological resources are defined by the City of San Diego Municipal Code as:

- Lands that have been included in the Multi-Habitat Planning Area (MHPA) as identified in the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego, 1997);
- Wetlands (as defined by the Municipal Code, Section 113.0103);
- Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines (July 2002 or current edition) of the Land Development manual;
- Lands supporting species or subspecies listed as rare, endangered, or threatened;
- Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual; and
- Lands containing habitats of covered species as listed in the Biology Guidelines of the Land Development manual.

For projects within the City of San Diego or carried out by the City of San Diego which may affect sensitive biological resources, potential impacts to such sensitive biological resources must be assessed. The following criteria and information are provided for guidance during this process.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Biological Resources:

Would the proposal result in:

1. A substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?

2. A substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS?

3. A substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

4. Interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

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5. A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

6. Introducing land use within an area adjacent to the MHPA that would result in adverse edge effects?

7. A conflict with any local policies or ordinances protecting biological resources?

8. An introduction of invasive species of plants into a natural open space area?

SIGNIFICANCE THRESHOLDS

Impacts to biological resources are assessed by City staff through the CEQA review process, and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (July 2002) and with the City's MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established.

The following two steps summarize the procedure for collecting the necessary information.

STEP 1:

Determine the extent of biological resources and values present on the site. The analyst needs to visit the site and review existing biological information (e.g. MSCP vegetation maps). If there is any evidence that the site supports or recently supported biological resources, significant biological resources (see clarification in Step 2), a survey or letter report is necessary.

A factor in making this determination is whether or not the site has been illegally graded or grubbed. In some cases it is appropriate to consider the biological values on the site before a disturbance such as grading or fire. In general, if the site has been legally graded or grubbed and/or is characterized by ruderal species, is not included in the City's MHPA, and does not support wetlands or Tier I, II or III habitat, it probably does not support significant biological resources.

Note: The presence of trash and debris on a site does not indicate a lack of biological habitat. In addition, lack of vegetation due to fire, clearing of vegetation for brush management (Zone 2 is impact neutral), unauthorized off-road vehicle use or other uses also does not preclude the presence of potential habitat.

An affirmative answer to any of the following questions indicates that significant biological resources MAY be present:

a. The site has been identified as part of the MHPA by the City's MSCP Subarea Plan.

b. The site supports or could support (e.g. in different seasons/rainfall conditions, etc.) Tier I, II, or IIIA & B vegetation communities (such as grassland, chaparral, coastal sage scrub, etc.). The CEQA determination of significant impacts may be based on what was on the site (e.g. if illegal grading or vegetation removal occurred, etc.), as appropriate.

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c. The site contains, or comes within 100 feet of a natural or-manufactured drainage (determine whether it is vegetated with wetland vegetation). The site occurs within the 100-year flood plain established by the Federal Emergency Management Agency (FEMA) or the Flood Plain Fringe (FPF)/ Flood Way (FW) zones.

d. The site does not support a vegetation community identified in Table 2 or 3 (Tier I, II, IIIA or IIIB) of the Biology Guidelines (July 2002); however, wildlife species listed as threatened or endangered or other protected species may use the site (e.g. California least terns on dredge spoil, wildlife using agricultural land as a wildlife corridor, etc.).

STEP 2:

Based on Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted (See Guidelines for Conducting Biology Surveys, revised 2002). The survey should identify which biological resources are present on the site and its immediately surrounding area, and the number and extent of each type. As appropriate and when relevant to the biological resources found on site, the survey should also discuss the nature and quality of the biological resources in the immediate vicinity of the project site.

The significance and/or sensitivity of the resource can be determined at this stage, however, a resource may be more vulnerable to some kinds of development than to others. Sensitivity and/or significance of impacts is, therefore, more appropriately considered in the context of the proposed project, as discussed below.

Biology Significance Determination

1. Direct Impacts

The direct, indirect and cumulative impacts of a project must be analyzed for significance. The first step in making the determination is to identify the nature of the impact, and the extent, and degree of direct impacts to biological resources. A direct impact is a physical change in the environment which is caused by and immediately related to the project. An example of a direct physical change in the environment is the removal of vegetation due to brushing, grubbing, grading, trenching, and excavating.

In order to determine the extent of impacts, the acreage of each habitat type to be lost should be quantified. If an upland, categorize the land into one of the four Tier categories (I -IV), which are listed on Table 3 of the Biology Guidelines (July 2002). If a natural wetland, categorize as indicated on Table 2 of the Biology Guidelines (July 2002). In addition, the boundaries of the MHPA should be determined and any proposed encroachment should be quantified. Where possible, the extent or number of individuals of sensitive, threatened, rare, or endangered species to be taken or harassed should also be quantified. In order to determine the degree of the impact, fragmentation of habitat, loss of foraging area for sensitive species, and other factors should be considered.

The City's permit to 'take' covered species under the MSCP is based on the concept that 90% of lands within the MHPA will be preserved. Any encroachment into the MHPA (in

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excess of the allowable encroachment by a project) would be considered significant and require a boundary adjustment which would include a habitat equivalency assessment to ensure that what will be added to the MHPA is at least equivalent to what would be removed.

In addition, lands containing Tier I, II, IIIa and IIIb [(see Table 3 of City's Biology Guidelines (July 2002)] and all wetlands [see Table 2 of City's Biology Guidelines (July 2002)] are considered sensitive and declining habitats. As such, impacts to these resources may be considered significant. Lands designated as Tier IV are not considered to have significant habitat value and impacts would not be considered significant.

Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to state or federally listed species and all narrow endemics [see the City's Biology Guidelines (July 2002)] should be considered significant. Certain species covered by the MSCP [see page 26 of the Biology Guidelines (July 2002)] and other species not covered by the MSCP, may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

Notes:

(a) Total upland impacts (Tiers I- IIIB) less than 0.1 acre are not considered significant and do not require mitigation. **See Section 3 (Cumulative Impacts) relative to native grasslands.**

(b) Impacts to non-native grasslands totaling less than 1.0 acres which are completely surrounded by existing urban developments are not considered significant and do not require mitigation. Examples may include urban infill lots.

(c) Total wetland impacts less than 0.01 acre are not considered significant and do not require mitigation. THIS DOES NOT APPLY TO VERNAL POOLS or wetlands within the Coastal Zone.

(d) Brush management Zone 2 thinning activities, while having the potential to adversely affect biological resources, are not considered potentially significant inside the MHPA or, to the extent that non-covered species are not impacted, outside the MHPA, because of the implementation of the MSCP. Brush management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant. Brush management not conducted in accordance with brush management regulations, regardless of where it is located, is also potentially significant.

(d) Mitigation is not required for impacts to non-native grassland habitat when impacted for the purpose of wetland or other native habitat creation.

(e) Habitat mitigation is not required for impacts to manufactured slopes or areas that have been planted with native species for the purpose of erosion control. For example, in order to qualify for this exception, substantiation of previous permits and mitigation must be provided.

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Noise mitigation, however may be required for significant noise impacts to certain avian species during their breeding season depending upon the location of the slope (such as adjacent to an MHPA) and what birds may be present in the area such as the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, or western snowy plover. If these avian species (except for the California gnatcatcher) are present, then mitigation will be required if construction or operational noise levels would exceed 60 db(A), or the existing ambient noise level if already above 60dB(A) during the breeding season. For California gnatcatcher habitat within the MHPA and occupied, construction or operational noise levels exceeding 60 dB(A) (or exceeding the existing ambient noise level if already above 60 dB(A)) during the breeding season is considered significant. There are no restrictions for the gnatcatcher **outside** the MHPA anytime of the year.

In addition, inside the MHPA, impact avoidance areas are required for Cooper's hawk, northern harrier, golden eagle, burrowing owl, and southwestern pond turtle. See Biology Guidelines, Section II, A. 2 & 4. and Section 9.12 of the Implementing Agreement.

(f) Removal/control of non-native plants is not considered to constitute a significant habitat impact for which compensatory habitat acquisition, preservation, or creation for the area impacted is required. Mitigation for indirect impacts such as erosion control or off-site infestation by non-native species may be needed.

2. Indirect Impacts

CEQA Guidelines §15064(d) provides the following guidance regarding identification of direct versus indirect impacts:

In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

a. An indirect impact is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct impact in turn causes another physical change in the environment, then the secondary changes is an indirect impact. For example, the dust from heavy equipment that would result from grading for a sewage treatment plant could settle on nearby vegetation and interfere with photosynthetic processes; and the construction equipment noise levels could interrupt reproductive behavior within adjacent sensitive avian breeding habitats during the breeding season.

b. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

Depending on the circumstances, indirect impacts of a project may be as significant as the direct impacts of the project. In general, however, indirect impacts are easier to mitigate than direct ones. Some impacts may be considered indirect impacts in some circumstances and

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direct impacts under other circumstances. Indirect impacts include but are not limited to, the following impacts:

a. The introduction of urban meso-predators into a biological system;
b. The introduction of urban runoff into a biological system;
c. The introduction of invasive exotic plant species into a biological system;
d. Noise and lighting impacts (note: consider both construction/demolition and operational phases of the project); and
e. Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles; and
f. loss of a wetland buffer that includes no environmentally sensitive lands.

3. Cumulative Impacts

The MSCP was designed to compensate for the regional loss of biological resources throughout the region. Projects that conform with the MSCP as specified by the Subarea Plan, and implementing ordinances, (i.e. July 2002 Biology Guidelines and ESL Regulations) are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP. These resources include the vegetation communities identified as Tier I through IV (see City's July 2002 Biology Guidelines, and the MSCP covered species list (see Appendix A of the City of San Diego's MSCP Subarea Plan).

All direct impacts to vernal pools are significant and cumulatively significant. **Impacts to vernal pools may be mitigated in accordance with the criteria in the Biology Guidelines.**

Direct impacts to perennial native grasslands that are greater than 0.1 acre are significant and cumulatively significant. **Direct impacts to this habitat type are mitigated via Tier I per Biology Guidelines. Cumulative impacts may be mitigated only via creation at a 1:1 ratio or greater with the feasibility of creation to be evaluated on a case-by-case basis.**

Impacts to species covered by the MSCP (see Appendix A of MSCP Subarea Plan) would not generally be considered cumulatively significant, provided the project is in full compliance with the MSCP and its implementing regulations. Impacts to state- or federally-listed species not covered by the MSCP may be considered cumulatively significant. Each situation will be evaluated on a case-by-case basis.

It is expected that many other sensitive species not analyzed for coverage under the MSCP will be adequately conserved through the MSCP's habitat-based mitigation plan. A rare circumstance may arise, however, where impacts to a particular species may still result in a cumulatively significant impact. The project-level biological survey report would identify those species and describe why a cumulative impact still exists in light of the habitat level of protection provided by the MSCP. Depending on the size of the impact, the salt marsh daisy (*Lasthenia glabrata* ssp. *coulteri*) found in salt pannes) and the little mouse tail (*Myosurus minimus*) found in vernal pools) would be examples of non-covered species that might be considered rare enough to conclude cumulatively significant impacts.

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WEB SITES FOR REFERENCED DOCUMENTS

Biology Survey Guidelines:
http://www.sandiego.gov/mscp/pdf/biosurvey.pdf

Biology Guidelines:
http://www.sandiego.gov/mscp/pdf/biolog.pdf

MSCP Subarea Plan:
http://www.sandiego.gov/mscp/pdf/subarea.pdf

Environmentally Sensitive Lands Regulations:
http://clerkdoc.sannet.gov/legtrain/mc/MuniCode Chapter14/Ch14Art03Division01

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D. GEOLOGIC CONDITIONS

Geologic conditions exist within certain areas of the City of San Diego which have the potential to pose serious problems when land is developed. Unstable slopes, slide prone soils, and faults occur in many parts of the City. Seismically liquefiable areas exist near the bays and rivers. The Geologic Hazard maps which are part of the City of San Diego Seismic Safety Study indicate where adverse geological conditions exist which will require some level of evaluation by a geologist, an engineer, or both.

Table F-1 describes which type of geologic report is required for specific zones identified on the Seismic Safety Study. Depending on the nature of the proposed project, the requirements can be waived in portions of zone 53 where the topography is flat, or where an evaluation by a City geologist determines that the geologic impact to the project is negligible. * In areas considered at high risk for liquefaction, the report can be deferred to the Building Development Review (BDR) Division until the Building Permit stage if no environmentally sensitive resources are likely to be impacted. Studies for potentially active faults may also be deferred to BDR based on an evaluation by a City staff geologist. Soil investigations may also be deferred if no sensitive environmental resources would be affected by the findings of the report.

*** Note: All project grading components, including offsite improvements such as roads, must be included in the analysis. Therefore, for those project components where BDR would not typically review, approve and require compliance with geotechnical report recommendations (i.e., areas outside the building pad), the analysis must be done during the discretionary stage of project review.**

Table F-1
GEOTECHNICAL STUDY REQUIREMENTS
(City of San Diego Information Bulletin 515)

Hazard Category	Group I	Group II	Group III	Group IV	Group V	Group VI	Group VII
11, 13, 21, 31, 41	GI	GI	GI	GI	GI	GI	SR
12, 22-27, 42-47	GR	GI	GR	GI	GR	GR*	SR
32, 48, (53 & 54 if in hilly terrain)	GR*	SR & GR*	GR*	GR*	--	--	SR
51, 52, 55, (53 & 54 if flat terrain)	GR*	SR*	--	--	--	--	SR

Table F-1 notes:
GI = Geotechnical Investigation
GR = Geotechnical Reconnaissance
SR = Soil Report

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GEOLOGIC HAZARD CATEGORIES (from The City of San Diego's *Seismic Safety Study, 1995 Edition)*

Fault Zones:

11 active, Alquist-Priolo Earthquake Fault Zone
12 potentially active: inactive, presumed inactive or activity unknown
13 downtown special fault zone

Landslides:

21 confirmed, known, or highly suspected
22 possible or conjectured

Slide-Prone Formations:

23 Friars: neutral or favorable geologic structure
24 Friars: unfavorable geologic structure
25 Ardath: neutral or favorable geologic structure
26 Ardath: unfavorable geologic structure
27 Otay, Sweetwater and others

Liquefaction:

31 high potential – shallow groundwater, major drainages, hydraulic fills
32 low potential – fluctuating groundwater, minor drainages

Coastal Bluffs

41 generally unstable: num. landslides, high steep bluffs, severe erosion, unfavorable geol. structure
42 generally unstable: unfavorable bedding planes, high erosion
43 generally unstable: unfavorable jointing, local high erosion
44 moderately stable: mostly stable formations, local high erosion
45 moderately stable: some minor landslides, minor erosion
46 moderately stable: some unfavorable geologic structure, minor or no erosion
47 generally stable: favorable geologic structure, minor or no erosion, no landslides
48 generally stable: broad beach areas, developed harbor

Other Terrain

51 level mesas – underlain by terrace deposits and bedrock: nominal risk
52 other level areas, gently sloping to steep terrain, favorable geologic structure, low risk
53 level or sloping terrain, unfavorable geologic structure, low to moderate risk
54 steeply sloping terrain, unfavorable or fault controlled geologic structure, moderate risk
55 modified terrain (graded sites): nominal risk

* Reports in these categories will not be routed to LDR Geology staff for review; the report will be accepted "as is" unless the reviewing sections have questions. A condition will be included that final geological review will occur in BDR prior to issuance of a building permit.

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Building Type/ Land Use Group	
Group I:	Tentative and Vesting Tentative Maps; Subdivision Maps, Lot Splits
Group II:	Grading Permits
Group III:	Neighborhood Development Permit (NDP), Site Development Permits (SDP) for Environmentally Sensitive Lands, or Coastal Development Permits (CDP)
Group IV:	Planned Development Permit (PDP)
Group V:	Conditional Use Permit (CUP)
Group VI:	Map Waivers
Group VII:	Grading Permits for underground storage and removal and/or soil remediation

"Geologic Report" refers to the Geologic Investigation or Geologic Reconnaissance as designated by Table F 1 and defined in the City's "Technical Guidelines for Geotechnical Reports. (October 1988)" Please refer to these guidelines for the requirements of a Geologic Report

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for geologic conditions?

Would the proposal:

1. Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?
2. Result in a substantial increase in wind or water erosion of soils, either on or off the site?
3. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

SIGNIFICANCE THRESHOLDS

EAS staff should work closely with LDR-Geology to determine if a project would have significant impacts and if mitigation is necessary. This should be determined on a case-by-case basis. Typically, standard construction practices recommended in a geologic report would not be mitigation.

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E. GROWTH INDUCEMENT

Growth inducement is not clearly defined in CEQA as are other issues. It is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly which results in the construction of major and new infrastructure facilities. Also a change in land use policy, or projects that provide economic stimulus such as industrial or commercial uses may induce growth as discussed below.

Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment. The impacts of growth inducement are associated with other issues such as the effects on biological or historical resources, traffic, air quality, public services, etc.

INITIAL STUDY CHECKLIST QUESTIONS

Would the proposal:

1. Induce substantial population growth in an area, (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the community plan)?
2. Substantially alter the planned location, distribution, density, or growth rate of the population of an area?
3. Include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvements Project list, when such infrastructue exceeds the needs of the project and could accommodate future developments?

SIGNIFICANCE THRESHOLDS

A two step analysis needs to be done. The first step is to determine if the project is growth inducing. This includes projects that foster economic growth or population, or construct a new water or sewer line where none previously existed. If this is the case, then this must be analyzed (Step two) in the appropriate issue area.

If the project requires an EIR, Growth Inducement is a mandatory section. The EIR must analyze the consequences of growth; for instance, existing infrastructure may not be able to accommodate a major subdivision, industrial complex, or commercial center and the project may require new facilities that in turn result in impacts. According to Section 15126.2 (d) of the CEQA Guidelines, "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." In general, the analysis must avoid speculation and focus on probable growth patterns or projections. Conclusions must also be presented that determines whether this impact is significant and/or unavoidable, and provide for mitigation or avoidance.

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F. HEALTH AND SAFETY

The following issue areas are discussed in these significance criteria guidelines:

- Hazardous Materials/Public Safety
- Human Health
- Brush Management

1. Hazardous Materials/Public Safety

   As residential redevelopment and new residential construction occurs in or near areas historically used for industry, agriculture, commerce, solid waste (e.g. landfills, former landfill sites, or fuel storage) contaminated soils and groundwater can be found. As part of the environmental review process, steps must be taken to disclose and address the safe removal, disposal and/or remediation of hazardous materials. There are federal, state and local government requirements that must be incorporated into projects which address these issues. Affected facilities would range in scope from establishments specifically designed to handle hazardous/toxic materials (e.g., waste treatment facilities) to underground tanks associated with automotive service stations. In addition there are other public safety issues associated with development proposals in proximity to airports, in flood-prone areas, and in areas susceptible to brush fires.

   For non-residential projects, instruct the applicant to complete Development Services Department (DSD) form DS-3163, "Hazardous Materials Questionnaire." See City of San Diego Information **Bulletin 116** for more information. (www.sandiego.gov/development-services/industry/pdf/infobulletin/ib116.pdf)

2. Human Health

   Human health issues address health hazards (both known and perceived), such as exposure to disease-carrying vectors; contamination due to sewage spills; proximity to electromagnetic fields (EMF) associated with electric transmission lines and communications facilities; and uses in proximity to former or active underground storage tank sites; fuel-storage tank farms, sewage treatment plants, or areas where toxic chemicals may be stored.

   A. Vector Control

   The County of San Diego Department of Environmental Health (DEH) regulates vector control. A vector is any insect or other arthropod, rodent, or other animal of public health significance capable of causing human discomfort and injury, or capable of harboring or transmitting the causative agents of human disease. Projects constructing ponds, or other potential vector habitat should consult with DEH to determine mitigation measures to minimize vector impacts.

   B. Electromagnetic Fields (EMF)

   Studies of the potential for adverse public health effects of EMF are inconclusive. A statement or conclusion of impacts would be speculative. In accordance with CEQA

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Section 15145, the known information about EMF is summarized and no conclusion of significance is reached.

The California Department of Health Services (DHS), California Electric and Magnetic Fields Program provides information regarding known possible health effects from EMF created by the use of electricity. DHS references the National EMF Research and Public Information Dissemination (RAPID) Program, established by Congress as part of the Energy Policy Act of 1992, which has published its findings concluding evidence of the risk of cancer from EMF around power lines is weak. The report recognizes that EMF exposure "cannot be recognized as entirely safe" but "believes that the probability that EMF exposure is truly a health hazard is currently small" with "marginal scientific support that exposure to this agent is causing any degree of harm." The report concludes that efforts to reduce exposure to EMF should continue.

C. Radio Frequency (RF) and Wireless Communication Facilities

On February 8, 1996, the Telecommunications Act of 1996 was signed into law. Section 740 of the Act states as follows: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission's regulations concerning such emissions."

Communications antennas emit varying levels of radio frequency (RF) energy. RF emissions are regulated by the Federal Government. Refer to www.fcc.gov for more information. Below a certain threshold of RF power there is virtually no danger at any distance or direction from the transmitting antenna. Above that threshold, the installation is generally designed to ensure that the areas in which people are likely to be found are exposed to a minimum and safe level of RF energy. The American National Standards Institute (ANSI), and the Institute of Electrical and Electronic Engineers (IEEE) have established the standard for safe exposure levels of RF energy for wireless facilities. RF emission levels are usually expressed and measured as a "power density" or flux which is described in terms of power per unit area. This is the power which flows outward from the transmitter and passes though a given area. The intensity of radiation diminishes exponentially at greater distances from the source, and the exposure, even within the "beam," at sufficient distance presents no exposure danger. The accepted standard for safe exposure to RF energy from the proposed type of facility is 580 microwatts per square centimeter (µW/cm2). The exposure level associated with most cellular facilities is about 0.01% of the accepted standard, or 5.8 µW/cm2 at 50 feet, which is well below the established safety level. If antennas would be placed in conjunction with other existing antennae at the same location, Federal Communication Commission (FCC) rules require the total exposure from all facilities to fall within the guideline limits.

As part of the development review process for wireless communication facilities, the City requires that wireless carriers submit a certified cumulative RF report demonstrating compliance with the FCC standards. Refer to City of San Diego Information Bulletin No. 536. (wwwsandiego.gov/development-services/industry/pdf/infobulletin/ib536.pdf)

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D. Schools

CEQA provides guidance on health and safety impacts for school facilities at Statute Sections 21151.2, 21151.4, 21151.8 and Guideline Section 15186. State-funded schools must also address school siting criteria of Title 5 of the California Code of Regulations, Division 1, Ch 13, Sub Chapter 1, and "School Facilities Construction."

The citing of facilities which may emit hazardous or acutely hazardous materials or may handle acutely hazardous materials with a quarter of a mile of a school may result in a significant impact.

CEQA Statute Section 21151.4 states:

An environmental impact report shall not be certified or a negative declaration shall not be approved for any project involving the construction or alteration of a facility within a 1/4 of a mile of a school which might reasonably be anticipated to emit hazardous or acutely hazardous air emission, or that would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (i) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

(1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.

(2) The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.

3. Brush Management

A specialized public safety issue arises in cases where the brush management[18] requirements cannot be met. An example is a residential lot abutting a publicly-owned open space area, where brush removal, trimming or thinning may be precluded. Another example is a situation where a reduction in the brush management requirements is allowed through alternative compliance. In such cases, the Fire Chief may modify the requirements of brush management on a case-by-case basis. The approval of the Fire Chief must be given in these circumstances in order to avoid a significant public safety impact. See Municipal Code Section 142.0412 (i-j). The environmental analyst should work with DSD-Landscaping Staff and the Fire Chief to ensure the requirements are met. *Ensure brush management activities are coordinated with MSCP staff where there may be potential impacts to MHPA lands.*

[18] http:www.sandiego.gov/fireandems/inspections/brush.shtml

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INITIAL STUDY QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist and provide guidance to determine the potential significance of Health and Safety issues:

Would the proposal:

1. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including when wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

2. Result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?

3. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?

5. Expose people to toxic substances, such as pesticides and herbicides, some of which have long-lasting ability, applied to the soil during previous agricultural uses?

6. Result in a safety hazard for people residing or working in a designated airport influence area?

7. Result in a safety hazard for people residing or working within two miles of a private airstrip or a private airport or heliport facility that is not covered by an adopted Airport Land Use Compatibility Plan?

SIGNIFICANCE THRESHOLDS

1. Projects which propose the handling, storage and treatment of hazardous materials, e.g., a Hazardous Waste Facility, falling under Municipal Code Section 141.1001 Hazardous Waste Research Facilities and Section 141.1002" must prepare a risk assessment in conformance with the Tanner Act. The Hazardous Materials Management Division of the County of San Diego Department of Environmental Health (DEH) determines if projects are subject to Tanner Act provisions.

   For non-residential projects, instruct the applicant to complete Development Services Department form DS-3163, "Hazardous Materials Questionnaire." Refer to City of San Diego Information Bulletin 116 for more information. www.sandiego.gov/development-services/industry/pdf/infobulletin/ib116.pdf

   Note: Please include the following in the environmental document as applicable: Existing and recently enacted legislation to protect the public from any potential impacts from the use of hazardous materials. This legislation includes the Clean Air Act, the Clean Water Act, the

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Comprehensive Environmental Response, Compensation and Liability Act, and the Toxic Substances Control Act.

At the local level the City Fire Department screens inventories of substances and inspects sites every 12 months; the County Health Department screens inventories, inspects facilities every 15 months and reviews the hazardous Materials Business Plan, and the County Air Pollution Control District evaluates projects for possible toxic emissions and issues permits as necessary.

2. Project sites on or near known contamination sources may result in a significant impact. Sources of this information are:

   a. San Diego County Environmental Assessment Case Listing. http://www.sdcounty.ca.gov/deh/hazmat/ust.html

   b. State Department of Toxic Substances Control (DTSC) http://www.dtsc.ca.gov/database/index.cfm

   c. Other possible sources - Sanborn maps, Fire Department records, topographic/existing conditions surveys.

   d. Site-specific emission data from the San Diego Air Pollution Control District (SDAPCD) http://www.sdapcd.org/index.html

   e. State Water Resources Control Board: http://www.geotracker.swrcb.ca.gov

3. Project sites that meet one or more of the following criteria may result in a significant impact.

   a. Located within 1,000 feet of a known contamination site.

   b. Located within 2,000 feet of a known "border zone property" (also known as a "Superfund" site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code.

   c. DEH site file closed. These cases are especially important where excavation (e.g., sewer/water pipeline projects, below grade parking, basements) is involved. DEH often closes a listing when there is no longer danger to the existing use on the property. Where a change in use is proposed DEH should be consulted. Excavation, which would disturb contaminated soils, potentially resulting in the migration of hazardous substances (e.g., along utility trench lines), would require consultation by the applicant and analyst with DEH. The applicant may be required to obtain a concurrence letter from DEH subsequent to participation in the Voluntary Assistance Program (VAP). Information regarding the County of San Diego VAP can be found on the internet at: http://www.sdcounty.ca.gov/deh/water/sam_voluntary_assistance_program.html.

   d. Located in Centre City San Diego, Barrio Logan or other areas known or suspected to contain contamination sites (Check with DEH).

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e. Located on or near an active or former landfill. Hazards associated with methane gas migration and leachates should be considered. Consult with the Local Enforcement Agency (LEA) for assistance.

f. Properties historically developed with industrial or commercial uses which involved dewatering (the removal of groundwater during excavation), in conjunction with major excavation in an area with high groundwater (such as downtown).

Where dewatering is involved, prior to issuance of any permit that would allow excavation which requires dewatering, a plan for disposal of the dewatering effluent and a permit, if needed, from the Regional Water Quality Control Board or the Industrial Waste Division of MWWD, shall be provided to LDR by the applicant. A Dewatering Discharge Permit (NPDES No. CA 1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to direction from the RWQCB. Wells, including test wells, and soil percolation tests are not considered dewatering activities.

g. Projects located in a designated airport influence area and where the Federal Aviation Administration (FAA) has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" as required by FAA regulations in the Code of Federal Regulations (CFR) Title 14 §77.13. Note: if the FAA determines the project would be considered a hazard, a Site Development Permit (SDP) in accordance with Process 5 would be required for Council approval in accordance with the Municipal Code §126.0502(e).

Inconsistency with an Airport's Land Use Compatibility Plan (ALUCP) could be a significant impact.

For a project within the boundaries of a comprehensive airport land use plan, or if a comprehensive land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, CEQA Section 21096 and CEQA State Guidelines Section 15154 requires that the lead agency consider whether the project would result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area in order to adopt a negative declaration or mitigated negative declaration.

h. Located on a site presently or previously used for agricultural purposes. Pesticides are routinely used during agricultural operations. Pesticides do not degrade easily; therefore, a soils assessment may be required. Contact the San Diego County Department of Environmental Health Site Assessment and Mitigation Program for guidance regarding each project site.

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G. HISTORICAL RESOURCES

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register.

"Historical resource" means site improvements, buildings, structures, historic districts signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City and the region. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties.

The following definitions are based, for the most part, on the California Office of Historic Preservation's (OHP) "Instructions for Recording Historical Resources" and are used to categorize different types of historical resources when they are recorded.

A "building" is a construction created principally to shelter any form of human activity (e.g., a house, barn, church, hotel or similar construction). The term building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

The term "structure" is used to distinguish buildings from those functional constructions usually made for purposes other than creating human shelter. Constructed by humans, structures include large scale engineering projects such as water control systems (e.g. dams, reservoirs, aqueducts, water towers, etc.) or transportation systems (e.g., railroads, bridges, roads, trails, etc.), as well as mine shafts, kilns, ovens, light-houses, radio telescopes, etc.

The term "object" is used to distinguish buildings and structures from those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable, by nature or design, an object is associated with a specific setting or environment (i.e. sculpture, monuments, boundary markers, statuary and fountains, etc.).

An "archaeological site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure (whether standing, ruined or vanished) where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure. Archaeological sites which consist of fewer than three associated artifacts and/or ecofacts within a 40 square meter area are commonly called isolates.

A "district" possesses a significant concentration, linkage or continuity of archaeological sites, buildings, structures, objects, and/or landscapes united historically or aesthetically by plan or physical development. In addition, districts may include a variety of resources as listed above.

A "landscape" may be classified as cultural, designed or rural. A cultural landscape is a geographical area which has been used by people; shaped or modified by human activity, occupation or intervention;' or is imbued with significant value in the belief system of a culture or

society. A designed landscape is consciously laid out by a professional designer according to academic or professional standards, theories or philosophies of landscaped architecture; or by an amateur using a recognized style or tradition. It may have a historical association with a significant person, trend or event in landscape gardening or landscape architecture, or a significant relationship to the theory or practice of landscape architecture. A rural historic landscape is a geographic area that historically has been used by people, or shaped or modified by human activity, occupancy or intervention. It is usually a district possessing a significant concentration, linkage, or continuity of land use, vegetation, buildings, structures, roads, waterways and natural features. In this concentration, it provides a distinct sense of time and place.

A "traditional cultural property" is a locale which has been, and often continues to be of religious, mythological, cultural, economic and/or social importance to an identifiable ethnic group. This includes sacred area where religious ceremonies have been or currently are practiced or which are central to a group's origins as a people. Also included are areas where plants or other materials have been or currently are gathered for food, medicine or other economic purposes. These kinds of traditional cultural properties may not possess physical evidence of human activities. Traditional cultural properties also include neighborhoods which have been modified over time by ethnic or folk group use in such a way that the physical and cultural manifestations of the ethnic or folk culture are still distinguishable today. Cultural expressions shared within familial, ethnic, occupational, or regional groups include but are not limited to; technical skill, language, music, oral history, ritual, pageantry, and handicraft traditions which are learned orally, by limitation or in performance, and are generally maintained without benefit of formal instruction or institutional direction. Physical features may include: distinctive landscape and settlement patterns, architectural topologies, materials and methods of construction, and ornamental detailing.

It is important to note, that the different kinds of historical resources described above may not be mutually exclusive. Historic buildings, structures and/or objects are frequently associated with archaeological sites. Similarly, archaeological sites may also comprise traditional cultural properties for the Native American community.

1. Impacts

   The impact assessment is based on the Area of Potential Effect (APE) which includes the area of both the direct and indirect impacts of a proposed project on a historical resource.

   The potential for cumulative impacts to historical resources must also be assessed for significance. In order to identify the extent and degree of the impacts, the APE must be established on the proposed project site plan or map. Once the boundaries of the APE have been defined and the resources have been evaluated for significance, the project impacts will be addressed by the City manager based on the project design. If a historical resource is not significant, both the resource and the effect on it must be noted in the Initial Study on the EIR, but will not be considered further in the CEQA process.

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2. Direct Impacts

All components of a development must be considered in evaluating potential impacts to historical resources. Direct impacts generally result from activities that will cause damage to or have an adverse effect on the resource, such as but not limited to

- Grading
- Road construction
- Excavation for sewer and water pipelines and appurtenances
- Staging areas
- Access roads
- Demolition, grading and excavation activities
- Deterioration due to neglect
- Alteration or repair of a historic structure
- Inappropriate and/or unauthorized repair
- New addition
- Relocation from original site
- Isolation of a historic resource from its setting, when the setting contributes to its significance
- Soil Stockpiling
- Construction of trails in open space
- Increased awareness or exposure of resource

3. Indirect Impacts

Indirect impacts are included within the APE. In the built environment, indirect impacts include the introduction of visual, audible or atmospheric effect that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its view shed, generate substantial noise, or substantially increase air pollution or wind patterns. Increases in air pollution can result in adverse effects to historically designated buildings (chimney soot, dust, debris, etc.). Increased wind patterns can result in adverse effects to an archaeological site if, through removal of vegetation or structure, the wind exposes the site or feature that was previously protected from the wind. Conversely, an adverse effect could occur from blocking a natural wind pattern at a sacred site where the wind is integral to the ritual or experience.

For archaeological resources and traditional cultural properties, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts which may result in an increased potential for vandalism and site destruction. Placing sites into open space does not always mean that there will not be the potential for indirect impacts to the resource. Therefore,resources placed into open space need to be evaluated for indirect impacts.

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4. Cumulative Impacts

   Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. According to the City's Historical Resources Guidelines (April 2001), the loss of a historical resource database due to mitigation by data recovery may be considered a cumulative impact. In the built environment, cumulative impacts most often occur to districts, where several minor changes to contributing properties, their landscaping, or to their setting over time could result in a significant loss of integrity to the district as a whole.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Historical Resources.

Will the proposal result in:

1. An alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?
2. Any impact to existing religious or sacred uses within the potential impact area?
3. The disturbance of any human remains, including those interred outside of formal cemeteries?

SIGNIFICANCE THRESHOLDS

Federal, state and local criteria have been established for the determination of historical resource significance. The Historical Resources Regulations of the Land Development Code pertain only to historical resources that meet the definitions contained in Chapter 11, Article 3, Division 1 of the Code and may differ from the definition of historical resources in these Guidelines and from a determination of significance under CEQA, as provided below.

NATIONAL REGISTER OF HISTORIC PLACES

The National Register criteria, contained in National Register Bulletin 16 (U.S. Department of the Interior 1986:1), state that: The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that posses integrity of location, design, setting, materials, workmanship, feeling and association, and;

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or

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D. That has yielded, or may be likely to yield information important in prehistory or history.

Criteria Considerations Exceptions: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years will not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

C. A birthplace or grave of a historical figure of outstanding importance, if there is no other appropriate site or building directly associated with his or her productive life; or

D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

G. A property achieving significance within the past 50 years, if it is of exceptional importance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

For the purposes of CEQA, a significant historic resource is one which qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA.

The City's determination of significance of impacts on historical and unique archaeological resources is based on the criteria found in Section 15064.5 of the State CEQA Guidelines. For additional information, see the City's Historical Resources Guidelines.

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CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN

Significance criteria as outlined in the Progress Guide and General Plan reflect a broad definition of historical, architectural and cultural importance; a perspective of local, rather than state or national significance; and the belief that all aspects of history are potentially of equal importance.

CITY OF SAN DIEGO HISTORICAL RESOURCES REGISTER

Any improvement, building, structure, sign, interior element and fixture, site, place, district, area or object may be designated as historic by the City of San Diego Historical Resources Board if it meets any of the following criteria:

A. Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping, or architectural development;

B. Is identified with persons or events significant in local, state or national history;

C. Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;

D. Is representative of the notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist or craftsman;

E. Is listed on or has been determined eligible by the National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the California OHP for listing on the State Register of Historical Resources; or

F. Is a finite group of resources related to one another in a clearly distinguishable way; or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value; or which represent one or more architectural periods or styles in the history and development of the City.

CITY OF SAN DIEGO CEQA SIGNIFICANCE

As stated above, if a resource is not listed in, or determined eligible for listing in, the California Register, not included in a local register, or not deemed significant in a historical resource survey, it may nonetheless be historically significant. The significance of an historical resource is based on the potential for the resource to meet one or more of the criteria presented above, including the potential to address important research questions as documented in a site specific technical report prepared as part of the environmental review process. Research priorities for the prehistoric, ethnohistoric and historic periods of San Diego history are discussed in Appendix A (San Diego History) to the City's "Historical Resources Guidelines" and should be used in the determination of historical significance. As a baseline, the City of San Diego has established the following criteria to be used in the determination of significance under CEQA.

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An archaeological site must consist of at least three associated artifacts/ecofacts (within a 40 square meter area) or a single feature. Archaeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. (Testing is required to document the absence of subsurface deposit.) Such site types may include isolated finds, bedrock milling stations, sparse lithic scatters, and shellfish processing stations. All other archaeological sites are considered potentially significant. The determination of significance is based on a number of factors specific to a particular site, including site size, type and integrity; presence or absence of a subsurface deposit, soil stratigraphy, features, diagnostics, and datable material; artifact and ecofact density; assemblage complexity; cultural affiliation; association with an important person or event; and ethnic importance.

The determination of significance for historic buildings, structures, objects and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity.

A site will be considered to possess ethnic significance if it is associated with a burial or cemetery; religious, social or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the belief system of a discrete ethnic population.

NON-SIGNIFICANT RESOURCE TYPES

Isolates consist of less than three artifacts/ecofacts within a 40 square meter area. Sparse Lithic Scatters are identified and evaluated based on criteria from the OHP's "California

Archaeological Resource Identification and Data Acquisition Program; Sparse Lithic Scatters" (February 1988). Isolated Bedrock Milling Stations are defined as having no associated site within a 40 meter radius and lacking a subsurface component. Shellfish Processing Sites are defined as containing a minimal amount of lithics (i.e. less than five or six) and no subsurface deposit.[19]
Historic buildings, structures, objects and landscapes are generally not significant if they are less than 45 years old. A non-significant building or structure located within an historic district is by definition not significant.

Resources found to be non-significant as the result of a survey and assessment will require no further work beyond documentation of the resources (including site records) and inclusion in the survey and assessment report.

[19] If it can be determined by the Principal Investigator that the minimal amount of materials from different classes of lithics on-site represents a significant resource based on their potential to address important research questions, then the resource would no longer fall under the category "non-significant resource type."

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H. HYDROLOGY

Hydrology is defined as the science dealing with the properties, distribution, and circulation of surface water, ground water and atmospheric water. The quantity of water which flows in a creek or river is calculated based on historic climactic conditions combined with the watershed characteristics. The slope and shape of the watershed, soil properties, recharge area, and relief features are watershed characteristics which influence the quantity of surface flows.

As land is developed, impervious area is increased, thereby increasing runoff. The increased volume of water in a drainage way may have short-lived, but rather dramatic, impacts during storm events. The potentially adverse impacts include, but are not limited to, property damage and disturbance of wildlife habitat.

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for impacts in Hydrology:

Would the proposal result in:

1. A substantial increase in impervious surfaces and associated increased runoff?
2. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

SIGNIFICANCE THRESHOLDS

1. If a project would result in increased flooding on- or off-site there may be significant impacts on upstream or downstream properties and to environmental resources.

   Significant impacts may result if the project would impose flood hazards on other properties or if the project proposes to develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management Agency (FEMA) maps. Compliance with Council Policy 600-14 may provide evidence that an impact is not significant or is mitigated. Policy 600-14 prohibits development within areas of special flood hazard except under certain circumstances. The policy requires approval by the floodplain administrator before construction, development or alteration begins within any area of special flood hazard.

2. If a project would result in decreased aquifer recharge there may be significant impacts on hydrologic conditions and well-water supplies because the area available for aquifer recharge is reduced. When a subsurface water source fails to be recharged by rainfall, its volume will be reduced. Reduced groundwater elevation can affect landholders who are dependent on well water, vegetation, and surface water replenishment. In addition, if a project would result in extraction of water from an aquifer, impacts on hydrologic conditions would be significant if there would be a net deficit in the aquifer volume or a reduction in the local groundwater table.

   Projects which would create over 1.0 acres of impermeable hardscape in areas utilizing well-water and projects which would install groundwater extraction wells may result in significant impacts. Analysts should contact the Regional Water Quality Control Board for guidance in

evaluating this type of impact, as the threshold amount of new impermeable surface may vary from case to case.

For commercial or multi-residential projects (a single-family residence is excluded) using groundwater as a source of water supply, the project applicant must address potential impacts to the neighboring wetlands or other developments(as applicable) in the area that rely on groundwater to assure that there is a sustainable groundwater supply for the proposed project. Otherwise, a significant and unmitigated impact could occur and an EIR could be required. Alternatively, the project would need to provide for municipal water.

3. If a project would grade, clear, or grub more than 1.0 acre of land, especially into slopes over a 25% grade, and would drain into a sensitive water body or stream there may be significant impacts on stream hydrology if uncontrolled runoff results in erosion and subsequent sedimentation of downstream water bodies.

4. If a project would result in modifications to existing drainage patterns there may be significant impacts on environmental resources such as biological communities and archaeological resources.

   Projects where drainage patterns are influenced such that existing vegetation would decline because long- or short-term, soil-plant-water relationships would no longer meet habitat requirements. A project would generally have a significant hydrologic impact on biological resources if the project would result in a degradation in the function and value of the existing habitat or if the project would alter the habitat type.

   Projects which would result in substantial changes to stream-flow velocities or quantities may result in a significant impact (to be determined on a case by case basis; streambed characteristics will affect determination). Refer to the project's hydrology study, if any, for the analysis of this issue.

   There may be significant impacts on downstream properties and/or environmental resources if drainage patterns are changed. Projects which, when identified in a drainage study would cause adverse impacts on downstream properties or environmental resources as a result of a change in the drainage pattern would result in a significant impact. Refer to the project's hydrology study for the analysis of this issue.

Hydrology References:

FEMA Maps: Maps can be accessed at the FEMA website at www.FEMA.org. Click on the FEMA Flood Map Store, then click on Map Search. Use the free "how-to" guidelines and be aware a "plus sign" icon may be shown next to the view button if any map revisions (LOMRs) have occurred. Click on the plus sign to review the map revisions.

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I. LAND USE

In accordance with state planning and zoning law, the City of San Diego has adopted a Progress Guide and General Plan which provides a comprehensive long-term plan for the development of the City. The City is in the process of updating the General Plan and has recently adopted the Strategic Framework Element (City of Villages) as part of this update. Consistency with the Strategic Framework Element should be discussed and evaluated as appropriate in environmental documents.

In addition, the City has adopted community and specific/precise plans which provide growth development goals and guidelines for the various communities and subareas. These plans include land use elements and also may include design, resource management and environmental elements or goals. The City of San Diego MSCP Subarea Plan also contains guidelines for development within and adjacent to the MHPA.

The project should be assessed for consistency with any of the adopted plans and regulations (City of San Diego Municipal Code) which govern the region and the particular site. An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental issue to be considered significant under CEQA.

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for Land Use:

Would the proposal:

1. Require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

2. Result in a conflict with the environmental goals, objectives and recommendations of the community plan in which it is located?

3. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan?

4. Physically divide an established community?

5. Result in land uses which are not compatible with an adopted airport Comprehensive Land Use Plan (CLUP)?

SIGNIFICANCE THRESHOLDS

The following may be considered significant land use impacts:

1. Inconsistency/conflict with the environmental goals, objectives, or guidelines of a community or general plan.

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2. Inconsistency/conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts occur (for example, development of a designated school or park site with a more intensive land use could result in traffic impacts).

3. Substantial incompatibility with an adopted plan. For example: a rock crusher in a residential area would result in land use conflicts related to environmental consequences (i.e. noise), and environmental impacts would result. As a general rule, projects that are consistent with the zoning and compatible with surrounding uses should not result in land use impacts.

4. Development or conversion of general plan or community plan designated open space or prime farmland[20] to a more intensive land use.

5. Incompatible uses as defined in an airport land use plan or inconsistency with an airport's Comprehensive Land Use Plan (CLUP) as adopted by the Airport Land Use Commission (ALUC) to the extent that the inconsistency is based on valid data. CEQA, Section 21096 and 15154 requires this land use/health and safety analysis. For additional information, consult the California Airport Land Use Planning Handbook,[21] or the applicable Comprehensive Land Use Plan (CLUP):

   - Brown Field (adopted September 21, 1981)
   - Montgomery Field (adopted July 27, 1984)
   - MCAS Miramar (adopted September 28, 1990, amended September 25, 1992)
   - Lindbergh Field (adopted February 28, 1992, amended April 22, 1994)

6. Inconsistency/conflict with adopted environmental plans for an area. For example, a use incompatible with MSCP for development within the MHPA would fall into this category.

7. Significantly increase the base flood elevation for upstream properties, or construct in a Special Flood Hazard Area (SFHA) or floodplain/wetland buffer zone.

[20] http://www.consrv.ca.gov/DLRP/fmmp/pubs/soils/sandiego.pdf
[21] http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf

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J. MINERAL RESOURCES

A project could cause a potentially significant impact to mineral resources if it resulted in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. An impact could also result from the loss of availability of a locally important mineral resource recovery site identified in a general plan, specific plan, or other land use plan.

For the purpose of CEQA analysis, "mineral resources" refers to aggregate resources. Aggregate consists of sand, gravel, and crushed rock. Aggregate provides bulk and strength in construction materials such as portland cement concrete and asphaltic concrete. Blocks of granite rock are quarried for decorative rock, monuments, and surface plaster. Large irregular blocks of stone are quarried for use as riprap. Decomposed granite is taken from pits for use as a base under road pavements and cold-mixed asphaltic pavement.

In accordance with guidelines established by the State Mining and Geology Board, mineral deposits in western San Diego County have been classified into Mineral Resources Zones (MRZs) as follows:

MRZ1 : areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence;
MRZ 2: areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists;
MRZ 3: areas containing mineral deposits, the significance of which cannot be evaluated from available data;
MRZ 4: areas where available information is inadequate for assignment to any other MRZ.

Note: The State Mining and Geology Board maps may be purchased by visiting the following web site:

http://www.consrv.ca.gov/cgs/minerals/mlc/SMARA_pubs_2001.pdf

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to mineral resources:

Would the proposal result in:

1. The loss of availability of a significant mineral resource (e.g. sand or gravel) as identified the Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production – Consumption Region, 1996, Department of Conservation, California Department of Geological Survey (located in the EAS library)?

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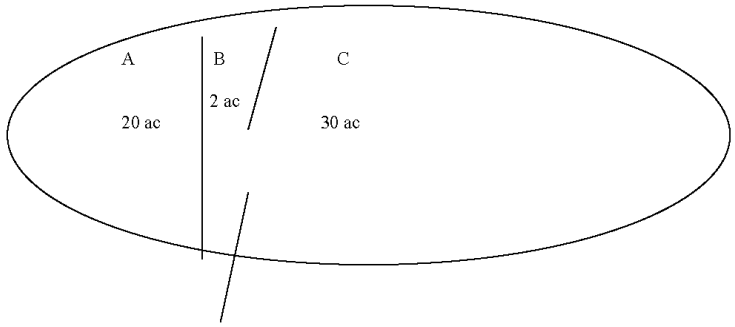
SIGNIFICANCE THRESHOLDS

In analyzing the potential for impacts to mineral resources, staff should consult the Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production – Consumption Region, 1996, Department of Conservation, California Department of Geological Survey, located in the EAS library. The analyst should answer the following questions:

1. **Is the project site located in the MRZ 2 classification area?**
   A "yes" answer does not automatically mean that a significant impact should be identified. Additional factors should be considered, using questions 2 through 4.

2. **Is the site large enough to allow economically feasible aggregate mining operations?**
   It is unlikely that a site smaller than 10 acres in size could accommodate economically feasible operations. However, Geology Section staff should be consulted, as more information will be required to make a determination.

3. **If the site is too small for an economically feasible mineral resource extraction operation, would its development with the proposed use preclude a mining operation adjacent to or surrounding the site?**
   For example, in the drawing below, assume that properties A, B, and C are all within the MRZ 2 classification, and property B is too small to support a mining operation. If a residential development were built on property B, it could preclude or substantially interfere with development of a mineral resource extraction project or projects on properties A and C, which are large enough to support economically feasible mineral resource extraction. A significant impact should likely be identified for the residential proposal on property B.



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4. **Is the site currently being mined?**
   If an economically feasible mineral extraction operation is the site's current use, and the site is not exhausted, a different use of the site would likely result in a significant impact on the availability of a locally important mineral recovery site.

K. NOISE

Noise is defined as unwanted or objectionable sound. Noise levels compatible with a person's life, health and enjoyment of property are regulated by Local, State, and Federal regulations, including the City of San Diego Progress Guide and General Plan, City Noise Abatement and Control Ordinance, California Noise Insulation Standards (Title 24), the State Public Utilities Code regulating airports, and other regulations. A direct and/or indirect noise impact should be evaluated in relation to applicable City standards, particularly, the City of San Diego Progress Guide and General Plan (Transportation Element). The following significance thresholds are in accordance with the City's Progress Guide and General Plan (Transportation Element) Land Use Compatibility with Annual Community Noise Equivalent Levels (CNEL).

Measurement of sound involves three variables, (1) magnitude; (2) frequency; and (3) duration. Noise levels in the City of San Diego are expressed and compared as dB (A) CNEL.

Definitions

The following definitions shall have the same meaning as defined in the Section 59.5.0102 of the City of San Diego Municipal Code:

A-Weighting
As in decibel A-weighting (dB [A]). Represents the frequency characteristics of the average human ear for various sound intensities. An A-Weight sound filters out lower frequencies, and provides a good indicator of the annoyance potential of a noise.

Average Sound Level
A sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters 1.4-1971. Average sound level is also called equivalent continuous sound level. (L_{eq})

Community Noise Equivalent Level (CNEL)
An average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

CNEL recognizes that noise annoyance is related to duration, how often the noise is present, how long it persists, and when it occurs.

Decibel (dB)

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A unit measure of sound (noise) level.

Just as feet is used to measure distances, decibels are used to measure sound (noise) levels. The decibel is defined as 10 times the common logarithm of the ratio of two amounts of sound power.

The human ear can hear sounds from less than 10 dB to over 100 dB (sounds which are 100,000 times greater that the faintest sounds). Table K-1 shows the approximate relationship between sound level changes and peoples judgment of the relative loudness of the change.

Table K-1
RELATIVE LOUDNESS

Sound Level Change	Acoustic Energy Change	Relative Loudness
0 dB	0	Reference Point
3 dB	50 %	Perceptible Change
10 dB	90 %	Twice as Loud
20 dB	99 %	Four Times as Loud
30 dB	99.9 %	Eight Times as Loud
40 dB	99.99 %	Sixteen Times as Loud

Source: Miller 1989 pg. 1-6

Noise Level
The same as sound level. The terms may be used interchangeably.

Sound Level
In decibels, that quantity measured with a sound level meter as defined herein, by use of the "A" frequency weighting and "fast" time averaging unless some other time averaging is specified.

Sound Level Meter
An instrument for the measurement of sound, including a microphone, an amplifier, an attenuator, networks at least for standardized frequency weighting A, and an indicating instrument having at least the standardized dynamic characteristic "fast," as specified in American National Standard Specification for Sound Level Meters S1. 4-1971 or its successor.

INITIAL STUDY CHECKLIST QUESTIONS

The following questions are from the City's Initial Study Checklist and are used to provide guidance to determine potential significant impacts related to Noise:

Would the project:

1. Result or create a significant increase in the existing ambient noise levels?

2. Exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?

3. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

4. Result in land uses which are not compatible with aircraft noise levels as defined by an adopted airport Comprehensive Land Use Plan (CLUP)?

SIGNIFICANCE THRESHOLDS

1. Interior and Exterior Noise Impacts from Traffic Generated Noise (Table K-2 below provides the general thresholds of significance for uses affected by traffic noise.)

Table K-2
TRAFFIC NOISE SIGNIFICANCE THRESHOLDS
(db(A) CNEL)

Structure or Proposed Use that would be impacted by Traffic Noise	Interior Space	Exterior Useable Space [22]	General Indication of Potential Significance
Single-family detached	45 dB	65 Db	Structure or outdoor useable area[23] is < 50 feet from the center of the closest (outside) lane on a street with existing or future ADTs > 7500 [24]
Multi-family, schools, libraries, hospitals, day care, hotels, motels, parks, convalescent homes.	- Development Services Department (DSD) ensures 45 dB pursuant to Title 24	65 dB	
Offices, Churches, Business, Professional Uses	n/a	70 dB	Structure or outdoor usable area is < 50 feet from the center of the closest lane on a street with existing or future ADTs > 20,000
Commercial, Retail, Industrial, Outdoor Spectator Sports Uses	n/a	75 dB	Structure or outdoor usable area is < 50 feet from the center of the closest lane on a street with existing or future ADTs > 40,000

Source: 1) City of San Diego Acoustical Report Guidelines (December 2003) and 2) City of San Diego Progress Guide and General Plan (Transportation Element)

[22] If a project is currently at or exceeds the significance thresholds for traffic noise described above and noise levels would result in less than a 3 dB increase, then the impact is not considered significant.

[23] Exterior usable areas do not include residential front yards or balconies, unless the areas such as balconies are part of the required usable open space calculation for multi-family units.

[24] Traffic counts are available from:
- San Diego Regional Association of Governments (SANDAG) Regional Economic Development Information
- System (**REDI**): http://cart.sandag.cog.ca.us/REDI/
- **SANDAG Traffic Forecast Information Center**: http://pele.sandag.org/trfic.html

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2. HUD-Funded projects and Noise

   If a project is receiving U.S. Department of Housing and Urban Development (HUD) funding, noise analysis and mitigation must be in accordance with the HUD Noise Guidebook[25] Minimum attenuation requirements are prescribed in Title 24 of the Code of Federal Regulations[26] (24 CFR 51.104(a)) which are the HUD Environmental Criteria and Standards.

3. Airport Noise Impacts

   If the project is proposed within the Airport Environs Overlay Zone (AEOZ) as defined in Chapter 13, Article 2, Division 3 of the San Diego Municipal Code, the potential exterior noise impacts from aircraft noise would not constitute a significant environmental impact.

   However, interior noise impacts will be regulated by the requirement for residential development within the AEOZ to reduce interior noise levels attributable to airport noise to 45 dB Community Noise Equivalent Level (CNEL). Interior noise levels for new construction of multi-family units are addressed by the Building Development Review Division (BDR) of the City's Development Services Department (DSD) and do not need to be mitigated through conditions in the environment report, but the BDR requirements should be noted. BDR requires additional insulation and upgraded building materials so that interior noise levels do \not exceed 45 dB(A) CNEL. The requirements for an acoustical testing are defined in the City of San Diego Municipal Code, Chapter 13, Article 2, Division 3, §132.0308, "Acoustical Testing of Interior Noise Levels."

   Requirements for noise studies are found in the Municipal Code at Chapter 13, Article 2, Division 3, §132.0308. This section of the municipal code applies to "development" as defined at, § 113.0103 to include "constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, structure, improvement, lot, or premises."

   Remodels and additions to single-family and multi-family residences subject to airport noise levels above 65 dB (A) CNEL ordinarily would not be considered a significant issue and a noise study would not be required for the purposes of CEQA analysis. However, new construction of hospitals, schools, day care centers, or other sensitive uses subject to airport noise levels in excess of 65 dB(A) CNEL would be considered a significant issue and a noise study would be required that could recommend measures to mitigate potential noise impacts to a level below significance. Table K-3 below addresses the general impacts from airport noise thresholds.

[25] http://www.hud.gov/offices/cpd/energyenviron/environment/resources/guidebooks/noise/index.cfm

[26] http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1

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Table K-3
IMPACTS FROM AIRPORT NOISE

Structure or Proposed Use that would be impacted by Airport Noise	Regulation
Structure within an AEOZ	Exterior noise is one factor in determining land use compatibility. See Table K-4 and the applicable Comprehensive Land Use Plan (CLUP).
New Single Family and Multi-family	Building Development Review Division (BDR) of Development Services Department (DSD) ensures 45 dB interior noise levels. Discuss Airport noise impact & BDR requirements (insulation and upgraded building materials to ensure 45 dB(A) CNEL) in environmental document See also § **132.0309 Requirement for Avigation Easement**
Remodels and additions to existing single and multi-family	Noise study & mitigation **not required** for airport noise > 65 dB(A) CNEL. See also § **132.0309 Requirement for Avigation Easement**. For development within the 60 dB CNEL contour of Lindbergh Field the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45 dB. Refer to § 132.0306 of the Municipal Code.
New construction of hospitals, schools, day care centers or other sensitive uses	Noise study and mitigation **required** for airport noise > 65 dB(A) CNEL. See also § **132.0309 Requirement for Avigation Easement.**

4. Noise from Adjacent Stationary Uses (Noise Generators)

   A project which would generate noise levels at the property line which exceed the City's Noise Ordinance Standards is considered potentially significant (such as potentially a carwash or projects operating generators or noisy equipment).

   If a non-residential use, such as a commercial, industrial or school use, is proposed to abut an existing residential use, the decibel level at the property line should be the arithmetic mean of the decibel levels allowed for each use as set forth in Section 59.5.0401 of the Municipal Code. Although the noise level above could be consistent with the City's Noise Ordinance Standards, a noise level above 65 dB (A) CNEL at the residential property line could be considered a significant environmental impact.

1. Impacts to Sensitive Wildlife

   Noise mitigation may be required for significant noise impacts to certain avian species during their breeding season, depending upon the location of the project such as in or adjacent to an MHPA, whether or not the project is occupied by the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird or western snowy plover, and whether or not noise levels from the project, including construction during the breeding season of these species would exceed 60dB(A) or existing ambient noise level if above 60dB(A). In addition, please note that significant noise impacts to the California gnatcatcher are only analyzed if the project is within an MHPA; there are no restrictions for the gnatcatcher outside the MHPA any time of year. Please see Biological Resources Section, Step 2, Note (f).

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6. Temporary Construction Noise

Temporary construction noise which exceeds 75 dB (A) L_{eq} at a sensitive receptor would be considered significant. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibles (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.

Additionally, where temporary construction noise would substantially interfere with normal business communication, or affect sensitive receptors, such as day care facilities, a significant noise impact may be identified.

7. Noise/Land Use Compatibility

Noise is one factor to be considered in determining whether a land use is compatible. Land use compatibility noise factors are presented in Table K-4. Compatible land uses are shaded. Incompatible land uses are unshaded. The transition zone between compatible and incompatible should be evaluated by the environmental planner to determine whether the use would be acceptable based on all available information and the extent to which the noise from the proposed project would affect the surrounding uses.

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Table K-4
City of San Diego Noise Land Use Compatibility Chart

	Land Use	*Annual Community Noise Equivalent Level in Decibels*					
		50	55	60	65	70	75
1	Outdoor amphitheaters						
2	Schools, libraries						
3	Nature preserves, wildlife preserves						
4	Residential single-family, multi-family, mobile homes, transient housing						
5	Retirement homes, intermediate care facilities, convalescent homes						
6	Hospitals						
7	Parks, playgrounds						
8	Office buildings, business and professional						
9	Auditoriums, concert halls, indoor arenas, churches						
10	Riding stables, water recreation facilities						
11	outdoor spectator sports, golf courses						
12	livestock farming, animal breeding						
13	Commercial-retail, shopping centers, restaurants, movie theaters						
14	Commercial-wholesale, industrial manufacturing, utilities						
15	Agriculture (except livestock), extractive industry, farming						
16	Cemeteries						

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L. PALEONTOLOGICAL RESOURCES

Paleontology is the science dealing with the study of prehistoric life preserved as fossils in geologic deposits. As such, paleontology informs society about the history of life, about ancient ecosystems, environments, and climates, and about the origin and evolution of species and patterns and possible causes of extinction.

Fossils (paleontological resources) are the remains and/or traces of prehistoric life and represent an important and nonrenewable natural resource. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (sedimentary rock formations) within which they were originally buried. For planning purposes, paleontological resources can be thought of as including not only actual fossil remains, but also the localities where those fossils are collected, and the geologic deposits/formations/rock units containing the localities.

Because fossils are buried in sedimentary rock layers (strata), they are vulnerable to destructive processes of both natural weathering and erosion as well as manmade earthmoving operations. Impacts to paleontological resources may occur during grading activities associated with project construction, especially for large-scale excavations (e.g., residential housing tracts and new roadway projects) and possibly in urban redevelopment projects where excavation (e.g., for subsurface parking structures) would be done in previously undisturbed geologic deposits/formations/rock units. Where the potential for paleontological impacts exists, mitigation usually involves on-site paleontological monitoring of excavation activities so that exposed fossils may be recovered.

INITIAL STUDY QUESTIONS

The following Initial Study Checklist question is from the City's Initial Study Checklist, and provides guidance to determine potential significance for impacts to Paleontological Resources:

Would the project:

1. Require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit?
2. Require over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?

SIGNIFICANCE THRESHOLDS

1. Determine the geologic deposit/formation/rock unit underlying a project area. If there are sedimentary rocks such as those found in the coastal areas, they usually contain fossils. If there are granitic or volcanic rocks such as those found in the inland areas (Mission Gorge, etc), they usually will not contain fossils.

2. See Paleontological Determination Matrix.

   Note: Significant impacts to paleontological resources are most often mitigated by the implementation of a monitoring program. The monitoring program is carried out under the

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supervision of a qualified paleontologist and includes attendance at preconstruction meetings as well as onsite inspections of active excavations. If well-preserved fossils are discovered, measures are implemented to retrieve, adequately preserve, and curate the resources. The qualified paleontologist must also submit a monitoring results report to MMC staff.

Note: Staff uses the geologic maps by Kennedy (1975), Kennedy and Tan (1977) and Kennedy and Tan (2008) to determine which geologic deposits/formations/ rock units underlie a project site. These maps are available through the California Geological Survey and some local libraries.

PALEONTOLOGICAL MONITORING DETERMINATION MATRIX

Geological Deposit/Formation/Rock Unit	Potential Fossil Localities	Sensitivity Rating
Alluvium (Qsw, Qal, or Qls)	All communities where this unit occurs	Low
Ardath Shale (Ta)	All communities where this unit occurs	High
Bay Point/Marine Terrace (Qbp) [1]	All communities where unit occurs	High
Cabrillo Formation (Kcs)	All communities where unit occurs	Moderate
Delmar Formation (Td)	All communities where unit occurs	High
Friars Formation (Tf)	All communities where unit occurs	High
Granite/Plutonic (Kg)	All communities where unit occurs	Zero
Lindavista Formation (Qln, Qlb) [2]	A. Mira Mesa/Tierrasanta B. All other areas	A. High B. Moderate
Lusardi Formation (Kl)	A. Black Mountain Ranch/Lusardi Canyon Poway/Rancho Santa Fe B. All other areas	A. High B. Moderate
Mission Valley Formation (Tmv)	All communities where unit occurs	High
Mt. Soledad Formation (Tm, Tmss, Tmsc)	A. Rose Canyon B. All other areas where this unit occurs	A. High B. Moderate
Otay Formation (To)	All communities where unit occurs	High
Point Loma Formation (Kp)	All communities where unit occurs	High
Pomerado Conglomerate (Tp)	A. Scripps Ranch/Tierrasanta B. All other areas	High
River /Stream Terrace Deposits (Qt)	A. South Eastern/Chollas Valley/Fairbanks Ranch/Skyline/Paradise Hills/Otay Mesa, Nestor/San Ysidro B. All other areas	A. Moderate B. Low
San Diego Formation (Qsd)	All communities where this unit occurs.	High
Santiago Peak Volcanics (Jsp) A. Metasedimentary B. Metavolcanic	A. Black Mountain Ranch/La Jolla Valley, Fairbanks Ranch/Mira Mesa/Peñasquitos B. All other areas	A. Moderate B. Zero
Scripps Formation (Tsd)	All communities where this unit occurs	High
Stadium Conglomerate (Tst)	All communities where this unit occurs	High
Sweetwater Formation	All communities where this unit occurs	High

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Torrey Sandstone (Tf)	A. Black Mountain Ranch/Carmel Valley B. All other areas	A. High B. Low

Sensitivity Rating		**Grading Thresholds for Required Monitoring**
High	=	>1000 cubic yards and 10 feet+ deep
Moderate	=	>2000 cubic yards and 10 feet+ deep
Zero-Low	=	Monitoring Not Required

Baypoint [1] -- Broadly correlative with Qop 1-8 of Kennedy and Tan (2008) new mapping nomenclature.
Lindavista [2] – Broadly correlative with Qvop 1-13 of Kennedy and Tan (2008) new mapping nomenclature.

Notes: * Monitoring is always required when grading on a fossil recovery site or near a fossil recovery site in the same geologic deposit/formation/ rock unit as the project site as indicated on the Kennedy Maps.

** Monitoring may be required for shallow grading (i.e., <10ft) when a site has previously been graded and/or unweathered geologic deposits/formations/rock units are present at the surface.

*** Monitoring is not required when grading documented or undocumented artificial fill.

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M. PUBLIC SERVICES and FACILITIES

Appendix G of the CEQA Guidelines asks whether a project would result in substantial adverse physical impacts **from the construction** or alteration of governmental facilities needed to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Thus, this and other CEQA guidelines indicate that the Lead Agency should focus the evaluation of impacts on the **physical effects** of constructing or altering public facilities.

However, the guidelines also discuss health and safety issues that can result from the introduction of people to hazardous or overcrowded situations as significant impacts:

Section 15065(d), Mandatory Findings of Significance states, "The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

*Section 15126.2 (a) specifically addresses the need to disclose potential significant effects to public services and states, "An EIR shall identify and focus on the significant environmental effects of the proposed project ... Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development**),** health and safety problems **caused by physical changes,** and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. "*

The number, location, and size of public facilities such as fire and police stations, public schools, libraries, parks, and other governmental services and facilities should be identified at the community plan level. The City of San Diego Planning Department should coordinate with the appropriate departments in making these determinations. The facilities financing and development impact fees should also be anticipated at this time.

INITIAL STUDY CHECKLIST QUESTIONS

The following questions are from the City's Initial Study Checklist. They provide guidance to determine potential significance of the physical effects of constructing and/or altering Public Services, including the development of Parks and Recreational Resources:

Would the proposal:

1. Have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

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Police protection	Parks or other recreational facilities
Fire/Life Safety protection	Maintenance of public facilities, including roads
Libraries	Schools

If so, the focus of the analysis should be on the physical impacts of constructing the public service facilities.

SIGNIFICANCE THRESHOLDS

Public Services

The analyst should evaluate the significance of a project's impacts related to construction of public service facilities as follows:

a. Does the project conflict with the community plan in terms of the number, size, and location of public service facilities?

b. If so, are there direct impacts from construction of proposed new public service facilities needed to serve the project? (See also Section E. Growth Inducement.)

1. Police and Fire-rescue services

For police and fire-rescue services, the following should also be considered and referred to the Police and/or Fire-Rescue Departments if the project exceeds the threshold of 75 dwelling units or 100,000 square feet of non-residential construction.

c. Is the project located in a brush fire hazard area, hillside, or an area with inadequate fire hydrant services or street access? (Also see Section F. Health and Safety).

d. Does the project involve the use, manufacture or storage of toxic, readily-combustible, or otherwise hazardous materials? (Also see Section F. Health and Safety).

e. Would the project's location provide for adequate SDFD access as determined by Fire and Life Safety staff to be in conformance with the California Fire Code and Fire and Hazard Prevention Services Policy A-00-1?

f. Would the project substantially affect Police or Fire-Rescue response times (i.e., increase the existing response times in the project area)?

For question "c-f", the Police and/or Fire Departments will review the project to determine whether it would substantially affect these issue areas as well as following response times:

Police:	Priority 1 call goal by neighborhood from current budget
Fire-Rescue:	5 minutes from the time the alarm is received to arrival of the first engine at the scene of the incident (1 minute chute + 4 minute travel) and 9 minute response time (1 minute chute + 8 minute travel) for initial full alarm assignment (3 engines and 1 truck).

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The affected department(s) should advise the analyst of whether the effect is due to a lack of facilities, traffic congestion, or a lack of personnel or equipment.

Large and small developers are required to fund construction of new facilities with Developer Impact Facilities (DIFs) and Facility Benefit Assessment Districts (FBAs) as conditions of project approvals to address capital costs of Police and Fire-Rescue services.

At the present time, significant response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval by the City Council of the affected department's budget proposal for operations within the affected area because developers cannot be required to fund ongoing operational costs nor can they make budgetary decisions regarding such funding.

The Environmental Setting section of the environmental document should identify the stations that provide services to the project site, and should include the response times to the project site.

Public Facilities

1. Schools

   Senate Bill (SB) 50 was enacted on August 27, 1998. The bill authorized a $9.2 billion K-12 school and higher education bond to be presented to the voters of California. The state bond measure, known as the "Class Size Reduction Kindergarten - University Public Education Facilities Bond Act of 1998," was approved by the voters on November 3, 1998.

   SB 50 significantly revised developer fee and mitigation procedures for school facilities as set forth in Government Code Section 65996. The legislation holds that the statutory fees are the exclusive means of considering and mitigating school impacts. It does not just limit the mitigation that may be required -- it limits the scope of the review and the findings to be adopted for school impacts. Once the statutory fee is paid, the impact would be mitigated because of the provision that the statutory fees constitute full and complete mitigation.

   What this means is that the City is legally prohibited from imposing any mitigation related to school facilities, because the applicants are required by state law to pay school facilities fees.

   Environmental documents for larger residential projects should include information provided by the appropriate school districts about the existing conditions and capacities, but should conclude that the impacts are mitigated through the implementation of SB 50. However, project permits can include a measure requiring verification that the statutory fees have been paid prior to the issuance of any notice to proceed with project grading or construction.

2. Libraries

   The General Plan establishes guidelines and standards for branch libraries. Ideally, branch libraries should serve a resident population of 30,000 and may be established when a service area, which is expected to grow to 30,000 residents within 20 years of library construction, has a minimum population of 18,000 to 20,000. Branches should be located in areas of

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intense human activity, with a 2.0-mile maximum service area, where trips can be combined with other daily trips.

The City of San Diego is also part of a county-wide cooperative relationship known as the Serra Cooperative Library System. This system allows residents of the City of San Diego and San Diego County to use the facilities of public libraries.

The Environmental Setting section of environmental documents for medium to large residential projects should identify the location of the nearest branch libraries and the distance of each from the project site. For those projects located on or near the limits of the City of San Diego, the Serra Cooperative Library facilities should also be identified. The provision of adequate libraries is a planning and facilities issue, and project applicants are required to make fair share contributions to the public facilities.

3. Parks and Recreational Resources

The City's General Plan provides the following guidelines for population-based parks:

a. Neighborhood parks and facilities should serve a resident population of between 3,500 and 5,000 within an approximately half-mile radius. The facility should be five (5) acres in size when located next to an elementary school and 10 acres when the facility must stand alone.

b. Community parks and recreation centers should serve a resident population of between 18,000 and 25,000 within an approximately 1½-mile radius. The facility should be 13 acres in size when located adjacent to a junior high school and 20 acres when the facility must stand alone.

The General Plan guidelines for resource-based park are as follows:

a. Resource-based parks should provide approximately 15 to 17 acres per 1,000 residents City-wide. It is important to note that resource-based parks are identified with an area of outstanding scenic, natural, or cultural interest. However, portions of these parks may serve as a community park.

The City's Park and Recreation Department and Planning Department are part of the multi-disciplinary review team for development projects. They are responsible for determining whether there would be a park deficiency within the community planning areas. As with libraries, the provision of parks is a planning and facilities issue, so the Environmental Setting section of the document should discuss the development's effect on any park deficiencies in the area, but should not conclude that such effects are CEQA impacts.

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N. PUBLIC UTILITIES

In view of the continued growth experienced within the City of San Diego, it is the City's goal to ensure that public utilities will be made available on an equitable basis, without jeopardizing human health and safety.

The group of public utilities, as discussed in this section consist of:

- Electrical Power and Natural Gas (Energy) (In evaluating a project's effects on energy conservation in the preparation of Environmental Impact Reports, staff and consultants are directed to Appendix F of the CEQA Guidelines.)
- Solar Energy
- Communication Systems
- Solid Waste Generation / Disposal
- Water and Sewer
- Water Conservation

Utility providers are typically a combination of City, quasi-public agencies, and privately owned companies and corporations.

The utility providers, in coordination with State and Federal agencies that regulate their activities (CPUC, CAISO, FERC, etc.), identify significant shortages and associated impacts to existing and planned utilities that may be created by projects proposed within their service areas. Each utility provider establishes its own threshold criteria for utility capacity and service expansion.

As briefly discussed below, the extension, expansion, rerouting, and construction of new public and private utility needs are generally addressed on a project-by-project basis. **With one exception (energy conservation), the analysis of impacts related to public and private utilities should focus on the physical impacts associated with their installation.** Such physical impacts should be addressed in their respective impact areas (e.g., biological, archaeological, paleontological resources, etc.). In EIRs, it may be appropriate to consider the growth inducement potential of large utility projects; however, this discussion should be contained in the Growth Inducement section.

The following guidance should be considered in determining whether the utility work could have significant environmental impacts.

Would the removal, construction, and/or relocation of the utility:

- Be compatible with existing and adjacent land uses?
- Change drainage or affect water quality/runoff?
- Affect air quality?
- Affect biological resources including habitat? Consider access road locations.
- Have a negative aesthetic effect? Visual simulations might be necessary.
- Impact historical resources?
- Increase noise levels to sensitive receptors?

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INITIAL STUDY CHECKLIST QUESTIONS

The following are taken from the City's Initial Study Checklist and provides guidance on potential significance for the following Public Utilities issues:

Would the proposal:

1. Result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts?

   Natural gas Water Sewer
   Communication systems Solid waste disposal

2. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?
3. Result in the use of excessive amounts of power?
4. Use of excessive amounts of water?
5. Landscaping which is predominantly non-drought resistant vegetation?

SIGNIFICANCE THRESHOLDS

1. Electrical Power and Natural Gas (Energy)

   Electrical power and natural gas service is commonly provided by the San Diego Gas and Electric Company (SDG&E) throughout the San Diego metropolitan area. Power and gas requirements for upcoming development projects are handled on a case-by-case basis, and SDG&E consults with developers to incorporate energy saving devices into project design, where feasible.

   Forecasting future electric power and natural gas consumption demand is performed on a continual basis by SDG&E. In situations where projects with large power loads are planned, these new large power loads are considered together with other existing or anticipated future loads in the project vicinity, and electrical substations are upgraded or new substations are built if the capacities of existing substations are exceeded. Direct impacts to electrical and natural gas facilities are addressed and mitigated by SDG&E at the time incoming development projects occur and are not typically evaluated by City staff.

   An overall finding that the project would not have a significant environmental effect is not adequate for SDG&E to plan and implement an electric transmission or substation project in accordance with the permitting requirements of the California Public Utilities Commission's General Order 131-D. For SDG&E to be able to comply with GO 131-D and CEQA when its facilities are a component of a larger development project, the environmental document must make a separate finding that the proposed removal and/or construction or relocation of SDG&E's electric facilities as part of the larger project does not have the potential for significant effect on the environment. For additional information, contact SDG&E at (858) 637-3708.

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2. Solar Energy

   With respect to solar energy, projects that would result in substantial shading of roofs as to preclude future installation of solar systems may be considered to have significant environmental impacts.

3. Communication Systems

   Communications system(s) for telephone, large-scale computer systems, and cable television, are serviced by utility providers such as SBC, AT&T, IBM, and other independent cable companies. Communication system needs for incoming projects are serviced by these utility providers on an as-needed basis.

   SBC (formerly Pacific Bell) is mandated by the State Public Utilities Code to provide telephone service wherever it is requested throughout the State of California. SBC, therefore, must provide ongoing telephone service and plan for continual extensions of fiber optic lines. Forecasting future service demand is performed by computerized statistical modeling based on land use patterns, zoning, and other growth indicators. When possible, SBC engineers contact developers regarding future development plans early on in a project's conceptual planning stages, to establish upcoming service demand. For line extensions through remote areas to new development projects, a minimal hook-up fee is charged to the developer.

4. Solid Waste Generation/Disposal

   The California Public Resources Code requires each city in the state to divert at least 50% percent of its solid waste from landfill disposal through source reduction, recycling, composting, and transformation. The City has enacted codes and policies aimed at helping the City to achieve this diversion level, including the Refuse and Recyclable Materials Storage Regulations (Municipal Code Chapter 14, Article 2 Division 8), Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7), and the Construction and Demolition (C & D) Debris Deposit Ordinance (Municipal Code Chapter 6, Article 6, Division 6). Projections indicate that diversion rates achieved by these regulations and ordinances alone will not be sufficient to achieve the 50% diversion level. To compound the problem, the City's Miramar Landfill is projected to close before 2016, making efforts that preserve landfill space especially important.

   The following solid waste thresholds discuss the level at which compliance with regulations/ordinances is not sufficient, and therefore the inclusion of solid waste considerations in the review and preparation of environmental documents is necessary to address project construction, demolition, and ongoing waste generation. The Waste Management Plan would assure that the overall waste produced is reduced sufficiently to comply with waste reduction targets established in the Public Resources Code.

INITIAL STUDY QUESTION

1. Would the proposed project have an effect upon, or result in a need for new or altered solid waste facilities?

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SIGNIFICANCE THRESHOLDS

Construction/demolition/renovation projects meeting or exceeding the following thresholds are considered to have potentially significant solid waste impact based on solid waste generation estimates and require the preparation of a waste management plan:

Cumulative Impacts

1. Projects that include the construction, demolition, and/or renovation of 40,000 square feet or more of building space may generate approximately 60 tons of waste or more, and are considered to have cumulative impacts on solid waste facilities.

    - While all projects are required to comply with the City's waste management ordinances, cumulative impacts are mitigated by the implementation of a project-specific Waste Management Plan which reduces solid waste impacts to below a level of significance.

Direct Impacts

1. Projects that include the construction, demolition, or renovation of 1,000,000 square feet or more of building space may generate approximately 1,500 tons of waste or more and are considered to have direct impacts on solid waste facilities.

    - Direct impacts result from the generation of large amounts of waste which stresses existing facilities. Waste management planning is based on a steady rate of waste generation and doesn't assume increased waste generation due to growth.
    - While all projects are required to comply with the City's waste management ordinances, direct and cumulative impacts are mitigated by the implementation of project-specific Waste Management Plans which may reduce solid waste impacts to below a level of significance.
    - For projects over 1,000,000 square feet, a significant direct and cumulative solid waste impact would result if the compliance with the City's ordinances and the Waste Management Plan fail to reduce the impacts of such projects to below a level of significance and/or if a Waste Management Plan for the project is not prepared and conceptually approved by the Environmental Services Department prior to distribution of the draft environmental document for public review.

LEED Projects Exceeding the Significance Thresholds

1. Projects that intend certification as LEED Silver or better would include LEED measures as part of their waste management plan. This would demonstrate implementation of sustainability measures intended to assure minimal project "environmental footprint," including mitigating the types of impacts caused by waste generation.

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Public Projects

1. Public projects are required to adhere to City of San Diego Administrative Regulations and project specifications that require that the overall waste produced is reduced sufficiently to comply with waste reduction targets established in the Public Resources Code. Furthermore, Council Policy 900-14 requires City projects to achieve the U.S. Green Building Council's LEED Silver standard for all new buildings and major renovations over 5,000 feet.
2. Projects complying with the City of San Diego Administrative Regulations are not required to prepare a Waste Management Plan.

These thresholds are consistent with the General Plan policies and the General Plan PEIR mitigation including PF-I.2. "Maximize waste reduction and diversion" and CE-A.2 "Reduce waste by improving management and recycling programs."

Be aware that some existing Environmental Impact Reports (EIRs) may impose other thresholds and/or mitigation measures such as discussed below:

- **Redevelopment Agency Projects**

The City of San Diego Redevelopment Agency has enacted more stringent thresholds for solid waste impacts in some of its EIRs. If the project is located in a Redevelopment District, consult the applicable EIR to determine the significance threshold and/or mitigation measures. For example, the North Park Redevelopment Project Final EIR (SCH 93-121105) sets a threshold of 10,000 square feet of construction, demolition, or remodeling and requires mitigation to prepare a Waste Management Plan if this threshold is met.

WASTE MANAGEMENT PLAN

If the project would exceed the significance threshold for solid waste generation, a Waste Management Plan must be prepared by the applicant, conceptually approved by the Environmental Services Department (ESD) and discussed in the environmental document. The Plan must be implemented by the applicant and address the demolition, construction, and occupancy phases of the project as applicable to include the following:

a. A timeline for each of the three main phases of the project (demolition, construction, and occupancy).
b. Tons of waste anticipated to be generated (demolition, construction, and occupancy).
c. Type of waste to be generated (demolition, construction, and occupancy).
d. Describe how the project will reduce the generation of construction and demolition (C & D) debris
e. Describe how the C & D materials will be reused on-site
f. Include the name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on-site
g. Describe how the C&D waste will be source separated if a mixed C&D facility is not used for recycling
h. Describe how the waste reduction and recycling goals will be communicated to subcontractors

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i. Describe how a "buy recycled" program for green construction products, including mulch and compost will be incorporated into the project.
j. Describe how the Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) will be incorporated into design of building's waste storage area
k. Describe how compliance with the Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7) will be incorporated in the operational phase
l. Describe any International Standards of Operation (ISO)[1], or other certification, if any.

[1] ISO certification means there has been a commitment to reduce ongoing waste.

5. Water and Sewer

Potable water (fresh water) and sewer requirements for incoming development projects are administered by the City Water and Metropolitan Wastewater Departments. Water and sewer demand is handled on a project-by-project basis, where developers are now required to submit water and sewer studies using the measurement of equivalent dwelling units (EDUs). The incorporation of water conservation devices into project designs are encouraged or required, such as the use of low-flush toilets, low-flow faucets, and timers on lawn sprinklers.

In projects with over 30 EDUs, a dual feed water pipeline system is required in case one of the pipelines fails. This is necessary to ensure continual water service to the project and adequate water pressure for fire protection. Also, since July of 1989, all development projects are required to install an additional water pipeline reserved for reclaimed water.

Water and sewer trunk lines are continually monitored in the field to determine remaining levels of capacity. The Engineering Division plans its capital improvement projects several years prior to pipelines actually reaching capacity. It is also the Engineering Division's belief that both the water and sewer system will be able to accommodate future growth.

For projects potentially affecting water and/or sewer lines, the California Department of Health Services Drinking Water Field Operations Branch requires notification if the separation between potable water and sewer or recycled water at any point is less than ten feet horizontal or one foot vertical. A minimum six inch vertical separation is required to be maintained between utilities. Potentially significant impacts could result if these separation distances are not maintained. The focus of the analysis should be on the construction of water and sewer facilities.

Senate Bills 610 and 221

For certain types of large projects (see list below), Senate Bill 610 requires that the environmental document prepared for each project contain a discussion regarding the availability of water to meet the projected water demands of the project for a 20-year planning horizon, including single and multiple dry years. Senate Bill 221 requires the decisionmaker to make a finding that the project's water demands for the planning horizon will be met before approving a Tentative Map.

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The types of projects subject to Senate Bills 610 and 221 are the following:

a. Residential developments of more than 500 units;
b. Shopping centers or businesses employing more than 1,000 people or having more than 500,000 square feet of floor space;
c. Commercial office buildings employing more than 1,000 people or having more than 250,000 square feet of floor space;
d. Hotels or motels having more than 500 rooms;
e. Industrial, manufacturing, or processing plants or industrial parks planned to house more than 1,000 people or having more than 650,000 square feet of floor space;
f. Mixed use projects that include one or more of the above types of projects;
g. Projects that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

For each of the types of projects listed above, the analyst should send a memo to the Principal Water Resource Specialist at the Water Department, giving the project details and requesting that the water availability analysis be done. The Water Department will coordinate with the County Water Authority, and will provide the analyst with the information needed for the environmental document.

6. Water Conservation

San Diego's arid climate and the fact that the majority of the region's water is imported, results in a limited water supply and availability. The drought cycles have resulted in a water conservation program throughout the City and region. According to San Diego Municipal Code Section 147.04, all buildings, prior to a change in ownership, are required to be certified as having water-conserving plumbing fixtures in place. All residential, commercial, and industrial water customers who receive water from the City of San Diego Water Department are affected by this Ordinance.

In terms of water conservation, the following factors should be considered (list is not inclusive) in determining baseline impacts on water conservation:

A significant impact may result if the following occurs:

1. The project would use excessive amounts of potable water. For example, a golf course use or certain industrial uses result in substantial water usage compared to most other uses. Projects should be encouraged to use reclaimed water whenever possible. See Item 7 below and subitems (b) and (g) in previous discussion regarding Senate Bills 610 and 221.

2. A project proposes predominantly non-drought resistant landscaping and excessive water usage for irrigation and other purposes. See Section 142.0401 regarding the use of drought-tolerant landscaping.

7. Recycled Water Reuse

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Recycled water use is regulated by Ordinance 0-17327 ("Mandatory Reuse Ordinance") adopted by the City Council on July 24, 1989. This Ordinance specifies that "recycled water shall be used within the City where feasible and consistent with the legal requirements, preservation of public health, safety, and welfare, and the environment." Compliance with this Ordinance for new development is made a condition of tentative maps, land use permits, etc. based on the project's location within an existing or proposed recycled water service area. In addition, the City Water Department is proposing additional retrofit criteria in conjunction with the Public Utilities Advisory Commission. Compliance with the Mandatory Reuse Ordinance is assured via permit conditions and therefore no significance thresholds for CEQA analysis is required. **The physical placement of any reuse lines would be analyzed for impacts as part of the normal discretionary process.**

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O. TRANSPORTATION / CIRCULATION and PARKING

Note: This section is to be applied for projects deemed complete on or after January 1, 2007. For projects deemed complete prior to January 1, 2007, the following Section O.1. on Page 73 is to be applied.

Project-related traffic impacts are one of the most commonly identified environmental impacts under the CEQA. Traffic operations and safety impacts are addressed in this section. Other environmental impacts associated with project- related traffic and transportation infrastructure improvements (e.g., air quality, noise, biology) are addressed in the applicable sections of this manual which pertain to such issues.

Direct traffic impacts are those projected to occur at the time a proposed development becomes operational, including other developments not presently operational but which are anticipated to be operational at that time (near term).

Cumulative traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project and when additional proposed developments in the area become operational (short-term cumulative) or when the affected community plan area reaches full planned build out (long-term cumulative).

It is possible that a project's near term (direct) impacts may be reduced in the long term, as future projects develop and provide additional roadway improvements (for instance, through implementation of traffic phasing plans). In such a case, the project may have direct impacts but not contribute considerably to a cumulative impact.

For intersections and roadway segments affected by a project, level of service (LOS) D or better is considered acceptable under both direct and cumulative conditions.

INITIAL STUDY CHECKLIST QUESTIONS

The following are taken from the City's Initial Study Checklist. They provide guidance on determining the potential significance of impacts to transportation, circulation systems, and parking.

Would the proposal result in:

1. Traffic generation in excess of specific community plan allocation?
2. An increase in projected traffic which is substantial (see table on following page) in relation to the existing traffic load and capacity of the street system?
3. Addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp as shown in the table on the next page?
4. An increased demand for off-site parking?
5. Effects on existing parking?
6. Substantial impact upon existing or planned transportation systems?
7. Substantial alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas?

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8. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?
9. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?

SIGNIFICANCE THRESHOLDS

The following thresholds have been established to determine significant traffic impacts:

1. If any intersection, roadway segment, or freeway segment affected by a project would operate at LOS E or F under either direct or cumulative conditions, the impact would be significant if the project exceeds the thresholds shown in the table below.

2. At any ramp meter location with delays above 15 minutes, the impact would be significant if the project exceeds the thresholds shown in the table below.

3. If a project would add a substantial amount of traffic to a congested freeway segment, interchange, or ramp, the impact may be significant.

4. Addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp as shown in the table below?

5. If a project would increase traffic hazards to motor vehicles, bicyclists or pedestrians due to proposed non-standard design features (e.g., poor sight distance, proposed driveway onto an access-restricted roadway), the impact would be significant. Note: analysts should refer readers to a discussion of this issue in the Health and Safety section of the environmental document.

5. If a project would result in the construction of a roadway which is inconsistent with the General Plan and/or a community plan, the impact would be significant if the proposed roadway would not properly align with other existing or planned roadways.

6. If a project would result in a substantial restriction in access to publicly or privately owned land, the impact would be significant.

Level of Service with Project *	Allowable Change Due To Project Impact **					
	Freeways		Roadway Segments		Intersections	Ramp Metering
	V/C	*Speed (mph)*	*V/C*	*Speed (mph)*	*Delay (sec.)*	*Delay (min.)*
E (or ramp meter delays above 15 min.)	0.010	1.0	0.02	1.0	2.0	2.0
F (or ramp meter delays above 15 min.)	0.005	0.5	0.01	0.5	1.0	1.0

Note 1: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes.

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Note 2: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

* All LOS measurements are based upon Highway Capacity Manual procedures for peak-hour conditions. However, V/C ratios for roadway segments are estimated on an ADT/24-hour traffic volume basis (using Table 2 of the City's Traffic Impact Study Manual. The acceptable LOS for freeways, roadways, and intersections is generally "D" ("C" for undeveloped locations). For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

** If a proposed project's traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. The project applicant shall then identify feasible improvements (within the Traffic Impact Study) that will restore/and maintain the traffic facility at an acceptable LOS. If the LOS with the proposed project becomes unacceptable (see above * note), or if the project adds a significant amount of peak-hour trips to cause any traffic queues to exceed on- or off-ramp storage capacities, the project applicant shall be responsible for mitigating the project's direct significant and/or cumulatively considerable traffic impacts.

KEY:
Delay = Average control delay per vehicle measured in seconds for intersections, or minutes for ramp meters
LOS = Level of Service
Speed = Speed measured in miles per hour
V/C = Volume to Capacity ratio

PARKING

Parking requirements vary by land use and location and are dictated by the City of San Diego Municipal Code and adopted by the City Council policies.

SIGNIFICANCE THRESHOLDS

Non-compliance with the City's parking ordinance does not necessarily constitute a significant environmental impact. However, it can lead to a decrease in the availability of existing public parking in the vicinity of the project. Generally, if a project is deficient by more than ten percent of the required amount of parking and at least one of the following criteria applies, then a significant impact may result:

1. The project's parking shortfall or displacement of existing parking would substantially affect the availability of parking in an adjacent residential area, including the availability of public parking.

2. The parking deficiency would severely impede the accessibility of a public facility, such as a park or beach.

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O.1. TRAFFIC/PARKING

Note: This section is to be applied to projects deemed complete prior to January 1, 2007.

Traffic:

Direct traffic impacts are those projected to occur at the time a proposed development becomes operational. The calculations include other operating projects and those not yet operational but which are anticipated to be operational when the proposed project goes into effect.

Cumulative traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project or when additional proposed developments in the area become operational (short-term cumulative) or when affected community plan areas reach full planned buildout (long-term cumulative).

For intersections and roadway segments affected by a project, level of service (LOS) D or better is considered acceptable under both direct and cumulative conditions. However, for undeveloped locations, the goal is to achieve LOS C.

Significance Thresholds

1. If any intersection or roadway segment affected by a project would operate at LOS E or F under either direct or cumulative conditions, the impact would be significant if the project exceeds the following allowable increases in delay or intersection capacity utilization for affected intersections or volume-to-capacity ratio or speed for affected roadway segments:

Allowable Increase Due to Project Impacts*

Level of Service with Project	Intersections		Roadway Segments	
	Delay (sec.)	*ICU (V/C)*	*V/C*	*Speed (mph)*
E**	2	0.02	0.02	1
F**	2	0.02	0.02	1

Notes:

* If a proposed project's traffic impacts exceed the values shown in the table, then the impacts are deemed "significant." The project applicant shall identify "feasible mitigations" to achieve LOS D or better.

** The acceptable level of service standard for roadways and intersections in San Diego is LOS D. However, for undeveloped locations, the goal is to achieve LOS C.

Key:

Delay = Average stopped delay per vehicle measured in seconds
ICU = Intersection Capacity Utilization
V/C = Volume-to-Capacity Ration (capacity at level of service E should be used, as specified in Table 1 of the City of San Diego Traffic Impact Study Manual)
Speed = Arterial speed measured in miles per hour

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P. VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

Making the determination of a significant impact on visual quality is highly subjective. Identifying how a proposed development would fit or blend with the existing scale and character of the surrounding developed and natural environment is the key to determining significance. A project may meet all of its height, bulk, scale and zoning requirements and still have a significant visual impact on the environment if it is not in character with the surrounding development and natural landforms.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance for impacts to Visual Quality and Neighborhood Character.

Would the proposal result in:

1. A substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?
2. The creation of a negative aesthetic site or project?
3. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
4. Substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area? Note: for substantial alteration to occur, new development would have to be of a size, scale, or design that would markedly contrast with the character of the surrounding area.
5. The loss of any distinctive or landmark tree(s), or stand of mature trees as identified in the community plan? (Normally, the removal of non-native trees within a wetland as part of a restoration project would not be considered significant).
6. Substantial change in the existing landform?
7. Substantial light or glare which would adversely affect daytime or nighttime view in the area?

SIGNIFICANCE THRESHOLDS

1. Views

   Projects that would block public views from designated open space areas, roads, or parks or to significant visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, canyons, waterways) may result in a significant impact. To meet this significance threshold, one or more of the following conditions must apply:

   a. The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program. Minor view blockages would not be considered to meet this condition. In order to determine whether this condition has been met, consider the level of effort required by the viewer to retain the view;

   b. The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community

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plan. Unless the project is moderate to large in scale, condition "c" would typically have to be met for view blockage to be considered substantial;

c. The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area;

d. The project would have a cumulative effect by opening up a new area for development, which will ultimately cause "extensive" view blockage. (Cumulative effects are usually considered significant for a community plan analysis, but not necessarily for individual projects. Project level mitigation should be identified at the community plan level). View blockage would be considered "extensive" when the overall scenic quality of a visual resource is changed; for example, from an essentially natural view to a largely manufactured appearance.

Note: Views from private property are not protected by CEQA or the City of San Diego.

2. Neighborhood Character/Architecture:

Projects that severely contrast with the surrounding neighborhood character. To meet this significance threshold, one or more of the following conditions must apply:

a. The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.

b. The project would have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).

c. The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program.

d. The project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.

e. The project would have a cumulative effect by opening up a new area for development or changing the overall character of the area (e.g., rural to urban, single-family to multi-family). As with views, cumulative neighborhood character effects are usually considered significant for a community plan analysis, but not necessarily for individual projects. Project level mitigation should be identified at the community plan level. Analysts should also evaluate the potential for a project to initiate a cumulative effect by building structures that substantially differ from the character of the vicinity through height, bulk, scale, type of use, etc., when it is reasonably foreseeable that other such changes in neighborhood character will follow.

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3. Land Form Alteration

Grading

Projects that significantly alter the natural landform. To meet this significance threshold, typically the following conditions must apply:

a. The project would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill. Grading of a smaller amount may still be considered significant in highly scenic or environmentally sensitive areas. Excavation for garages and basements are typically not held to this threshold. In addition, one or more of the following conditions (1-3) must apply to meet this significance threshold.

   1) The project would disturb steep hillsides in excess of the encroachment allowances of the Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1). In evaluating this issue, environmental staff should consult with permit staff.

   2) The project would create manufactured slopes higher than ten feet or Steeper than 2:1 (50 percent).

   3) The project would result in a change in elevation of steep hillsides as defined by the SDMC Section 113.0103 from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site. (A continuous elevation change of five feet may be noticeable in relation to surrounding areas. In addition, such a change may require retaining walls and other features to stabilize slopes, potentially resulting in a manufactured appearance.)

   4) The project design includes mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures. (This item moved from "Development Features" section below.)

b. However, the above conditions may not be considered significant if one or more of the following apply:

   1) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through "naturalized" variable slopes.

   2) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.

   3) The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or

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parking lot designs, and alternative retaining wall designs which reduce the project's overall grading requirements.

4. Development Features

Projects that have a negative visual appearance. To meet this significance threshold, one or more of the following conditions must apply:

a. The project would create a disorganized appearance and would substantially conflict with City codes (e.g., a sign plan which proposes extensive signage beyond the City's sign ordinance allowance).

b. The project significantly conflicts with the height, bulk, or coverage regulations of the zone and does not provide architectural interest (e.g., a tilt-up concrete building with no offsets or varying window treatment).

c. The project includes crib, retaining or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public.

d. The project is large and would result in an exceeding monotonous visual environment (e.g., a large subdivision in which all the units are virtually identical).

e. The project includes a shoreline protection device in a scenic, high public use area, unless the adjacent bluff areas are similarly protected.

These conditions may become more significant for projects which are highly visible from designated open spaces, roads, parks, or significant visual landmarks. The significance threshold may be lower for such projects. Refer to the project's applicable community plan and the Urban Design Element of the City's Progress Guide and General Plan for more information on visual quality.

5. Light/Glare

Projects that would emit or reflect a significant amount of light and glare. To meet this significance threshold, one or more of the following must apply:

a. The project would be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.

b. The project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

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Q. WATER QUALITY

Water quality is affected by sedimentation caused by erosion, by runoff carrying contaminants, and by direct discharge of pollutants (point-source pollution). As land is developed, the new impervious surfaces send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers and other contaminants (non-point source pollution) into adjacent watersheds.

Degradation of water quality impacts human health, as well as wildlife systems. Sedimentation can cause impediments to stream flow, creating dams and ultimately stagnant pools. In addition, oxygen availability is affected by sedimentation and degradation of water quality. Available oxygen significantly influences aquatic and riparian habitats. Fertilizers can create algal bloom and lead to eutrophication. Eutrophication occurs when waters become rich in mineral and organic nutrients resulting in a proliferation of plant life, especially algae This, in turn, reduces the dissolved oxygen content in the water and often causes the reduction of biodiversity of the habitat. The ultimate result is negative alteration of the habitat.

The Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (Municipal Permit), issued on February 21, 2001 to the City of San Diego by the San Diego Regional Water Quality Control Board (Regional Board), requires the development and implementation of storm water pollution best management practices (BMPs), both during construction and in projects' permanent designs, to reduce pollutants discharged from the project site, to the maximum extent practicable. To address pollutants that may be generated from the new development once the site is in use, the Municipal Permit further requires that the City implement a series of permanent BMPs described in the Model Standard Urban Storm Water Mitigation Plan or SUSMP (pronounced "sue-sump") which is contained in the City's Storm Water Standards manual and was approved by the Regional Board on June 12, 2002. The City's Storm Water Standards manual is intended to provide information on how to comply with all of the City's permanent and construction storm water BMP requirements, including the Model SUSMP, for private and public development projects in the City of San Diego.

Compliance with the Water Quality Standards is assured through permit conditions provided by LDR Engineering. Adherence to the City's Stormwater Standards is considered to preclude water quality impacts unless substantial evidence supports a fair argument that a significant impact will still occur.

- The Storm Water Manual is available online at:
http://www.sannet.gov/developmentservices/news/pdf/stormwatermanual.pdf

- The Storm Water Requirements Applicability Checklist is available online at:
http://www.sannet.gov/development services/news/pdf/ds 5601stormwtr.pdf

- Other state stormwater requirements are available online at:
http://www.sannet.gov/development services/news/strmwtrpermit.shtml

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WATER QUALITY SUBMITTAL REQUIREMENTS

1. For every project upon formal project submittal, the applicant must complete and submit the Storm Water Requirements Applicability Checklist in order to determine the project's storm water Best Management Practices (BMPs) requirements during construction and post construction.

2. If the project requires treatment control BMPs, as per the Storm Water Applicability Checklist, the applicant must submit a Water Quality Technical Report consistent with the City of San Diego's Storm Water Standards. The report must include, but not be limited to, BMP maintenance schedules and the responsible party for future maintenance and associated costs. The report must also address water quality by describing the type of pollutants which would be generated during construction and post construction, as well as identifying pollutants to be captured and treated by the proposed BMPs.

BIOLOGICAL RESOURCE REFERENCE

1. If the project discharges into receiving waters within Environmentally Sensitive Lands or waterbodies listed on the Regional Water Quality Control Board 303(d) Impaired Water Body List: http://www.swrcb.ca.gov/303dupdate.html, and the potential exists for significant impacts to biological resources, the biological report and the environmental document should discuss the BMPs to be implemented in order to preclude impacts to biological resources. Analysts should note that this potential impact should be addressed in the Biological Resources section of environmental documents.

2. Adverse water quality effects could include:
   a. stream channelization/hardscaping which may affect water quality by reducing vegetation which shades and cools the water; and
   b. channel lining which can decrease biological assimilation by increasing flow velocities and/or reducing permeability and adsorption potential (including bacteriological assimilation).

GROUNDWATER

1. If the project would result in the creation of ponded water not related to water quality treatment devices (i.e. detention basins) analysis of groundwater conditions associated with the proposed project may be warranted. A similar analysis may be required if a private sewage disposal system is proposed. Conversely, if the utilization of groundwater resources potentially impacts wetlands or surface flow, or adjacent project(s) dependent on existing groundwater resources, a full hydrogeologic analysis of the proposed development and attendant impacts must be performed.

   Note: Projects located within the Los Peñasquitos Lagoon Restoration and Enhancement Fee Boundaries (See Figure 2 of the City's Coastal Development Information Guide, November 1988) are required to pay a fee to the Los Penasquitos Lagoon Enhancement fund. In addition, the projects are required to comply with City Clerk Document No. 00-1 7068, which requires the implementation of certain erosion and siltation control measures during construction for projects draining into Los Peñasquitos or San Dieguito Lagoon. The

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requirements, however, do not provide post-construction erosion and pollution controls. Additional mitigation would usually be required in conjunction with the Los Peñasquitos Lagoon requirements.

SIGNIFICANCE THRESHOLDS

Compliance with the Water Quality Standards is assured through permit conditions provided by LDR Engineering for private projects. For public projects compliance is the responsibility of the particular department implementing the project. Adherence to the City's Stormwater Standards is the Water Quality threshold.

If it is determined that BMPs are to be used to protect another specific environmental resource (biological resources, etc.) and these BMPs are above what is required for the project to achieve compliance with the City's Water Quality Standards, the BMPs should be regarded as mitigation measures. The BMPs should be discussed and included as mitigation in the environmental document under the heading of the resource they are meant to protect.
For example, a silt fence around oak trees to avoid siltation of the roots is a biological mitigation measure which should be addressed in the biological resources discussion area of the environmental document.

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R. CUMULATIVE IMPACTS

Section 15130 (a)(1) of the CEQA Guidelines states: "As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the Environmental Impact Report (EIR) together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR."

Section 15355 defines cumulative impacts as follows:

"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Discussion of Contributions To Cumulative Impacts

In October 2002, the California Court of Appeal for the Third District issued a decision in the case *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02). Among other decisions, the court invalidated the State CEQA Guidelines at 15064(i)(4) and 15130(a)(4) regarding de minimis contributions to cumulative impacts. Under the now invalidated Guideline, an agency could determine that the incremental impacts of a project were not cumulatively considerable when they would make only a "de minimis" contribution to a significant cumulative effect.

However, the court found that "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem. . . . " Since many projects could conceivably contribute to a significant cumulative effect, it is important to consider the incremental effect and determine measures to substantially lessen the cumulative impacts to below a level of significance. The court suggested that the greater the cumulative environmental problem, the lower the threshold should be for determining the significance of a project's contribution to that cumulative problem.

Identification of Future Cumulative Projects

The same court case referenced above also invalidated Section 15130(b)(1)(B)2. CEQA requires an agency to consider how a project's impacts will cumulate with the impacts of past, present, and probably future projects. This Guideline provided that probable future projects could be limited to certain categories of projects: projects with a pending application for approval;

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projects included in adopted agency plans; project anticipated as later phases of previously-approved project; "or" public agency projects for which money has been budgeted. However, the court found that to the extent this section might be read disjunctively to allow a lead agency to include only one category of projects in its list of probably future projects, it invalidated this section.

For additional reference on how to consider cumulative impacts, see the report prepared by the United States Council on Environmental Quality (CEQ), "Considering Cumulative Effects under the National Environmental Policy Act (NEPA)."

SIGNIFICANCE THRESHOLDS

CEQA requires a discussion of cumulative impacts when they are significant. The determination of cumulative significance calls for reasonable effort to discover and disclose other related projects. The direct and indirect impacts of each related project need to be identified and looked at comprehensively. CEQA provides various alternative methods to achieve an adequate discussion of cumulative impacts (see CEQA Guidelines Section 15130 noting the repealed sections of 15064(i)(4) and 15130(a)(4)). Some of the sections of this report provide significance determination criteria for cumulative impacts under individual issue areas (e.g. biology, air quality, traffic). However, in general the following rule of thumb should apply for determining significant cumulative impacts:

1. If there are known documented existing significant impacts occurring in a community, additional increments would exacerbate the impact (e.g. an overloaded transportation system).

2. If a community plan and/or precise plan identifies cumulative impacts in the community wide EIR, individual projects which contribute significantly to the community wide impacts would be considered cumulatively significant.

3. A large scale project (usually regional in nature) for which direct impacts are mitigated by the collective number of individual impacts results in a cumulative impact.

Attachment to Letter M.

S. MANDATORY FINDINGS OF SIGNIFICANCE

CEQA sets forth the three mandatory findings of significance listed below. That is, a potential impact must be considered significant if a Lead Agency determines that any of the mandatory findings of significance apply, and an EIR must be prepared.

INITIAL STUDY QUESTIONS:

1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory?

2. Does the project have possible environmental effects which are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

3. Does the project have environmental effects of a project which would cause substantial adverse effects on human beings, either directly or indirectly?

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Attachment to Letter M.

Attachment to Letter M.

T. GREENHOUSE GAS EMISSIONS

Pursuant to CEQA Guidelines sections 15183.5(b), 15064(h)(3), and 15130(d), the City may determine that a project's incremental contribution to a cumulative GHG effect is not cumulatively considerable if the project complies with the requirements of a previously adopted GHG emission reduction plan. CEQA Guidelines section 15183.5(b)(1)(A-F) specifically provides that a GHG emissions reduction plan should:

A. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
B. Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
C. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
E. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
F. Be adopted in a public process following environmental review.

An environmental document that relies on a GHG emissions reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. CEQA Guidelines §15183.5(b)(2). The City's Climate Action Plan was adopted by the City Council on December 15, 2015. The Climate Action Plan quantifies existing GHG emissions as well as projected emissions for the years 2020, 2030, and 2035 resulting from activities within the City's jurisdiction. The Climate Action Plan also identifies City target emissions levels, below which the Citywide GHG impacts would be less than significant. The Climate Action Plan and the accompanying certified Final Environmental Impact Report (FEIR) also identify and analyze the GHG emissions that would result from the business as usual scenario for the years 2020, 2030, and 2035. The Climate Action Plan includes a monitoring and reporting program to ensure its progress toward achieving the specified GHG emissions reductions, and specifies 17 actions that if implemented, would achieve the specified GHG emissions reductions targets. The Climate Action Plan was adopted in a public process following certification of the FEIR. Subsequent to the adoption of the CAP, the City has also established additional specific measures that if implemented on a project-by-project basis, would further ensure that the City as a whole achieves the specified GHG emissions reduction targets in the Climate Action Plan.

The CAP has been developed in response to State legislation and policies that are aimed at reducing California's greenhouse gas (GHG) emissions. This includes Executive Order S-3-05, which established the 2050 statewide GHG reduction target of 80 percent below 1990 levels, Executive Order B-30-15, which established the 2030 statewide GHG reduction target of 40 percent below 1990 levels, and Assembly Bill 32, the Global Warming Solutions Act (AB 32),

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which tasked the California Air Resources Board (CARB) with creating the Climate Change Scoping Plan (Scoping Plan) to establish a 2020 interim target and to provide a path for local governments to contribute their fair share of the GHG emission reductions necessary to achieve the target. Consistent with AB 32 and the CARB Scoping Plan, the CAP sets a GHG target for 2020 equivalent to 15 percent below the City's 2010 baseline emissions to ensure that it meets its proportional share of the 2020 AB 32 reductions. For 2035, the CAP sets a GHG target equivalent to a 50 percent reduction from baseline emissions to ensure it is on the trajectory toward achieving its proportional share of the 2050 state target identified in Executive Order S-3-05. The 2035 target also ensures that the City would be consistent with the 2030 state target identified in Executive Order B-30-15. Since CARB has not provided guidance on a specific reduction target for local governments to use for 2030 and 2050, it was determined that a 50 percent reduction from baseline emissions by 2035 would ensure that the City achieved a proportional share of the statewide GHG reductions. In terms of consistency with Executive Orders S-3-05 and B-30-15, the Climate Action Plan's 2035 target provides a conservative target toward achieving the statewide reductions. If CARB provides new guidance on how cities should address the 2030 targets, the City will adjust the CAP accordingly.

INITIAL STUDY CHECKLIST QUESTIONS

Would the Project:

1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

2) Conflict with the City's Climate Action Plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

SIGNIFICANCE THRESHOLDS

The method for determining significance depends on whether the action requires plan- or policy-level or project-level environmental analysis.

1. For plan- and policy-level environmental documents, the Planning Department has prepared a Memorandum, Climate Action Plan Consistency for Plan- and Policy-Level Documents, to provide guidance on significance determination as it relates to all five strategies of the CAP.

2. For project-level environmental documents, significance is determined through the CAP Consistency Checklist. See also the CAP Consistency Checklist Technical Support Documentation.

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Attachment to Letter M.

The Law Office of
Julie M. Hamilton

July 6, 2020

Elizabeth Shearer-Nguyen
Environmental Planner
City of San Diego Development Services Department
1222 1st Avenue, MS 501
San Diego, CA 92101
DSDEAS@sandiego.gov

VIA EMAIL

RE: Comments on Draft Environmental Impact Report, Riverwalk, Project No. 581984/SCH No. 2018041028.

Dear Ms. Shearer-Nguyen:

N-1 I represent the Park Place Estates Homeowners Association, located north of Friars Road between Via Las Cumbres and Goshen Street in the community of Linda Vista. The residents of Park Place along with the residents of and visitors to Mission Valley will be directly impacted by the Riverwalk Project proposed on the Riverwalk Golf Club property. I am submitting these comments in response to the Draft Environmental Impact Report ("DDEIR") for the Riverwalk Project published on May 15, 2020.

Notice of Availability

N-2 The Notice of Availability fails to state the anticipated significant environmental effects as required by the California Environmental Quality Act ("CEQA") Guidelines section 15087(c). Rather the Notice of Availability states:

Recommended Finding: The draft Environmental Impact Report analyzed the following environmental issue area(s) in detail: Land Use, Transportation/Circulation, Visual Effects/Neighborhood Character, Biological Resources, Air Quality, Historical Resources, Energy, Noise, Greenhouse Gas Emissions, Tribal Cultural Resources, Geologic Conditions, Hydrology, Public Utilities, Water Quality, Public Services and Facilities, and Health and Safety.

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The above language does not constitute a finding – a finding is the conclusion reached as a result of the analysis of the evidence. The above language merely states the DEIR considered the issues but fails to state anticipated significant effects from the project. Only by reading the body of the DEIR would the reader be aware of anticipated significant and unmitigated effects to biological resources, historical resources, noise and air quality. The notice extending the public review period similarly fails to state the anticipated significant effects from the project. The City's failure to fully comply with the CEQA-mandated notice procedures is an abuse of discretion requiring vacating of

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N-1 The comment identifies that the letter has been submitted on behalf of the Park Place Estates Homeowners Association.

N-2 CEQA Guidelines Section 15087(c) requires that the Notice of Availability include, among other items, "[a] list of significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the Lead Agency at the time of the notice." The Notice of Availability for the EIR was prepared consistent with CEQA requirements. The "Recommended Finding" provided by the Notice of Availability does just that; it includes a list of environmental issue areas where the City has determined there could be a significant environmental impact. Chapter 5.0 of the EIR analyzes each of those issue areas and makes a determination for each regarding significance. Therefore, the Notice of Availability does not need to be republished.

N-2 (cont.)

the administrative decision. (*Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604, 622.) Failing to notice the anticipated significant effects of the project deprived the public of meaningful notice and does not meet the substantive requirements of CEQA Guidelines §15087(c)(4). The notice must be republished with a proper identification of the anticipated significant effects from the project and a new 45-day public comment period must be allowed.

Executive Summary

N-3

The Executive Summary fails to describe the proposed mitigation measures as required by CEQA Guidelines §15123(b)(3). Rather the Executive Summary merely identifies the mitigation measures with no summary or description of the measures.

Project Description

N-4

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient DEIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App3d 185, 193.) The project description must include the whole of an action and the reasonable future consequences of that action. (*Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376.) The project description states the Riverwalk Specific Plan would allow for the development of 4,300 multi-family residential dwelling units; 152,000 square feet of neighborhood retail space; 1,000,000 square feet of office space; approximately 97 acres of park, open space, and trails; adaptive reuse of the existing golf clubhouse into a community amenity; and a new Metropolitan Transit System (MTS) Green Line Trolley transit stop. This project description does not accurately reflect the parameters of the Riverwalk Specific Plan ("RSP"). The RSP states that these are the **target** densities and intensities of development. The use of the work "target" does not place a maximum or minimum on the density and intensity of development allowed. The development project review section of the RSP allows for projects to exceed the targeted density/intensity, with no additional environmental review. The development regulations set a maximum density allows substantially more development than stated in the project description. These allowances in the RSP acknowledge more intense development could cause reasonably foreseeable secondary impacts.

N-5

The RSPdoes not clearly state how many acres will be included in each zone, for instance the North District includes 44.3 acres zoned RM-4-10 and CC-3-9; but doesn't state how much acreage in each of those zones. The development regulations of the RSP allow a maximum residential density of 1 unit per 400 feet of lot area, except the tailored development standards allow 1 unit per 200 square feet in the CC-3-9 zone. The CC-3-9 allows many more uses than would be allowed in the RM-4-10. Without stating a specific acreage in each zone, the DEIR fails to provide an accurate, stable and finite project description.

N-6

The project description also fails to describe the foreseeable secondary impacts of the Community Plan Amendment, General Plan Amendment, Riverwalk Specific Plan and Rezones. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 20.) These actions allow a substantially higher density and intensity of development than described. The RSP shows 116.2 acres zoned either RM-4-10 or CC-3-9, this zoning allows 1 dwelling unit per 400 square feet of lot area. This would allow over 12,000 dwelling units rather than the 4,300 dwelling units proposed.

N-3 In accordance with CEQA Guidelines Section 15123(b)(3), the Executive Summary summarizes "each effect with proposed mitigation measures and alternatives that would reduce or avoid that effect." CEQA does not require that the mitigation measures be described in detail. Table ES-1, Summary of Environmental Impacts and Mitigation Measures, of the Executive Summary provides a brief synopsis of the impact, associated mitigation that includes reference specific mitigation measures, and level of significance after mitigation.

N-4 See Master Response 1 regarding development intensity/density.

N-5 Table E-2, North District Specific Zoning and Development Regulations, Table E-3, Central District Specific Zoning and Development Regulations, and Table E-4, South District Specific Zoning and Development Regulations, of the Specific Plan provide the exact acreage of each zone within the North, Central, and South District, respectively. Acreage by zone for the Park District is included in Table 2-5. The Specific Plan identifies total acreages for the proposed zones. See also Master Response 1 regarding the project's development intensity/density.

N-6 See Master Response 1 regarding the project's development intensity/density.

N-7 The Tailored Development Standards allow twice that density in the CC-3-9 zones. Without knowing the specific acreages proposed in each zone, the project description does not allow consideration of the maximum commercial/office development allowed or the maximum density.

N-8 Similarly, the project description includes 97 acres of park, open space and trails – but 17.2 acres of that park space is zoned CC-3-9 allowing high density residential development and high intensity commercial development. Nothing in the RSP requires development of the parks.

N-9 Given the lack of limitations and specificity in the RSP, the DEIR must consider the ultimate build-out under the zoning. This is particularly important given the City of San Diego's policy of pushing development to its maximum density in transit priority areas.

N-10 Although the project description states a Site Development Permit will be required; the language and/or limitations of that Site Development Permit are not available. There is no indication as to what the Site Development Permit will require. (*City of Redlands vl County of San Bernardino* (2002) 96 Cal.App.4th 398.)

N-11 The DEIR acknowledges the project includes a development agreement but does not divulge the provisions of the development agreement. The only hint as to the provisions of the development agreement was in draft copies provided by the City Attorney's office in response to a public records act request. Of note, the development agreement in its draft form allows the developer to take a financial credit for certain improvements towards developer impact fees. The information in the development agreement is necessary to consideration of whether the project will have significant impacts on public services.

Land Use

N-12 The analysis of Land Use Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning. The DEIR states the densities and intensities in the RSP are the maximum allowed; but this is not born out by the language of the RSP. The densities and intensities are stated as a target and the development regulations allow increases without further environmental review.

N-13 The DEIR fails to discuss the project's inconsistency with a number of land use objectives, goals and policies. The RSP will allow the development of a major project on an existing golf course located in the floodway and floodplain. Although the project meets many of the City's land use goals and the General Plan's City of Villages Strategy in a transit priority area when built out, it is in conflict with many policies of the planning documents.

Transit

N-14 The project is designed to allow significant density and intensity of use in a transit priority area consistent with the City's Climate Action Plan ("CAP") and City of Villages Strategy. Phase 1 of the RSP allows the development of 1,910 dwelling units, 138,900 square feet of commercial retail and 1,000,000 square feet of non-retail commercial prior to development of the transit stop.[1] Phase 3 allows the development of 28,600 square feet of commercial retail, 935,000 square feet of non-retail commercial and 2.2 acres of undeveloped park. The phasing plan allows

[1] The RSP and the DEIR state that phasing does not have to be done in any particular order; therefore Phase 1 and Phase 3 can be built before the transit stop is built.

N-7 Table E-2, North District Specific Zoning and Development Regulations, Table E-3, Central District Specific Zoning and Development Regulations, and Table E-4, South District Specific Zoning and Development Regulations, provide District-specific development regulations. Additionally, Table E-5 provides Tailored Development Standards that apply to various zones and/or lots within the Specific Plan. As shown in Table E-2 and Table E-5, the maximum FAR in the North District CC-3-9 zone has been reduced from 6.0 to 4.0 in response to comments received. Tables E-2 through E-4 provide the maximum permitted density for residential development, which is one dwelling unit per minimum 400 square feet of lot area as determined in accordance with LDC §113.0222 in the RM-4-10 and CC-3-9 zones. The Specific Plan has a Tailored Development Standard that would allow for one dwelling unit per minimum 200 square feet of lot area as determined in accordance with LDC §113.0222 in the CC-3-9 zone. However, the Maximum Project Density/Intensity would be limited as shown in Table 7-1 of the Specific Plan, which is a maximum of 4,300 residential dwelling units within the project. See also Master Response 1 regarding the project's development intensity/density.

N-8 See Master Response 1 regarding the project's development intensity/density and response N-7.

The Specific Plan zoning has been revised. Park lots previously zoned CC-3-9 (lots TT and VV) are now shown as OP-1-1 (Specific Plan Table 7-1 and Specific Plan Figure 7-1).

N-9 Chapter 3.0 of the EIR analyzed build-out under the Specific Plan as described in Specific Plan Chapter 7.

N-10 As stated in the Project Description, Chapter 3.0 of the EIR, the project site contains areas that are regulated by the City's ESL regulations (LDC Section 143.0110), which include sensitive biological resources and areas mapped as Special Flood Zones. Additionally, the project site has historic resources (archaeological sites) that would be affected by the project. Therefore, a Site Development Permit is required in accordance with SDMC Section 126.0502.

N-11 As presented in Section 5.15 of the Draft EIR, the project would not result in significant impacts to public services and facilities. The Development Agreement is included in the Project Description. It defines the rights and duties of the City and the Developer regarding buildout of the project that is described in the Draft EIR and identifies extraordinary benefits resulting from the project. The Draft EIR considers the environmental effects of the physical changes on the environment resulting from the project. CEQA does not require the release of a Development Agreement with a Draft EIR.

N-12 See Master Response 1 regarding the project's development intensity/density. The EIR analyzed the Specific Plan and any future projects developed in accordance with the plan as described in Chapter 3.0, Project Description.

N-13 The project is consistent with the Mission Valley Community Plan, which identifies the land use designations on the site as Residential (HD) (high density), Office and Visitor Commercial, and Potential Park/Open Space. City-wide zoning adopted with the Community Plan supports these uses: RM-4-10, CC-3-9, OP-1-1, and OC-1-1. The project and the land uses and zoning proposed align with the Community Plan. As presented in Section 5.1 of the Draft EIR, the project would not result in significant land use impacts.

CEQA Guidelines §15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision makers should address. A project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment. Generally, a project need not be in perfect conformity with each and every general plan policy.

Furthermore, per the City Significance Determination Thresholds, an inconsistency with a land use plan is not by itself a significant environmental impact; the inconsistency would need to relate to a secondary physical environmental issue to be considered significant under CEQA. As discussed in Section 5.1, the project would generally not conflict with the environmental goals, objectives, or guidelines of a General Plan or Community Plan or other applicable land use plans. The project was assessed against the relevant goals and guidelines from the City's General

Plan, Mission Valley Community Plan, and the San Diego River Park Master Plan. As further identified in Section 5.1, Land Use, of the Draft EIR, land use impacts were determined to be less than significant.

N-14 The project proposes a level of development that would represent transit-supportive density of the proposed transit stop and other existing transit facilities, including the Fashion Valley Transit Center, just east of the project site. The Riverwalk Trolley Stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th equivalent dwelling unit (EDU).

For clarification, Phase I would include development of 1,910 multi-family units, 110,300 square feet of commercial retail space, 65,000 square feet of non-retail commercial space, 1.6 acres of park, and 3.11 acres of undeveloped park. The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th equivalent dwelling unit (EDU). Phase II would involve construction of 2,390 multi-family units, 13,100 square feet of commercial retail space, 26.27 acres of developed park, and 53.48 acres of undeveloped park (including the Riverwalk River Park). Phase III would include development of 28,600 square feet of commercial retail space, 935,000 square feet of non-retail commercial space, 2.2 acres of undeveloped park. See Master Response 2 regarding project phasing.

The goal of the City of Villages Strategy is "Mixed-use villages located throughout the City and connected by high-quality transit" (City's General Plan page LU-6). "Transit First" is a section (Section B) of the Mobility Element of the General Plan. The goals of Section B. Transit First are:

- An attractive and convenient transit system that is the first choice of travel for many of the trips made in the City.
- Increased transit ridership. (City's General Plan page ME-17)

"Transit First" references making transit the first choice of travel for trips made in the City. The project supports the goals of Transit First by providing a new transit stop to serve the Green Line Trolley which would be accessible to residents, employees, and visitors of the project, as well as those in the surrounding Linda Vista community. The transit stop would be constructed and operational at the end of Phase I prior to occupancy of

any phase to be built at any time and in any order. Therefore, Phase 1 and Phase 3 could be built out before the transit stop is built. The lack of any requirement for the timing of the phasing allows development of a vehicle-dependent project until the transit stop is built. This is not consistent with the Transit First goals of the City of Villages.

N-14 (cont.)

Street and Freeway System

The City of Villages and the Mission Valley Community Plan call for an interconnected street network that requires the construction of Street J and Street U to implement the goals for transportation in the Mission Valley Community. All of Street J and Street U are located on the project site but Riverwalk will only dedicate the right-of-way. This is not consistent with the general plan or the Mission Valley Community Plan. In addition, upon review of the proposed development agreement; Riverwalk is seeking a monetary credit toward the required developer impact fees for this IOD. Essentially Riverwalk is seeking all the benefits of a transit-oriented development, failing to mitigate the impacts of that development then seeking financial credit for that failure.

N-15

N-16

Riverwalk must build the required streets with no credit for the construction and dedication of the streets towards developer impact fees. The developer impact fees are mitigation for offsite impacts caused by the project. Failure to construct the required onsite improvements and pay a fair share towards off-site improvements is not consistent with the land use planning documents and will result in a significant land use impact.

N-17

Climate Action Plan

The project site is currently a 195-acre golf course with minimal paving and impervious surfaces. Riverwalk is proposing to develop 115 acres with high density and intensity uses. The project purports to implement the City of Villages Strategy by increasing the capacity for transit-supportive residential and employment densities. The DEIR fails to consider the amount of development that is allowed without the construction of the transit stop. The phasing must be specified in a manner that assures construction of the transit stop early in the process. Without this requirement the project is not consistent with the Climate Action Plan and will result in significant land use impacts.

N-18

N-19

The CAP Conformance Evaluation failed to consider the number of existing mature trees that will be removed as a result of the project and failed to calculate the loss of carbon sequestration. The CAP Conformance Evaluation is inadequate and does not provide substantial evidence the project is consistent with the CAP. Although the DEIR states the RSP provides for the preservation of existing trees, the RSP only requires the preservation of existing trees along Friars Road and does not require the preservation any other existing trees on the project site.

N-20

Emergency Services

The project is not consistent with planning policies related to the provision of emergency services, particularly police and fire rescue. The City cannot deliver the highest level of emergency and fire rescue services due to the location of services and inadequate infrastructure. The project is proposing to add thousands of new residents, workers and visitors to an area that is underserved by

N-21

the 3,386th equivalent dwelling unit (EDU). Additionally, transit subsidies would be provided as part of the Transportation Demand Management program. The project would provide transit subsidies to both residents and employees. For residential, the project would provide a 25% subsidy. The subsidy value would be limited to the equivalent value of 25% of the cost of an MTS "Regional Adult Monthly/30-Day Pass" (currently $72 for a subsidy value of $18 per month). Subsidies would be available to residential tenants and would be offered from the completion of the first dwelling unit until ten years after the opening of the Riverwalk Transit Station. The subsidy would be required of office and retail tenant employees as a lease condition. Transit subsidies reduce the cost of transit ridership, making transit more attractive to a wider population which has the potential to increase ridership.

N-15 Street J and Street U are Mission Valley Community Plan Mobility Element roadways that are envisioned as part of the build-out of the Mission Valley Community Plan. The project would provide irrevocable offers of dedication (IODs) toto ensure that the land through the project is available until such a time as funding is available to construct these regional roadways. Construction of Street J and Street U are not required for transportation VMT mitigation for the project. The IODs ensure that land is available so the Mission Valley Community Plan vision for these roadways is able to be implemented as part of a separate project.

N-16 As disclosed throughout the Draft EIR, the project would result in impacts that would be mitigated to below a level of significance with the exception of cumulative operational air quality impacts. See response M-23 regarding the Development Agreement. See also Master Response 6 regarding transportation/circulation/transit.

N-17 The project is constructing all on-site streets and roadway improvements required for implementation of the project. The project sets aside development areas as IODs for the future construction of Street J and Street U, as envisioned by the Mission Valley Community Plan for community build-out. The project would also contribute toward the construction of these roadways via its development impact fee contributions, in addition to providing the IODs.

N-18 See Master Response 2 regarding project phasing. The Riverwalk Transit Stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th equivalent dwelling unit (EDU). The EIR evaluated the environmental impacts of the project, which includes the transit stop.

N-19 The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386 equivalent dwelling unit (EDU).

N-20 As outlined in the CAP Conformance Evaluation the Specific Plan provides for the preservation of existing trees. Existing on-site tree specimens would be analyzed on an individual basis for preservation in their present or in a new location to the greatest extent feasible. All efforts would be made to preserve mature trees where possible. Existing trees would be analyzed and assessed in accordance with Council Policy 900-19 and the Conserve-A-Tree Program. This language is included in the Specific Plan in Section 3.6.1, Streetscape. Additionally, the Specific Plan includes Policy-55 relative to existing trees along Friars Road: "*Policy-55.* To the greatest extent feasible, the existing trees lining the south side of Friars Road would be retained to reinforce the visual character of Friars Road."

The EIR provides an analysis of existing and future tree canopy in Section 5.1. As stated in the EIR, a tree survey was undertaken for the project site based on the southern-most 18 holes south of the trolley tracks and excluded trees within the San Diego River channel. Per the EIR, it is estimated that the approximate canopy coverage for existing conditions, outside of the trolley track easement and San Diego River channel, is 6.7 percent to 9.4 percent for the entire golf course. Tree coverage for the developed areas of the Specific Plan area showed an approximate 19.9 percent tree canopy coverage. These canopy coverage percentages are conservative because they do not account for the Riverwalk River Park, which would provide an even greater amount of coverage with the addition of trees and shrubs throughout the park and revegetated areas.

Action 5.1 of the CAP targets 15 percent urban tree canopy coverage citywide by 2020 and 35 percent urban tree canopy coverage citywide by 2035. Development areas of the Specific Plan would achieve a minimum of approximately 20 percent tree canopy coverage and would contribute to the 2035 tree canopy coverage target. Although it is unknown at this time how much tree canopy would occur within the Riverwalk River Park and

police and fire. The level of service on roads in Mission Valley is inadequate to provide reasonable response times. Traffic during the holiday season prevents any type of acceptable emergency response. In addition, the linkages necessary to improve response times are not proposed to be built, in particular Streets J and U. Riverwalk is not proposing to provide space or financial resources to improve response times by adding a fire station, facilitating co-location of a fire station with the police station or adding personnel. The project is not consistent with the planning and land use goals of delivering the highest level of emergency services and rather will greatly reduce the level of emergency services.

N-21 (cont.)

Recreation and Open Space

Although the project would develop a diverse range of recreational elements, the project results in a significant loss of recreational opportunities. The project site is currently a 195-acre golf course providing private open space and recreational opportunities. The Project will result in 51 acres of public park, 11.7 acres of private parks, and 34.6 acres of no-use open space.[2] This represents a net loss of 97.7 acres of recreational lands in a community that is park deficient and nearly built out with the exception of this site, Civita and SDCCU Stadium. Due to the significant loss of open space and recreational opportunities the project is not consistent with the recreation policies of the planning documents and will cause a significant land use impact.

N-22

Environmentally Sensitive Lands

Most of the project site is located in the floodway or floodplain and is essentially undevelopable without significant hydromodification. The RSP proposes to make significant modifications to the San Diego River to raise the northern portion out of the floodway/floodplain and lower the southern portion to accommodate more water. Development in the floodway/floodplain is not consistent with the environmentally sensitive lands policies of the land development code. The project is inconsistent with the current code; this must be acknowledged and considered in the DEIR.

N-23

The DEIR fails to address the introduction of people and domestic animals in proximity to the MHPA – creating significant and unmitigated impacts to the natural resources. This unrestrained introduction of people and domestic animals to environmentally sensitive lands is not consistent the open space and conservation policies that require a resource-based park system that provides for the management of natural resources. The RSP must provide management policies that restrict human and domestic animal activity in biologically sensitive areas to mitigate land use impacts due to the inconsistent policies. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170.)

N-24

Flooding

The Mission Valley Community Plan requires the project comply with the land development code related to flood hazards. The RSP proposes hydromodifications to reduce flood risk and the DEIR relies on a hydrology study for a discussion of special flood hazards areas. There is no evidence the hydrology study or flood discussion in the DEIR account for the increased

N-25

[2] RSP Table 7-1.

San Diego River channel, trees planted in those portions of the project site would increase the site's tree canopy coverage beyond the projected 20 percent. The project would contribute to the targeted tree canopy coverage percentages of the CAP.

Overall, the project was found to be consistent with the City's CAP and impacts were determined to be less than significant.

N-21 See Master Response 8 regarding public services and facilities.

N-22 The project does not result in the significant loss of recreational opportunities. The project site is currently developed as a single-use private golf course with driving range. While the golf course is a recreational amenity within the community, it is private and available only to those who can pay to use. As such, discontinuation of the golf course would result in a loss of zero acres of public park and recreation space.

A portion of the project site is zoned OP-1-1 and designated for Potential Park/Open Space in the Mission Valley Community Plan. The project is consistent with the Community Plan's requirement for a park within the Specific Plan area and includes 97 acres of parks and open space, including approximately 55 acres of publicly-accessible park space and enhancement of the San Diego River. As disclosed in the EIR, land use impacts were determined to be less than significant.

N-23 Figure 2-5 of the Draft EIR shows the project site relative to the FEMA 100-year floodway and floodplain. As stated in Section 5.12, Hydrology, of the EIR, the project site is located within the 100-year floodplain of the San Diego River. The majority of the project site is located within Zone AE (100-year) floodplain of the San Diego River based on FEMA FIRM. The project would encroach into the floodplain and floodway. The project has been designed to ensure that the lowest floor is two feet above base flood elevation in accordance with Environmental Sensitive Lands Regulations. See also Master Response 9 regarding flooding.

N-24 The project provides a minimum buffer surrounding the MHPA as well as the placement of boulders or deterrent vegetation and peeler log fencing at the edge of this no use buffer, which would deter encroachment by people and domestic animals into the MHPA. The project would adhere to

N-25 (cont.) frequency and severity of flood events as a result of climate change. The FEMA maps for the area were prepared in 2012 – the science related to climate change has changed significantly since that time. There is no substantial evidence to support the DEIR finding the project is consistent with the flood hazard policies of the Mission Valley Community Plan.

Mobility

N-26 The RSP fails to **require** the bike facilities required by the Mission Valley Community Plan. Rather the RSP encourages the provision of these bike facilities. The RSP also fails to provide necessary bike linkages for mobility through Mission Valley such as Streets J and U and improvements to Hotel Circle North along the project frontage. Therefore, the project is not consistent with the Mission Valley Community Plan and will have a significant land use impact.

Transportation and Circulation

N-27 The analysis of Transportation and Circulation Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning. As discussed above, the project proposes the Riverwalk transit station in Phase 2, but the RSP states the Phases can be built in any order with any timing. Therefore, Phase 1 and Phase 3 can be built-out and operational without the transit station in place. The project uses the transit station as a reason to screen out the project for the VMT analysis when it is not required to occur before Phase 1 and Phase 3 are built and operational. Significant transportation and circulation impacts could occur before the transit station is built. These impacts must be further evaluated and disclosed.

N-28 The trip generation rates used for the analysis are likely underestimated leading to lower VMT and LOS impacts than has been reported.[3] Similarly, the transportation impact analysis does not properly address level of service impact criteria used for several intersections and relate this to General Plan requirements for obtaining congestion relief. The transportation impact analysis also fails to adequately consider traffic impacts on the roadway and highway system.

N-29 The project site is not located in a transit priority area until the transit stop is available. A majority of the project trips could occur before the transit stop is built. Therefore, the project cannot be screened out for transit purposes and the VMT significance criteria is not appropriate. The current analysis fails to accurately analyze near-term impacts.

N-30 The project should contribute to or construct a substantial number of road improvements as outlined in the attached comments from RK Engineering. The proposed development agreement is seeking credit for dedications and other improvements that should be required as mitigation for project impacts. RK Engineering recommends additional financial contributions as mitigation for significant transportation and circulation impacts rather than credit for the less than adequate improvements proposed. Without this additional mitigation, the project will have significant, unmitigated transportation and circulation impacts.

[3] Comments from RK Engineering dated July 6, 2020, see attachment.

the MHPA LUAGs, which require that uses in or adjacent to the MHPA be designed to minimize indirect effects to the MHPA.

Relative to animal encroachment, in order to discourage excessive predation of sensitive species by non-native predators, such as feral cats, all trash containers associated with the development project would be secured, and trash would be disposed of on a regular schedule such that containers would not overflow. In the park, trash receptacles would have covers to prevent rummaging by wildlife and would be located in proximity to potential picnic areas and other seating areas. Litter and trash removal within the MHPA and park space would be the responsibility of the land management entity. The EIR adequately addresses the introduction of people and domestic animals in proximity to the MHPA and concludes that impacts would be less than significant

N-25 See response N-23. The project would be consistent with policies of the Mission Valley Community Plan that address flood hazards as outlined in the Land Use section of the EIR, Table 5.1-3, Mission Valley Community Plan Analysis. Further, the project would not result in impacts relative to flooding, as presented in Section 5.12, which includes a discussion of special flood hazard areas. Hydrology studies are not required to consider climate change. The project would comply with all City requirements regarding drainage and hydrology.

N-26 The project's circulation network, including proposed bicycle circulation and facilities, is consistent with the facilities proposed in the Mission Valley Community Plan. The proposed bicycle facilities are shown in Draft EIR Figure 3-6, Bicycle Circulation Plan. As shown in Figure 3-6, the project would construct bike lanes on the portions of Street J (Class II bike lane) and Street U (Class IV two-way cycle track) to be developed by the project. The figures also show future Class II bike lanes for the roadways that would be constructed within the IODs (a future Class II bike lane for future Street J and a future Class IV two-way cycle track for Street U). The project would also provide dedication on its Hotel Circle North frontage to construct a 4-lane major roadway with a raised median and Class II bicycle lanes until the construction of a future 2-lane couplet with a Class IV two-way cycle track. As such, land use impacts were determined to be less than significant.

N-27 See Master Response 2 regarding project phasing and Master Response 6 regarding the VMT analysis.. As disclosed in the Draft EIR, the TIA considers the entire project buildout per the land uses described in EIR Section 3.2.1 and EIR Table 3-1. These uses are governed under the limitations of the Specific Plan. A list of the project's transportation improvements are included in the Transportation Improvement Plan (TIP), which is included as Appendix A to the TIA (Appendix D to the EIR). The TIP describes the implementation thresholds for transportation improvements, which are based on an Equivalent Dwelling Unit (EDU) methodology and are not specifically tied to phases. As a result, the transit stop, for example, would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th EDU. The Final EIR Table 3-2 has been revised to show that the transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th EDU. See also Master Response 6 regarding transportation/circulation/transit. The EIR concluded that transportation VMT impacts would be less than significant.

N-28 See Master Response 6 regarding trip generation and VMT as a metric to evaluate significant transportation impacts under CEQA , as well as the VMT Analysis.

N-29 See Master Response 6 regarding VMT analysis.

Fashion Valley Transit Center is an existing major transit stop within a half-mile of portions of the project site. Additionally, the project-specific VMT analysis concluded that the project would result in a less than significant transportation VMT impact. Therefore, it is concluded that the EIR analysis is adequate without revision.

N-30 See Master Response 6 regarding VMT Analysis. As evaluated in the Transportation and Circulation Section 5.2 of the Draft EIR, the project would result in a less than significant transportation VMT impact. Therefore, the construction of new roads or other transportation improvements as mitigation measures or transportation improvements above and beyond those already identified is not required.

N-31 The Mobility Assessment grossly overestimates the internal trip capture rate, thereby underestimating transportation and circulation impacts caused by the project. This assessment also fails to consider the worst-case scenario as needed to adequately address transportation and circulation impacts. This failure to adequate estimate these impacts contributes to impacts to public services as the impacted streets and intersections are between the nearest fire stations and the project.

N-32 The NOP was issued in 2018, yet the Mobility Assessment relied on traffic counts from 2015 as the baseline. The Mobility Assessment must rely on current traffic counts to accurately reflect the baseline conditions.

N-33 The analysis failed to consider the buildout of J Street or U Street until 2050 and the developer is only offering to dedicate the ROW, not build the street. The Year 2050 analysis shows the project would distribute 20% of the project trips using these roadways. Construction of these roads at an earlier phase is necessary to mitigate the significant impacts to transportation and circulation.

N-34 The transportation impact analysis and mobility assessment fail to analyze project alternatives, therefore there is no substantial evidence to support the alternatives analysis.

Visual Effects and Neighborhood Character

N-35 The analysis of Visual Effects and Neighbor Character impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning. The analysis in this section of the DEIR is largely focused on the design of the project itself and fails to consider the impact of the project on the surrounding community and transportation corridors.

N-36 The bulk and scale of the proposed project is incompatible with the development along Friars Road. The RSP allows a maximum structure height of 7 stories, existing development in the area has a maximum structure height of 4 stories. The RSP has a maximum FAR of 6 while the existing land development code in the area has an FAR of 2, allowing buildings nearly three times the size of the existing buildings. All of the design policies of the RSP will not mitigate this substantial incompatibility of the project with the bulk and scale of the development along Friars Road. The project will have a significant visual effect and a significant impact on neighborhood character.

N-37 The project will have a significant impact on views from Interstate 8 and Friars Road through Mission Valley; both corridors are major east-west corridors. The project will replace views of a golf course with office commercial development and high density residential. The DEIR fails to consider these views because the corridors are not identified in the Mission Valley Community Plan as view corridors. The views from these roads will be significantly impacted regardless of the policies in the community plan. Thousands of people drive these roads every day and will lose the view of the golf course. This is a significant negative visual effect that must be fully analyzed with appropriate mitigation measures and alternatives adopted to reduce these impacts.

N-31 See Master Response 6 regarding project trip generation and response N-83 on trip generation internal trip capture. The comment is unclear as to what is being referred to as worst-case scenario. See also Master Response 6 regarding Vehicle Miles Traveled (VMT) Analysis regarding the use of the VMT metric to evaluate transportation impacts under CEQA. See also Master Response 8 regarding public services and facilities.

N-32 The project used traffic counts from 2015 (consistent with the existing counts collected for the Mission Valley Community Plan) for multiple reasons. First, the LOS analysis was conducted to ensure consistency with the Community Plan. Therefore, using an identical and consistent existing condition as the Community Plan would be reasonable. Secondly, it was concluded that traffic counts later than 2015 were not appropriate given that the construction of the SR 163 / Friars Road Interchange - Phase I and the Hazard Center Drive extension projects were ongoing in the interim, which would alter traffic patterns and counts and thereby not reflect a typical existing condition. Instead, traffic patterns in the area, disrupted by construction, would represent a temporary condition which might confuse the public more familiar with "typical" traffic patterns before major construction commenced. As discussed on pages 35-36 of the Mobility Assessment, given that the counts conducted in 2017 were only marginally higher than 2015 counts and within the daily fluctuation of such counts, the 2015 counts were validated and reflect the appropriate "typical" existing condition available based on substantial evidence. Therefore, based on the above, there is substantial evidence to support the lead agency's determination that the 2015 traffic counts should serve as the appropriate existing condition for a LOS analysis to ensure consistency with the Community Plan as well as ongoing construction in Mission Valley.

N-33 See responses N-15 through N-17 regarding the construction of Street J and Street U. See Master Response 6 regarding the use of the VMT metric to evaluate transportation impacts under CEQA.

N-34 The discussion of alternatives does not apply to technical studies. In Section 5.2 of the EIR transportation and circulation impacts were determined to be less than significant. CEQA Guidelines Section 15126.6(b) states that the discussion of alternatives must focus on alternatives to the

project which are capable of avoiding or substantially lessening any of the significant effects of the project. An alternative that would either avoid or substantially lessen transportation and circulation impacts was not required, because the project would not result in a significant transportation VMT impact. The alternatives analyses presented in Chapter 10.0 provides sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison with the proposed project as required by CEQA (Section 15126.6(d)). Additionally, CEQA does not require that alternatives provide the same level of analysis as the project. The alternatives analysis presented in Chapter 10.0 has been prepared in accordance with CEQA and is adequate.

N-35 The EIR analyzes impacts of the project and the surrounding neighborhood in Section 5.3, Visual Effects and Neighborhood Character. As analyzed in the EIR, the project would result in a change to the existing character of the community of the area, as the site is currently developed as a golf course and the project proposes the development of an integrated infill mixed-use neighborhood. The project would be consistent with the planned character of the community of the area, both as presented in the Mission Valley Community Plan and as demonstrated by project incorporation of applicable Mission Valley Community Plan design guidelines, as shown in Table 5.3-1 of the EIR. The character of Mission Valley is evolving, particularly in the area of the project, where redevelopment projects are being implemented. The project is consistent with the planned land use and design guidelines of the Mission Valley Community Plan; therefore, visual effects and neighborhood character impacts were determined to be less than significant

See also responses N-5, N-7, and Master Response 4 regarding neighborhood character/building heights/height limits and Master Response 5 regarding visual quality/views.

N-36 The Specific Plan applies a maximum FAR of 4.0 for the North District and 6.0 for the Central and South District. The building setbacks and height in the Specific Plan cannot be violated in order to achieve the maximum FAR. In essence, FAR is limited by the required building setbacks, maximum building height, etc. The project is compatible with the existing character of the surrounding neighborhoods (see response N-35 and Master Responses 4 regarding neighborhood character/building heights/height

limits and 5 regarding visual quality/views) and is consistent with the planned character of the site envisioned by the Mission Valley Community Plan. Further, the maximum FAR in the North District CC-3-9 zones has been reduced from 6.0 to 4.0 in response to comments received. The design policies in the Specific Plan ensure that the project's bulk and scale is in accord with the existing and evolving character of the surrounding communities. No significant impact would occur.

N-37 As discussed in Section 5.3 of the Draft EIR, the Mission Valley Community Plan does not identify any designated public view corridors nor does it include designated public viewing areas that are considered significant. Although not specially identified as such in the Mission Valley Community Plan, the San Diego River is considered a significant visual resource within Mission Valley. The project would create view corridors from the north and south into the Riverwalk River Park. Additional view corridors would be provided from Friars Road through the development parcels of the North District and Central District toward the San Diego River. A major view corridor into the San Diego River would be provided from Fashion Valley Road. Impacts relative to view corridors would be less than significant.

Elizabeth Shearer-Nguyen
July 6, 2020
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Biological Resources

N-38 The analysis of impacts to Biological Resources; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

N-39 The project introduces high density development and intense office commercial development in an area adjacent to the MHPA that will result in significant impacts to the MHPA. This introduction of humans and domestic pets in the vicinity of sensitive habitats creates a significant biological impact. Although the trails will not be through the "No Use" area, there is little to keep a dog our cat out of the area. Similarly, who will enforce any limitations on use? Particularly at night and on holidays. As has been shown in other parks in the City – there is little to keep pet owners from allowing thDEIR dogs off leash unless there is stringent enforcement. This is a significant and unmitigated impact the DEIR fails to address.

Air Quality

N-40 The analysis of Air Quality Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning. The Air Quality Study relies on flawed assumptions, failed to provide the necessary analysis, relies on unproven mitigation, failed to include an HRA study to evaluate potential risks from toxic contaminants during construction, and fails to adequately connect the project's air quality emissions to potential health consequences. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) Please see the attached letter from RK Engineering for a complete analysis

N-41 of the Air Quality Report. RK Engineering concludes the Air Quality Report fails to provide substantial evidence supporting the DEIR conclusions as to Air Quality. The RK Engineering letter also demonstrates the Air Quality Report fails to provide any substantial evidence supporting the feasibility of air quality mitigation measures.

N-42 CEQA requires the City adopt feasible mitigation measures to substantially lessen or avoid significant environmental impacts of proposed projects. This DEIR offers no mitigation measures for significant cumulative impacts to air quality.

Energy

N-43 The analysis of Energy impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

Noise

N-44 The analysis of Noise Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities

N-38 See Master Response 1 regarding the project's intensity/density. Biological resources are addressed in Section 5.4 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

N-39 See response D-14.

N-40 See Master Response 1 regarding the project's development intensity/density.

N-41 As detailed in responses N-93 through N-104, the Air Quality Report has been updated to provide additional evidence supporting the Draft EIR air quality conclusions. The air quality modeling removed all mobile source-related mitigation from CalEEMod and instead relied on vehicle trips and associated transit and mixed-use reductions presented in the Mobility Assessment (May 2020) and Transportation Impact Analysis (March 2020), which includes project design features that incorporate the CAPCOA recommended measures for reducing criteria air pollutant emissions from mobile sources, such as increasing density, increasing the diversity of developments, increasing location efficiency and destination and transit accessibility. As such, the air quality analysis has accounted for the feasible mitigation measures, which have been incorporated and accounted for in the trip generation estimates used in the analysis.

In order to evaluate the potential risks from toxic air contaminants during construction activities, a Construction and Highway Health Risk Assessment was conducted (Appendix EE) that concluded health risks due to project construction would be below applicable thresholds with the incorporation of Specific Plan Reg-132, and Reg-196 through Reg-199). In addition, the Construction and Highway Health Risk Assessment concluded that, if development in the South District includes residences, those residences would not be exposed to substantial pollutant concentrations from the highway vehicle toxic air contaminant emissions with the incorporation of Specific Plan Reg-196 through Reg-199.

Further, in response to the comment about connecting the project-related emissions to potential health consequences, the thresholds of significance were based on the SDAPCD Air Quality Impact Assessment Trigger Levels, which were designed to identify those projects that would result in

significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards (SDAPCD 2016). The ambient air quality standards were established using health-based criteria to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution. Further, the health effects of criteria pollutants, such as NO_X, which is a precursor to ozone, are discussed in the amicus brief filed by the South Coast Air Quality Management District (SCAQMD) in the *Sierra Club v. County of Fresno* (2014) 26 Cal.App.4th 704. The brief states that it "takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels" (SCAQMD 2015b). In addition, the SCAQMD explained that it may be technically infeasible to accurately quantify ozone-related health impacts caused by NOx or ROG emissions from relatively small projects, due to photochemistry and regional model limitations (SCAQMD 2015b). Furthermore, the SCAQMD brief stated that a project emitting only 10 tons per year of NOx or VOC/[ROG] (the Project is estimated to generate a similar order of magnitude of emissions) is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models used to determine ozone levels" (SCAQMD 2015b). As such, negative health effects associated with criteria pollutants are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, the number and character of exposed individuals [e.g., age, health history]). Because of the reaction time and other factors involved in ozone formation, in this case, it would not be feasible to directly correlate project emissions of NOx with specific health impacts from ozone. The SCAQMD explains that this is in part because ozone formation is not linearly related to emissions; ozone impacts vary depending on the location of the emissions, the location of other precursor emissions, meteorology, and seasonal impacts (SCAQMD 2015b).

N-43 See Master Response 1 regarding the project's development intensity/density. Energy is addressed in Section 5.7 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

As concluded in Section 5.7 of the Draft EIR, the project would increase demand for energy in the project area and SDG&E's service area. However,

no adverse effects on non-renewable resources are anticipated. The project would follow UBC and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. As such, the project would not result wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. No significant impacts would result.

N-44 See Master Response 1 regarding the project's development intensity/density. Noise is addressed in Section 5.8 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

N-44 (cont.) allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

N-45 Much like air quality impacts, impacts due to construction noise are underestimated due to underestimating construction times. The noise impacts are also underestimated due to underestimating the vehicular trips and relying on the construction of the transit stop to estimate vehicular trips.

N-46 The DEIR fails to offer any mitigation measures to reduce the impacts on sensitive bird species during project construction. CEQA requires the City adopt feasible mitigation measures to substantially lessen or avoid these significant impacts. Typical mitigation measures would require surveys for nesting birds prior to construction and no construction during the nesting season if sensitive species are present. The Executive Summary fails to discuss the significant, unmitigated impacts to biological resources.

Greenhouse Gases

N-47 The analysis of Greenhouse Gas Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

The CAP Conformance Evaluation failed to consider the whole of the project. The CAP Evaluation also failed to disclose the number of mature trees that will be removed as a result of the project, nor has the loss of carbon sequestration been calculated. The CAP Evaluation does not provide adequate analysis and must consider the loss of mature trees.

Hydrology

N-48 The analysis of Hydrology Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

The Drainage Study is inadequate because it fails to consider the impacts of climate change on the hydrology of the area. Climate change is widely recognized to cause more frequent and more severe rain events. The Drainage Study must consider the impacts of climate change to provide substantial evidence of no significant impacts to hydrology. Without this analysis the City cannot determine the project will not result in increased flooding or impose flood hazards on other properties or development.

Public Utilities

N-49 The analysis of impacts to Public Utilities; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

N-45 See response N-14 regarding the timing of the transit stop construction. See Master Response 6 regarding trip generation.

See response M-10 and M-11 relative to construction noise.

With respect to operational noise, the calculations were based on traffic volumes contained in the Mobility Assessment (Appendix L of the EIR). Traffic associated with project operation would increase noise levels, particularly along Friars Road, with operation of Phase I. The methodology and modeling calculates the increase in noise over baseline conditions with the operation of peak hour traffic. Thus, while traffic noise associated with the project would increase, it would not increase to the extent that the City of San Diego impact threshold would be exceeded. Traffic noise associated with operation of Phases II and III would have a less than significant effect on overall noise levels within the study area with operation of Phase I.

N-46 See response M-12.

N-47 See Master Response 1 regarding the project's development intensity/density. Greenhouse gas emissions are addressed in Section 5.9 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

Regarding the CAP Conformance Evaluation, see response M-15.

N-48 See Master Response 1 regarding the project's development intensity/density. Hydrology is addressed in Section 5.12 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

Drainage studies are not required to consider climate change. The project would comply with all city requirements regarding drainage and hydrology. See also response N-25.

N-49 See Master Response 1 regarding the project's development intensity/density. Public utilities are addressed in Section 5.13 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

	As concluded in Section 5.13 of the Draft EIR, the project would not significantly increase the demand for water or services, and as such, would not trigger the need for new water facilities or the expansion of those facilities beyond what is proposed for the project. The project would be consistent with regional water resource planning, and there would be sufficient water supply to meet the projected demands of the project. Existing wastewater facilities are available to serve the project site; no new facilities would be needed. Subsequently, the project would not adversely affect existing wastewater treatment services and adequate services are available to serve the project without requiring new or expanded entitlements. The project would implement a project-specific Waste Management Plan to manage solid waste generated by the project during construction and operation and would not require new or expansion of solid waste facilities, including landfills. Therefore, impacts to utilities would be less than significant.

Water Quality

The analysis of Water Quality Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

N-50

Much like Hydrology, the Storm Water Quality Management Plan failed to consider climate change in its analysis of runoff. Climate change has been shown to cause more frequent and more intense rainfall events that must be considered in drafting the SWQMP.

N-51

Public Services and Facilities

The analysis of impacts to Public Services and Facilities; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning. The failure to consider the whole of the project is perhaps more pronounced in the provision of public services than any other subject area of the DEIR.

N-52

The DEIR likely underestimated the population growth by 50% by failing to consider the maximum density allowed by the development regulations of the RSP. The existing population of Mission Valley as of 2018 was roughly 28,588. The project will add at a minimum 8,000 more people – but maximum build out could triple that number.[4] The project could nearly double the 2018 population of Mission Valley. This increase in density has not been considered in the analysis of police protection, fire rescue and other city services.

N-53

Police Protection

The DEIR fails to consider the current crisis with police staffing wherein the City is unable to fill vacancies within the police department. The priority response times relied on as the baseline in the DEIR are from 2016, with no explanation as to why 2018 response times were not used. The analysis of police protection fails to take into account increased population densities and the increased demand on police protection caused by those densities. This combined with the deficiencies in the transportation impact analysis and mobility assessment render the conclusions related to police protection unsupported. The DEIR must analyze impacts to police protection under the maximum densities and intensities allowed by RSP with corresponding corrections to the transportation impact analysis and mobility assessment. The traffic related reports must also be revised to addressed issues raised by RK Engineering. Once the transportation impact analysis and mobility assessment have been revised to address issues raised by RK Engineering and to consider the maximum buildout allowed by the RSP – then the burden of the project must be compared to 2018 response times.

N-54

N-55

Fire Rescue

[4] The RSP estimates 1.86 people per household. 1 du/400 sf x 116.2 acres x 43560 sf/acre x 1.86 = 23,536.44. This number does not take into account the Tailored Development Standard in the CC-3-9 Zone that would allow 1 du/200 sf.

N-50 See Master Response 1 regarding the project's development intensity/density. Water quality is addressed in Section 5.14 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR. As concluded in Section 5.14, the project's impacts relative to storm water quality would be less than significant.

N-51 The project has been designed for a one percent annual chance flood and is in conformance with City requirements relative to flooding. Storm water design was completed in accordance with local, State and Federal regulations when it comes to hydrology and flooding.

N-52 See Master Response 1 regarding the project's development intensity/density. Public services are addressed in Section 5.15 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

N-53 See Master Response 8 regarding public services and facilities.

N-54 See Master Response 8 regarding public services and facilities.

N-55 See Master Response 8 regarding public services and facilities.

See responses N-65 through N-107, which address issues raised by RK Engineering.

The analysis of impacts to Fire Rescue services must be revised as stated above for Police Protection. Fire Station 45 did not meet desired response times in 2016 – there are no measures suggested to improve this condition with this project. Fire Rescue must consider the impact of increased congestion at existing failing intersections on response times. Both stations must traverse through intersections that are projected to operate at a failed level of service to reach the project or travel significantly out of direction. Once the appropriate analysis is complete for Fire Rescue, the DEIR must consider whether contribution to a new fire station co-located with the Western Division of the San Diego Police Department is required to mitigate the impacts of the project on Fire Rescue services.

N-56

Parks and Other Recreation Facilities

The proposed project will remove 97.7 acres of existing private recreation facilities from a community that is already park deficient. This loss of recreation opportunities in the community must be considered a significant impact on public facilities. The developer is providing 97.3 acres of public and private parks and open space – and demanding the City credit the developer impact fees due for the provision of this park space. The project will cause a net loss of 97.7 acres of recreation area; causing a significant impact on parks and other recreation facilities.

N-57

Roads

The DEIR underestimates densities and intensities of development that are reasonably foreseeable at the maximum buildout allowed by the RSP. In addition, the transportation impact analysis and mobility assessment underestimated the impact of the project on surrounding roads. The developer is not proposing, nor is the City requiring the construction of circulation element roads located entirely within the project site. Finally, the City and the developer are in negotiations on a development agreement that will allow the developer to pay reduced development impact fees and receive credit for facilities that are a needed to mitigate the direct impacts of the project. The proposal considered in the DEIR will have a direct and significant impact on public services because the developer is not being required to carry its fair share of the financial burden for these public services.

N-58

Cumulative Impacts

The analysis of Cumulative Impacts; like all other subject areas of the DEIR is fatally flawed because the DEIR fails to consider the whole of the project – maximum densities and intensities allowed under the proposed General Plan Amendment, Community Plan Amendment, Specific Plan and Zoning.

N-59

The DEIR cannot rely on VMT analysis for Transportation and Circulation because significant densities and intensity of development will be built before the transit stop is operational. The VMT analysis must reflect the lack of efficiencies until the trolley station is built.

N-60

The DEIR must consider the cumulative impact of the City's proposed Complete Communities program in the assessment of cumulative impacts in all issue areas. The provisions of Complete Communities will compound the Project's impacts in every issue area of the DEIR with profound significant impacts to land use, transportation and circulation, visual effects and

N-61

N-56 See Master Response 8 regarding public services and facilities.

N-57 See response M-25 and N-22.

N-58 See Master Response 1 regarding the project's development intensity/density and Master Response 6 regarding the project's transportation analysis.

N-59 See Master Response 1 regarding the project's development intensity/density. Cumulative effects are addressed in Chapter 6.0 of the EIR based on the project's proposed development intensity and density, disclosed in Chapter 3.0 of the EIR.

N-60 See response N-14.

N-61 Complete Communities has not been adopted. The draft Complete Communities housing initiative would permit more density and allow more height than currently allowed by zoning ordinances throughout the City. The Complete Communities Initiative is voluntary. It would be speculative to assume that future projects would select to opt into the program. See Master Response 1 regarding the project's development intensity/density. The maximum intensity and density of the project is still controlled by the Specific Plan, not Complete Communities. Even if Complete Communities was adopted and added to the Land Development Code, the Specific Plan limitations prevail over the Land Development Code when there is a conflict on the applicable rules. It would also be speculative for the City to assume how many landowners in Mission Valley would opt into the voluntary Complete Communities program in order to perform a cumulative impact analysis. CEQA does not require the City to engage in speculation about environmental impacts whether they are direct impacts or cumulative impacts.

N-61 (cont.)

neighborhood character, air quality, noise, greenhouse gas emissions and public services and facilities. The cumulative impacts of this program are not fully considered or discussed in the DEIR. The City has been developing the Complete Communities program since prior to publication of the NOP. The impacts of Complete Communities are reasonably foreseeable and must be fully considered in the cumulative impacts analysis.

Project Alternatives

N-62

The studies relied upon as substantial evidence to support the analysis of impacts in the DEIR failed to give any consideration of the alternatives. In particular, the failure to consider the alternatives in the transportation impact analysis and mobility assessment provide no substantial evidence to support the conclusions reached in the consideration of each alternative. The same can be said for air quality, hydrology, water quality and public services. The DEIR simply failed to provide an adequate analysis of each alternative.

Conclusion

N-63

The draft DEIR fails to meet the minimum information requirements set out in CEQA. The DEIR must be revised to analyze the maximum buildout allowed under the Riverwalk Specific Plan and address other deficiencies noted in this letter. The level of deficiency is so pronounced the City should assume the DEIR will require recirculation.

N-64

The Riverwalk Project, in some form could be a benefit to this City – but the City must have an DEIR that allows the decision-makers and the public to make an informed decision. The City must not allow this level of development without adhering to the standards necessary to assure the significant impacts caused by the project are avoided or mitigated to the maximum extent feasible. The City must provide substantial evidence to support any findings of feasibility.

Thank you for the opportunity to comment in this DEIR. Please let me know if you have any questions or need additional information.

Regards,

Julie M. Hamilton

Julie M. Hamilton
Attorney for Park Place Estates HOA

N-62 See response N-34.

N-63 See response J-6.

N-64 The City, as Lead Agency, prepared the EIR as an information document for use by the decision-makers and members of the general public to evaluate the environmental effects of the project. Findings for each of the significant effects identified in the EIR pursuant to CEQA Guidelines §15091(a)(3) would be made for the project and provided to the decision-makers for their consideration. Furthermore, pursuant to CEQA Guidelines Section 15093, the decision-makers are required to balance the benefits of a project against its unavoidable impacts when determining whether to approve a project. A Statement of Overriding Considerations has been prepared for the consideration of the decision-making body and left to its discretion to determine whether to approve or deny the project or any of the alternatives, or combination thereof.

ATTACHMENT

RK engineering group, inc.

traffic engineering & design
transportation planning
parking
acoustical engineering
air quality & ghg

July 6, 2020

PARK PLACE ESTATES HOA and COURTYARDS HOA
c/o The Law Offices of Julie M. Hamilton
501 West Broadway, Suite 800
San Diego, CA 92101

Subject: **Mission Valley Riverwalk Draft EIR Transportation, Air Quality, and Greenhouse Gas Impact Review, City of San Diego**

Dear Ms. Hamilton:

1.0 Introduction

N-65

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this review of the potential environmental impacts from the proposed Mission Valley Riverwalk project (hereinafter referred to as project), located in the City of San Diego, California. This review is based on the information provided in the *Riverwalk Draft Environmental Impact Report SCH No. 2018041028, Project No. 581984, May 2020* (hereinafter referred to as DEIR).

N-66

According to the DEIR, the project proposes to redevelop the existing 195-acre Riverwalk Golf Course property with a master-planned development in accordance with the proposed Riverwalk Specific Plan. The Riverwalk Specific Plan would allow for the development of 4,300 multi-family residential dwelling units; 152,000 square feet of neighborhood retail space; 1,000,000 square feet of office space; approximately 97 acres of park, open space, and trails; adaptive reuse of the existing golf clubhouse into a community amenity; and a new Metropolitan Transit System (MTS) Green Line Trolley transit stop.

The purpose of this letter is to review the DEIR from a transportation, air quality and greenhouse gas impact standpoint and provide comments to help ensure that all potential impacts from the project are adequately identified and the effects mitigated to the maximum extent feasible.

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rkengineer.com

N-65 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

N-66 Comment noted. This comment provides a general summary of the project.

RK has focused our review on the technical studies provided in the Appendices of the DEIR, as these documents contain the majority of the detailed information on which the findings of the EIR are based. The following technical documents have been reviewed by RK:

N-67

- Appendix C1 - CAP Conformance Evaluation
- Appendix D – Transportation Impact Analysis
- Appendix F – Air Quality Report
- Appendix L – Mobility Assessment

2.0 Comments Related to Transportation Impacts

2.1 Appendix D - Riverwalk Transportation Impact Analysis

The following comments pertain to the Riverwalk Transportation Impact Analysis, March 20, 2020, prepared by Linscott, Law and Greenspan and Urban Systems Associates, Inc., and contained in Appendix D of the Riverwalk DEIR.

N-68

1. Page 8, Table A: The project does not propose the Riverwalk trolley station until Phase 2. Thus, over 1,910 dwelling units, 110,300 square feet of retail and 65,000 square feet of office development may be built-out and operational in Phase 1 without the trolley station in place. Phase 1 of the project would generate 14,932 net daily trips and 17,248 driveway trips. The project uses the proposed trolley station as a reason to screen out the project for the VMT analysis, yet as shown in Table A, it would not occur in Phase 1. Therefore, the project cannot take credit for the trolley stop in Phase 1, and the impact of Phase 1 needs to be analyzed and disclosed independently. Therefore, a potentially significant impact would occur during Phase 1 which needs to be disclosed and further evaluated.

N-69

2. Trip Generation: The Phase I of the project has a lower net to gross trip generation than Phase 2 and Phase 3. This does not make sense, since the majority of the employment trips don't occur until Phase 3 when the majority of commercial office use is planned to be constructed. At that time more internal capture would be expected than in the initial phases of the project. Also, the internal capture of 17%-18% for ultimate conditions is very high considering over 50% of the project trips are residential and are likely to have significantly more external destinations. As a

N-67 The City acknowledges the comment as an introduction to comments that follow.

N-68 See Master Response 6 regarding the existing Fashion Valley transit station located within one-half mile of a portion of the project site, as well as the Master Response 6 regarding Vehicle-Miles Traveled (VMT) Analysis. A list of transportation improvements are included in the Transportation Improvement Plan (TIP), which is included as Appendix A to the TIA (Appendix D of the EIR). As shown in this Appendix, implementation thresholds for transportation improvements are based on an Equivalent Dwelling Unit (EDU) methodology and are not specifically tied to phases. The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386th EDU. EIR Table 3-2 and TIA Table A has been revised to show the construction and operation of the transit stop at the end of Phase I prior to occupancy of the 3,386th EDU.

N-69 See Master Response 6 regarding Project Trip Generation, Vehicle Miles Traveled (VMT) Analysis, and the use of the Mixed Use Development model to estimate internal capture for the project.

The project trip credits were conducted using a Mixed-Use Development (MXD) model (see Mobility Assessment Section 7.2 for background on the development of the MXD model) that was prepared by the Regional Planning Agency (i.e. SANDAG) and has been used in several land development projects in the City of San Diego and Mission Valley Community. This MXD methodology accounts for site-specific and local characteristics such as the development density, walking and transit options, the mix of land uses on the site (commercial, office and residential), site context and regional accessibility. Moreover, the City of San Diego is the lead agency, and CEQA gives the lead agency the discretion to determine the methodology for trip generation calculations. Therefore, it is concluded that there is substantial evidence that the trip generation calculations were adequately conducted per City of San Diego standards and EIR analysis is adequate without revision. See Master Response 6 regarding VMT.

N-69 (cont.)

result, project trip generation has likely been underestimated, leading to lower VMT and LOS impacts than what has been reported.

N-70

3. The study does not indicate the level of service impact criteria utilized for evaluation purposes and intersections #11 (Friars Rd. at Via Las Cumbre/Street F), #32 (Riverwalk Dr. at Avenida Del Rio) and # 46 (Hotel Circle Pl. at Hotel Circle North).would still operate at level of service E or F after the identified improvements. The DEIR should address how these impact to these intersection per the General Plan requirements of obtaining congestion relief.

N-71

4. Notwithstanding the recent changes to CEQA regarding how transportation impacts are to be evaluated, the impact of this project on the City's circulation system must still be considered for maintaining the goals and policies of the General Plan Mobility Element for congestion relief. The project generates over 37,222 net daily trips with 41,186 driveway trips. Therefore, consideration of traffic impacts on the roadway and highway system need to be evaluated as part of the discretionary review process.

N-72

5. Page 28, Transit Priority Areas: The project would not be considered to be in a Transit Priority Area until after Phase 1 is completed and occupied. Until construction of the trolley stop is completed, the project site is not in a transit priority area because there is not a qualifying transit stop within 1/2 mile of the site. Up to that time, over 40% of the projects trips will have occurred before the transit systems are available in the area. Therefore, the project cannot be screened out for transit purposes for this major component Phase 1 of the project.

N-73

6. Page 32, Table 6-1, VMT Significance Criteria: The Riverwalk trolley stop will not be available until Phase 1 when over 40% of the project trips will occur. Therefore, the half-mile existing major transit stop criteria can't be applied in Phase 1 and it would not be screened out unless the Trolley Stop is implemented with Phase 1.

N-74

7. Page 32, Table 6-1, VMT Significance Criteria: VMT calculations are based upon buildout conditions (Year 2050). The VMT calculations should also be assessed earlier when the project is in place in Year 2035 to disclose potential near-term impacts.

N-70 See Master Response 6 regarding the use of Vehicle Miles Traveled (VMT) Analysis regarding the use of the VMT metric to evaluate transportation impacts under CEQA that explains LOS is no longer considered the appropriate CEQA transportation metric to analyze transportation impacts. Therefore, impact criteria under LOS is not required to be included.

The project is proposing transportation improvements at the intersections of Friars Road/Via Las Cumbres/Street F, Riverwalk Drive/Avenida Del Rio, and Hotel Circle Place/Hotel Circle North to comply with the General Plan requirements of obtaining congestion relief.

N-71 A Mobility Assessment that addresses the project's traffic effect on the City's circulation system has been prepared and included as Appendix L to the EIR.

N-72 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-73 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-74 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-75 8. Page 37, Proximity to Transit Facilities: Phase 1 of the project is not currently served by qualifying public transit. Thus, Phase 1 of the project cannot be presumed to cause a less than significant impact without further evaluation.

N-76 9. Figure 6-1, Proximity to Transit per SB 743: Phase 1 of the project is not within one half mile of a major transit stop or high quality transit corridor. Thus, Phase 1 of the project cannot be presumed to cause a less than significant impact without further evaluation

N-77 10. Page 73, Riverwalk Trolley Station: Again, Phase 1 of the proposed project is not within one half mile of a major transit stop or high quality transit corridor. Thus, Phase 1 of the project cannot be presumed to cause a less than significant impact without further evaluation

N-78 11. Figure 9-2, Existing Transit Network: Again, Phase 1 of the proposed project is not within one half mile of a major transit stop or high quality transit corridor. Thus, Phase 1 of the project cannot be presumed to cause a less than significant impact without further evaluation

N-79 12. Pages 79, 80 and 81. The project should contribute to the Intelligent Transportation Systems (ITS) improvements on Mission Center Drive and Qualcomm way. There are also deficiencies in the transit system priority (TSP) improvements on Friars Road, Fashion Valley Road and Hotel Circle North. Given the substantial number of trips generated by the project some additional financial contributions should be made to these improvements by the project. Also, the project should contribute to ITS communication systems deficiencies that have been identified on page 81.

N-80 13. Page 84, Last Mile Transportation Options: The DEIR does not mention how long the project will provide the shuttle system service that is being proposed. The specific timeline for this service should be identified.

N-81 14. Appendix A, Transportation Improvement Plan: The project should fund the completion of J Street from the southerly terminus to the southerly property line, immediately adjacent to Hotel Circle North. Also, the project should fund U Street from the westerly terminus to the future J Street. The project only provides for the right-of-way for these required improvements. The project traffic will be the primary

N-75 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-76 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-77 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-78 See Master Response 6 regarding the Existing Fashion Valley Transit station and the Project-Specific VMT analysis.

N-79 The commenter's opinion on additional ITS improvements is noted. The comment does not suggest an inadequacy in the EIR analysis. No further response is required.

N-80 Comment noted. As shown in the Transportation Demand Management (TDM) Section of the TIA, the project includes three (3) alternatives under the Last Mile Transportation measure. Whichever alternative is chosen, the project would implement the TDM measure for the life of the project.

N-81 See responses to N-15 and N-17 regarding construction of Street J and Street U.

N-81 (cont.)

users of these facilities, and therefore should construct these improvements at the appropriate phase of development. These improvements are within the project boundary and will be used by many of the projects 37,000 net (41,186 driveway) trips. Therefore, the project developer should be responsible for payment of these improvements.

2.2 Appendix L – Mobility Assessment

N-82

The following comments pertain to the Riverwalk Mobility Assessment, May 2020, prepared by Linscott, Law and Greenspan and Urban Systems Associates, Inc., and contained in Appendix L of the Riverwalk DEIR.

N-83

1. Based on ITE-recommended internal trip capture methodology, the project would have an internal capture of approximately 10 percent in comparison to the 18 percent that the analysis assumes. The higher internal trip capture that is assumed in the analysis could significantly underestimate the project traffic and also the potential resulting impacts

N-84

2. Unsignalized intersections should be evaluated based on the worst-case movement delay. For instance, for existing PM conditions analysis, the report identifies the delay at intersection 19 (Ulric Street / SR-163 Southbound Ramp) as 3.4 seconds with LOS A. Based on the calculation sheets, the worst case delay at this intersection is 6.2 seconds with LOS C. Thus the reported values do not adequately represent the real world conditions and additional impacts would likely occur.

N-85

3. The project consists of one million square feet of office use. Yet the project trip generation calculations shown in Table 7-6 appear to only account for 800,000 square feet of office use. Thus, the trip generation estimates for the project do not take into account the entirety of the proposed project and are missing 200,000 square feet of office use. Trip generation influences not only impacts to transportation but also Air Quality, Greenhouse Gas and Noise. This potential inaccuracy needs to be reconciled in order to ensure project impacts are adequately assessed.

N-86

4. Page 18: The study acknowledges that the Synchro analysis software does not have the capability to evaluate non-nema phasing, yet does not disclose alternative

N-82 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

N-83 The City has its own requirements and standards to calculate internal trip reductions as a part of the trip generation calculations and does not rely upon ITE. First, the comment incorrectly compares ITE's internal capture of 10 percent to the project trip credits of 18 percent; the project trip credits include both internal capture and credits for transit. Second, the commenter suggested ITE internal capture of 10 percent is based on national sampling of trips. The project is in San Diego, making it appropriate to use local data. Therefore, per City guidelines, the project trip credits were conducted using a regionally and locally approved Mixed-Use Development (MXD) model (see TIA Section 7.2 for background on the development of the MXD model) that was prepared by the Regional Planning Agency (i.e. SANDAG). The MXD model has been used in several land development projects in the City and Mission Valley Community. This MXD methodology accounts for site-specific and local characteristics such as the development density, walking and transit options, the mix of land uses on the site (commercial, office and residential), site context and regional accessibility. Last, the City is the lead agency, not ITE, and CEQA gives the lead agency the discretion to determine the methodology for trip generation calculations, not third parties. Therefore, it is concluded that the trip generation calculations were adequately conducted per City standards and that no changes are required.

N-84 The City standards require reporting delays for worst-case movements at stop-controlled intersections. The Ulric Street / SR 163 Southbound Ramp

is not a stop-controlled intersection. Therefore, the Mobility Assessment analysis is adequate without revision.

N-85 The City uses gross leasable area for commercial office trip generation calculations per the City Trip Generation Manual (see footnote 6 of Table 1). The project's office use includes 1 million square feet of gross floor area with 800,000 square feet of gross leasable area. Therefore, it is concluded that the trip generation calculations were adequately conducted per City standards and that analysis is adequate without revision.

N-86 Comment noted. It is noted that HCM 2000 was used at these intersections.

N-86 (cont.) methods for evaluation. The study should be updated to indicate the manner in which these intersections were evaluated in order to check for accuracy.

N-87 5. Page 39, Traffic Counts. The study used traffic counts from 2015 even though it was completed in 2020 and in light of the fact that the Mobility Study acknowledges, in some cases, 2017 counts were approximately 5% higher than 2015. Therefore, the study has not assumed a worst case assessment of impacts and the analysis should be updated with current traffic counts in order to reflect accurate baseline condition or apply a growth rate to increase the 2015 counts to current day. Furthermore, the Notice of Preparation (NOP) is dated August 2018, therefore counts should reflect baseline conditions from year 2018.

N-88 6. The analysis of the three buildout phases (1, 2 and 3) did not use the extension of J Street or U Street in the analysis. It only occurred in the 2050 analysis and the developer is only offering to dedicate the ROW, not provide construction of the road improvements. The Year 2050 analysis shows the project would distribute 20% of the project trips using these roadways. Therefore, construction of an earlier implementation of the road extension would help relieve some of the other project impacts upon other study area intersections and roadway segments. The implementation of these extensions would reduce project impacts to all of the other study area intersections and roadway segments.

N-89 7. T Mobility Study does not distribute project traffic to intersections #54, #55, #56 and #52 until year 2050. The lack of distribution could result in inaccurate estimation of project traffic on the circulation system and potential impacts can be over or under estimated.

N-90 8. There are several intersections (a total of 6 locations) where the project has a direct significant impact for the E + P condition. The EIR should be revised to include mitigation requiring that the project be totally responsible for improving those intersections.

N-91 9. Year 2035 Conditions (Phase 1, 2 and 3 build out), Table 15-1. A total of 18 intersections are identified to fail with the project. Yet the project will only provide improvements to 8 of the intersections, and of those 8, 3 will continue to fail even

N-87 The project used traffic counts from 2015 to ensure consistency with the existing counts collected for the Mission Valley Community Plan. This was reasonable for multiple reasons. First, the LOS analysis in the Mobility Assessment was conducted to ensure consistency with the Community Plan. Therefore, using an identical and consistent existing condition as the Community Plan would be reasonable. Secondly, it was concluded that traffic counts later than 2015 were not appropriate given that the construction of the SR 163 / Friars Road Interchange - Phase I and the Hazard Center Drive extension projects were ongoing in the interim, which would alter traffic patterns and counts and thereby not reflect an accurate existing condition. Instead, traffic patterns in the area, disrupted by construction, would represent a temporary condition which might confuse the public more familiar with "typical" traffic patterns before major construction commenced. As discussed on pages 35-36 of the Mobility Assessment, counts conducted in 2017 generally found that peak hour intersection counts were approximately 1 percent lower than 2015 conditions and street segment counts were approximately 5 percent higher than 2015 conditions. As this was within the daily fluctuation of such counts, the 2015 counts were deemed to be validated and reflect the most accurate existing condition available based on substantial evidence. Therefore, based on the above, there is substantial evidence to support the lead agency's determination that the 2015 traffic counts should serve as the appropriate existing condition for a LOS analysis to ensure consistency with the Community Plan as well as ongoing construction in Mission Valley. Thus, the Mobility Assessment analysis is adequate without revision.

N-88 For the Year 2050 analysis, the land use assumptions, traffic volumes, and roadway network were referenced from the Mission Valley Community Plan Transportation Impact Analysis (May 2019). Information regarding the street network, including Streets J and U, is detailed in Section 13 of the Mobility Assessment.

The project would not result in a significant transportation VMT impact in Phases I, II, and III; see Master Response 6 regarding Vehicle Miles Traveled (VMT) Analysis.

N-89 Intersection #54, #55, and #56 do not show project traffic distribution in 2035, as they are not assumed to be constructed in the roadway network until Year 2050, consistent with the Mission Valley Community Plan, as stated in response N-88. Intersection #52 is an existing intersection and is included in all study scenarios. The EIR analysis is therefore adequate without revision.

N-90 See Master Response 6 regarding. Vehicle Miles Traveled (VMT) Analysis that describes the use of the VMT metric to evaluate transportation impacts under CEQA and explains LOS is no longer considered the appropriate CEQA transportation metric to analyze transportation impacts.

N-91 See response N-90.

N-91 (cont.)

with improvements. The DEIR should identify how these remaining intersections will be improved and what the project's responsibility will be.

N-92

10. The EIR considered several different project alternatives; all of which were rejected from further consideration based on the findings that they would not reduce or avoid and may increase significant impacts associated with the project and would not meet the project objectives. However, there is no technical analysis of the alternatives provided in the Transportation Impact Analysis or Mobility Assessment to support these findings. Therefore, the alternatives analysis in the EIR has not been based on substantial evidence and the analysis is inadequate to justify the findings.

3.0 Comments Related to Air Quality Impacts

3.1 Appendix F – Air Quality Report

N-93

The following comments pertain to the Riverwalk San Diego Project Air Quality Study, May 2020, prepared by Birdseye Planning Group, LLC, and contained in Appendix F of the Riverwalk DEIR (hereinafter referred to as Air Quality Study).

N-94

1. Page 20-21. The Air Quality Study acknowledges that the project would allow for the construction of residential homes within 500 feet of Interstate 8, thus exposing future residents to potential adverse impacts from substantial air pollution along a high traffic volume roadway. Diesel particulate matter (DPM) emitted from diesel powered engines (such as trucks) has been classified by the California Air Resources Board (CARB) as a toxic air contaminant and a carcinogen. Due to the potential risk of exposure from DPM, CARB recommends that residential units be located more than 500 feet from freeways with more than 100,000 vehicles per day[1]. Interstate 8, in the proximity of the project site, experiences annual average daily traffic of 217,000 vehicles[2], more than double the recommended limit by CARB. Furthermore, according to the Riverwalk Mobility Assessment, the project is expected to increase daily traffic along I-8 by almost 1%, thus there is the potential that the project may exacerbate existing health risks to existing residential homes and sensitive receptors

[1] CARB. Air Quality and Land Use Handbook: A Community Health Perspective. April 2015. (Attachment A)
[2] Caltrans 2017 Traffic Volumes. Mile Post 2.410. https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-7-10. (Attachment B)

N-92 See response N-34.

N-93 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

N-94 See Master Response 3 regarding air quality/health risk.

located near the freeway. Yet a quantified diesel health risk assessment was not prepared to disclose the full extent of the potential risk. The basic purpose of CEQA is to inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities. Therefore, the DEIR should include a quantified diesel health risk assessment to disclose the potential impact to both existing and future residents living near a high traffic volume roadway.

N-94 (cont.)

2. Page 20-21. The Air Quality Study recommends installing MERV-13 air filters to reduce DPM exposure and potential health risks, however, a health risk assessment was not performed to provide the evidence that said filters will sufficiently reduce risk. Air filters do not protect against times when the residents have their windows or doors open or are in the outdoor areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

N-95

3. Page 21. The following statement is not been supported by fact, *"With implementation of these measures, health risks associated with particulate matter from vehicular emissions generated by traffic on Interstate 8 would be reduced to a level less than significant."* The EIR needs to include a HRA study to support this findings, otherwise the presumption should be a significant and potentially unavoidable impact would occur.

N-96

4. Page 21, Construction Emissions. The Air Quality Study does not provide evidence as to how the demolition debris tonnage was calculated. This estimate directly impacts the amount of emissions associated with construction and additional detail should be provided so that the analysis can be verified.

N-97

5. Page 21, Construction Emissions. The Air Quality Study has assumed that no architectural coatings would occur on building exteriors. This assumption seems highly improbable as many surfaces require some type of coating or finish that would emit volatile organic compounds (VOC) and which should have been included in the analysis. Therefore, VOC emissions from architectural coatings have likely been significantly underestimated and the analysis does not reflect the worst-

N-98

N-95 See Master Response 3 regarding air quality/health risk.

N-96 See Master Response 3 regarding air quality/health risk.

N-97 The number of haul trips to remove demolition debris were projected based on estimated square feet of surface area and converted to cubic yards with haul trips assigned for Phases I, II, and III. This information was utilized in the updated modeling which concluded that the construction-related emissions associated with construction would not exceed the City's CEQA Significance Determination Thresholds.

N-98 The Air Quality Report has been updated to assume that all building exteriors would require architectural coatings consistent with the California Emissions Estimator Model (CalEEMod), version 2016.3.2 defaults. The updated modeling, which concluded that the project would result in a cumulatively net increase in ROG/VOC emissions, also accounts for the use of low-VOC paint (100 g/L for non-flat coatings) as required by SDAPCD Rule 67.

N-98 (cont.)

case conditions. The DEIR should be revised to include an appropriate amount of exterior coating activities during construction.

N-99

6. Table 5 & Appendix A. Table 5 shows the maximum hourly emissions of NOx during year 2021 construction to be 24.9 lbs/hour, which is only 0.1 lbs below the City of San Diego Screening Threshold of 25 lbs/hour. Thus, the project is remarkably close to causing an impact. In reviewing the CalEEMod output sheets provided in Appendix A, it was found that the default estimates for construction phasing have been changed by the user to extend the duration for site preparation, grading and architectural coating. By extending the phase duration in CalEEMod, the user is able to report lower daily emissions values than what is typically estimated for a comparable size development when using CalEEMod default values. Specifically, by extending the phase duration for site preparation and grading, the number of daily heavy duty truck hauling trips is reduced, thus leading to lower NOx emissions. Additionally, when looking at ROG/VOC emissions, we see that the project's daily and annual construction activities associated with architectural coatings come very close to exceeding the City's threshold, and it is by extending the phase duration that the project is able to report lower values. Therefore, potentially significant impacts would result unless additional specific mitigation measures are put in place to ensure phase durations adhere to the assumptions in the Air Quality Study. For example, a daily truck hauling trip limit and maximum daily building area coating limit should be required and the appropriate mitigation monitoring program will need to be put in place to ensure compliance.

N-100

7. Page 23. Construction-Related Toxic Air Contaminant Impacts. The Air Quality Study did not perform an HRA study to evaluate potential risks from toxic air contaminants during construction, including Diesel Particulate Matter from heavy equipment. Therefore, the findings presented in the DEIR that the project would not result significant short-term toxic air contaminant impacts have not been supported by substantial evidence. The Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors[3]. This project is expected to be under construction from Year 2021 to Year 2036, a period of 15 years. This would not be considered a short-

[3] OEHHA. Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments., February 2015. Page 8-17 to 8-18. http://oehha.ca.gov/air/hot_spots/hotspots2015.html. (Attachment C)

N-99 See Master Response 3 regarding air quality/health risk.

N-100 See Master Response 3 regarding air quality/health risk. As explained in Master Response 3, the Construction and Highway Health Risk Assessment concluded health risks due to project construction would be below applicable thresholds with the incorporation of Specific Plan Reg-132 and Reg-196 through Reg-199.

N-100 (cont.)

term duration, as was wrongfully identified in the Air Quality Study, especially considering the project is surrounded on multiple sides by residential/sensitive receptors. Therefore, DEIR has failed to adequately evaluate and disclose the potential health risks during project construction.

N-101

8. Page 27 & Table 8.The Air Quality Study identifies potentially significant and unavoidable impacts due to adverse concentrations of ROG, CO, and PM10 emitted by project operations without adequate evaluation of feasible mitigation measures. While, we agree that the project would result in significant impacts to air resources, the conclusion that these impacts are significant and unavoidable is unsubstantiated. CEQA requires that only after all feasible mitigation measures have been identified, can a lead agency adopt a Statement of Overriding Considerations to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted. There are numerous ways to mitigate mobile source emissions, many of which are detailed by the California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures, August 2010, report; such as building more affordable housing, unbundling parking costs from property costs, providing car-share programs, and subsidizing transit use. By not implementing all feasible mitigation measures, the DEIR does not meet the minimum requirements of CEQA. Attachment D incudes examples of mitigation measures for reducing mobile source air quality emissions.

N-102

N-103

9. Page 27 & Table 8. As detailed in comments regarding transportation impacts, the Mobility Assessment appears to have grossly underestimated the trip generation of the project by incorrectly calculating commercial office square footage and over estimating the internal capture potential of the site. Therefore, the mobile emissions estimates, which are based on the findings of the traffic study, are also underestimated and would further exceed the significance thresholds causing even greater impacts to air resources than what has been reported.

N-104

10. General Comment. The Air Quality Study fails to sufficiently connect the project's air quality emissions to potential health consequences. The California Supreme Court ruled in *Sierra Club v. County of Fresno (Friant Ranch)* that an EIR must connect the raw emissions numbers and their effect on air quality with specific adverse effects on human health in the built environment. Specifically, an EIR must "provide an adequate analysis to inform the public how its bare numbers translate to create

N-101 See Master Response 3 regarding air quality/health risk.

N-102 See response N-42.

N-103 See Master Response 6 regarding the project's trip generation.

N-104 As described in Appendix F of the EIR, construction-related activities would result in emissions of criteria air pollutants, but at levels that would not exceed the SDAPCD thresholds of significance. The thresholds of significance were based on the SDAPCD Air Quality Impact Assessment Trigger Levels, which were designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards (SDAPCD 2016). The ambient air quality standards were established using health-based criteria to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution.

Further, the health effects of NO_X, which is a precursor to ozone, are discussed in the amicus brief filed by the South Coast Air Quality Management District (SCAQMD) in the Sierra Club v. County of Fresno (2014) 26 Cal.App.4th 704. The brief states that it "takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels" (SCAQMD 2015b). In addition, the SCAQMD explained that it may be technically infeasible to accurately quantify ozone-related health impacts caused by NOx or ROG emissions from relatively small projects, due to photochemistry and regional model limitations (SCAQMD 2015b). Furthermore, the SCAQMD brief stated that a project emitting only 10 tons per year of NOx or VOC/[ROG] (the Project is estimated to generate a similar order of magnitude of emissions) is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models used to determine ozone levels" (SCAQMD 2015b).

N-104 (cont.)

potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further." Omission of discussion of the magnitude of health impacts results in a failure to meet CEQA's information disclosure requirements.

4.0 Comments on Greenhouse Gas

4.1 Appendix C1 Climate Action Plan Conformance Evaluation

The following comments pertain to the Climate Action Plan Conformance Evaluation for the Riverwalk Specific Plan contained in Appendix C1 (hereinafter referred to as CAP Evaluation).

N-105

1. Page 6, Resource Conservation. The CAP Evaluation does not disclose the number of existing mature trees that will be cut down as a result of the project, nor has the loss of carbon sequestration been calculated. As a result, the CAP Evaluation should address this issue and disclose the significant loss of trees that will occur from this project.

Conclusions

N-106

Based upon this review, the Riverwalk DEIR has not disclosed and evaluated all of the potential transportation, air quality and greenhouse gas impacts from the construction and operation of the project. Additional analysis and mitigation measures should be provided to ensure the project does not adversely affect neighboring properties and the environment.

Therefore, in this case, it would not be feasible to directly correlate project emissions of ROG/NOx with specific health impacts from ozone. The SCAQMD explains that this is in part because ozone formation is not linearly related to emissions; ozone impacts vary depending on the location of the emissions, the location of other precursor emissions, meteorology, and seasonal impacts (SCAQMD 2015b). In addition, implementation of Specific Plan regulation Reg-132, which requires the use of at a minimum Tier 3 engines with Tier 3 diesel particulate filters during construction, would minimize emissions of ROG and NOx.

Finally, see Master Response 3 regarding air quality/health risk, which summarizes the health risk assessment performed and notes that the air quality exceedances would not expose sensitive receptors to cancer risk thresholds and non-cancer risk health thresholds that would be harmful to them. Accordingly, to the extent the health impacts from exceeding the air quality thresholds can be known, they have been disclosed and the public should be encouraged that the implementation of design features assure the health risk exposures from exceeding air quality emissions thresholds remain insignificant.

N-105 See response N-20.

N-106 The Draft EIR has been prepared in accordance with the appropriate criteria, standards, and procedures of CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14 Section 15000 et seq.). As described in the environmental document, the Draft EIR identified the significant effects caused by the project and identification of mitigation measures, where feasible.

N-107

RK Engineering Group, Inc. appreciates the opportunity to work with PARK PLACE ESTATES and COURTYARDS HOA. If you have any questions regarding our review, or need additional analysis, please do not hesitate to contact me at (949) 474-0809 or be@rkengineer.com.

Respectfully submitted,
RK ENGINEERING GROUP, INC.

Bryan Estrada, AICP
Senior Associate

Alex Tabrizi, PE, TE
Associate Principal

N-107 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

Attachment A

CARB Air Quality and Land Use Handbook: A Community Health Perspective, April 2015

Attachment to Letter N.

Table 1-1

Recommendations on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities*

Source Category	Advisory Recommendations
Freeways and High-Traffic Roads	• Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.
Distribution Centers	• Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). • Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.
Rail Yards	• Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. • Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.
Ports	• Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.
Refineries	• Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.
Chrome Platers	• Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.
Dry Cleaners Using Perchloro-ethylene	• Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district. • Do not site new sensitive land uses in the same building with perc dry cleaning operations.
Gasoline Dispensing Facilities	• Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

*Notes:

- These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.

Page 4

Attachment to Letter N.

Attachment B
Caltrans Traffic Volume Report

Attachment to Letter N.

Caltrans

						Travel	Work with Caltrans	Programs		Caltrans Near Me		Search
11	007	IMP			6.823		END OF ROUTE 7	250	3650	3600		
11	008	SD	T		0.407		SAN DIEGO, SUNSET CLIFFS BOULEVARD			890	13100	12500
11	008	SD	T		0.466		EB RIGHT TURN FR NIMITZ BLVD	960	14100	13500	3900	51000	48000
11	008	SD	L		1.213		MIDWAY DRIVE	3900	51000	48000	7900	116000	103000
11	008	SD	L		2.379		JCT. RTE. 5	7900	116000	102000	11200	147000	135000
11	008	SD	R		0.364		SAN DIEGO, MORENA BOULEVARD	11200	147000	135000	15000	205000	196000
11	008	SD			0.946		HOTEL CIRCLE/TAYLOR STREET	15000	205000	196000	15100	213000	201000
11	008	SD			2.230		SAN DIEGO, HOTEL CIRCLE	15100	213000	201000	17700	234000	217000
11	008	SD			2.410		SAN DIEGO, JCT. RTE. 163	17700	234000	217000	18100	240000	223000
11	008	SD			3.040		SAN DIEGO, MISSION CENTER ROAD	18100	240000	223000	19500	257000	239000
11	008	SD			3.902		SAN DIEGO, TEXAS STREET	19500	257000	239000	17300	228000	212000

Attachment to Letter N.

Attachment C

OEHHA. Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, February 2015. Page 8-17 to 8-18

Attachment to Letter N.

Attachment to Letter N.

The HARP software can provide population-level risk estimates as cancer burden or as the number of persons exposed to a selected (user-identified) cancer risk level at block level centroids.

8.2.9.2 Population Estimates for Noncancer Health Impacts

A noncancer chronic, 8-hour, and acute population estimate of the number of people exposed to acute, 8-hour, and chronic HQs or HIs exceeding 0.5 or 1.0, in increments of 1.0, should also be presented. For example, a facility with a maximum chronic HI of 4.0 would present the number of people exposed to a chronic HI of 0.5, 1.0, 2.0, 3.0, and 4.0. The isopleths used in this determination should be drawn using the smallest feasible grid size. The same methods that are described in Chapter 4 and Section 8.2.9 (for the population exposure estimate for cancer risk) should be used in the chronic, 8-hour and acute population estimates. Population estimates for acute, 8-hour, and chronic health impacts should be presented separately.

8.2.9.3 Factors That Can Impact Population Risk – Cumulative Impacts

Although the Hot Spots program is designed to address the impacts of single facilities and not aggregate or cumulative impacts, there are a number of known factors that influence the susceptibility of the exposed population and thus may influence population risk. Socioeconomic status influences access to health care, nutrition, and outcome after cancer diagnosis. Community unemployment can affect exposure and residency time near a facility. Factors that affect the vulnerability of the population are discussed in the report *Cumulative Impacts: Building a Scientific Foundation* (OEHHA, 2010). Information on many of these factors is relatively easy to obtain at the census tract level. The OEHHA recommends that these types of factors be considered by the risk manager, along with the quantitative measures of population risk. OEHHA is in the process of developing guidance on quantification of the impact of these factors.

8.2.10 *Cancer Risk Evaluation of Short Term Projects*

The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises.

Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime. There are some studies indicating that dose rate changes the potency of a given dose of a carcinogenic chemical. In others words, a dose delivered over a short time period may have a different potency than the same dose delivered over a lifetime.

The OEHHA's evaluation of the impact of early-in-life exposure has reduced some of the uncertainty in evaluating the cancer risk to the general population for shorter-term exposures, as it helps account for susceptibility to carcinogens by age at exposure (OEHHA, 2009).

Due to the uncertainty in assessing cancer risk from very short-term exposures, we do not recommend assessing cancer risk for projects lasting less than two months at the MEIR. We recommend that exposure from projects longer than 2 months but less than 6 months be assumed to last 6 months (e.g., a 2-month project would be evaluated as if it lasted 6 months). Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009). Thus, for example, if the District is evaluating a proposed 5-year mitigation project at a hazardous waste site, the cancer risks for the residents would be calculated based on exposures starting in the third trimester through the first five years of life.

For the MEIW, we recommend using the same minimum exposure requirements used for the residential receptor (i.e., no evaluation for projects less than 2 months; projects longer than 2 months but less than 6 months are assumed to last 6 months; projects longer than 6 months would be evaluated for the duration of the project). Although the off-site worker scenario assumes that the workers are 16 years of age or older with an Age-Sensitivity Factor of 1, another risk management consideration for short-term project cancer assessment is whether there are women of child bearing age at the worksite and whether the MEIW receptor has a daycare center. In this case, the Districts may wish to treat the off-site MEIW in the same way as the residential scenario to account for the higher susceptibility during the third trimester of pregnancy, and for higher susceptibility of infants and children.

Finally, the risk manager may want to consider a lower cancer risk threshold for risk management for very short-term projects. Typical District guidelines for evaluating risk management of Hot Spots facilities range around a cancer risk of 1 per 100,000 exposed persons as a trigger for risk management. Permitting thresholds also vary for each District. There is valid scientific concern that the rate of exposure may influence the risk – in other words, a higher exposure to a carcinogen over a short period of time may be a greater risk than the same total exposure spread over a much longer time period. In addition, it is inappropriate from a public health perspective to allow a lifetime acceptable risk to accrue in a short period of time (e.g., a very high exposure to a carcinogen over a short period of time resulting in a 1×10^{-5} cancer risk). Thus, consideration should be given for very short term projects to using a lower cancer risk trigger for permitting decisions.

Attachment to Letter N.

Attachment D
CAPCOA VMT Reduction Mitigation Measures

Attachment to Letter N.

Table 6-2: Transportation Category

Transportation						
Category	Measure Number	Strategy	BMP	Grouped With #	Range of Effectiveness	
					Percent Reduction in GHG Emissions	Basis
Land Use / Location	LUT-1	Increase Density			1.5-30.0%	VMT
	LUT-2	Increase Location Efficiency			10-65%	VMT
	LUT-3	Increase Diversity of Urban and Suburban Developments (Mixed Use)			9-30%	VMT
	LUT-4	Incr. Destination Accessibility			6.7-20%	VMT
	LUT-5	Increase Transit Accessibility			0.5-24.6%	VMT
	LUT-6	Integrate Affordable and Below Market Rate Housing			0.04-1.20%	VMT
	LUT-7	Orient Project Toward Non-Auto Corridor			NA	
	LUT-8	Locate Project near Bike Path/Bike Lane			NA	
	LUT-9	Improve Design of Development			3.0-21.3%	VMT
Neighborhood / Site Design	SDT-1	Provide Pedestrian Network Improvements			0-2%	VMT
	SDT-2	Traffic Calming Measures			0.25-1.00%	VMT
	SDT-3	Implement a Neighborhood Electric Vehicle (NEV) Network			0.5-12.7%	VMT
	SDT-4	Urban Non-Motorized Zones		SDT-1	NA	
	SDT-5	Incorporate Bike Lane Street Design (on-site)		LUT-9	NA	
	SDT-6	Provide Bike Parking in Non-Residential Projects		LUT-9	NA	
	SDT-7	Provide Bike Parking in Multi-Unit Residential Projects		LUT-9	NA	
	SDT-8	Provide EV Parking		SDT-3	NA	
	SDT-9	Dedicate Land for Bike Trails		LUT-9	NA	
Parking Policy / Pricing	PDT-1	Limit Parking Supply			5-12.5%	
	PDT-2	Unbundle Parking Costs from Property Cost			2.6-13%	
	PDT-3	Implement Market Price Public Parking (On-Street)			2.8-5.5%	
	PDT-4	Require Residential Area Parking Permits		PDT-1, 2 & 3	NA	

Attachment to Letter N.

Understanding
Fact Sheets

CAPCOA

Transportation - continued						
Category	Measure Number	Strategy	BMP	Grouped With #	Range of Effectiveness	
					Percent Reduction in GHG Emissions	Basis
Trip Reduction Programs	TRT-1	Implement Voluntary CTR Programs			1.0-6.2%	Commute VMT
	TRT-2	Implement Mandatory CTR Programs – Required Implementation/Monitoring			4.2-21.0%	Commute VMT
	TRT-3	Provide Ride-Sharing Programs			1-15%	Commute VMT
	TRT-4	Implement Subsidized or Discounted Transit Prog.			0.3-20.0%	Commute VMT
	TRT-5	Provide End of Trip Facilities		TRT-1, 2 & 3	NA	
	TRT-6	Telecommuting and Alternative Work Schedules			0.07-5.50%	Commute VMT
	TRT-7	Implement Commute Trip Reduction Marketing			0.8-4.0%	Commute VMT
	TRT-8	Implement Preferential Parking Permit Program		TRT-1, 2 & 3	NA	
	TRT-9	Implement Car-Sharing Program			0.4-0.7%	VMT
	TRT-10	Implement School Pool Program			7.2-15.8%	School VMT
	TRT-11	Provide Employer-Sponsored Vanpool/Shuttle			0.3-13.4%	Commute VMT
	TRT-12	Implement Bike-Sharing Program		SDT-5, LUT-9	NA	
	TRT-13	Implement School Bus Program			38-63%	School VMT
	TRT-14	Price Workplace Parking			0.1-19.7%	Commute VMT
	TRT-15	Implement Employee Parking "Cash-Out"			0.6-7.7%	Commute VMT

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Attachment to Letter N.

Attachment to Letter N.

Transportation - continued						
Category	Measure Number	Strategy	BMP	Grouped With #	Range of Effectiveness	
					Percent Reduction in GHG Emissions	Basis
Transit System Improvements	TST-1	Provide a Bus Rapid Transit System			0.02-3.2%	VMT
	TST-2	Implement Transit Access Improvements		TST-3, TST-4	NA	
	TST-3	Expand Transit Network			0.1-8.2%	VMT
	TST-4	Increase Transit Service Frequency/Speed			0.02-2.5%	VMT
	TST-5	Provide Bike Parking Near Transit		TST-3, TST-4	NA	
	TST-6	Provide Local Shuttles		TST-3, TST-4	NA	
Road Pricing / Management	RPT-1	Implement Area or Cordon Pricing			7.9-22.0%	VMT
	RPT-2	Improve Traffic Flow			0-45%	VMT
	RPT-3	Require Project Contributions to Transportation Infrastructure Improvement Projects		RPT-2, TST-1 to 6	NA	
	RPT-4	Install Park-and-Ride Lots		RPT-1, TRT-11, TRT-3, TST-1 to 6	NA	
Vehicles	VT-1	Electrify Loading Docks and/or Require Idling-Reduction Systems			26-71%	Truck Idling Time
	VT-2	Utilize Alternative Fueled Vehicles			Varies	
	VT-3	Utilize Electric or Hybrid Vehicles			0.4-20.3%	Fuel Use

Attachment E
RK Resumes

Attachment to Letter N.

Attachment to Letter N.

RK engineering group, inc.

Robert Kahn, P.E., T.E

Founding Principal

Areas of Expertise

Traffic Engineering

Transportation Planning

Transportation Solutions

Traffic Impact Analysis

Circulation Systems for Planned Communities

Traffic Control Device Warrants

Traffic Calming

Traffic Safety Studies

Bicycle Planning

Parking Demand Studies

Transportation Demand Management

Traffic Signal, Signing and Striping Plans

Traffic Control Plans

Parking Lot Design

Acoustical Engineering

Noise Impact Studies

Expert Witness / Legal Services

Professional History

RK Engineering Group, Inc., Founding Principal
2001-Present

RKJK & Associates, Inc., Principal, 1990-2000

Robert Kahn and Associates, Inc., Principal, 1988-1990

Jack G. Raub Company,
Vice President Engineering Planning, 1977-1988

The Irvine Company, Program Engineer, 1972-1977

Caltrans CA Division of Highways, Assistant Engineer, 1968-1972

Representative Experience

Robert Kahn, P.E., has worked professionally in traffic engineering and transportation planning since 1968. He received his Master of Science degree in civil engineering from the University of California, Berkeley, Institute of Transportation and Traffic Engineering. Mr. Kahn received his Bachelors degree in Civil Engineering from the University of California, Berkeley.

Mr. Kahn started his career in California Division of Highways (Caltrans) and developed the first computerized surveillance and control system for the Los Angeles area. Mr. Kahn developed the California Incident Detection Logic which is utilized throughout California for the detection of traffic incidents on the freeway system.

Mr. Kahn has worked for a major land development company preparing Master Plans for infrastructure. He also has worked eleven years with a multi-disciplined consulting engineering firm in charge of the Engineering Planning Department. This included all facets of preliminary design, tentative map preparation, transportation and environmental engineering, and public agency coordination.

Mr. Kahn has provided traffic and transportation services to major planned communities including Aliso Viejo, Coto De Caza, Foothill Ranch, Highlands Ranch in Denver, Colorado, Mission Viejo, Talega Planned Community in San Clemente, and Wolf Valley Ranch in Temecula. He has also provided contract traffic engineering services to the Cities of Irvine, Norwalk, Perris and San Jacinto in Riverside County, California.

Mr. Kahn has prepared traffic impact studies for numerous communities throughout Southern California, Nevada and in Colorado. Major traffic impact studies include the Aliso Viejo Town Center, the Summit Development, the Shops at Mission Viejo, Kaleidoscope, Dana Point Headlands, Foothill Ranch, Talega, Majestic Spectrum, and Centre Pointe in the City of Chino.

His work in the area of parking demand studies and parking lot design has been extensive. Shared parking studies for the Aliso Viejo Town Center, Foothill Ranch Towne Centre, Trabuco Plaza and numerous commercial sites have been completed to accurately determine the peak parking demand for mixed use projects. Mr. Kahn has been able0 to make the most efficient utilization of parking lots by maximizing efficient and safe systems.

Page 1 of 3

Attachment to Letter N.

RK engineering group, inc.

Robert Kahn, P.E., T.E

Founding Principal

Education

University of California, Berkeley, M.S., Civil Engineering, 1968

University of California, Berkeley, B.S., Civil Engineering, 1967

University of California, Los Angeles, Graduate Courses in Transportation Systems, 1970

Registrations

California Registered Civil Engineer
No. 20285 – April 1971

California Registered Professional Engineer
Traffic, No. 0555 – June 1977

Colorado Professional Engineer
No. 22934, November 1984

Nevada Professional Engineer Civil
No. 10722 – March 1994

County of Orange, California Certified Acoustical Consultant
No. 201020 - 1984

Affiliations

Institute of Transportation Engineers (ITE)

American Society of Civil Engineers (ASCE)

Urban Land Institute (ULI)

Orange County Traffic Engineers Council (OCTEC)

Teaching

UCI Graduate Urban Design Studio Class – Guest Instructor

ITS Berkeley – Tech Transfer
Fundamentals of Traffic Engineering – Instructor

UCI Senior Civil Engineering Mentoring Program (CE181)

Mr. Kahn has been an innovator in developing and implementing traffic calming techniques. Over twenty years ago, Mr. Kahn refined the design and implementation standards for speed humps for use in local neighborhoods. Most recently, he has been involved in the development of modern roundabouts in lieu of traffic signals or other traffic control devices at intersections. Mr. Kahn previously presented the use of traffic calming devices in newly developing communities to the Institute of Transportation Engineers Traffic Calming Conference in Monterey, California.

Mr. Kahn has been involved in the design of traffic signal systems, signing and striping plans on hundreds of projects for both the public and private sector. Most recently, he has completed the design of several traffic signals which will serve the renovated Shops at Mission Viejo Mall. Mr. Kahn was in charge of a major ITS project for the City of Irvine, which provided fiberoptic interconnect and closed circuit TV along Barranca Parkway, Alton Parkway and Lake Forest Drive.

Mr. Kahn has been involved in acoustical engineering since 1978. He was in responsible charge of the Aliso Viejo Noise Monitoring Program which redefined the 65 CNEL noise contours for MCAS El Toro. He has also developed computer applications of the FHWA Noise Model.

Mr. Kahn has prepared numerous noise impact reports in the Aliso Viejo, Mission Viejo, Foothill Ranch, Santa Margarita, Ladera and Talega Planned Communities. Noise impacts from stationery sources including car washes, loading docks, air conditioning compressors, drive-thru speakers and other sources have been evaluated in the Aliso Viejo Auto Retail Center Noise Study, Albertsons Store 606 Noise Study-Rancho Cucamonga, Pro Source Distribution Building Final Noise Study in Ontario. Major specific plan and zone change noise studies have been prepared for the Summit Heights Specific Plan in Fontana, Lytle Creek Land and Resources Property in Rialto, Tamarack Square in Carlsbad, California, International Trade and Transportation Center in Kern County, California, and Sun City/Palm Springs.

Mr. Kahn founded the firm of Robert Kahn and Associates in 1988, which was the predecessor to RKK & Associates, Inc. in 1990. He has made presentations to the ITE and the California Public Works Conference. Mr. Kahn has published numerous articles on traffic impact assessment, traffic calming, striping and the status of Bicycle Sharing in the USA. He was awarded the Wayne T property award in 2011-2012. Mr. Kahn has been a mentor and advisor to the UCI Senior Civil Engineering Project (CE181) for the past several years. He provides students the opportunity to develop a real life transportation project for the program.

Page 2 of 3

Attachment to Letter N.

RK engineering group, inc.

Mohammad "Alex" Tabrizi, P.E., T.E. Associate Principal Engineer

Areas of Expertise

Traffic Engineering
Transportation Planning & Engineering
Traffic Impact Analysis
Transportation Demand Management Plans & Strategies
Due Diligence Studies
Traffic Signal Timing & Progression Analysis
Site Access, Wayfinding & Circulation System Design & Review
Project & Infrastructure Phasing
Roundabout Analysis
Traffic Control Device Warrants
Traffic Calming & Traffic Safety Studies
Parking Demand Studies & Parking Lot Design

Professional History

RK Engineering Group, Inc., 2014-Present

California Board for Professional Engineers, Land Surveyors & Geologists - Expert Consultant & Traffic Engineering Occupational Task Force Member, 2016-Present

RBF Consulting, Associate, 2005-2014

Urban Crossroads, Inc., Engineering Aide, 2003-2005

Education

University of California, Irvine, B.S., Civil Engineering, 2005

Registrations

California Registered Civil Engineer
No. 78923 – December 2011

California Registered Traffic Engineer
No. 2722 – December 2014

Affiliations

American Society of Civil Engineers (ASCE)

Orange County Traffic Engineers Council (OCTEC)

Representative Experience

Alex Tabrizi, P.E., T.E., has worked professionally in the field traffic engineering and transportation planning/engineering since 2003. He received his bachelors of science degree in civil engineering with an emphasis on structural engineering from the University of California, Irvine.

Mr. Tabrizi has extensive experience in providing transportation planning and engineering consulting services and expertise to a wide range of clients including private sector, land developers, public agencies, various districts of California Department of Transportation (Caltrans), and local governments. Mr. Tabrizi has completed and supervised preparation of hundreds of complex transportation planning and parking demand/utilization studies over the past decade with successful track record in providing innovative, cost-effective and practical technical consulting services and solutions for politically sensitive, complex, and unique projects involving numerous stakeholders and requiring to meet accelerated project schedules.

As an Expert consultant to the California Board for Professional Engineers, Land Surveyors, and Geologists, Mr. Tabrizi assists the Board with development, maintenance, and validation of material for the Board's professional licensing examinations.

Mr. Tabrizi is also a member of the Traffic Engineering Occupational Analysis Task Force assisting the State's Board of Engineers in determining descriptive information about the tasks performed by Traffic Engineers in the industry and the knowledge standards required to adequately perform those tasks.

Mr. Tabrizi has performed transportation planning studies dealing with various stages of project development, such as signal warrant analysis, circulation analysis, full traffic impact analysis, roundabout analysis and parking studies. He has prepared traffic flow visual simulations combining measured vehicular and pedestrian volumes with aerial imagery to show existing and future traffic circulation for public understanding and discussion. Mr. Tabrizi has also completed a number of transportation engineering and roadway design projects ranging from preparing preliminary studies and reports such as Caltrans Project Reports (PR) and City street improvement concepts to final construction plans, specifications, and cost estimates for Caltrans highway improvement projects.

Mr. Tabrizi is knowledgeable in computer applications for transportation engineering and planning, including, AutoCAD, Microstation with InRoads, Traffix, HCS, Synchro/SimTraffic, and aaSIDRA.

Attachment to Letter N.

RK engineering group, inc.

Mohammad "Alex" Tabrizi, P.E., T.E. Associate Principal Engineer

Representative Projects

- Corona de Mar / Coast Highway Bypass Traffic Review (Newport Beach, CA)
- Dover Shores & Mariners Traffic Review (Newport Beach, CA)
- Marymount College Facilities Expansion EIR (Rancho Palos Verdes, CA)
- Murrieta Hills Residential & Commercial Specific Plan (Murrieta, CA)
- Ridgeline Apartments (San Bernardino, CA)
- TTM 15731 (Highland, CA)
- TTM 19992 (Rancho Cucamonga, CA)
- Oxnard Village SP (Oxnard, CA)
- Lost Canyons Residential & Golf Club (Simi Valley, CA)
- Vantis Live/Work & Apartments (Aliso Viejo, CA)
- Palmdale TOD Transit Village (Palmdale, CA)
- Fox Plaza Mixed Use Traffic & Parking Analysis (Riverside, CA)
- Lambert Ranch Traffic Impact Analysis (Irvine, CA)
- 301 East Jeanette Lane Residential Project (Santa Ana, CA)
- Metro Goldwyn Mayer (MGM) Office Building (Beverly Hills, CA)
- Moorpark Studios West - Largest Independent Movie Studios in the US (Moorpark, CA)
- City of La Habra City-Wide Engineering & Traffic Survey
- City of Upland City-Wide Engineering & Traffic Survey
- City of Upland City-Wide Traffic Signal & Equipment Review
- Indian Wells Tennis Garden Stadium (Indian Wells, CA)
- Casino San Pablo Traffic Analysis (San Pablo, CA)
- Glendale Galleria Traffic & Parking Support (Glendale, CA)
- Galleria at Tyler Expansion Project (Riverside, CA)
- The Shops at Tanforan Site Circulation & Wayfinding (San Bruno, CA)
- The Boulevards at South Bay On-Site Circulation (Carson, CA)
- Hilton Garden Inn Hotel (Irvine, CA)
- Raytheon South Campus Specific Plan (El Segundo, CA)
- In-N-Out Restaurant (El Segundo, CA)

Representative Projects (Continued)

- Porsche Experience Center (Carson, CA)
- Downtown Summer Festival Parking Management Plan (Laguna Beach, CA)
- Trabuco Road Corridor Analysis (Irvine, CA)
- University Drive Street Improvements (Irvine, CA)
- Main Street Downtown Merge Relocation & Street Improvements (Fort Bragg, CA)
- Perris Bicycle & Trail Master Plan (Perris, CA)
- Campus Pointe / Chestnut Avenue Roundabout Analysis (Fresno, CA)
- Walmart (Rialto, CA)
- State Route 1 / Marina Highway Roundabout Analysis (Marina, CA)
- State Route 217 / Hollister Avenue Interchange Roundabout Analysis (Goleta, CA)
- City of Brawley Non-Motorized Transportation Plan (Brawley, CA)
- Alesandro Boulevard Corridor Implementation Project Traffic Analysis (Moreno Valley, CA)
- State Route 57 Northbound Widening Traffic Analysis (Caltrans District 12)
- Mater Dei High School Expansion (Santa Ana, CA)
- Interstate 15 / State Route 79 South Interchange Improvement Design Project (Riverside County, CA)
- Interstate 5 HOV Lane Extension Project (Caltrans)
- La Pata Avenue Gap Closure & Camino Del Rio Extension Project (Orange County, CA)
- Bloomington Phase 1 Traffic Impact Analysis (County of San Bernardino, CA)
- Bell Business Center Traffic Impact Analysis (Bell, CA)

Page 2 of 2

Attachment to Letter N.

RK engineering group, inc.

Bryan Estrada, AICP, PTP

Senior Associate

Areas of Expertise

Transportation and Environmental Planning
Transportation Demand Management
Traffic Impact Studies
Parking Studies
Air Quality Analysis
Greenhouse Gas/Global Climate Change Analysis
Environmental Acoustics/Noise Analysis
CEQA Compliance
Synchro Traffic Analysis Software
California Emissions Estimator Model (CalEEMod)
FHWA Noise Modeling
SoundPLAN Software
AutoCAD

Education and Training

University of California, Irvine, B.A., Urban Studies
California Air Resources Board, Air Quality Training Program
Geo Instruments Vibration Monitoring Short Course

Professional History

RK Engineering Group, Inc.
Senior Associate
2007 - Present

Certificates and Affiliations

American Institute of Certified Planners (AICP)
Professional Transportation Planner (PTP)
American Planning Association
Association of Environmental Professionals

Representative Experience

Mr. Bryan Estrada is a native of Southern California and also stayed in the area by attending the University of California, Irvine, School of Planning, Policy and Design where he received a Bachelor of Arts degree in Urban Studies. Mr. Estrada's multidisciplinary background is concentrated around current transportation challenges and their environmental impacts within urban areas. Mr. Estrada is committed to sustainable development practices, transportation demand management, and global climate change awareness.

Since 2007, Mr. Estrada has gained experience in the many aspects of Transportation and Environmental Planning while working with RK Engineering Group. He is an active member of the American Planning Association (APA) and the Association of Environmental Professionals (AEP), and stays up to date on the latest trends and topics concerning CEQA policy. He is frequently engaged with local government agencies, community groups, and developers to help to craft innovative solutions to mitigate traffic, noise and air quality impacts throughout the community.

Mr. Estrada's experience includes traffic/transportation planning, air quality and greenhouse gas analysis, and environmental acoustics/noise analysis. He has also contributed to the design and construction of traffic signal plans, signing and striping plans and traffic control plans. He is regularly out in the field performing assessments and inventories of project sites and meeting with community stakeholders.

Mr. Estrada works on transportation and environmental planning projects that range from focused site-specific technical studies to regional and General Plan level analyses. His recent work includes Mixed Use Development projects in Downtown Huntington Beach, the City of Aliso Viejo General Plan Update and Aliso Viejo Town Center Vision Plan, Eleanor Roosevelt High School eStem Academy Traffic Impact Study and On-Site Circulation Plan (Eastvale, CA), Great Wolf Lodge Resort (Garden Grove, CA), Starbucks Coffee Shops (multiple locations through Southern California), Paradise Knolls Specific Plan (Jurupa Valley, CA), Vista Del Agua Specific Plan (Coachella, CA), and Monterey Park Hotel Mixed Use Development Project (Monterey Park, CA).

Mr. Estrada has obtained the American Institute of Certified Planners (AICP) certification granted by the American Planning Association and the Professional Transportation Planner (PTP) certification granted by the Transportation Professional Certification Board.

July 1, 2020

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS-501
San Diego, CA 92101

Re: Riverwalk Specific Plan & Draft EIR Comments

Dear Ms. Shearer-Nguyen,

Friars Road is the dividing line between the Mission Valley and Linda Vista Community Planning Areas. While Riverwalk is on the Mission Valley side of Friars Road, it is immediately across the street from existing developments in the Linda Vista Planning Area. Thus, residents living on both sides of Friars Road stand to be greatly impacted by the Riverwalk proposal. Because of the significant impacts the development of Riverwalk will have on current residents, Homeowner Associations in the Linda Vista and Mission Valley Planning Areas (hereinafter, HOA Coalition) submit the following comments on the Riverwalk Specific Plan Draft (RSPD), the Riverwalk Project (project), and the related Draft Environmental Impact Report (DEIR).

O-1

The HOA Coalition notes that there is substantial confusion because there are two different proposals being advanced:

1. The RSPD, which authorizes about 10,000 residential units; and
2. The Riverwalk Project, which the developer has represented will consist of no more than 4,300 residential units.

Then there is the DEIR, which supports the Riverwalk Project.

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O-1 With the exception of minor differences in the introductory paragraphs, comments provided in this letter are identical to comments submitted by Linda Vista Planning Group (Letter J). See responses J-1 through J-72

It would be a better apples-to-apples review if the RSPD was reformed to permit only the 4,300 units specified in the Riverwalk Project. Absent that, community residents are concerned that sooner or later Riverwalk will be transformed into the 10,000-unit monstrosity that would be allowed under the proposed RSPD.

The Riverwalk developer has submitted a project level DEIR, which is also a topic of this comment letter. There are five areas of concern addressed in this comment: air quality, traffic, public health, public safety, and cumulative impacts. Because the DEIR fails to adequately inform of the likely effects of the proposed Riverwalk project, offer meaningful mitigation, and address foreseeable impacts, it should be recirculated until such time that it is brought into conformance with CEQA standards. Absent recirculation, Alternative 3 is the only acceptable scope for the project. Alternative 3 obviates the HOA Coalition's air quality concerns because it decreases density and use. Further, it preserves important tribal cultural resources.

O-1 (cont.)

A. The Allowable Land Uses in the Riverwalk Specific Plan Draft Dramatically Exceed Project-Level Uses

In its development intensity districts (A and B) in the western end of the planning area, the existing Levi-Cushman Specific Plan in effect allows 56 dwelling units per acre. (See RSPD at p. 1-4; MVPD-MV-M/SP; and former SDMC §§ 1514.0307, 1514.0304.) By comparison, the RSPD allows residential high density of 109 dwelling units per acre for residential and 140 dwelling units per acre for high density mixed use in this same area. (RSPD at p. 7-2.) The RSPD imposes high intensity residential (RM-4-10) and mixed-use zoning (CC-3-9) in the North, Central, and South Districts. (RSPD at p. 2-10, 2-14, 2-17; see LDC §§ 131-0406, 131-0507.) Further, the RSPD seeks deviation from the Land Development Code for high density mixed use-- from one dwelling unit for each 400 square feet of lot area to one dwelling

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unit for each 200 square feet of lot area. (RSPD at p. 6-62, 67.) If the amendment is permitted, micro units will be permitted. (See https://en.wikipedia.org/wiki/Microapartment.)

As it relates to residential density in Western Mission Valley and Southern Linda Vista, the RSPD is totally inconsistent with the existing conditions of the community. It envisions downtown densities in a low- to mid- density neighborhood setting. For example, to the west of the Riverwalk Specific Plan area, residential units total 739 between two HOA communities. To the north of the Riverwalk development area, there are 10 residential complexes, ranging from 16-unit to 440-unit HOAs, totaling approximately 1,040 units. To the east of the Riverwalk development area, there are 242 residential units in two HOA communities. The RSPD allows for maximum densities, which if built represent more than four times the number of units within the existing conditions—the allowable maximum density is about 10,000 units. As drafted, the RSPD goes too far in allowing maximum high intensity uses while overlooking the existing conditions of the community and the burdens such uses would impose on the community.

O-1 (cont.)

The Riverwalk developer's current representation of project density is less than the maximum allowed in the RSPD discussed above. The Riverwalk project developer's current representation is that 4,300 residential units are contemplated in their project plans, which amounts to about 75 dwelling units per acre in the land proposed to be developed north of the San Diego River, in the area of Friars Road. The RSPD allowable maximum uses and densities discussed above cannot be reconciled with the proposed project-level use and density that has been heavily marketed to the community by the project developer. The maximum allowable densities and land uses currently in the RSPD should be removed and the RSPD should re-drafted to reflect the project-level density and uses are the maximum allowable. The caveat to

bringing the RSPD into conformance with the developer's project is whether the project as currently proposed can pass the scrutiny of environmental review.

Should the RSPD not be re-drafted, there is opportunity for this or any new developer's project plans to significantly increase the intensity of the land uses and units, as the project is divided into 49 or 52 sellable lots. (Compare RSPD at p. 4-17, figure 4-9, and RSPD App. A-1.) The Planning Department has acquiesced in the private developer's marketing campaign for its proposed project. The community has been involved in a discussion of only that project. Therefore, it is either a specific plan for that project or it is not; it should not also be a regulatory document that allows for thousands and thousands more units and intense land uses than the project level. If that were the case, the project is only as viable as its principals deem it and until they chose to sell off parcels for another to take up development under these extreme maximum allowable land uses.

O-1 (cont.)

In sum, for purposes of the specific plan, maximum allowable uses and densities that grossly exceed project-level uses and densities should be removed from the RSPD. The community should not have to bear the uncertainty of a plan that has been heavily marketed by the developer with the intent of gaining community approval, to be something that it is not.

The project-level uses and densities currently proposed by the developer are problematic for the resulting burdens on the community, such as unsafe air quality, traffic, public health and safety impacts. Some additional consequences of the project that is proposed under the guise of the RSPD which require mitigation are identified and discussed in further detail below.

B. The DEIR Does Not Meet Its Mandated Purpose Under CEQA

CEQA provides: "The Legislature finds and declares that it is the policy of the

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O-1 (cont.)

state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects .... " Pub. Res. Code § 21002.

CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134.) "[T]he Legislature has[] declared it to be the policy of the state 'that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects .... '" (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597-598 (citations omitted).)

"The basic purpose of an EIR is to 'provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.' " (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511 (*Sierra Club*).) " ' "The EIR is the heart of CEQA" and the integrity of the process is dependent on the adequacy of the EIR.' " (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 924.)

"But the question whether an agency has followed proper procedures is not always so clear. This is especially so when the issue is whether an EIR's discussion of environmental impacts is adequate, that is, whether the discussion sufficiently performs the

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function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

"The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' " (*Sierra Club, supra*, 6 Cal.5th at p. 516, footnote omitted.)

The air quality, public safety, and traffic analyses contained in the DEIR do not adequately address the underlying issues of density, trolley ridership, reliance on the automobile, traffic impacts, and parking requirements in the 15-year horizon of the proposed project. Further, the DEIR does not adequately address foreseeable impacts related to pandemics or foreseeable impacts resulting from the installation of the Alvarado 2nd Pipeline Extension Project. The DEIR fails to adequately address mitigation of significant impacts. For the reasons stated, DEIR fails to meet the CEQA mandate and should be revised to address these inadequacies and re-circulated.[1]

O-1 (cont.)

1. Unsafe Air Quality Resulting from the Project

The Air Quality Report (Appendix F) associated with the DEIR assumes the project will be built out in three scheduled phases: Phase 1, the western portion of North District, completed by 2025; Phase 2, the eastern portion of North District and Central District, completed by 2030; and, Phase 3, South District, completed by 2035. (App. F at p. 16.) However, the

[1] The absence of comment on any particular topic in the DEIR (e.g. hydrology, noise, public utilities) should not be construed as tacit approval of the analysis or methodology utilized.

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Specific Plan draft expressly rejects any phasing schedule. The draft states, "Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

The report admits that it is unknown how many parking spaces will be provided, so it assumes that a total of 10,274 parking spaces will be provided as follows: 3,520 spaces in Phase 1; 3,637 spaces in Phase 2; and,3,117 spaces in Phase 3. (App. F at p. 18.) The RSPD is not so generous and does not guarantee any number of spaces to be provided. Rather, it states without any attribution that "studies" support shared parking in mixed-use development is an option, because less parking would be required under those conditions. (RSPD at p. 4-56.)

O-1 (cont.)

The report addresses air quality impacts resulting from construction of the project, including diesel-powered construction equipment used on and off site (to haul debris and materials) and operational uses and needs of the project, including impacts from vehicle emissions, energy consumption for space and water heating, landscape equipment, and use of consumer products. (App. F at p. 18.)

With respect to construction of the project, the report assumes that about 10 acres will be disturbed daily during construction of each general grading phase (known to create particulate matter, a.k.a "fugitive dust") and heavy equipment operations during the construction process (known to emit diesel particulate). (App. F at p. 21, 23.) Based on the assumption that five construction rules for grading would be implemented and because the term of construction is assumed to be under 30 years, the report concludes that these toxic air contaminates were not significant. (App. F at p. 23.)

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Additionally, the report (1) assumes maximum daily emissions by designating an 8-hour work day, (2) does not consider the impact of exterior coating of the project, (3) extends interior painting schedules and, (4) overlaps those schedules with next-phase construction, in order to claim a reduction in significant Reactive Organic Gas (ROG) impacts. The report's manipulation of construction schedules in order to find less than significant ROG impacts pushes the completion of Phase 3 the project outside the 15-year horizon, into 2036. (App. F at p. 21-23; see RSPD at p. 7-5, Table 7-2.)

From this manipulation of factors, the report concludes that impacts from construction activities will have less than significant impacts. It assumes discrete, scheduled phases of construction in its analysis, although as previously mentioned, the project expressly rejects any such schedule. (App. F at p. 22-23, and compare RSPD at p. 7-5.) When the phases are properly considered without a discrete schedule, thresholds are exceeded. For example, the 2025 Maximum tons/year ROG emission is 15.2 tons, already in excess of the screening threshold of 15 tons, and in combination with *any* construction year in Phase 2 for the same emission is exceeded. (App. F at p. 24-25, see Tables 5 and 6.)

O-1 (cont.)

The report concludes that air quality impacts resulting from project operations of individual phases are less than significant. However, it concludes the cumulative effect of operational emissions (from all phases of the project) exceeds thresholds in three areas: Reactive Organic Gas (ROG); Carbon Monoxide (CO); and, Particulate Matter 10 (PM10). The excessive operational emissions culminate in BOTH vehicle trips produced by the project AND the operations of the residential buildings, consumer products, and landscape equipment associated with the project. (App. F at p. 27.) The report states as follows:

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> [T]he project's regional air quality impacts (**including impacts related to criteria pollutants, sensitive receptors, violations of air quality standards per threshold d**) would be significant. The project would also result in a cumulatively considerable net increase in PM10 and ozone precursor emissions. This would be a **significant impact per threshold c**. Because of the size and scope of the proposed development, there are no feasible methods for reducing all cumulative emissions to meet daily SDAPCD standards for ROG, CO, and PM10 and the annual standards for PM10.

(App. F at p. 27, emphasis in original.)

Underscored in this comment is that the report identifies the nearest "sensitive receptors" of the project as the Mission Valley residents who currently reside in the northeast and northwest corners of the project site, and those Linda Vista residents "located along the northern site boundary on the north side of Friars Road." (App. F at p. 14.) The HOA Coalition represents those affected by the project. Additionally, the DEIR illustrates additional sensitive receptor locations in Linda Vista, including the University of San Diego, Francis Parker Middle and Upper School, and Carson Elementary School. (DEIR Figure 5.16-2, at p. 5.16-31.) As the report points out, air quality standards are designed to protect the public, and especially those most at risk for respiratory distress such as children. (App. F at p. 13.)

O-1 (cont.)

The report clearly establishes the harm to residents resulting from project operations, that is, the existence of the project itself, based on its sheer magnitude. The report deems construction of the project to have less than significant impacts. (App. F at p. 22-23.) However, the report fails to fully and adequately address impacts from construction of the project during phases that "may occur in any order," and because construction activities from

"more than one phase may occur at any time." (RSPD at p. 7-5.) Construction of the project must be properly analyzed to establish the impacts of phases occurring in any order and at the same time. The report, which presents the phases in a vacuum, fails to " 'sufficiently performs the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

2. Transportation/Circulation and Parking

The vehicles associated with the Riverwalk development will result in traffic and parking impacts, especially on Friars Road, Via Las Cumbres, Gaines Street, Cirrus Street, and Goshen Street. Notably, Via Las Cumbres is a major north-south connector to the project site, and Goshen is another north-south connector to Friars Road. As discussed below, the DEIR fails to adequately address these impacts.

O-1 (cont.)

a. Traffic

The DEIR relies on a flawed Transportation Impact Analysis (TIA) as it fails to adequately state the phases, timelines and the scenarios allowed for development since phasing is rejected in the RSPD; any order of phasing may occur and phases may occur concurrently. "The Specific Plan does not require that phases occur in a specific order. Phasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-4.) To adequately analyze the traffic impacts, the analysis must include the phases in every possible order and combination, should the developer proceed with any order or combinations of phases as allowed under the RSPD.

The DEIR states "the Riverwalk Project is anticipated to have a less than significant transportation impact," and bases its finding on Vehicle Miles Traveled (VMT) guidelines from the state that indicate "in most instances a per capita or per employee VMT that is 15 per cent below that of existing development may be a reasonable threshold." The presumption of less than significant transportation impacts derives from state law under SB 743. "Essentially, the proposed threshold means that future land use development projects and future land use plans would need to demonstrate that they are capable of producing VMT per capita or VMT per employee that is 15 per cent better than existing development." (ADC10 News, "An Evolutionary Change to CEQA, Transportation Impact Analysis: Replacing LOS with VMT," by Ronald T. Milam, Summer 2018)

O-1 (cont.)

The TIA concludes that the 15 percent lower per capita VMT is "generally achievable" based solely on the presence of public transit in the project area, particularly the trolley stop. (TIA, at p. 35, 37.) The TIA is overly optimistic in its conclusion. First, the trolley stop will not be constructed until years after almost fifty percent of the residents move in to the project development. The project should not get the presumed benefit of a trolley stop that does not exist. Second, even if the trolley stop was constructed, there are no trolley ridership studies to show that an adequate number of residents will use the trolley to set the proposed project below the 15 percent threshold. Indeed, the trolley ridership projections in the TIA are not impressive. For example, the projection for the year 2050 total weekday daily ridership at the Riverwalk stop is 2,734. (By comparison, the projection for the year 2050 total weekday daily ridership at the Fashion Valley Transit Center 5,344.) If the project is occupied as proposed in year 2050, there will be 4,300 units that house about 8,000 residents. The ridership projections do not justify the density proposed.

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Further, the presumption of less than significant traffic impacts is rebutted by the well-established metric for accurate measurement of vehicles on the roadways as a result of the proposed project. The City of San Diego's Land Development Code Trip Generation Manual (TGM) is the authority used by the City to determine how many vehicles enter and exit sites devoted to particular land uses. (City of San Diego Land Development Code Trip Generation Manual, p. 1). Average Daily Trips (ADTs) are the measure of two-direction, 24-hour total count of vehicles crossing a line on an average day. Unusual seasonal variations must be identified, or less than the typical annual conditions are assumed. In the project area, the holiday season brings significant increases in traffic and congestion from October through January due to retail operations at the Fashion Valley Mall.

Driveway Trips are the total number of trips that are generated by a site. The DEIR provides faulty analysis and data regarding the expected generation of net new ADTs by the proposed project (TIA at p. ii-iii). It states, "Phase I Project is calculated to generate 17,248 driveway trips … Phase II Project is calculated to generate 30,896 driveway trips." The DEIR further states, "The Project Buildout (Phase I, II and III) is calculated to generate 41,186 new driveway trips …." The total stated for Project Buildout (41,186) is *less than the total the document states for Phase I and II* (48,144) AND fails to include Phase III generated driveway trips.

O-1 (cont.)

Referencing the TGM, the total anticipated ADTs for Phase III are 12,592, comprised of: 3,432 ADTs from 28,600 square feet of Commercial-Retail at the Neighborhood rate of 120 trips per 1,000 square feet; 9,149 ADTs from 935,000 square feet of multi-tenant Commercial-Office pursuant to the required logarithm; and 11 ADTs derived from 5 trips per acre for an Undeveloped Park of 2.2 acres. Combining the analysis stated in the TIA for Phases I

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and II, and incorporating the Phase III estimated calculation based on the TGM above, all three phases result in 60,736 ADTs generated by the project.

The proposed project will result in a significant increase in traffic which is substantial in relation to existing traffic load and capacity of the street system.

The proposed project states that project buildout is calculated to generate 41,186 driveway ADTs. (TIA, at p. iii.) The analysis is flawed, in that per the TGM:

- At a Daily Trip Rate of 6 ADTs per resident dwelling unit (multi-family), 4,300 units will generate an impact of **25,800 ADTs *every day***. Note that the developer has stated in public presentations that about 1,910 units need to be completed prior to the construction of the Riverwalk trolley stop in 2025; those units generate 11,460 ADTs daily without the benefit of nearby transit. Residents dependent on or preferring to use transit will be required to walk more than ½ mile to a transit stop.
- At a Daily Trip Rate for Neighborhood Commercial Retail of 120 trips per 1,000 square feet, at 152,000 square feet, the Neighborhood Commercial Retail generates an impact of **18,240 ADTs *every day***.
- At a Daily Trip Rate for multi-tenant Commercial-Office and using the required TGM logarithm, the separated Commercial-Office areas were calculated at 65,000 and 935,000 square feet, and resulted in 1,219 and 9,149 ADTs, respectively. The combined total results in an additional **10,368 ADTs *every day***.
- The Daily Trip Rate for a Developed Park is 50 trips per acre. At 27.87 acres, this totals 1,394 ADTs. The Daily Rate Trip for Undeveloped Parks, the rate is 5 trips per

O-1 (cont.)

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acre and at 58.79 acres, the total is 294 ADTs. The ADTs for the Undeveloped and Developed Parks total **1,688 ADTs *every day***.

- Combining the above expected ADTs from the project total of **56, 096 ADTs *every day***.[2]

The DEIR fails to address the reality of the traffic impacts, citing the implementation of Intelligent Transportation Systems (ITS) strategies and Transportation Demand Management plans (TDM) as the cure-all. As stated, Friars Road already has traffic signal coordination. (TIA, at p. 79.) The project proposes using ITS Adaptive Traffic Signal Controls at three major corridors and three lesser corridors as the answer to mitigating this significant impact of the addition of over 55,000 ADTs on the adjacent roads *every single day*. ITS will likely not provide for a smoother circulation of the tens of thousands of average daily trips will be generated by the project; the measure of vehicles on the road is a reality that requires mitigation. Other TDM measures proposed to be implemented are a transit stop and the implementation of paid parking in the project. (TIA, at p. 79-83.)

O-1 (cont.)

b. On-Street Parking by Project Residents

The DEIR fails to consider the impacts associated with an anticipated shortage of parking. (See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1052 ["a project's impact on parking generally should be studied for any potential impact on the environment"].) Indeed, the EIR fails to discuss how a lack of parking could have several impacts, including increases in traffic, increased police and fire response times, and air pollution associated with the insufficiency of available parking

[2] Projected ADTs in the TIA and in this analysis based on the TGM for Phase 1 and Phase 2 slightly vary and it could be the result of different methodologies or base data.

spaces provided by the project. This is particularly significant considering the City's recent adoption of an ordinance that, among other things, does not require developers to provide *any* residential parking, when the project is located within ½ mile of a transit stop. However, the transit stop is not planned to be constructed until 2025 or later, or until after 1,910 residential dwelling units have been constructed. The DEIR fails to address the impact from vehicles associated with the project prior before a transit stop in the project area is fully operational.

The DEIR fails to address impacts associated with a lack of parking following the City's adoption of the ordinance. (See *Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728 ["secondary parking impacts caused by ensuing traffic congestion ('air quality, noise, safety, or any other impact associated with transportation') must be addressed"].) For example, the DEIR fails to address the fact that there is no adjacent on-street parking allowed on the project borders, and only limited available on-street parking on the north side of Friars Road in the project area. With no requirement to provide parking, and a proposed transit stop that is not required to be built prior to the development of 1,910 units, the adjacent streets will be heavily impacted by residential parking and for the next 10-15 years, by the construction of the project. Further, any residential parking provided by the developer is required by to be unbundled (parking is required to be separated from rent). The unbundled parking presents problems with residents choosing not to pay for parking onsite or not having the ability to purchase parking if parking is no longer available due to purchase by other residents.

O-1 (cont.)

On-street parking is prohibited or exhausted by existing residential communities in the project area. The project is bounded by three major streets which prohibit on-street parking: to the north – the south side of Friars Road; to the south – Hotel Circle North and to the east – Fashion Valley Road. Directly abutting the project property to the west are the Courtyards

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condominiums, a gated community with underground parking. The lack of on-street residential parking adjacent to the project will cause residents, visitors, and retail customers who are not able nor willing to pay for parking, to park on the closest available streets: Via Las Cumbres, Gaines, Cirrus, and Goshen in the Linda Vista Community Planning Area. All of these streets currently have limited parking and currently accommodate overflow parking from nearby retail, residents, and USD.

Further, the expected parking impacts to the community have the potential to increase. Current mandated limited parking as it exists today may be further reduced as stated in the Mobility Plan (at page 286), "during the course of Riverwalk's build out, parking regulations within the Land Development Code may change, resulting in reduced parking regulations, which would not require a change to the Specific Plan. Instead, these changes would be reviewed as a Substantial Conformance Review."

O-1 (cont.)

In sum, the DEIR fails to address the impacts of vehicles circulating for extended periods of time and contributing to poor air quality, traffic congestion, and an increase in police and fire response times. The DEIR needs to be recirculated to properly analyze these impacts.

3. Public Safety Impacts Are Not Adequately Addressed In the DEIR

a. Police

The Riverwalk development area is served by the SDPD Western Division Substation, that also serves the neighborhoods of Linda Vista, Morena, University Heights, North Park, Burlingame, Hillcrest, Midtown, Mission Hills, Midway District, Loma Portal, Point Loma Heights, Ocean Beach, Sunset Cliffs, Roseville-Fleetridge, La Playa, and Wooded Area. SDPD acknowledges that police response times in the Mission Valley community will continue

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to slow with build-out of community plans and the increase of traffic generated by new growth. Yet, there are no current plans for additional police sub-stations in the immediate area to absorb this growth. (See Appendix J, Letter from SDPD, dated May 9, 2020.)

SDPD breaks its calls into five categories: emergency calls, and Priority 1, 2, 3 and 4 calls. Priority "E" and priority one calls involve serious crimes in progress or those with a potential for injury. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD advises citizens to report emergencies such as "crimes that are in progress or about to happen, and ones that have resulted in serious personal injury, property damage, or property loss," and that also "include situations in which the suspect may still be at the scene and some suspicious activities." (See https://www.sandiego.gov/police/services/emergencies.) SDPD provides examples of emergencies that should be reported by calling 9-1-1 as fights, sexual assaults, burglaries and robberies, domestic violence, child and elder abuse, sounds of gunshots, screaming, breaking glass, explosions, alarms, hit and run accidents with possible injuries, road hazards that require immediate attention to prevent personal injuries and property damage, graffiti and other acts of vandalism in progress. (See https://www.sandiego.gov/police/services/emergencies.) The 9-1-1 reports for 2020 through May show that citizens have made about 500,000 calls or 100,000 calls each month to report crimes. (See https://www.sandiego.gov/police/services/911monthlyreports.)

O-1 (cont.)

Priority 2 calls include calls for prostitution, trespassing, disturbing the peace, criminal threats with a gun, casing a burglary or for people having a mental health episode. Priority 3 calls include loud parties, homeland security checks, calls to pick up evidence, hate crime investigations and taking reports and statements for serious crimes like arson, battery and assault with a deadly weapon. Priority 4 calls include parking issues, computer crimes, graffiti

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and reporting lost or found property. (See https://www.voiceofsandiego.org/topics/public-safety/sdpd-now-takes-hours-to-respond-to-non-emergency-calls/.)

The DEIR identifies that response times for Beat 623 in the Western Division for Priority 2, 3 and 4 calls are, respectively 38%, 36% and 88% longer than Citywide goals. In other words, citizens reporting a Priority 3 event waited almost two hours for a response. Worse, the wait time for a response to a Priority 4 event was almost three hours. (DEIR at p. 5.15-1-2.) Beat 623 of the Western Division does not meet response time goals as currently staffed in 3 out of 5 of the categories. (See App. J, Letter from SDPD, dated May 9, 2020.) SDPD's statement of even slower response times based on community growth presents a grim forecast, especially with respect to the risk the growth places on emergency and Priority 1 call for service.

O-1 (cont.)

The DEIR strains to conclude that "[a]lthough the project could result in an increase in service calls, the SDPD has facilities and staffing in the project area to adequately serve the project, ongoing funding for police services is provided by the City General Fund; and no new facilities or improvements to existing faculties would be required." (DEIR at p. 5.15-9.) That statement is not supported by the record of response to calls and importantly, the SDPD's own statement. The DEIR fails to properly analyze the public safety impacts that the project population creates. The discussion fails to sufficiently perform "the function of facilitating 'informed agency decisionmaking and informed public participation.' " (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.) The DEIR must be rejected for its lack of adequate analysis of adequate police protection.

b. Fire & Life Safety

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Fire Station 45 at 9366 Friars Road serves the existing project site and according to the DEIR, will remain the primary station for the Riverwalk development. (DEIR at p. 5.15-3.) Fire Station 45 has a Battalion Chief's vehicle, an engine, an aerial truck, and a HAZMAT unit. A Battalion Chief (BC) is a staff officer who serves as the Incident Commander on the scene of fire and medical incidents and has authority over the equipment on the scene. The fire engine is a pumper which usually carries 500 gallons of water, hose, pump and 48 feet of ground ladders. The primary task of a fire engine crew is: search and rescue, locate, confine and extinguish fire and, when warranted, respond to 9-1-1 medical incidents. The primary tasks of a truck company are search and rescue, salvage, ventilation, securing utilities and overhaul (clean-up crew). The HAZMAT unit is a specialized emergency response vehicle equipped to handle hazardous material incidents (chemical spills, fuel spills, compressed gas releases, etc.) and is staffed with specially trained personnel. Each apparatus is equipped with a mobile mini-laboratory, which allows the Hazardous Materials Technicians and Specialists to identify unknown substances and "suspicious" materials on site. (See https://www.sandiego.gov/fire/about/firestations/sta45.)

O-1 (cont.)

Fire Station 45 does not meet San Diego's first-due unit response standards that were adopted in 2017. Currently, Fire Station 45 is 2 minutes (40%) longer than the 5-minute travel time goal, and 1.5 minutes (20%) longer than the arrival time goal of 7.5 minutes. (DEIR at p. 5.15-3.) Minimum standards are put in place for purpose of avoiding loss of life and property. Communities with good response times enhance the quality of life for residents. Conversely, communities that do not have the proper allocation of life and property saving resources place citizens, their homes, and their businesses at great risk (see generally, www.nfpa.org).

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The DEIR concedes that the population resulting from development of Riverwalk will increase the demand for fire protection. Although minimum standards are currently not being met, the DEIR concludes that even though the project will result in an increase in service calls, "no new or expanded facilities or improvements to existing facilities would be required as a result of the project," because there are facilities and staffing in the project area to adequately serve the project. (DEIR at p. 5.15-10.) The conclusion is inconsistent with the community plan. The Mission Valley Community Plan Update states as follows:

> To augment the existing services provided by the Fire-Rescue Department, the co-location of a Fire-Rescue station with the San Diego Police Department at the existing facility at [the] corner of Napa Street and Friars Road just outside of Mission Valley in Linda Vista is recommended.

(MVCPU at p. 94.)

O-1 (cont.)

A co-located station would allow first-due units to meet the minimum response times. (MVCPU at p. 94.) However, there are no plans for such co-location. Given the City's economic condition, there are questions as to how it would be financed. The Riverwalk developer has not taken up the responsibility to provide for a co-located police and fire station. The DEIR ignores the express recommendation in the community plan and frustrates public safety by making the existing excessive response time even worse. The DEIR should be recirculated for adequate study of the impacts the Riverwalk project population places on Fire and Life Safety services. The augmented services called for in the Mission Valley Community Plan Update should be a condition of this project, given the need it creates.

C. The DEIR Fails to Analyze Foreseeable Impacts Resulting from Contagious Disease

The DEIR for the Riverwalk project must be recirculated because it fails to consider the project's potential contribution to the COVID-19 and future pandemics. This is not surprising because the drafting of the DEIR preceded public awareness of the pandemic. However, because the DEIR is designed to inform the lead agency of the environmental impacts of a proposed project, this DEIR is inadequate for failure to consider what is now known and what must be considered by the lead agency. (*Sierra Club, supra*, 6 Cal.5th at pp. 512–513.)

The pandemic has taught us that high density residential and mass transit are vectors of disease. The DEIR fails to evaluate how the Riverwalk project will exacerbate contagion, whether there are ways to mitigate this impact, and if there are alternatives that will avoid it.

O-1 (cont.)

Densification and mass transit are the very opposite of social distancing. New York City, the nation's densest major city, was the hotbed of COVID-19 contagion. New York Governor Andrew Cuomo said high-rise apartment complexes and busy subways were responsible for the city's plight.

Specifically, he asked "Why are we seeing this level of infection? Why cities across the country? It is about density." He added that dense environments are the contagion's feeding grounds.

This vulnerability to pandemic is sometimes referred to as "Exposure Density." Wendell Cox, writing about this matter on April 12, 2020 in New Geography, said "residents who live in high rise residential buildings are likely to experience greater exposure densities because they must use common hallways and elevators. One New York developer expressed concern about the high-rise residential market, calling the City 'a gargantuan petri dish.'"

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O-1 (cont.)

The New York Times recently quoted a Stanford University epidemiologist as calling density "an enemy in a situation like this." In the United States, the earliest flashpoint for COVID-19 were dense places such as New York City, Seattle, Detroit, and Chicago.

The Riverwalk DEIR fails to consider the effects of density and transit on spreading illness. It is not that a yet-undiscovered vaccine will soon liberate us, or that the virus will disappear in warm weather as some government leaders have predicted, or even that this is a once-in-a-hundred-year event. In less than two decades there have been epidemics of SARS, MERS, H1N1, Ebola and now COVID-19. In our globalized era, where people travel to the United States and Europe from parts of the world where diseases jump from animals to humans, future pandemics are not only possible – they are inevitable. Social distancing is a strategy to limit their impact until cures can be found, but density defeats this strategy. Edward Glaeser of Harvard University noted, "There are always demons that creep in when human beings are living very close to one another."

Moreover, the pandemic has raised the basic question of the need for density and mass transit. High density infill residential, built relatively close to job centers and clustered around mass transit, was designed to limit Greenhouse Gas (GHG) emissions by reducing commuter Vehicle Miles Traveled (VMT). Under this construct, employees would travel shorter distances to job centers than if they lived in sprawl development, and also under this construct they would travel on mass transit rather than ride alone in private vehicles.

What had often been talked about, but not seriously tested, was telecommuting/work from home. The pandemic caused an experiment in large-scale use of telecommuting. A third or more of employees, working from home, did not travel any distance

to work and did not cause GHG emissions. Moreover, it was unimportant where they lived. They could be living and working in sprawl developments or across the country. In short, reduction in VMT and GHG emissions does not require density or mass transit. The EIR must be recirculated to consider that reduction in emissions can be achieved by telecommuting rather than by the density imposed by the Riverwalk project.

Finally, the Riverwalk project is purportedly justified by its claimed reduction in GHG emission due to its access to the trolley. However, it is highly questionable that mass transit will reduce GHG. Prior to the pandemic, mass transit use in San Diego was about 3%. The pandemic has diminished even this anemic number by 75% as commuters opt not to risk their lives.

O-1 (cont.)

In an April 28, 2020 article in Forbes magazine, Brad Templeton wrote that public transit is broken in most of North America. He added that it is not pleasant or convenient and "shocking to most, in almost all cities, it's not even energy efficient, using more energy per passenger mile than efficient gasoline cars and way more than electric cars" according to the Department of Energy.

The San Diego City Council does not believe mass transit is the future, as it declined to place a tax on the November 2020 ballot for increased funding to expand mass transit. It has been a federally subsidized money loser in San Diego, and now the federal government and the City have opted out. Given these circumstances, the DEIR must evaluate whether the Riverwalk project, given the minimized use and likely non-expansion of the trolley, will result in the reduction of GHG emissions over other alternatives.

D. The DEIR Does Not Adequately Address Cumulative Impacts

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The DEIR fails to provide adequate cumulative analysis. The directive under CEQA is clear: an EIR must discuss cumulative impacts if a project's incremental effect combined with other projects is cumulatively considerable. (CEQA Guidelines, § 15130(a).) The import of cumulative impact analysis is to avoid evaluating projects in a vacuum. This is so because the failure to adequately evaluate cumulative harm risks environmental disaster. (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) In other words, piecemeal approval of several projects with related impacts could lead to severe environmental harm. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 720.)

Here, as discussed above, the DEIR fails to adequately address traffic, air quality, public health, and public safety. Cumulative impacts cannot be assessed without a proper analysis of these challenged areas.

O-1 (cont.)

Further, the DEIR fails to address the cumulative impacts of the Alvarado 2nd Pipeline Extension Project. This project includes construction of approximately 10 miles of water mains in the Mission Valley and Mission Bay areas. According to a letter to residents dated June 1, 2020, the pipeline extension "is one of multiple public infrastructure projects occurring in this area over the next several years." Pertinent here, the project involves the installation of a 48-inch water main and the replacement of a 16-inch water main along Friars Road in the project area from Napa Street to Fashion Valley Road. Construction is anticipated to occur from mid-2021 to mid-2024. The project will require heavy construction equipment mobilization, traffic control, lane closures, detours, daytime and nighttime work hours, trench digging and backfill, temporary pavement, and bike lane, sidewalk and bus stop closures. (https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf.)

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According to the Riverwalk project, Phase 1 of the project may occur through 2025, however, "[p]hasing may occur in any order, and more than one phase may occur at any time, provided the necessary infrastructure is in place, or occurs concurrently as specified in each phase(s) of development." (RSPD at p. 7-5, and Table 7-2.)

Because of the simultaneous timelines for the projects, impacts on air quality, noise, public safety, and traffic must be addressed for the Riverwalk project area. Further, because the phasing schedules for both projects overlap, the pipeline extension calls into question the timely installation of the ITS Adaptive Traffic Signal Controls that the Riverwalk developer is committed to install on Friars Road in the project area. The uncertainty of the installation of this traffic mitigation measure is further compounded by the developer's statement that the Riverwalk trolley stop will not be constructed until about 2,000 residential units are already occupied. Hence, if one were grant the dubious assumption the trolley will reduce VMT, there would be a substantial increase in VMT before the trolley station is opened, which means more traffic.

O-1 (cont.)

In sum, the cumulative impact of the Riverwalk project and the pipeline project must be addressed in the DEIR for an analysis of environmental harm of the concurrent projects.

E. Project Alternatives

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750- 751.) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the

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project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines§ 15126.6(b).) "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." (*Laurel Heights Improvement Assoc. v. University of California* (1988) 47 Cal.3d 376,404.)

The DEIR states the no project alternative is the environmentally superior alternative to the project. (DEIR at p. 10-32.) The HOA Coalition recognizes that the no project alternative does not advance the City's goals. The DEIR identifies Alternative 3- Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources as the next environmentally superior alternative. (RSPD at p. 10-32.)

O-1 (cont.)

Alternative 3 provides 2,200 residential units; 40,000 square feet of commercial retail space; 900,000 square feet of office and non-commercial retail space; and approximately 114 acres of park, open space, and trails. (DEIR at 10-23, Table 10-2.) Under Alternative 3, no development would occur in the Central District and about one-third of the developable area in North District would be removed. (DEIR at p. 10-23.) The elimination of certain buildings in Alternative 3 avoids potential impacts to three significant archaeological sites of the Iipay Nation of Santa Isabel and Jamul Indian Village. Avoiding disturbance of these sites results in fewer potential impacts to tribal cultural resources. Monitoring of any ground disturbing activities would still be required, further reducing impacts to tribal resources. (RSPD at p. 5. 10-6, 10-26, 10-27.) The HOA Coalition notes that the RSPD implements native plants species, street signs, and interpretive signage in recognition of the Kumeyaay people. (RSPD at p. 5.10-7.) The Coalition vigorously advocates for greater recognition and greater inclusion of Native American

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culture within the project site through relevant and lasting symbolism, murals, sculpture, and architecture, in order to represent this important ancestral heritage.

In short, Alternative 3 provides for less intensive density and uses, falls within the range of reasonably feasible alternatives, has less impacts on public safety, avoids significant air quality impacts and the disturbance of tribal cultural resources, while remaining consistent with the City's General Plan and goals under CAP. (RSPD at p. 10-30, 10-31, 10-32.) Alternative 3 allows for informed decision making, unlike the project as presented in the DEIR. (*Sierra Club, supra*, 6 Cal.5th at pp. 511–513.)

Accordingly, the DEIR for the project cannot be certified without providing for an adequate analysis of the project's impact on air quality, traffic, public safety, contagious disease, and its cumulative impacts.

O-1 (cont.)

F. Need to Recirculate

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report. (See *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

Conclusion

The planning of the Riverwalk development area will greatly affect the community and for that reason, the issues raised by the HOA Coalition must be adequately addressed. **We are** the residents who will suffer poor decision-making in the specific plan area.

A shortcoming of the RSPD is the lack of limits on density and land uses. Because the RSPD does not accurately reflect density and uses that the project developer has

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touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

Further, the DEIR should be recirculated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, project should be held to require a co-located police and fire station for purposes of public safety, adequately mitigate air quality impacts, and adequately address traffic impacts. Finally, to the extent that Alternative 3 serves to minimize or obviate these impacts, as well as impacts to tribal cultural resources, it is the only alternative that can be certified without objection.

O-1 (cont.)

Respectfully submitted,

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