

# LETTERS OF COMMENTS AND RESPONSES

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).

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.

1

**P-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.

**P-1**

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.

**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



# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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 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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.

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

# LETTERS OF COMMENTS AND RESPONSES

P-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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.<sup>1</sup>

## 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

<sup>1</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

**P-1  
(cont.)**

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.)

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 contaminants were not significant. (App. F at p. 23.)

# LETTERS OF COMMENTS AND RESPONSES

P-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 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.)

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:

# LETTERS OF COMMENTS AND RESPONSES

P-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 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.)

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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

“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.

### 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.



# LETTERS OF COMMENTS AND RESPONSES

P-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. 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.

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(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.

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

# LETTERS OF COMMENTS AND RESPONSES

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

P-1  
(cont.)

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.**

- o Combining the above expected ADTs from the project total of **56,096 ADTs every day.**<sup>2</sup>

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.)

#### **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

<sup>2</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.

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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.”

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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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>.)

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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

and reporting lost or found property. (See <https://www.voiceofsandiego.org/topics/public-safety/sdspd-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.

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 facilities 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**



# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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>.)

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](http://www.nfpa.org)).

# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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.)

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**

# LETTERS OF COMMENTS AND RESPONSES

P-1  
(cont.)

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.

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.'"

# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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.

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**

# LETTERS OF COMMENTS AND RESPONSES

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](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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# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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.)

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 Lipay 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



# LETTERS OF COMMENTS AND RESPONSES

P-1  
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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.

#### 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

# LETTERS OF COMMENTS AND RESPONSES

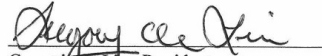
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touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

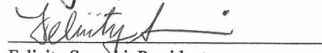
Further, the DEIR should be recirculated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, project should be held to require a co-located police and fire station for purposes of public safety,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

Respectfully submitted,

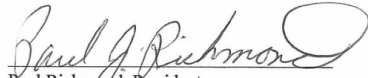
Courtyards HOA:

  
Gregorio de Lira, President

Park Place Estates HOA:

  
Felicity Senoski, President

Presidio Place HOA:

  
Paul Richmond, President

# LETTERS OF COMMENTS AND RESPONSES

From: Shearer-Nguyen, Elizabeth EShearer@saniego.gov @  
Subject: Riverwalk - Comment Letter (Jennifer Carroll Homeowners Association Coalition) date July 5, 11:44am  
Date: July 7, 2020 at 11:02 PM  
To: T.Shaw@atlantissd.com, Tshaw@atlantissd.com, Pete Shearer Pete.Shearer@hines.com, KLR Planning Karen@klrplanning.com

LS

FYI

**Elizabeth Shearer-Nguyen**  
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**Please Note: Work hours are M-F 6am to 230pm**

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From: Jennifer Carroll <jzcarroll@gmail.com>  
Sent: Sunday, July 5, 2020 11:34 PM  
To: DSD EAS <DSDEAS@saniego.gov>  
Subject: [EXTERNAL] Riverwalk Project, No. 581984/SCH No. 2018041028

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

Hello,

On behalf of Homeowner Associations in the Linda Vista and Mission Valley Community Planning Areas, I would like to submit the attached comment letter. Please excuse if you have already received a copy, we did not receive confirmation and want to ensure your receipt of these comments prior to the deadline.

Thank you,  
Jennifer Carroll

General Project Information:  
• Project Name: Riverwalk  
• Project No. 581984 / SCH No. 2018041028  
• Community Plan Area: Mission Valley  
• Council District: 7

#### Attachments area



HQA Coalition  
RW.EIR...ter.pdf

Q-1

Q-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.

# LETTERS OF COMMENTS AND RESPONSES

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).

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.

Q-1  
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# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.

**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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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



# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.<sup>1</sup>

## 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

<sup>1</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.)

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 contaminants were not significant. (App. F at p. 23.)

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.)

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:

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.)

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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“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.

### 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.

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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. 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.

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

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

Q-1  
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# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.**

- o Combining the above expected ADTs from the project total of **56,096 ADTs every day.**<sup>2</sup>

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.)

#### **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

<sup>2</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.”

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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>.)

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

and reporting lost or found property. (See <https://www.voiceofsandiego.org/topics/public-safety/sdspd-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.

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 facilities 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**

# LETTERS OF COMMENTS AND RESPONSES

Q-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](http://www.nfpa.org)).

# LETTERS OF COMMENTS AND RESPONSES

Q-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 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**

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.

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.’”



# LETTERS OF COMMENTS AND RESPONSES

Q-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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.

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**

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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](https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf).)

# LETTERS OF COMMENTS AND RESPONSES

Q-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 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

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

# LETTERS OF COMMENTS AND RESPONSES

Q-1  
(cont.)

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.)

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 Lipay 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

# LETTERS OF COMMENTS AND RESPONSES

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.

#### 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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# LETTERS OF COMMENTS AND RESPONSES

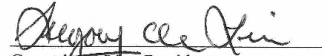
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touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

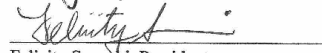
Further, the DEIR should be recirculated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, project should be held to require a co-located police and fire station for purposes of public safety,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

Respectfully submitted,

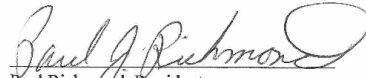
Courtyards HOA:

  
Gregorio de Lira, President

Park Place Estates HOA:

  
Felicity Senoski, President

Presidio Place HOA:

  
Paul Richmond, President

# LETTERS OF COMMENTS AND RESPONSES

From: Shearer-Nguyen, Elizabeth EShearer@sandiego.gov  
Subject: Riverwalk - Comment Letter (Jennifer Carroll | Homeowners Association Coalition) date July 6, 430pm  
Date: July 7, 2020 at 11:10 PM  
To: TShaw@atlantissd.com, Ishaw@atlantissd.com, Pete Shearer Pete.Shearer@hines.com, KLR Planning Karen@klrplanning.com

LS

FYI.

**Elizabeth Shearer-Nguyen**  
Senior Planner  
City of San Diego  
Development Services Department  
☎ (619) 446-5369 | 🌐 <http://www.sandiego.gov>  
**Please Note: Work hours are M-F 6am to 230pm**

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**From:** Jennifer Carroll <jzcarroll@gmail.com>  
**Sent:** Monday, July 6, 2020 4:29 PM  
**To:** DSD EAS <DSDEAS@sandiego.gov>  
**Subject:** [EXTERNAL] Riverwalk Project, No. 581984/SCH No. 2018041028

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

Hello,

On behalf of Homeowner Associations in the Linda Vista and Mission Valley Community Planning Areas, I would like to submit the attached comment letter. Please excuse if you have already received a copy; we did not receive confirmation and want to ensure your receipt of these comments prior to the deadline.

Thank you,  
Jennifer Carroll

General Project Information:  
• Project Name: Riverwalk  
• Project No. 581984 / SCH No. 2018041028  
• Community Plan Area: Mission Valley  
• Council District: 7

#### Attachments



HOA Coalition  
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R-1

R-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.



# LETTERS OF COMMENTS AND RESPONSES

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).

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.

R-1  
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# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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.

**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

# LETTERS OF COMMENTS AND RESPONSES

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 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

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# LETTERS OF COMMENTS AND RESPONSES

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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.

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

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.<sup>1</sup>

## 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

<sup>1</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.)

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 contaminants were not significant. (App. F at p. 23.)

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.)

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:



# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.)

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

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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“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.

### 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.

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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. 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.

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

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

R-1  
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# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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.**

- o Combining the above expected ADTs from the project total of **56,096 ADTs every day.**<sup>2</sup>

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.)

#### **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

<sup>2</sup> 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.

# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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.

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

# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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.”

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



# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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>.)

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

# LETTERS OF COMMENTS AND RESPONSES

and reporting lost or found property. (See <https://www.voiceofsandiego.org/topics/public-safety/sdspd-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.

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 facilities 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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# LETTERS OF COMMENTS AND RESPONSES

R-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](http://www.nfpa.org)).

# LETTERS OF COMMENTS AND RESPONSES

R-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 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**

# LETTERS OF COMMENTS AND RESPONSES

R-1  
(cont.)

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.

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.’”

# LETTERS OF COMMENTS AND RESPONSES

R-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

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.

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**

# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.

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](https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf).)



# LETTERS OF COMMENTS AND RESPONSES

R-1  
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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.

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

# LETTERS OF COMMENTS AND RESPONSES

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.)

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 Lipay 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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# LETTERS OF COMMENTS AND RESPONSES

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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.

#### 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

# LETTERS OF COMMENTS AND RESPONSES

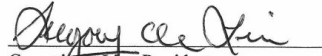
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touted for years in the community, seeking its approval, it must be redrafted to state project-level mandatory limits on density and land uses.

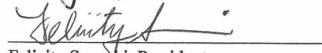
Further, the DEIR should be recirculated to address public health and contagious disease and the foreseeable, cumulative impacts associated with the Alvarado 2nd Pipeline Extension Project. Additionally, project should be held to require a co-located police and fire station for purposes of public safety,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

Respectfully submitted,

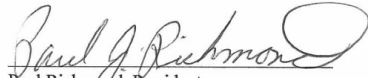
Courtyards HOA:

  
Gregorio de Lira, President

Park Place Estates HOA:

  
Felicity Senoski, President

Presidio Place HOA:

  
Paul Richmond, President

# LETTERS OF COMMENTS AND RESPONSES

From: **Heidi Arnest** heidarnest@gmail.com  
 Subject: [EXTERNAL] River Walk Development  
 Date: June 15, 2020 at 12:11 PM  
 To: DSD EAS DSDEAS@sandiego.gov



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

PLEASE HELP

- S-1 { The Riverwalk Development is extremely concerning to all of us living in Park Place Estates!
- S-2 { My partner and I chose to live here because of the surrounding greenery and view of the golf course. Now this thoughtless project (581984/ SCH No. 20180441023) will impact our quality of life in a very negative way. Dense building will overtake
- S-3 { Friars road which is already highly trafficked. The ugliness of the tall buildings will take away our serene view and limit the wildlife that is always present. Air pollution
- S-4 { will now exist from the construction and there after. Since there will be limited parking for this development, our streets will become parking lots. This is a selfish project as money is only to be gained from this. What about all of our lives
- S-5 { suffering for this? Some of us cannot afford to move away, which should not have to be our solution. Again, **Please Help us retain the beauty, wildlife life, and peacefulness we all chose to live here for, in Park Place Estates.** I would appreciate getting notifications regarding this project.
- S-6 {

*Kind regards,*

**Heidi Arnest**  
 Retirement Financial Advisor/State Employee Benefits Advisor/ Licensed Insurance Broker/ Certified Covered CA Agent  
 CA license # 0C33359  
 6005 Gaines Street  
 San Diego, CA 92110

- S-1 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.
- S-2 Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.
- S-3 As concluded in Section 5.3 of the Draft EIR, the project would not result in substantial alteration to the existing or planned character of the area. The project would not contrast with existing surrounding development through excessive height or bulk. Structures proposed in the North and Central Districts north of the San Diego River would be limited to no more than five stories (not to exceed 65 feet in height from the highest adjacent finished grade) and seven stories (not to exceed 85 feet in height from the highest adjacent finished grade). Development interfacing with The Courtyards in the west and Mission Greens in the northeast would be capped at five stories (not to exceed 65 feet in height from the highest adjacent finished grade). The project's bulk, scale, and materials would be compatible with the surrounding development.
- S-4 Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance.
- S-5 The project would provide on-site parking consistent with requirements in the San Diego Municipal Code. See also Master Response 7 regarding parking.
- S-6 Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

# LETTERS OF COMMENTS AND RESPONSES

**RECEIVED**

**JUL 02 2020**

**Development Services**

June 22, 2020

E. Shearer-Nguyen, Environmental Planner, City of San Diego Development Services Center, 1222 1<sup>st</sup> Avenue, MS 501, San Diego, CA 92101.

Subject: Project Name: Riverwalk □ Project No. 581984 / SCH No. 2018041028 □ Community Plan Area: Mission Valley □ Council District: 7

Re: Draft EIR Riverwalk - - Comments Due: 6-29-2020

Dear Sir or Madam and All Contributors to DEIR – Riverwalk – Parts 1-3 + Transit Study

Thank you for your hard work and dedication to Environmental Honesty for the Health of Future Generations.

**T-1** Here are my comments and suggestions regarding the 15-year Riverwalk Project, inclusive of cumulative effects of Riverwalk, 2<sup>nd</sup> Alvarado Pipeline Project & Other Transportation-Congestive Projects such as Town & Country Improvements, CaVita, etc. in Mission Valley:

**T-2** These comments are regarding the following subjects: **NOISE CONTROL ABATEMENT; AIR QUALITY IMPROVEMENT; BEAUTIFICATION; CONGESTION MITIGATION; and HERBICIDE APPLICATIONS to PRECIOUS RIVER BANKS & EL CAPITAN DAM SAFETY.**

**T-3** **I. NOISE CONTROL & ABATEMENT** – Although it is commendable that the ground-floor HVAC Systems will be screened and provided with surrounding acoustical panels, I do not see mitigation for garbage-truck noise, or intense traffic noise inside or outside the project for Phase I. Green building standards only affect the interior acoustics of each Riverwalk unit. Doubling the tree plantings inside the project at some future date is **INADEQUATE** for noise abatement.

**T-4** The City should work with the Trash Collectors like **Republic** to mitigate trash-pickup noise. Unfortunately, trash days are cacophonous in Mission Valley. **Courtyards and Mission Greens condos will be directly in the decibel line.**

**T-5** **Example\*** Courtyards has 360 units. At the end of Phase 1, Developer proposes 1,900 units in Riverwalk which is 5.27 times unit-dense as the Courtyards with 5.27 times more accompanying garbage-truck pickup noise, along with cumulative Riverwalk interior non-construction noise. Excessive non-construction noise levels from 39,000 anticipated vehicle trips per day at build out went unaddressed in the DEIR.

1

**T-1** The comments do not address the adequacy of the Draft EIR. No further response is required.

**T-2** The City acknowledges the comment as an introduction to comments that follow.

**T-3** As noted in the City of San Diego General Plan EIR, "[r]efuse vehicle and parking lot sweeper activity in all land use areas would temporarily elevate noise levels. Refuse vehicle and parking lot sweeper activities are necessary and noise control of these activities is limited" (Draft General Plan Final PEIR, September 2007; pg. 3.10-9). Hours of refuse vehicle operation are regulated by SDMC §59.5.0406. Beyond hours of operation, noise abatement for refuse collection is not required by the SDMC.

As discussed in Section 5.8 of the EIR, project impacts relative to operational noise would be less than significant. The project would not result in significant operations noise associated with traffic.

**T-4** See response T-3

**T-5** See response T-3.

# LETTERS OF COMMENTS AND RESPONSES

T-6	<p>According to Noise-Control platforms on the Internet, either Spruce Trees or Holly Bushes are excellent noise-control landscape buffers. <i>These need to be installed along the Riverwalk lands abutting Fashion Valley and Friars Roads and at boundary lines abutting Courtyards and Mission Greens.</i></p>		<p><b>T-6</b> Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.</p>
T-7	<p>The trees and bushes can be installed in ground at boundaries or in large attractive planters along the roadways. <b>I suggest a metric of 1.5 additional plants per parking spaces allotted at Riverwalk and any future or ongoing projects.</b> **An alternative would be to erect acoustical walls as you might see along a freeway.</p>		<p><b>T-7</b> The project would not result in significant operational noise impacts associated with traffic; therefore, mitigation is not required as disclosed in Section 5.8, Noise, of the EIR.</p>
T-8	<p><i>Per Nancy Graham (Planning Dept.),</i> the City of San Diego has budgeted for 2,000 trees to be planted along Friars Rd. This would be a perfect start for landscape buffers to assist with noise abatement issues associated with Riverwalk, et.al. In addition, adding Flame Trees, Jacaranda Trees and Palm Trees to grace the medians along Friars Rd. will cut noise.</p>		<p><b>T-8</b> Comments noted. The project would provide landscaping consistent with the City's Landscape Regulations. The plant matrix for project (included as Appendix B to the Specific Plan) includes Chinese Flame Tree and Jacaranda Multi-Trunk, which may occur in multiple locations as designated in the plant matrix.</p>
T-9	<p>According to the DEIR, <b>dead Eucalyptus Trees</b> will <i>not</i> be replaced with more Eucalyptus along Friars. What type of live tree will replace these dead trees? This was not addressed. Suggestion: Royal Palms are beautiful and along with the Spruce and Holly would make a lovely <b>frame</b> for the Riverwalk Development and have the added benefit of <b>natural noise control</b>.</p>		<p><b>T-9</b> Per the plant matrix, trees along Friars Road include Norfolk Island Pine, Oregon Ash, Chinese Flame Tree, Golden Rain Tree, Canary Island Pine, Torrey Pine, Chinese Pistache, California Sycamore, London Plane Tree Multi-Trunk, Coast Live Oak Multi-Trunk, and Tipu Tree. Trees have been selected based on natural occurrence, appropriateness for the location, and specimen features.</p>
T-10	<p>Regarding the 94 DBA acoustical level during concerts at the <b>proposed Amphitheater</b> - this decibel level is easily mitigated. <b>94 DBA NEEDS MITIGATION.</b> This was not addressed in the DEIR.</p>		<p><b>T-10</b> The amphitheater has been eliminated from use consideration in the Riverwalk River Park.</p>
T-11	<p>Here is what you do: Go to <b>Fashion Valley Mall</b> during normal business hours and listen to the lovely music wafting around the outside of the shops. <b>Ask the General Manager what kind of sound system they use.</b> Although the music is perfectly clear and <b>acoustically pleasant</b>, I would suggest it is only in the 60 to 65 DBA range. 94 DBA causes hearing loss. Require Riverwalk to buy <i>the same sound system as Fashion Valley Mall uses and install acoustical baffles above, inside and around the amphitheater for excellent noise control.</i></p>		<p><b>T-11</b> See response T-10.</p>
T-12	<p>On the 2<sup>nd</sup> level of <b>Fashion Valley Mall</b>, adjacent to <b>Bloomingdale's</b> are beautiful <b>examples of canopy trees and palm trees for possible Riverwalk inclusion.</b> <b>Trees like these are great for noise abatement.</b> Plant them everywhere in Mission Valley!</p>		<p><b>T-12</b> See responses T-8 and T-9.</p>
T-13	<p>When Manny Sepada's Orchestra performs for <b>Salsa under the Stars</b> at <i>Piazza della Famiglia</i> or <i>Seaport Village</i> – they bring their own sound systems which blend nicely into the surrounding restaurant and retail scenes. DJs that I am familiar with in the Ballroom scene use <b>Bose</b> sound systems. <b>The EIR should require the Developer to adhere to sound levels of 60 to 65 for outdoor spaces.</b></p>		<p><b>T-13</b> Uses within the project, including the Riverwalk River Park, would be required to adhere to the City's Noise Ordinance. See also response T-10.</p>

# LETTERS OF COMMENTS AND RESPONSES

<b>T-14</b>	<p><b>According to the Internet – a DBA level of even 70 is equivalent to listening to a constantly flushing toilet or a constantly running vacuum cleaner. The outdoor noise level of 73 as noted in the DEIR is unacceptably annoying to Riverwalk patrons and neighboring Condominium Associations.</b></p>	<p><b>T-14</b> Comments noted. The comments does not address the adequacy of the Draft EIR. No further response is required.</p>
<b>T-15</b>	<p><b>2. AIR QUALITY</b> – the DEIR indicates that AIR QUALITY issues cannot be mitigated.</p> <p>Per the <u>American Lung Association – State of the Air 2020</u> - The San Diego/Carlsbad/Chula Vista area ranked as follows for air quality:</p> <ul style="list-style-type: none"> <li>• Ranked 6 for high ozone days out of 229 metropolitan areas</li> <li>• Ranked 40 for 24-hour particle pollution out of 216 metropolitan areas</li> <li>• Ranked 41 for annual particle pollution out of 204 metropolitan areas</li> </ul> <p>Also, according to CNN article of 4/21/20 – “Air pollution increases the risk of dying from Covid-19 . . .”</p>	<p><b>T-15</b> Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.</p>
<b>T-16</b>	<p>Suggestions to alleviate air quality problems:</p> <p>a. As noted in the previous section on Noise Control &amp; Abatement - dense and lush landscaping treatments along the perimeter of the project would improve air quality through plant <b>GHG</b> mitigation.</p> <p>b. Reducing the density of the mixed-use residential and commercial sections by 35% would provide profitability for Hines/Riverwalk and bring the air quality issues to a more mitigated level.</p>	<p><b>T-16</b> Greenhouse gas emissions (GHG) were analyzed in Section 5.9 of the EIR, and determined that impacts would be less than significant. Thus, no mitigation would be required.</p> <p>Chapter 10.0 of the Draft EIR identifies reduced density project alternatives. Alternative 2, Reduced Development Intensity/Operational Air Quality Impact Avoidance and Alternative 3, Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts. As disclosed in Chapter 10.0, both alternatives would avoid significant unmitigated air quality impacts.</p>
<b>T-17</b>	<p>I suggest that reducing the density to a maximum 2,800 units with same footprint (fewer floors) and replacing the 200 sq. ft minimum apartment size would reduce <b>GHGs</b>.</p> <p><b>To expand on this idea – cutting the density by 35% and continuing Title 24 energy codes would improve Community and Developer goals for GHGs.</b></p> <p><b>Also, increasing the minimum square footage from 200 to 400 sq. ft. would save on VMTs, air pollution and noise. Example* if you have one unit at 1000 sq ft – you will have approx. 1.5 parking spaces or cars allotted per unit according to Planning Meeting discussions with Mr. Pete Shearer at Hines/Riverwalk.</b></p> <p><b>For that same 1,000 sq. feet of unit space - if you have five 200 sq. ft units – you would have 5 potential parking spaces or cars. If 1 or 2 of the 5 unit holders were able to use Transit or Bus availability to meet ALL daily needs for employment, retail and recreation, that still leaves 3 or 4 potential cars/parking spots This more than doubles the VMTs calculated for the 1,000 sq. ft. unit.</b></p>	<p><b>T-17</b> As evaluated in the EIR, GHG emissions impacts were determined to be less than significant and no mitigation is required. Cumulative air quality impacts relative to operational emissions would be significant and unmitigated. The Draft EIR evaluated two reduced density alternatives that would avoid cumulative operation air quality impacts. See also response T-16.</p>
3		



# LETTERS OF COMMENTS AND RESPONSES

<b>T-17</b>	<b>(cont.)</b>	<p>At the minimum of 400 sq. ft, the Developer allots 1 parking space X 2.5 (1000/400 sq. ft, ratio) and gets 2.5 parking spaces or cars. Now – if one person uses transit for ALL needs, there would be an amount of 1.65 cars/parking spaces roughly equaling the amount of 1.5 for a 1000 sq. ft. unit. This would keep the VMTs for the low-income housing of minimum 400 sq. ft. at a similar total level as to one larger 1,000 sq. ft. unit.</p>	
<b>T-18</b>		<p>According to the <b>American Lung Association</b> report of 3/2020 – the San Diego/Chula Vista area came in <b>#6 in the nation for Ozone concentrations</b>. We do not want to be in the #1 spot which is currently held by Los Angeles. I reiterate that <b>DENSITY MUST BE REDUCED</b> to 2,800 units only AND MANY TREES NEED TO BE PLANTED BY THE CITY in conjunction with Riverwalk, Town &amp; Country and CaVita to improve air quality. Also, the minimum square footage of the proposed units must be no lower than 400 sq. ft. All of these requirements would partially alleviate air quality issues.</p> <p><b><u>3. BEAUTIFICATION and CONGESTION MITIGATION</u></b></p> <p>This is an easy fix if the City employs an Architect and a Decorator to work with current and potential property owners in Mission Valley. The goal is to make Mission Valley the garden spot that it was and a replica of European ambience and flair in conjunction with the Communities impacted and the Developers who are spending and making the big bucks.</p>	<p><b>T-18</b> Comments noted. See Master Response 3 regarding air quality/health risk.</p>
<b>T-19</b>		<p>a. Talk to CaVita about their paint colors. Gold and brown accent colors went out in the 70s and 80s.</p> <p>b. Talk to the Millennium buildings about how to improve the <b>HOMELY</b> look of their property. Centre Pointe and Fashion Square have modern and pleasing paint colors which cause the buildings to blend with grace into the surrounding hills. *Note: Wrap or Texas Donut buildings like the Millennium can be eyesores. We don't love this look!</p> <p>c. Speak to the owners of the <b>eyesore</b> on Friars directly across from <b>Nordstrom at Via De La Moda</b>. The owner should either build something or be fined. If the land is not improved, then the City should continue fining the owner and foreclose. Plow under the footings and grade the lot for a community garden. This would facilitate extra green space and alleviate GHGs.</p>	<p><b>T-19</b> Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.</p>
<b>T-20</b>		<p>d. Plant beautiful trees; improve the sidewalks and bike lanes, and install the new Smart traffic lights in conjunction with the movement of upheaval caused by the 2<sup>nd</sup> Alvarado Pipeline project which will be inching along Friars Rd. until 2024.</p>	<p><b>T-20</b> Street trees would be incorporated into the project as discussed in Chapter 3 of the Specific Plan and as shown in Figure 5.3-2 of the Draft EIR.</p> <p>Sidewalks, bicycle facilities, and trails would be provided as shown in Figures 3-4 and 3-6 of the EIR. Traffic signal improvements are included as part of the project's improvements to Friars Road (Phase I) and Fashion Valley Road (Phase 2 and 3) and discussed in Section 3.3.3 of the EIR.</p> <p>See Master Response 11 Alvarado 2<sup>nd</sup> Pipeline Expansion project.</p>
4			

# LETTERS OF COMMENTS AND RESPONSES

T-21	<p>e. <b>Move in</b> behind the Pipeline Project with all Friars Road improvements for Riverwalk. Require Hines/Riverwalk to complete all Phase I &amp; II sidewalks, bike lanes, and traffic lights along Friars Rd. on the <b>heels</b> of the 2nd Alvarado Pipeline project. The mess would be over and done with by 2025. According to a letter I received dated October 30, 2019, Mr. Jericho Gallardo is the Project Manager for the pipeline project. He indicated a willingness to coordinate project schedules with City Departments and Hines/Riverwalk in order to smoothly execute the pipeline extension impacting Friars Rd.</p>	T-21	See Master Response 11 Alvarado 2 <sup>nd</sup> Pipeline Expansion project.
T-22	<p>f. Replant the barren hills by <b>Ulrich St. and SR-163</b>. Ice Plant grows easily. Install a dishy sign on the hill next to Ulrich saying <b>“Mission Valley Melts Your Heart”</b> or <b>“Welcome to Mission Valley Gardens”</b>.</p> <p>g. Add overhead signage at the intersections of SeaWorld Dr. and Mission Gorge Rd. and Friars to delineate that guests are entering Mission Valley.</p>	T-22	Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.
T-23	<p>h. <b><u>REQUIRE THE RIVERWALK TRANSIT STOP BE COMPLETED IN PHASE I of CONSTRUCTION, REQUIRE MTS TO offer a LOAN TO HINES/RIVERWALK TO CONSTRUCT THE TRANSIT STOP EARLY.</u></b> What is the City waiting for? Why talk of a transit-oriented development when the RIVERWALK transit stop won't be constructed until the end of Phase 2 in ten years? <b>MTS</b> has plenty of time to rezone condemned properties for profit, but no time to see that this transit hub is constructed timely. <b>This will mitigate congestion associated with the Riverwalk project. Phase I residents can utilize transit at the time units come online. Note: Fashion Valley Transit Stop is fully utilized at present.</b></p>	T-23	<p>The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386<sup>th</sup> equivalent dwelling unit (EDU). There is no nexus, nor is there a mechanism, to require MTS to "offer a loan" to construct the transit stop earlier. Additionally, as stated in MTS's letter, MTS does not have dedicated capital funding for infill stations along existing lines. (See response F-1.)</p> <p>As concluded in the EIR, the project would not result in a significant transportation VMT impact, and therefore the project is not required to provide mitigation. Nonetheless, improvements to the transportation system identified in the Mobility Assessment are detailed in the Transportation Improvement Plan, included as Appendix A to the TIA (Appendix D to the EIR).</p>
T-24	<p>i. Encourage <b>Fashion Valley Mall</b> to improve retail directly under Fashion Valley Road and across from <b>Wells Fargo</b> to the West of <b>Firestone</b>. The retail space could be converted easily into open-air restaurants with exterior seating where parking spaces are currently sited. An escalator or walkway could be constructed downwards from Fashion Valley Rd. to the underlying stores which are sitting empty. The layout encourages outdoor casual dining with touch pads for ordering, etc. This is an ideal location for a cool spot to relax and grab a quick bite while customers are out biking or walking.</p>	T-24	Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.
T-25	<p>j. If any Indian artifacts are found, build a beautiful and informative museum in the Riverwalk public park for everyone to enjoy.</p>	T-25	Comment noted. Any artifacts discovered during project implementation would be handled in accordance with identified mitigation measures outlined under Section 5.10 of the Draft EIR.
T-26	<p><b>In conclusion, beautification is within reach. The City needs to grab the chance to transform Mission Valley into a European Garden!</b></p>	T-26	Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.

# LETTERS OF COMMENTS AND RESPONSES

**4. HERBICIDE APPLICATION TO REMOVE INVASIVE PLANTS FROM RIVER BANKS DURING RE-ROUTING OF SAN DIEGO RIVER & EL CAPITAN DAM SAFETY**

T-27

No, it is **NOT** reasonable to use **HERBICIDES** to remove invasive (non-native) plant species. Your discussion regarding using small machines and hand weeding in order to protect the birds is fine. **LEAVE IT AT THAT.** Giving a multi-billion dollar corporation the opportunity to use **HERBICIDES** to remove invasive weeds is just plain nonsense. Why bother to return the river to its former pristine self while spraying poison on birds, wildlife and human beings?

**\*\* Do not give Hines the option to dump herbicides on the river banks. We at the Courtyards, Presidio, YMCA and beachgoers at Mission Bay and Ocean Beach are DOWN WIND AND DON'T appreciate being POISONED. HERBICIDES CAN CAUSE LYMPHOMA - CANCER OF THE LYMPH NODES. Solution: Do what a reasonable environmentalist would do - PLANT INDIGENOUS species amongst INVASIVES and hope for the best.**

**I DO NOT SEE A DISCUSSION OF THE FOLLOWING REGARDING THE "FAIR" CONDITION OF EL CAPITAN DAM THAT HAS EXTREMELY HIGH DOWNSTREAM HAZARD POTENTIAL:**

T-28

California's Dam Safety Program was established on August 14, 1929. The California Water Code entrusts the state regulatory authority of 1,243 non-federally owned and operated dams and reservoirs to the Department of Water Resources, which delegates this authority to its **Division of Safety of Dams (DSOD)**. The **California Dam Safety Program** includes annual maintenance inspections, construction oversight, independent design reviews, re-evaluations of existing dams, inundation map reviews for emergency action plans, and emergency response. Assembly Bill 2516 (Eggman, Chapter 543, Statutes of 2018) amended the California Water Code to require DSOD to post on its website an annual report on reservoir restrictions of dams under state jurisdiction with respect to dam safety. Information required for reporting includes the dam name, downstream hazard classification, effective date and reason for the reservoir restriction, and planned or completed actions the dam owner has reported to DSOD to address the restriction.

Dam Name: El Capitan Dam Number: 8-7 Owner Name: City of San Diego Condition **Assessment: Fair** Downstream Hazard Potential Classification: **Extremely High** **Effective Date of Restriction: May 27, 2015 Reason for Restriction: Seismic** Owner's Reported Planned Action(s): *The City of San Diego has engaged Consultants to complete a seismic stability evaluation of El Capitan Dam. The results of the study will be used to determine if improvements to the dam are needed to mitigate the seismic stability concern.*

T-27

Section 5.1 of the Draft EIR addresses use of herbicides for removal of invasive species from MHPA habitat during restoration and enhancement. Removal efforts would be made by hand or with small machinery (e.g., line trimmers) whenever possible. Mitigation measure MM 5.4-3 requires "[w]here possible, biological controls will be used instead of pesticides and herbicides." As concluded in Section 5.16, "[...] usage would not be at levels that would result in substantial hazardous emissions or waste". Use of herbicides and pesticides would be avoided. However, in some cases, herbicide/pesticide use may be necessary.

T-28

El Capitan Reservoir is over 22 miles east of and upstream of the project site. The project would not cause a failure of the El Capitan Dam and would not result in an impact to the dam. Furthermore, the project is not responsible for the conditions of the dam and would not cause any impacts that would result in dam failure.

# LETTERS OF COMMENTS AND RESPONSES

T-29

In conclusion, I would like to implore the Department Heads, Lawyers, Politicians, and Developers to work together to achieve a Garden - like ambience in Mission Valley. Envision Mission Valley as a City within the City of San Diego and Riverwalk as a mini-City within the City of Mission Valley.

We could achieve cooperation and dedication to the principles of clean air to breathe, protected sidewalks to enjoy, cool bike lanes to ride, convenient stores to patronize, transit stops to use, lands without chemical contaminants or dam safety hazards and beautiful developments to gaze at while meandering through the traffic-smartened streets. Give us a lower-density environment with clean air and calm atmosphere. Please enhance Mission Valley for CURRENT TAXPAYERS and FUTURE RESIDENTS.

IT COULD BE COOL – Let's work together to restore Mission Valley to its former garden-encrusted river-centered ambience!

Sincerely,



Christine L. August  
5805 Friars Rd. #2407  
San Diego, CA 92110  
*Courtyards Resident*

T-29

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

# LETTERS OF COMMENTS AND RESPONSES

From: Phillip Ball phil.ball726@gmail.com  
 Subject: [EXTERNAL] Riverwalk Project (Project No. 581984 / SCH No. 2018041028)  
 Date: June 19, 2020 at 10:19 AM  
 To: DSD EAS DSDEAS@sandiego.gov



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**U-1** Hello,  
 I am writing today to voice my concern over the potential moving forward of the Riverwalk Project (Project No. 581984 / SCH No. 2018041028).  
 As COVID lockdown restrictions have slowly been lifted, there is already a heap of congested traffic on Friars Road. 4300 more residential units will make the traffic unbearable and will further add to the pollution problem in California as many cars will be bumper to bumper from 3pm to 7pm.

**U-2** Additionally, many people like to walk, bike, or otherwise exercise along Friars Rd and this project will greatly inhibit that. Not only will the construction have a huge negative impact in that regard, but once that is completed the hundreds of added cars parked alongside the road will impede outdoor activities. It will also diminish the charm and appeal of the neighborhood in general.

**U-3** Finally, the noise and commotion of the project will surely drive customers away from the friendly small restaurants and businesses in the area, which are already struggling greatly due to COVID.

**U-4** Thank you for your attention to this matter and I hope for the good of the community this project does not move forward as planned.

Sincerely,  
 Phillip Ball

**U-1** Comments noted. See Master Response 10 regarding Covid pandemic.  
 As discussed in Section 5.2 of the EIR, the project would not result in a significant impact to transportation and under the new VMT metric and therefore no mitigation is required.  
 See Master Response 3 regarding air quality/health risk.

**U-2** Chapter 3.0 of the EIR provides a description of on-site and frontage improvements relative to pedestrian and bicycle facilities.  
 See Master Response 7 regarding parking.  
 See Master Response 4 regarding neighborhood character/building heights/height limits.

**U-3** See response M-22.

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

# LETTERS OF COMMENTS AND RESPONSES

June 14, 2020

To:

E. Shearer-Nguyen  
 Environmental Planner  
 City of San Diego Development Services Center  
 1222 1<sup>st</sup> Avenue, MS 501  
 San Diego, CA 92101

Regarding: Riverwalk, Project No. 581984/SCH No. 2018041028

Dear Mr. Shearer-Nguyen,

- V-1** { My name is Sarah Brand and I am a homeowner at Park Place Estates on Cumulus Lane which sits North of Friars Road. I am writing to express my concern and pose questions to the City of San Diego regarding the Riverwalk Project. The Riverwalk project presents many challenges to the surrounding residents. My areas of concern include: Air Quality, Traffic, Police Fire Rescue and First Responders, and character of the neighborhood.
- V-2** { The Air Quality Report for Riverwalk states the residents or “receptors” who live north of Friars road will bear the brunt of significant air quality impacts from Riverwalk construction and operation. I live directly North of Friars Road and have a respiratory condition. I am concerned this project will negatively impact my health and well-being and that of my neighbors. Please specify how the Air Quality will be maintained to preserve the quality of life of nearby residents.
- V-3** { The Riverwalk project proposes 4,300 units which the majority are along Friars Road; however the developer is not required to provide parking for any residential units. The report states there will be minimal public parking for retail and visitors, but this will be at a cost. I am concerned that my neighborhood’s parking spaces will become overrun by visitors and retail shoppers. I would like to request a formal study be conducted to identify and address parking and traffic patterns and solutions for the area surrounding Park Place Estates. I am aware that the Trolley stop is serving this area. However, the majority of San Diegans use their personal vehicle for transportation due to the sprawling nature of the city. The trolley has not proven to be a reliable and practical source of transportation for the majority of San Diegans as specified in multiple SANDAG reports. What measures are in place to ensure overflow parking will not impact the private property of homeowners North of Friars road?
- V-4** { Additionally, a significant public safety concern is regarding the Police, Fire Rescue, and First Responders serving this area. With the addition of 4,300 residential units, 1 million square feet of office space, 150,000 square feet of retail, with 95 acres of combined open space and a public park and no requirement for any increases in service how will the public safety interests be protected? These public services are already stretched thin. How will public safety interests be addressed with no additional services to account for increased demand in an already dense urban area in Mission Valley?
- V-5** { My final concern is regarding the character of the neighborhood. The construction of seven story buildings along Friars Road presents sweeping and dramatic changes to our neighborhood character and

- V-1**    Comments noted. See the following responses to the issues raised.
- V-2**    Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. Relative to sensitive receptors, the EIR concludes that health risks potential residences within 500 feet of I-8 are below applicable thresholds with the incorporation of design guidelines that would minimize exposure to pollutant concentrations at the potential sensitive receptors.
- No health risks were identified for sensitive receptors along Friars Road. Also, see Master Response 3 regarding air quality/health risk.
- V-3**    The project would provide parking in accordance with the requirements of the City’s Land Development Code. See Master Response 7 regarding parking. See also Master Response 6 regarding transit ridership.
- V-4**    See Master Response 8 regarding public services and facilities.
- V-5**    As discussed in Section 5.3 of the EIR, the project would not result in a substantial alteration to the existing or planned character of the area and was not determined to have a significant impact on views. See also response N-37, Master Response 4 regarding neighborhood

# LETTERS OF COMMENTS AND RESPONSES

**V-5 (cont.)** viewshed. These proposed changes have a direct negative impact on Park Place Estates property values and those of the surrounding neighborhood. City development projects are notorious for running behind schedule and over budget which prolongs the pain of nearby residents. I'd like to request a study with supporting data showing property value impact.

**V-6**

**V-7** I would like to be added to the project mailing list and I am requesting a copy for the notice of decision. You can find my address below. I look forward to receiving a response to address these concerns and questions at your earliest convenience. I am dedicated to preserving my quality of life on Cumulus Lane in the Park Place Estates community. I am eager to find solutions that work for current and future residents.

Thank you,

Sarah Brand  
6083 Cumulus Lane  
San Diego CA 92110  
sjbrand@gmail.com

character/building heights/height limits, and Master Response 5 regarding visual quality/views.

**V-6** Comment noted. Under CEQA (Guidelines Section 15131), economic and social effects of a project are not treated as significant effects on the environment. The focus of CEQA is on physical changes in the environment.

**V-7** As requested, the commenter's contact information has been added to the project's interested parties list to receive various notifications associated with the project.

# LETTERS OF COMMENTS AND RESPONSES

From: **Tim Broadway** timbroadway@me.com  
 Subject: [EXTERNAL] Project Name: Riverwalk Project No. 581984 / SDH No. 2018041028  
 Date: June 23, 2020 at 1:44 PM  
 To: DSD EAS DSDEAS@sandiego.gov



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June 22, 2020

Timothy Broadway, Homeowner  
 The Courtyards Condominiums  
 5875 Friars Road, Unit 4303  
 San Diego, CA 92110  
[timbroadway@mac.com](mailto:timbroadway@mac.com)

E. Shearer-Nguyen  
 Environmental Planner  
 City of San Diego Development Services Center  
 1222 First Avenue  
 MS 501  
 San Diego, CA 92101  
[DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)

Project Name: Riverwalk  
 Project No. 581984 / SDH No. 2018041028

Dear E. Shearer-Nguyen,

**W-1** It is with great concern that I write this letter. The Riverwalk Project which has been planned will for sure impact the Air Quality Standards in Mission Valley and has not passed Air Quality Standards in the DEIR Report. This should not be ignored.

**W-2** Furthermore, the underlying Standing Traffic will cause major traffic problems. The additional vehicles that the proposed 4300 units will compound traffic and congestion.

**W-3** The Riverwalk Project should be reduced to the Alternate Plan #3 in Section 10 of the DEIR Report which states a plan of 2200 units which would be a more reasonable size to accommodate the problems of air quality and traffic congestion, especially during an emergency.

**W-4** Furthermore, the Archeological Tribal Remains which are mentioned in the DEIR Report should not be ignored and built over. They should be left for proper study.

**W-5** Lastly, a rewrite of the DEIR Report should be made to include now the effects of the COV-19 upon mass transit which will be impacted by much fewer travelers and adding to the cars on the road. This rewrite of the DEIR Report should have more detail of Flood Control Protection as well as the effects of the building of the Alvarado Pipeline Extension from 2021 to 2023 which will impact the flow of traffic already even before the Riverwalk is added into the picture.

**W-6** Also, there should be an examination that all city codes and guidelines are being complied with and not skimmed over and ignored.

Respectfully yours,

Timothy Broadway

**W-1** Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance.

**W-2** Transportation impacts were analyzed in Section 5.2 of the EIR. While the project would generate traffic, the analysis indicates that the project would not result in a significant transportation VMT impact. See also Master Response 6 regarding VMT Analysis.

**W-3** The commenter acknowledges support of Alternative 3, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative.

**W-4** As documented in Sections 5.6 and 5.10 of the EIR, the project has the potential to result in significant impacts to recorded archaeological sites, as well as unknown archaeological resources, as a result of grading required for the project. Therefore, mitigation measures would be required as part of project implementation. Among other requirements, mitigation would ensure that appropriate measures are taken in the event human remains are encountered.

**W-5** See Master Response 10 regarding Covid pandemic.

As discussed in Section 5.12 of the EIR, no significant impacts to flooding would result from the project. See Master Response 9 regarding flooding.

See Master Response 11 regarding the Alvarado 2<sup>nd</sup> Pipeline Expansion project.

**W-6** The project was evaluated relative to applicable Federal, State, and local policies, guidelines, and regulations, as disclosed in the Draft EIR.



# LETTERS OF COMMENTS AND RESPONSES

June 22, 2020

Timothy Broadway, Homeowner  
The Courtyards Condominiums  
5875 Friars Road, Unit 4303  
San Diego, CA 92110  
timbroadway@mac.com

E. Shearer-Nguyen  
Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue  
MS 501  
San Diego, CA 92101  
[DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Project Name: Riverwalk  
Project No. 581984 / SDH No. 2018041028

RECEIVED  
JUL 02 2020  
Development Services

Dear E. Shearer-Nguyen,

It is with great concern that I write this letter. The Riverwalk Project which has been planned will for sure impact the Air Quality Standards in Mission Valley and has not passed Air Quality Standards in the DEIR Report. This should not be ignored.

Furthermore, the underlying Standing Traffic will cause major traffic problems. The additional Vehicles that the proposed 4300 units will compound traffic and congestion.

The Riverwalk Project should be reduced to the Alternate Plan #3 in Section 10 of the DEIR Report which states a plan of 2200 units which would be a more reasonable size to accommodate the problems of air quality and traffic congestion, especially during an emergency.

Furthermore, the Archeological Tribal Remains which are mentioned in the DEIR Report should not be ignored and built over. They should be left for proper study.

Lastly, a rewrite of the DEIR Report should be made to include now the effects of the COV-19 upon mass transit which will be impacted by much fewer travelers and adding to the cars on the road. This rewrite of the DEIR Report should have more detail of Flood Control Protection as well as the effects of the building of the Alvarado Pipeline Extension from 2021 to 2023 which will impact the flow of traffic already even before the Riverwalk is added into the picture.

Also, there should be an examination that all city codes and guidelines are being complied with and not skimmed over and ignored.

Respectfully yours,

  
Timothy Broadway

X-1 Comments provided in this letter are identical to comments submitted by Tim Broadway in the previous letter (Letter W). See responses W-1 – W-6.

X-1

# LETTERS OF COMMENTS AND RESPONSES

From: Brunton, Laurence lbrunton@health.ucsd.edu  
 Subject: [EXTERNAL] Citizen Comments on Riverwalk-Project No. 581984 / SCH No. 2018041028-Community Plan Area: Mission Valley-Council District: 7  
 Date: July 6, 2020 at 5:13 PM  
 To: DSD EAS DSDEAS@sandiego.gov  
 Cc: Amy Brunton amy-larry-brunton@earthlink.net, Brunton, Laurence lbrunton@health.ucsd.edu



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

Submit written comments to E. Shearer-Nguyen, Environmental Analysis Section, City of San Diego Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101 or DSDEAS@sandiego.gov.

**Project Name: Riverwalk-Project No. 581984 / SCH No. 2018041028-Community Plan Area: Mission Valley-Council District: 7**

E. Shearer-Nguyen  
 Ladies and Gentlemen:

Y-1

As a homeowner in Mission Hills whose home overlooks the south west edge of the proposed site, I wish to make a few comments on the proposal. There are things to praise and there are still sufficient issues to prelude the plan's approval.

Y-1

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

Y-2

**A little background:** I am a Professor of Pharmacology and Medicine at the UCSD School of Medicine. For almost 40 years I have taught environmental toxicology, among other topic. I have served on the Scientific Review Panel of the CA Air Resources Board and on the local Air Quality District Hearing Board.

In the early 1990s, over 400 of my neighbors and I raised objections to the Mission Valley Planned District Ordinance that proposed a vast development of the area in question today. Our objections did not alter acceptance of the plan but we were assured that we would be advised henceforth about any proposals and plans that would affect the area of Mission Valley west of the Fashion Valley Shopping Center. We were not included among those who were notified of this current proposal. Kindly correct that error in the future, please.

Y-2

Comments noted. As requested, the commenter's contact information has been added to the project's interested parties list to receive various notifications associated with the project.

Y-3

**Observations at our house:** the level of noise and particulate matter emanating from Mission Valley has increased noticeably

# LETTERS OF COMMENTS AND RESPONSES

Y-3 (cont.)	<p>matter emanating from Mission Valley has increased noticeably over the last 15 years. Publicly available measurements substantiate this decrease in air quality. The Riverwalk EIR basically mentions and dismisses these problems as having no solution. I remind you that air quality and especially small particulates (PM10, etc) are a major cause of asthma in the young and of lung disease, morbidity, and mortality in the elderly. We cannot simply disregard the problem and keep developing an area like Mission Valley. The issue is especially acute because SDSU is simultaneously developing the Stadium site, which, like the Riverwalk development, will further increase population density and traffic in the Valley and further degrade the air quality and the San Diego River and associated habitats. The new trolley station and accommodation for bicycles are good but insufficient. Be realistic, people will have their cars. Due to prevailing on shore winds during many days, residents in the eastern reaches of Mission valley, and those working in the eastern, such as at Kaiser's Zion Hospital and Patrick Henry High School, will be especially affected, adversely, by further development. I do not see any abatement procedures in the Riverwalk EIR. This lack is unconscionable.</p> <p><b>Itemized Comments:</b></p>	<p><b>Y-3</b> Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See also Master Response 3 regarding air quality/health risk.</p>
Y-4	<p>Mitigation efforts in the EIR are minimal. How about solar roofs (for electricity and hot water)? LEDs only? Heat pumps/all electric with excess solar generated on site? Requiring LEED accreditation rather than setting it as an aspiration? Stipulating that residents must have all-electric vehicles only?</p>	<p><b>Y-4</b> GHG emissions were analyzed in the Draft EIR and determined the project would result in less than significant impacts. Section 5.9 includes energy efficient features consistent with the City's CAP and the project-specific CAP Consistency Checklist. Regarding the CAP Conformance Evaluation, see response M-15.</p>
Y-5	<p>This development will be seen from above by residents on both elevated slopes and sides of Mission Valley, necessitating accommodation in roofing, outdoor lighting, etc. I do not see these itemized.</p>	<p><b>Y-5</b> Roof treatments within the Specific Plan would be regulated by both the SDMC and the Specific Plan and may include roofline variations, residential terraces and other amenity uses, parking areas, and/or solar arrays. The Specific Plan specifically addresses rooftops and roof treatments in Policies 3, 11, 18, 95, and 97; in Regulations 42 and 58; and in the text, policies, and regulations of Section 6.5.4. As concluded in the EIR, the project would not create a new source of substantial light that would adversely affect daytime or nighttime views in the area. Outdoor lighting would be regulated by compliance with Section 142.0740 of the City LDC and would not trespass onto adjacent properties or into the nighttime sky. The Specific Plan includes policies relative to lighting, in addition to SDMC requirements; these are listed in Section 5.3 of the EIR.</p>
Y-6	<p>The Riverwalk Project would divide established communities on slopes and rims of Mission Valley and in east Mission Valley from a major source of moderately clean air that the project will make dirtier. Project would also divide these areas from freely</p>	<p><b>Y-6</b> As demonstrated in Section 5.2 and Section 5.5 of the EIR, the project would not result in significant transportation VMT impact. See also Master</p>

# LETTERS OF COMMENTS AND RESPONSES

<p><b>Y-6 (cont.)</b></p>	<p>moving auto traffic ways by enhancing traffic congestion. All east-west auto corridors in Mission Valley are already crammed at rush hours. Would you have us breathing even more polluted air and even more cars creep along Friars Road at rush hours and on weekends?</p>	<p>Response 3 regarding air quality/health risk and Master Response 6 regarding transportation/circulation/transit.</p>
<p><b>Y-7</b></p>	<p>We live on a desert, basically stealing water from Northern California and the Colorado River, supplies that are dwindling. Where will the water come from for the dwellings and businesses that will populate the Riverwalk development? This issue is not dealt with in the EIR.</p>	<p><b>Y-7</b> See response M-20</p>
<p><b>Y-8</b></p>	<p>The "neighborhood" of this development includes the northern and southern rims and slopes of Mission Valley and the residents and communities overlooking the development who hear the same noise and breath the same air. The EIR does not consider impacts on these neighborhoods.</p>	<p><b>Y-8</b> See response M-22 relative to noise impacts.  See Master Response 3 regarding air quality/health risk.</p>
<p><b>Y-9</b></p>	<p>From the maps in the EIR and from text, it seems that there will be substantial building within the 100-year flood boundaries. No consideration given to effects of sea level rise on valley drainage and San Diego River outflow.</p>	<p><b>Y-9</b> See response N-23.</p>
<p><b>Y-10</b></p>	<p>On MAP 3-12: OPP-1-1 and OC-1-1 must be permanently protected from any future development, i.e., protected in perpetuity (at whose expense? needs to be worked out before approval). Otherwise, river and riverine species will die. River needs flood room and needs to be allowed to flood. There is no comment on downstream effects of proposed development. Who will police this park and protect it from overnight and residential use by the homeless? This is already a significant issue on the floor and sides of the Valley.</p>	<p><b>Y-10</b> The purpose of the open space zones is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of environmentally sensitive lands. It is intended that these zones be applied to lands where the primary uses are parks or open space or to private land where development must be limited to implement open space policies of adopted land use plans or applicable federal and state regulations and to protect the public health, safety, and welfare.</p> <p>Specifically, the purpose of the OP (Open Space – Park) zones is to be applied to public parks and facilities in order to promote recreation and facilitate the implementation of land use plans. The uses permitted in these zones will provide for various types of recreational needs of the community. The OP-1-1 zone proposed for portions of the project site</p>
<p><b>Y-11</b></p>	<p>It is not entirely clear whether Streets J and U are for vehicular traffic or for bikes &amp; pedestrians only; various maps differ in their representation of these streets. This must be clarified.</p>	
<p><b>Y-12</b></p>	<p>I was unable to read the vesting comments on Maps 3-13A, B,</p>	

# LETTERS OF COMMENTS AND RESPONSES

allows for developed, active parks. The OC (Open Space – Conservation) zone is to protect natural and cultural resources and environmentally sensitive lands. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing land use plans. Both the OP-1-1 and the OC-1-1 zones have a limited array of permitted uses.

As discussed in Section 5.12, Hydrology, of the Draft EIR, proposed grading associated with the project 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. Because the San Diego River is under subcritical flow, changes at a given location would impact only the upstream water surface elevations, not downstream. As a result, the off-site water surface elevations downstream of the project would not be altered or affected by the project. See also Master Response 9 regarding flooding.

**Y-11** The portions of Streets J and U are roadways identified in the community plan to be constructed in the future. The roadways constructed within the project site would accommodate vehicles, pedestrians, and bicycles, as shown in the Specific Plan and Tentative Map cross section of these roadways.

**Y-12** Comment noted. Digital copies of the Vesting Tentative Map are on file at the City and would be provided to any member of the public with written request.

# LETTERS OF COMMENTS AND RESPONSES

<p><b>Y-12 (cont.)</b> C, and D. Vesting must be made clear to the public.</p>	
<p><b>Y-13</b> Variances to minimum floor area ratio and maximum residential density are too generous and permit too much development. Variance to setbacks for some buildings will be quite unsightly and create local heat islands.</p>	<p><b>Y-13</b> The Specific Plan would be adopted by ordinance and would regulate items such as maximum FAR. The project does not request any variances to minimum floor area ratio or residential density. Tall buildings and narrow streets can heat air trapped between them and reduce air flow, which can cause what is termed as a "heat island." Approximately 57 percent of the project site would be in landscape or other permeable materials and within the San Diego River. The project would not result in tall buildings and narrow streets. The project would not result in the creation of heat islands.</p>
<p><b>Y-14</b> Storage requirements for dwellings are ridiculously low, as low as 120 cubic feet. Picture that volume: with 7 foot ceiling, the available floor space would be a 4-foot 2-inch square, or 5' by 3.5'. That is really small. I have seen this done in a few retirement dwellings (e.g., Merrill Gardens on 2nd at Maple) recently. Insufficient. The result is storage on balconies or the need to rent a storage unit off-site.</p>	<p><b>Y-14</b> Comments noted. The project proposes a Tailored Development Standard related to reduced residential storage space. As concluded in Section 5.1, this Tailored Development Standards would not result in any significant environmental impacts.</p>
<p><b>Y-15</b> Reduction in waste storage results in more frequent entry of large trucks to the site to haul garbage away; bad for air quality and noise pollution.</p>	<p><b>Y-15</b> The project proposes Tailored Development Standards related to Refuse and Recyclable Storage. These Tailored Development Standards would not result in significant air quality or noise impacts.</p>
<p><b>Y-16</b> Toxicity of liquid run-off into protected habitat zone; plans are insufficient. We should be cleaning the river, not adding dirty water to it.</p>	<p>See response T-3 regarding refuse noise associated with the project. See Master Response 3 regarding air quality/health risk.</p>
<p><b>Y-17</b> Comments on noise pollution do not account for the upward travel of noise. The Valley acts like a giant megaphone, projecting noise to the neighborhoods above the Valley floor to the sides and rims of the Valley.</p>	<p><b>Y-16</b> Section 5.14 of the EIR addresses water quality. The project would comply with all City regulations pertaining to storm water control, run-off, and water quality and would implement LIDs and BMPs, such as including biofiltration basins and Bio Clean Environmental Services Modular Wetland System (MWS) Linear Units prior to comingling with off-site flow, which ensure that water quality impacts do not occur. As concluded in Section 5.14, the project would result in less than significant impacts to water quality.</p>
<p><b>Y-18</b> Under "Flood Control". I see the phrase "should there be a major flood". There will be major flood. Do not use language that blunts or hides this fact.</p>	<p><b>Y-17</b> While it is understood that ambient noise is audible throughout the Mission Valley area, as evaluated in Section 5.8 of the EIR, temporary construction noise and traffic noise would not contribute to a noticeable change in ambient conditions at locations within Mission Valley or at locations that are distant from the project site and surrounding roadways.</p>
<p><b>Y-19</b> Plantings, we are told, will be chosen from a low-water palette of options. Be specific.</p>	
<p><b>Y-20</b> LED lights "may" be used. Should be required.</p>	

# LETTERS OF COMMENTS AND RESPONSES

Sound energy rises as it travels away from the source; thus sound from traffic and other sources on the floor of Mission Valley may be audible on the hillsides surrounding the valley. As discussed in the EIR, the project would increase traffic-related noise, particularly along Friars Road; however, noise levels would be below 3 dBA at all receivers modeled, and the project's increase in noise would be less than significant. Perceptible noise generated by traffic on the floor of the Mission Valley would not noticeably change at residences located on the hills surrounding the valley.

**Y-18** Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

**Y-19** Recommended plant materials are included in Section 3.6.9 of the Specific Plan, as well as in Appendix B of the Specific Plan. Plant material is also included in the project's Habitat Restoration Plan.

**Y-20** As stated in Section 5.7 of the EIR, the project would adhere to Title 24 requirements and the CAP and would incorporate measures directed at minimizing energy usage.

# LETTERS OF COMMENTS AND RESPONSES

<p><b>Y-21</b> The level of commercial develop is not spelled out well. Some business, especially fast food restaurants, emit a lot of pollution/aromas into the air. What controls will be required?</p> <p><b>Y-22</b> The 115 foot height limit is an improvement over some earlier plans that proposed 200 feet.</p> <p><b>Y-23</b> Page 5-1-111: Buildings should strive for LEED certification? Why not require it? This is the 21st century, after all.</p> <p><b>Y-24</b> I think that the proposed Riverwalk development can be substantially improved and should not be permitted to proceed as presently presented, I also believe that the current EIR is inadequate. The EIR and the developer say that they meet the requirements of the law. I dispute that, and I further suggest that the EIR and the developer fail to meet the great moral challenges of our time: to balance development with consideration of limited resources, excess population, increasing pollution due to human activity, and global warming. I would appreciate the planning group's consideration of and response to the concerns detailed above and an opportunity to appear before the planing group to discuss these issues at greater depth.</p> <p>Sincerely,</p> <p>Laurence Brunton, PhD</p> <p>4489 Hermosa Way San Diego, CA 92103</p> <p>cell: 619-977-4667</p>	<p><b>Y-21</b> Commercial uses would be those allowed in the underlying zones and permitted in Sections 6.1.1 and 6.1.2 of the Specific Plan. Uses that could pollute would be required to comply with applicable local, State, or Federal regulations, which is standard with any polluting use. Objectionable odors are analyzed in Section 5.5, Air Quality, of the EIR. The project would include filtered HVAC systems throughout the building(s) and ventilation filters/hoods for the kitchen areas to avoid or minimize odors associated with uses that include food preparation. Nuisance odors are regulated by the Municipal Code Section 142.0710. The intent of the Municipal Code section is to minimize negative impacts from development to surrounding property. Section 142.0710 regulations state that air contaminants, such as odors, shall not be permitted to emanate beyond the boundaries of the premises from where the odor originates. Violation of the ordinance can result in a Notice of Violation and enforcement remedies by the City.</p> <p><b>Y-22</b> The project does not include a 115-foot height limit. The project would limit building heights in development north of the San Diego River to seven stories (not to exceed 85 feet in height from the highest adjacent finished grade). Buildings adjacent to existing multi-family developments to the west and northeast would be limited to five stories (not to exceed 65 feet in height from the highest adjacent finished grade).</p> <p><b>Y-23</b> Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.</p> <p><b>Y-24</b> Comments noted. 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.</p>
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# LETTERS OF COMMENTS AND RESPONSES

**From:** Brunton, Laurence lbrunton@health.ucsd.edu  
**Subject:** [EXTERNAL] Re: Citizen Comments on Riverwalk•Project No. 581984 / SCH No. 2018041028•Community Plan Area: Mission Valley•Council District: 7  
**Date:** July 6, 2020 at 5:20 PM  
**To:** DSD EAS DSDEAS@sandiego.gov  
**Cc:** Amy Brunton amy-larry-brunton@earthlink.net, Brunton, Laurence lbrunton@health.ucsd.edu

LB

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

Kindly note my typographic error in the last sentence of the first paragraph of my letter just sent.

I typed "prelude" rather than "preclude".

The sentence should read:

"There are things to praise and there are still sufficient issues to **preclude** the plan's approval."

Thank you.

Laurence Brunton

---

**From:** DSD EAS <DSDEAS@sandiego.gov>  
**Sent:** Monday, July 6, 2020 5:13 PM  
**To:** Brunton, Laurence <lbrunton@health.ucsd.edu>  
**Subject:** Automatic reply: Citizen Comments on Riverwalk•Project No. 581984 / SCH No. 2018041028•Community Plan Area: Mission Valley•Council District: 7

Thank you for contacting the City of San Diego Development Services Department (DSD). We will review and process your request as soon as possible, based on available resources. As the global effect of the COVID-19 pandemic continues to evolve, we are modifying operations to ensure the health and safety of our customers and employees. Keep up-to-date with the latest operational changes here <https://www.sandiego.gov/development-services/covid-19-public-notice>.

DSD Email Updates: Visit <https://sandiego.gov/dsd-email> to receive the latest updates from DSD directly into your email inbox.

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Z-1

Z-1

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

# LETTERS OF COMMENTS AND RESPONSES

**RECEIVED**

**JUL 02 2020**

**BOBBY G BUTCHER  
5964 GAINES STREET  
SAN DIEGO, CA 92110-1438**

**Development Services**

June 13, 2020

E. Shearer-Nguyen, Environmental Planner, City of San Diego  
1222 1<sup>st</sup> Avenue, MS501  
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

I am adamantly opposed to the Riverwalk San Diego Project in it's current form ([https://www.sandiego.gov/sites/default/files/appendix cc - draft riverwalk specific plan part 1 1.pdf](https://www.sandiego.gov/sites/default/files/appendix_cc_-_draft_riverwalk_specific_plan_part_1_1.pdf)). If this plan were to be adopted, my quality of life and the quality of live of all the other residents of my neighborhood would be destroyed.

Specifically:

- The air quality in my immediate neighborhood would be significantly negatively impacted from the time construction began through the life of the project.
- Parking is at a premium in our neighborhood now. Adding 4300 housing units, a million square feet of office space and 150,000 square feet of retail space without planning for adequate parking borders on insanity.
- Traffic will become a nightmare! I know you planners are anticipating that people will ride the trolley but let me remind you they are Californians and Californians love driving their cars. They will spend an hour looking for a parking spot rather than spend 15 minutes on public transportation.
- Doing the above without adequately considering the impact on police, fire rescue and first responders will place our safety in jeopardy.

I know that these issues have been discussed in planning meetings with members of the community, but it is very disappointing that those meetings have had minimal impact on your planning. It almost seems like the meetings were held so you could say that you held the meetings, not to actually listen to us and act on our requests and suggestions.

Sincerely,



Bobby G Butcher

AA-1

AA-2

AA-3

AA-4

AA-5

AA-6

**AA-1**

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

**AA-2**

Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See Master Response 3 regarding air quality/health risk.

**AA-3**

See Master Response 7 regarding parking.

**AA-4**

See Master Response 6 regarding transportation/circulation/transit ridership. See Master Response 7 regarding parking.

**AA-5**

See Master Response 8 regarding public services and facilities.

**AA-6**

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

# LETTERS OF COMMENTS AND RESPONSES

From: kitacameron@yahoo.com  
 Subject: [EXTERNAL] RIVERWALK  
 Date: July 5, 2020 at 6:47 PM  
 To: DSD EAS DSDEAS@san.diego.gov  
 Cc: lindavistariverwalk@gmail.com



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E. Shearer-Nguyen, Environmental Planner  
 City of San Diego Development Center

RE: Project No.581984  
 SCH No. 2018041028  
 Community Plan Area Mission Valley  
 Council District 7

- BB-1** { As a long time west Mission Valley resident, I have many concerns about the proposed Riverwalk Development. As proposed, that development will have a substantial impact on the quality of life for current residents in the area.
  - BB-2** { First and foremost the sheer number of units (4300) would create untenable density, excessive traffic and unhealthy air quality. The proposal does not address the breakdown of the units, i.e. number of bedrooms in each building nor a requirement for onsite parking for the complex.
  - BB-3** { At the very least, figuring 2 people to a unit, the human density would be double the number of apartments. With no parking provision, that could easily exceed 8600 cars parking on public streets. There is a dearth of public parking for current residents in the area.
  - BB-4** { This is currently an area with predominately low rise medium density dwellings. What will be the height of the new construction? As presented the concept will consist of multistory, high density buildings which would dramatically change the character of the area, How will affect that affect the visual quality of the area. What about the noise factor of untold numbers of vehicles and people in a what is currently a relatively quiet location. The idea that this will be a "walkable, public transit oriented community" is unrealistic as presented. There are no supermarkets, pharmacies, dry cleaners etc. within walking distance. There are no bus routes in this end of the valley. The planned construction of a trolley stop could be far in the future if at all.
  - BB-5** { The environmental impact is questionable. It is not clear if during construction, the development would meet regional, state and federal air quality standards. Once occupied, what about the air quality from increased automobile pollution? Health, safety and first responders would be negatively impacted as increased demand would put a strain on these departments to respond to emergencies.
  - BB-6** { There are numerous "urban infill" projects that have recently been completed or are being constructed between Friars Road and Linda Vista Road. They are, for the most part small developments, but the increase in traffic and noise is noticeable. Just based on that observation, a development of this magnitude would create many problems that have not been adequately addressed in the proposal.
  - BB-7** { There are myriad other concerns that have not been addressed by the developer or the MVPG with regard to the current residents. I am a resident of Park Place Estates, which is on the north side of Friars Road across from Riverwalk. Although my residence is considered to be in Linda Vista this project as presented will directly affect my property and its value. And negatively affect the quality of life.
  - BB-8** { And finally, consideration should be given to the recent pandemic which has affected us all. The areas which have been most impacted are densely populated urban centers. We can and should avoid creating new residential areas that would make us all more susceptible to negative health exposure caused by similar outbreaks in the future.
- Kita Cameron  
 Park Place Estates  
 6017 Gaines Street  
 619 861-9265

**BB-1** Comments noted. The comments do not address the adequacy of the Draft EIR.

Under CEQA (Guidelines Section 15131) economic and social effects of a project are not treated as significant effects on the environment. The focus of CEQA is on physical changes in the environment.

**BB-2** See Master Response 1 regarding the project's development intensity/density.

As presented in Section 5.2 of the Draft EIR, the analysis indicates that the project would not result in a significant transportation VMT impact. See also Master Response 6 regarding the project's VMT Analysis.

The project would comply with City parking requirements. See also Master Response 7 regarding parking.

See Master Response 3 regarding air quality/health risk.

It is impossible to know at this time what the exact unit make up will be, as that depends on a number of dynamics. However, what was evaluated in the Draft EIR is the project described in Chapter 3.0, Project Description, consistent with what is proposed in the Specific Plan.

**BB-3** See Master Response 7 regarding parking.

**BB-4** The EIR evaluated the residential density of the project in relation to the existing and future community character in Section 5.3. As concluded in Section 5.3 of the EIR, visual effects and neighborhood character impacts were determined to be less than significant. The project would not contrast with existing surrounding development through excessive height or bulk. Structures proposed in the North and Central Districts north of the San Diego River would be limited to no more than five stories (not to exceed 65 feet in height from the highest adjacent finished grade) and seven stories (not to exceed 85 feet in height from the highest adjacent finished grade). Development interfacing with The Courtyards to the west and Mission Greens to the northeast would be capped at five stories (not

# LETTERS OF COMMENTS AND RESPONSES

to exceed 65 feet in height from the highest adjacent finished grade). The project's bulk, scale, and materials would be compatible with the surrounding development. See also Master Response 4 regarding neighborhood character/building heights/height limits.

Relative to noise impacts, see response M-22.

The project includes commercial retail and commercial uses that can be walked to by project residents, as well as residents nearby. It is envisioned that a grocery store could be located in the North or Central District. The transit stop would be constructed and operational at the end of Phase I prior to occupancy of the 3,386<sup>th</sup> equivalent dwelling unit (EDU). This new transit stop would not only serve the project but increase access to transit in the surrounding community. Within walking distance from a portion of the project site, the existing Fashion Valley Transit Center serves as a convergence point for the Green Line Trolley and seven bus routes, including Routes 6, 20, 25, 41, 88, 120, and 928. Bus stops are located at the Fashion Valley Transit Center, on Fashion Valley Road, and along Friars Road just east of Fashion Valley Road.

**BB-5** Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5, the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See also Master Response 3 regarding air quality/health risk.

See Master Response 8 regarding public services and facilities.

**BB-6** Comments noted. Chapter 6.0 of the EIR evaluated cumulative effects associated with the project based on a summary of projections contained within both the Mission Valley Community Plan and the Morena Corridor Specific Plan. As concluded, the project would result in a cumulatively significant operational air quality impact.

Relative to noise, see response M-22.

# LETTERS OF COMMENTS AND RESPONSES

**BB-7** Comments noted. The comments do not address the adequacy of the Draft EIR.

Pursuant to CEQA Guidelines §15064(e) and 15131, the EIR need not address economic or social changes unless the change would result in a significant physical environmental impact. Property value and quality of life are not physical changes to the environment.

**BB-8** See Master Response 10 regarding Covid pandemic.

# LETTERS OF COMMENTS AND RESPONSES

**From:** (null)  
**Subject:**  
**Date:** June 18, 2020 at 1:03 PM  
**To:**

Project #: 581984/SCH # 2018041028  
 Project name: RIVERWALK

- CC-1** I strongly oppose the proposed project for Riverwalk Golf Course.
- CC-2** I am a resident of The Courtyards Condominium Complex which abuts Riverwalk. I am strongly concerned about the impact the proposed project will have on the environment, specifically traffic and the affect on the air quality in the area.
- CC-3** I ask you to personally check the area of Friars Rd and see the huge number of Residential buildings presently under construction.
- CC-4** I am also concerned about upcoming emergency services that will be needed for the area, both fire and rescue.
- CC-5** In closing, I strongly suggest we need more parks and open space, not only for families to enjoy, but for the environment now and in the future.

Thank you for your attention to this matter.

Suzanne Carlson  
 5895 Friars Rd.

Sent from my iPad

- CC-1** Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.
- CC-2** See Master Response 6 regarding transportation/circulation/transit. See Master Response 3 regarding air quality/health risk.
- CC-3** Comment noted. The comment does not address the adequacy of the Draft EIR. No further response is required.
- CC-4** See Master Response 8 regarding public services and facilities.
- CC-5** The project site is currently developed as a private golf course with driving range. 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. Per City requirements, the project would be required to 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 implement the San Diego River Park Master Plan by developing a park north and south of the river, constructing the River Path, and increasing the public ability to access and enjoy the San Diego River corridor. The project would also preserve and enhance native habitats, protect sensitive species, and comply with the MHPA.

# LETTERS OF COMMENTS AND RESPONSES

**From:** (null)  
**Subject:**  
**Date:** May 21, 2020 at 2:41 PM  
**To:**

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DD-1

One of the ONLY open spaces left in Mission Valley goes to the developers who have convinced our city Council that they are developing the space in the name of low income housing / need for more housing that people can afford. Really? Those residences will be purchased by people with disposable income who will turn around and rent them for a nice tidy sum. 4600+ units, are you kidding? Last thing Mission Valley needs. Once that open space is gone, it will never come back. That is on the city Council.

Do NOT vote for this. Please prove that our city Council has some common sense.

Genevieve Chesnut  
Mission Hills

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

# LETTERS OF COMMENTS AND RESPONSES

From: Dan Cisco hustledude9@gmail.com  
 Subject: [EXTERNAL] Riverwalk Project 581984 / SCH 2018041028  
 Date: June 24, 2020 at 5:27 PM  
 To: DSD EAS DSDEAS@sandiego.gov



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

DSDEAS,

Hello. Please consider these suggestions for the Riverwalk Project 581984/SCH 2018041028.

- EE-1** **Air Quality**  
Require that Riverwalk residents and staff use electric vehicles only, otherwise the air quality will worsen quickly and impair the health of all nearby residents.
- EE-2** **Traffic**  
Require the developer to install mitigation measures to absorb the additional of over 4,000 vehicles in this neighborhood.
- EE-3** **Parking**  
Require the developer to build multi story parking garages to accommodate a minimum of 4,300 vehicles.
- EE-4** **Police, Fire, Rescue, and First Responders**  
Require substantial increases in city of San Diego services providing police, fire, rescue, and first responders to accommodate this huge increase:  
4,300 residential units, 1 million square feet of office, 150,000 square feet of retail, 95 acres of open space, and a public park.

Thank you for your consideration,

Dan Cisco  
 5765 Friars Road  
 Unit 108  
 San Diego, CA 92110

858-337-9806  
 (Presidio Place Homeowner)

**EE-1** An individual development project cannot mandate residents drive a certain type of vehicle. However, as State and Federal emissions standards for vehicles become more stringent, air quality emissions are expected to improve commensurate with the gradual elimination of production of high-emission vehicles.

Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5, the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. Section 5.5 also addresses health risk associated with air emissions and concludes that specific regulations required by the Specific Plan would ensure that air emissions associated with construction would be less than significant. See also Master Response 3 regarding air quality/health risk.

**EE-2** See Master Response 6 regarding the VMT analysis. Based on the transportation analysis, the project would not result in significant transportation VMT impacts and mitigation is not required. However, the project would provide transportation improvements in the community, as described in the TIP, which is included in Appendix A of the TIA (Appendix D of the EIR).

**EE-3** The project would comply with the City's parking requirements. See Master Response 7 regarding parking.

**EE-4** See Master Response 8 regarding public services and facilities.



# LETTERS OF COMMENTS AND RESPONSES

From: Karen@KarenECook.com  
 Subject: [EXTERNAL] Project Name: Riverwalk Project No. 581984 / SCH No. 2018041028  
 Date: June 22, 2020 at 2:24 PM  
 To: DSD EAS DSDEAS@sandiego.gov



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

Project Name: Riverwalk  
 Project No. 581984 / SCH No. 2018041028  
 Community Plan Area: Mission Valley  
 Council District: 7

To Whom it May Concern,

I write to comment on the proposed Riverwalk development in Mission Valley.

**FF-1** I am a long-time owner/resident at Park Place Estates at Gaines Street and Friars Road, so I will be directly impacted by any development in the area.

**FF-2** My biggest concern is the traffic requirements. Specifically, that no requirements are in place for the developer to add parking for the housing units. It defies logic that 4300 housing units can be built, with not one mandated parking space. This will directly affect the homeowners in the area. There is very little street parking as it is, and our nearby streets will be inundated with cars from the Riverwalk project, leaving no street parking for the residents or their guests. I understand the city's preference for public transportation, particularly with the [supposed] addition of a trolley stop, but it's naive to plan that all 4300+ residents are going to use public transportation. People in San Diego, and California in general, use their cars. Only a fraction use public transportation. There has to be parking for these residents. The city has to step in now and remedy this and mandate that Hines add sufficient parking for all residents.

**FF-3** Additionally, I am opposed to not adding any additional police, fire, rescue and first responder services. Adding between 4300 and approximately 8500 new residents, as well as all the people connected to the commercial businesses, with no additional rescue services is negligent and needs to be addressed.

Thank you for your attention to this important matter.

Regards,

Karen Cook

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

**FF-2** The project would comply with the City's parking requirements. See Master Response 7 regarding parking.

**FF-3** See Master Response 8 regarding public services and facilities.

# LETTERS OF COMMENTS AND RESPONSES

July 5, 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;

I currently reside in an adjoining condominium complex to the proposed Riverwalk Development Project known as the Courtyards. The magnitude of this project will greatly reduce the quality of life I've enjoyed over the years living at this Mission Valley location. Therefore, I've been reviewing closely the Riverwalk Specific Plan Draft (RSPD), the Riverwalk Project, and the related Draft Environmental Impact Report (DEIR) and respectfully submit to you the following comments.

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.

1 of 29

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

The project would be set back from the shared property line into the project site by a minimum of 50 to 75 feet. The buildings of The Courtyards are set back from the shared property line into their site by approximately 30 to 60 feet.

**GG-1**

# LETTERS OF COMMENTS AND RESPONSES

The subcommittee 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.

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.

GG-2

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 subcommittee's air quality concerns because it decreases density and use. Further, it preserves important tribal cultural resources.

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

**GG-2** The remainder of this letter is language from the Riverwalk Ad Hoc Subcommittee of the Linda Vista Planning Group letter. Please see responses J-2 through J-72.

# LETTERS OF COMMENTS AND RESPONSES

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 (CC3-9) 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>.)

**GG-2  
(cont.)**

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.

# LETTERS OF COMMENTS AND RESPONSES

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 be redrafted to reflect the project-level density and uses as 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.<sup>1</sup> The community has been involved in a discussion of 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.

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

GG-2  
(cont.)

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(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 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 6 omitted).)

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(cont.)

“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 function of facilitating ‘informed agency decision making 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 7 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.

# LETTERS OF COMMENTS AND RESPONSES

## 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.)

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.)

Note: 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.

GG-2  
(cont.)



# LETTERS OF COMMENTS AND RESPONSES

**GG-2  
(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 contaminants were not significant. (App. F at p. 23.)

Additionally, the report (1) assumes maximum daily emissions by designating an 8-hour work day, (2) does not consider the impact of exterior painting 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. 9 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.)

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(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:

[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 residents who currently reside in the northeast and northwest 10 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 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.

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(cont.)

(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 performs the function of facilitating ‘informed agency decision making and informed public participation.’” (Sierra Club, supra, 6 Cal.5th at pp. 512–513.)

## **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.

### **1. 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

# LETTERS OF COMMENTS AND RESPONSES

**GG-2  
(cont.)**

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)

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 12 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.

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(cont.)

(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 13 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.

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
(cont.)

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. This amounts to a 99% increase over the 600 ADTs that are generated by a golf course.

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:

- o 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 14 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.
- o 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**.
- o 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**.

# LETTERS OF COMMENTS AND RESPONSES

o 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**.

o Combining the above expected ADTs from the project total of **56, 096 ADTs every day**.

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*.

**GG-2  
(cont.)**

Note: 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.

# LETTERS OF COMMENTS AND RESPONSES

15 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.)

## 2. 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 16-north side of Friars Road in the project area.

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# LETTERS OF COMMENTS AND RESPONSES

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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.

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: 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 has 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.”

# LETTERS OF COMMENTS AND RESPONSES

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 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

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# LETTERS OF COMMENTS AND RESPONSES

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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/publicsafety/sdspd-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.

# LETTERS OF COMMENTS AND RESPONSES

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The DEIR strains to conclude that “although 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 facilities 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 decision making 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**

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 (cleanup crew).

# LETTERS OF COMMENTS AND RESPONSES

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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- 20 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%) slower 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](http://www.nfpa.org)).

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:

# LETTERS OF COMMENTS AND RESPONSES

To augment the existing services provided by the Fire-Rescue Department, the colocation 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. 21 (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 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.

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# LETTERS OF COMMENTS AND RESPONSES

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.

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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.’”

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.

# LETTERS OF COMMENTS AND RESPONSES

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.”

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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.



# LETTERS OF COMMENTS AND RESPONSES

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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.

#### **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.

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
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(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](https://www.sandiego.gov/sites/default/files/city_of_san_diego_alvarado_2nd_pipeline_extension_project_fact_sheet_-_june_2020.pdf).)

According to the Riverwalk project, Phase 1 of the project may occur through 2025, however, “[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.)

# LETTERS OF COMMENTS AND RESPONSES

GG-2  
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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.

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 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.)

# LETTERS OF COMMENTS AND RESPONSES

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The DEIR states the no project alternative is the environmentally superior alternative to the project. (DEIR at p. 10-32.) The LVPG subcommittee recognizes that the no 27 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 Lipay 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 subcommittee 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 subcommittee 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.

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.)

# LETTERS OF COMMENTS AND RESPONSES

Alternative 3 28 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 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 Assn's v. Regents of the University of California (1993) 6 Cal.4th 1112, 1130.)

## **Conclusion**

The LVPG Riverwalk Subcommittee 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.

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# LETTERS OF COMMENTS AND RESPONSES

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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 29 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,

Gregory de Lira  
5758 Friars Rd. #4410  
San Diego, CA 92110

[gregnpv@gmail.com](mailto:gregnpv@gmail.com)

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

# LETTERS OF COMMENTS AND RESPONSES

**From:** vicki duffy duffygrandma@yahoo.com  
**Subject:** [EXTERNAL] Riverwalk EIR  
**Date:** June 7, 2020 at 12:28 PM  
**To:** DSD EAS DSDEAS@san Diego.gov  
**Cc:** Councilmember Scott Sherman ScottSherman@san Diego.gov, PLN Planning Planning@san Diego.gov, SDPlanningGroups SDPlanningGroups@san Diego.gov, Councilmember Georgette Gomez GeorgetteGomez@san Diego.gov, CouncilMember Chris Cate ChrisCate@san Diego.gov, nathan.fletcher@sdcountry.ca.gov, contact@delano-delano.com



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- HH-1** { Despite the Union Tribune article stating that this Riverwalk Development merits a “rosy” “thumbs-up”, as a resident of the area, I have to disagree. To me, this project feels like it is putting developers over people!
- HH-2** { 1. For the existing community, this will be a major disruption. Our current views of hills, trees, and sky will be GONE: blocked by high density buildings with up to 10,000 neighbors! Any of us elderly senior citizens with asthma, heart problems, or pulmonary issues will be besieged with the dangerous air pollution that will unavoidably increase in Mission Valley. For those of us who remember the cows living here, we can only note that the proponents of this professed advantageous growth, live in North County or elsewhere. (NIMBY!)
- HH-3** { 2. Friars Road is a nightmare of traffic, even at the current density. There are times, because of oncoming gridlock traffic, that I have waited almost 15 minutes to turn in to the driveway of my complex. Therefore, the estimated 37,222 car trips (in approximately a quarter mile stretch of road,) DOES NOT translate to a “minimal impact.”
- HH-4** { 3. With no fire station or police support planned for the development, this project amounts to nothing but urban sprawl with increased crime rates.
- HH-5** { 4. Having lived in Mission Valley since 1990, I have many photos to support my opinion that the Riverwalk Project will negatively effect the flood plain in this area.
- HH-6** {
- HH-7** { I realize that there are multiple concerns currently in our city, county, nation, and world; however, I appreciate the privilege of being able to express my opinion to some important individuals in the community, who might take another look at the IMPACT of Riverwalk on the most vulnerable individuals in this community. Thank you for your attention.  
Sent from [Mail](#) for Windows 10

- HH-1** Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.
- HH-2** As discussed in Section 5.3 of the EIR, the project would not result in a substantial alteration to the existing or planned character of the area and was not determined to have a significant impact on views. See also response N-37, Master Response 4 regarding neighborhood character, and Master Response 5 regarding visual quality/views.
- HH-3** Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. Section 5.5 also addresses health risk associated with air emissions and concludes that specific regulations required by the Specific Plan would ensure that air emissions associated with construction would be less than significant. See also Master Response 3 regarding air quality/health risk.
- HH-4** The project’s transportation and circulation was analyzed in Section 5.2 of the EIR and was determined to have a less than significant transportation VMT impact. See also Master Response 6 regarding VMT Analysis, which summarizes why the project would not result in a significant transportation VMT impact.
- HH-5** Public services and facilities are addressed in Section 5.15 of the Draft EIR and impacts were determined to be less than significant. See Master Response 8 regarding public services and facilities.
- HH-6** Storm water control and flooding are address in Section 5.12 of the Draft EIR and impacts were determined to be less than significant. See Master Response 9 regarding flooding.
- HH-7** Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

# LETTERS OF COMMENTS AND RESPONSES

From: Carlos Elliott celliott@planet-pharma.com  
 Subject: [EXTERNAL] Project Name: Riverwalk Project Number : 58194/SCH No 2018041028  
 Date: June 22, 2020 at 1:16 PM  
 To: DSD EAS DSDEAS@sandiego.gov

CE

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

Project Name: Riverwalk  
 Project Number : 58194/SCH No 2018041028

Dear City of San Diego,

II-1

I would like to voice my opinion about this project. I have been a resident in the Presidio Place Condominium complex since Dec 2007. I am an advocate of growth and support projects like Liberty station, but over the last 13 years I've seen the traffic increase exponentially. Due to newer projects next to Ralphs on Friars Rd, multiple complexes already along the hotel circle region, and a complex across from Fashion valley mall on Friars. We as residents are seeing and dealing with a large number of homelessness getting pushed out to Mission Valley which is growing, and rising in crime.

II-2

This project was first brought to us with a number just over 3000 units and it continues to grow. The amount of land available is not that large to allow over 4000 units, with insufficient parking, this area will become congested and polluted. Holiday season is already a nightmare in this area and from September through Dec adding thousands of cars for SDSU West. When will it stop? 7 Story buildings will bring nothing to this area except congestion and overcrowding and pollution. This is not what these developers first introduced.

II-3

Thanks,

Carlos



Carlos Elliott  
 Sr. Clinical Recruiter

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II-1

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

II-2

The project is consistent with the Mission Valley Community Plan.

The project would comply with the City's parking requirements. See Master Response 7 regarding parking.

See Master Response 6 regarding transportation/circulation/transit.

Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See Master Response 3 regarding air quality/health risk.

II-3

Comments noted. See response II-2.



# LETTERS OF COMMENTS AND RESPONSES

From: farzin.espahani@gmail.com  
 Subject: [EXTERNAL] Riverwalk - 581984 / SCH No. 2018041028  
 Date: June 16, 2020 at 9:21 PM  
 To: DSD EAS DSDEAS@sandiego.gov



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Project Name: Riverwalk  
 Project No.: 581984 / SCH No. 2018041028

Hello there,  
 My name is Farzin Espahani and I am the owner of Apt #4107 at the Courtyards San Diego located at 5875 Friars Road, San Diego, CA 92110.  
 I am very much concerned about the Riverwalk project and its negative impact to the neighborhood's environment. The areas of my concern are:

JJ-1

1. Air Quality – The air quality report for this project states that the residents who live north of Friars will bear the burnt of significant air quality impacts as a result of Riverwalk. This is going to be me and my family along with thousands of other families.

JJ-2

2. Riverwalk project proposes 4300 units with the majority of them along Friars Road. This is going to create a tremendous traffic and congestion in the area.

JJ-3

3. According to the project plan, the developer is not required to provide parking for all residential units and there will be minimal public parking for retail and visitors. This is going to create traffic and people will use the Friars Rd for free parking.

JJ-4

If not controlled and limited, this project will negatively impact the peace and the shape of this neighborhood forever.

JJ-5

Sincerely,  
 Farzin Espahani  
 5875 Friars Road, #4107  
 San Diego, CA 92110

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

**JJ-2** Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See Master Response 3 regarding air quality/health risk.

**JJ-3** See Master Response 6 regarding the Vehicle Miles Traveled (VMT) Analysis, that indicates the project would not result in a significant transportation VMT impact.

**JJ-4** For a discussion of parking, see Master Response 7 regarding parking.

**JJ-5** Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.

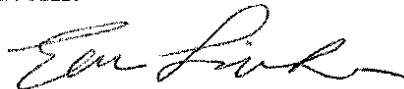
# LETTERS OF COMMENTS AND RESPONSES

From: Earon Fairbourn  
 The Courtyards # 2412  
 Re Project # 581984  
 Sch # 2018041028

To: Elizabeth Shearer-Nguyen.  
 Environmental Planner City of San Diego

- KK-1** { 1) The Hydrology study and report needs to be amended to include the effects of climate change. We are undergoing global warming and it could be a significant factor in increasing the already considerable potential for flooding in this area.
- KK-2** { 2) The means of mitigating the archeologic Tribal areas needs to be articulated in the report. The Archeologic study on file at the Developmental Services office need to be spelled out more specifically in the final E.I.R. There are three sites in the first phase that have been identified as having significant tribal cultural evidence. Before any grading takes place on or around these sites a reverse grading will be done to uncover these previously capped sites. The sites will then be uncovered and at this point all construction will be halted. At this point a team of appropriate representatives of Tribal and American Historical groups will be allowed to completely examine these areas for artifacts, and determine the appropriate handling of these artifacts.
- KK-3** { The current report states that these sites will be monitored but gives no specifics  
 Please consider adding the specific manner of monitoring as noted above.

Please address your response to;  
 Earon Fairbourn  
 5805 Friars R. Apt 2412  
 San Diego, CA 92110



- KK-1** The project would not result in impacts to flooding, as presented in Section 5.12, Hydrology, of the EIR. Hydrology studies are not required to consider climate change. The project would comply with applicable City regulations regarding drainage and hydrology.
- KK-2** Impacts to Tribal Cultural Resources are analyzed in Section 5.10 of the EIR and mitigation measures 5.10-1 through 5.10-4 would fully mitigate potential impacts to Tribal Cultural Resources.
- KK-3** Comments noted. As specified in the EIR, the project requires implementation of an Archaeological Data Recovery Program (ADRP) to mitigate impacts to archaeological sites SDI-11767, SDI-12220, and SDI-12126 prior to the issuance of any construction permits or the start of any construction if no permits are required. The ADRP requires Native American participation, and archaeological and Native American monitoring would be conducted during grading activities following completion of the ADRP. If prehistoric resources are encountered, the Native American consultant/monitor, work shall stop to allow evaluation of the significance of any encountered resource.

# LETTERS OF COMMENTS AND RESPONSES

From: Harry Fotinos hfortinos@hjfinc.com  
Subject: [EXTERNAL] Riverwalk EIR  
Date: May 15, 2020 at 1:59 PM  
To: DSD EAS DSDEAS@sanidiego.gov

HF

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LL-1

Did the EIR address mass transit and the spread of infectious diseases. Based on the New York experience, all plans for increased mass transit should address whether such transit options are safe or pose an environmental threat to people. Density should also address mitigation measures for retail, commercial and residential. Clearly, the New York experience should tell all planners that dense, enclosed transportation, residential and commercial designs are dangerous to people. Sent from [Mail](#) for Windows 10

LL-1 Comments noted. The comments do not address the adequacy of the Draft EIR. See Master Response 10 regarding Covid pandemic.

# LETTERS OF COMMENTS AND RESPONSES

**From:** Harry Fotinos hfotinos@hjfinc.com  
**Subject:** [EXTERNAL] RE: Riverwalk EIR  
**Date:** May 15, 2020 at 3:39 PM  
**To:** DSD EAS DSDEAS@san Diego.gov



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MM-1

With [ridership on commuter trains](#) into New York City falling as much as 94% since it became the pandemic epicenter, it's clear that many of the jobs there — especially on Wall Street — can be performed mostly from home. Will the Monday through Friday [commute from Connecticut](#), popular among bankers, ever come back? And if not, what about working at the corporate headquarters? The state's governor said CEOs have told him that "telecommuting could help them save money by cutting office space as much as 30%."

**MM-1** Comments noted. The comments do not address the adequacy of the Draft EIR. See Master Response 10 regarding Covid pandemic.

# LETTERS OF COMMENTS AND RESPONSES

	<p>7/5/2020 James Ghadiali Park Place Estates Friars Road 92110</p> <p>Re. DEIR, Riverwalk, Project No. 581984 / SCH No. 2018041028 , Community Plan Area: Mission Valley, Council District: 7</p> <p>Dear Ms Shearer-Nguyen,</p> <p>I am a resident in the community immediately adjacent to the proposed Riverwalk development on Friars Road. Given the proposed development’s dominance, scope and significant changes that it will elicit in the community, I have provided my comments relating to some of the more concerning aspects of the current draft environmental review (DEIR).</p> <p><b>1) <u>Visual Quality/Neighborhood Character</u></b></p> <p>Prevailing conditions in the west end of Friars road, immediately north and west of the proposed development is residential in nature. Immediately adjacent condominium and townhome residencies have been sensitively landscaped to be sympathetic with the natural valley character of the region. Residences range in height from 2-4 stories. The location is not urbanized and enjoys expansive views of the south side of the Mission Valley hillside, providing much needed natural visual relief from the highly densified character towards the east end of Friars Road. The principal assets enjoyed by residents of the location include hillside views, the relatively low levels of traffic in the area and tree-lined character of the properties and roads proximal to Friars road. The natural features of the area, including plant life and views are significant contributors to the quality of life of residents of Mission Valley and Linda Vista.</p> <p>The proposed density and character of the development is thus in significant contrast with the current character of the area. During public discussions with the developer, comparisons have been drawn with highly urbanized mixed-use Downtown locations, such as Little Italy. Practically speaking, by definition, this development concept is incongruous with the current residential nature of the community and thus the proposed development should be considered a significant and unavoidable change to neighborhood character. In conclusion, <b>the development will result in substantial alteration to the existing character of the area</b> (Issue 4).</p> <p>Given the stated height of the development structures (7 story), this is again in contrast with the massing of adjacent and nearby properties to the proposed development. Furthermore, the proposed development will be distributed across the full length of Friars Road and is unquestionably a large scale bulk mass of construction under the control of a single entity (i.e. Hines/Levi-Cushman). This is in contrast with the surrounding mixed community of condominiums and townhome communities of 2-4 stories in height. Furthermore, the negative impact of the height of these developments will be further</p>	<p><b>NN-1</b> Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.</p> <p><b>NN-2</b> Comments noted. As discussed in Section 5.3 of the EIR, the project would not result in a substantial alteration to the existing or planned character of the area and was not determined to have a significant impact on views. See also response N-37, Master Response 4 regarding neighborhood character/building heights/height limits, and Master Response 5 regarding visual quality/views.</p> <p>The project is consistent with the Mission Valley Community Plan. Per the Community Plan, the land use designations for the site are 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 Mission Valley Community Plan.</p> <p>The Specific Plan includes 97 acres of parks and open space, including approximately 55 acres of publicly-accessible park space and enhancement of the San Diego River. See response N-37 for a discussion of views and view corridors.</p> <p><b>NN-3</b> Comments noted. See Master Response 1 regarding project intensity/density and Master Response 4 regarding neighborhood character/building heights/height limits.</p> <p><b>NN-4</b> See Master Responses 4 regarding neighborhood character/building heights/height limits and Master Response 5 regarding visual quality/views.</p> <p>Relative to comments regarding the project providing a rental development, pursuant to CEQA Guidelines §15064(e) and 15131, an EIR need not address economic or social changes unless the change would result in a significant physical environmental impact. Consistent with General Plan Policy LU-H.1, the project is a mixed-use development that is consistent with the intent to provide a balanced community.</p>
<b>NN-1</b>		
<b>NN-2</b>		
<b>NN-3</b>		
<b>NN-4</b>		

# LETTERS OF COMMENTS AND RESPONSES

<p><b>NN-4 (cont.)</b></p>	<p>exacerbated by the enormous scale of associated grading activities. As such, with respect to Issue 3, it is reasonable to conclude <b>the proposal will result in bulk, scale, materials or style that would be incompatible with the surrounding development</b>, at minimum with respect to bulk and scale. The current mix of communities provides individuals and families choosing to make San Diego a home with the potential opportunity to own their own modest condominium or townhome and thus a potential route to avoid the highly burdensome cost of renting ‘at market rate’, as is the intention of the proposed development. A super-scale, and exclusively rental development is further at odds with the character of the surrounding developments.</p>	
<p><b>NN-5</b></p>	<p>Furthermore, the proposed height of buildings at grade with the Friars Road will unequivocally obscure views of Mission Valley’s most significant natural assets – the Valley hillsides themselves. This preservation of views is a stated design goal of the Mission Valley Community Plan (DG-50, <i>Take advantage of views to the San Diego River, hillsides, and other natural features in design, particularly for living areas</i>) A lack of visual renderings by the developer in DEIR makes their argument that impacts are less than significant to be untenable until further dissemination or description of the site plan is forthcoming. Thus, with respect to the associated CEQA issue (Issue 7 of DEIR), on reason, <b>the proposal will result in substantial obstruction of any vista or scenic view (i.e. hillside greenery) from a public viewing area (i.e. Friars Road), as identified in the community plan (i.e. Mission Valley Community Plan).</b> EIR guidelines provided to the developer (Appendix A) specifically recommend to ‘address visual impacts of the project from public vantage points. Visibility of the site from public vantage points should be identified through some photo survey/inventory and/or photo simulations, and any changes in these views should be described’. The current DEIR is deficient in this area and in the interests of accountability, transparency and informed decision making, this should be rectified.</p> <p><b>2) Land Use</b></p> <p><b>Re. Issue 4: Would the proposal result in the exposure of sensitive receptors to current or future noise levels that would exceed standards established in the Noise Element of the General Plan?</b></p>	<p><b>NN-5</b> Visual impacts are addressed in Section 5.3 of the EIR. As determined in the EIR, the project would result in less than significant visual quality impacts. See Master Response 4 regarding neighborhood character/building heights/height limits and Master Response 5 regarding visual quality/views.</p> <p>Renderings have not been included for analysis in the Draft EIR as they would be too speculative to provide meaningful consideration. The policies and regulations, as well as the development regulations, of the Specific Plan would guide development. These address such design aspects as height, massing, setbacks/stepbacks, materials, etc.</p>
<p><b>NN-6</b></p>	<p>Sensitive receptors (i.e. current residents of Mission Valley and Linda Vista) are located along the North of the proposed development along Friars Road. Park Place estates is approximately 200 feet from the development, with its privately-owned green area even closer, directly abutting the development, from which ‘Street A’ is proposed to abut from. Current sound levels in exterior usable space of residences in Park Place Estates approaches c.a. 58-60 dBA – the primary noise source being traffic. The noise analysis study does not adequately sample from receptors in this sensitive location and will likely receive in excess of &gt;70-80 dBA during construction. Operational sound impacts with additional traffic load, considering the increased amount of idling traffic at ‘Street A’ have not been completely described.</p>	<p><b>NN-6</b> 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 and operational noise impacts. 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.</p>
<p><b>NN-7</b></p>	<p>Considering the traffic noise significance thresholds of 65 dBA (as defined by City of San Diego Traffic Noise Significance Thresholds (dBA CNEL)) in residential exterior spaces, it is an acutely high risk that construction activities will exceed this level, given the current prevailing noise conditions, and highly likely interior noise conditions of sensitive properties will be affected to nuisance levels. Mitigation</p>	<p><b>NN-7</b> See response NN-6.</p>



# LETTERS OF COMMENTS AND RESPONSES

<b>NN-7 (cont.)</b>	<p>measures described (advanced warning to affected residents, control plan) are insufficient and construction noise should, on reason and belief, be considered <b>a significant and unmitigable impact</b>. This noise disruption, as described in project details will likely continue for several years and will undoubtedly reduce the quality of life and pose risk to mental well-being and health of sensitive receptors, particularly in the North-West section of the project.</p>	<b>NN-8</b> See response NN-6. The noise analysis included in Section 5.8 of the Draft EIR is based on the Noise Study specifically prepared for the project. As part of the Noise Study methodology, baseline noise levels were measured at multiple locations in the study area to gather data on the existing noise environment at sensitive receptors, The locations were selected to provide representative noise levels within the study area for use in calibrating the noise model. Site 1 was located along Fashion Valley Road adjacent to the Riverwalk Golf Course driving range parking lot mid-way between Friars Road and Hotel Circle North. Site 2 was located at the northeast corner of the Friars Road and Via Las Cumbres intersection. Site 3 was located at the Center Pointe Apartments along the north side of Friars Road west of Fashion Valley Road. Site 4 was located in the common area of the commercial building located at 1650 Hotel Circle North. Site 5 is located along the western property boundary in proximity to the San Diego River corridor. Based on existing traffic conditions within the study area and location of existing sensitive receptors relative to the project site, the measured noise data provides an accurate representation of existing ambient noise as a basis for the noise analysis.
<b>NN-8</b>	<p>Future DEIR revisions should more accurately model the sound exposure of sensitive receptors by more judicious placement of sound measurement systems as to better reflect where the residents will be exposed to the additional noise, resulting from both construction phases, increased operational traffic and noise from idling traffic.</p>	<b>NN-9</b> Comment noted. Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. See Master Response 3 regarding air quality/health risk.
<b>NN-9</b>	<p style="text-align: center;"><b>3) Air Quality</b></p> <p><b>Issue 1: Would the proposal conflict with or obstruct implementation of the applicable air quality plan?</b></p> <p><b>Issue 2: Would the proposal result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?</b></p> <p><b>Issue 3: Would the proposal expose sensitive receptors to substantial pollutant concentrations?</b></p> <p>The DEIR concedes that the development proposal will be in conflict with the applicable airquality plan, and that operational impacts will be significant and unmitigatable. Air quality in San Diego is already in a precarious state, and the proposed additional 37,222 car journeys in the area will further exacerbate this situation.</p>	<b>NN-10</b> Air quality impacts are evaluated in Section 5.5 of the Draft EIR. As concluded in Section 5.5. the project would not result in significant direct air quality impacts from construction. The project would result in cumulatively significant operational air quality impacts associated with the project. These impacts are unavoidable and cannot be mitigated to below a level of significance. As concluded in the EIR, locating residential units proximate to I-8 would not result in significant air quality impacts due to incorporation of regulations specifically required in the Specific Plan, including MERV-13 air filtration units, if residential units are constructed in the South District. Furthermore, a detailed health risk assessment (Construction and Highway Health Risk Assessment for the Riverwalk Project) has been conducted for the project and is included as a technical
<b>NN-10</b>	<p>Sensitive receptors in the North-West section, abutting the proposed development are most likely to suffer from these consequences, cumulatively from construction, depending on phasing, and certainly from operationalization, owing to proximity to new intersections and potential for more idling traffic.</p> <p>The proposed development puts current residents in the area at risk and will knowingly expose its own tenants to low air quality by virtue of its very mass and scale. Indeed some elements of the development in the South District only become feasible with the incorporation of specialized MERV-13 air filtration units to capture pollutants and hazardous small particles emitted from the adjacent I-8.</p>	
<b>NN-11</b>	<p>It is reasonable and a basic truism that local residents should have the confidence that the air they breathe is not deleterious to their health, both in the short term and long term. The health effects of the project are not adequately communicated in the DEIR and this should be rectified. The California Supreme Court opinion in Sierra Club v. County of Fresno (Dec. 24, 2018) 6 Cal.5th 502 states that;</p> <p>(1) when reviewing whether an EIR’s discussion of environmental effects “is sufficient to satisfy CEQA,” the court must be satisfied that the EIR “includes sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues the proposed project raises”;</p>	

# LETTERS OF COMMENTS AND RESPONSES

appendix to the EIR. (Appendix EE.) The Construction and Highway Health Risk Assessment concludes that health risks to potential residences within 500 feet of I-8 are below applicable thresholds with the incorporation of design guidelines that would minimize exposure to pollutant concentrations at the potential sensitive receptors. Also, see Master Response 3 regarding air quality/health risks.

**NN-11** See Master Response 3 regarding air quality/health risk.



# LETTERS OF COMMENTS AND RESPONSES

NN-11  
(cont.)

(2) an EIR must show a “reasonable effort to substantively connect a project’s air quality impacts to likely health consequences”

Given this is eliciting significant concern in the community and reduced trust and confidence in both the developer and City’s responsibilities with respect to preservation of public health, more effort should be made to communicate precise health risk. Whilst the developers may have the opportunity to profit from substantial rental income, essentially in perpetuity, local residents (i.e. sensitive receptors) who have chosen to make this area their permanent residence are most likely to suffer the health consequences of the development – this striking inequity should be confronted and addressed.

**4) Water quality**

As communicated to the developer, the EIR should address whether **the proposal would result in an increase in pollutant discharge to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body?** Owing to many years of neglect, prevailing conditions of the San Diego can be described as impaired, owing to substantial storm water run off, non-native species and weed growth in the riverbed - exacerbating risks of flooding, increasing the likelihood of stagnant water and disease conveyance – and trash dumping/accumulation from run-off. The current development proposal intends to construct storm water infrastructure that will convey run-off directly to the San Diego River. As the development is built immediately adjacent to/in a known and precarious flood plain, the conveyance of polluted surface water directly to the San Diego River is practically a certainty. The City and Hines/Levi-Cushman should be highly cognizant of this fact and should proactively establish accountability and financial responsibility for maintenance of this storm water infrastructure. Best management practices for maintenance and monitoring need to be clearly established and the DEIR is nebulous in demarcating responsibilities in this area. As this is an exclusively private development, it is appropriate the developer should be financially responsible for this maintenance and monitoring and should not be an additional burden to San Diego tax payers, especially considering the deferment of storm water infrastructure maintenance elsewhere in the city. A reported tenet and benefit of the proposed development is ‘restoring the river’; it is essential that the developer and City should show consistency in this statement, especially in the long term. Continuous monitoring of river water quality downstream of the development should be conducted by an independent 3rd party to ascertain the impact of grading activities (sedimentation, pesticide release etc) and operation (run-off, solid waste) to establish true long term impacts to the San Diego River Basin.

NN-12

The report at present does not adequately describe the nature of the additional pollutants that will be conveyed to the river, the efficacy of pollutant removal and clear demarcation of responsibility for maintenance and costs and should be established in future revisions.

**NN-12** Section 5.14 of the EIR provides an analysis of water quality and determines that no significant impacts would result from implementation of the project.

As concluded in Section 5.14.3.1, short-term (construction) impacts of the project would be addressed through adherence to the City’s Grading Ordinance and conformance with City storm water standards and related NPDES Construction Grading Permit.

As concluded in Section 5.14.3.1, long-term (operational) impacts would be avoided due to LID Site Design BMPs, Source Control BMPs, Structural/Pollutant BMPs, Hydromodification Management Facilities, and Post-construction BMP Monitoring/Maintenance Schedules and Responsibilities (which includes detention/biofiltration basins and signs/stencils).

# LETTERS OF COMMENTS AND RESPONSES

## 5) Public Utilities

**Re. Issue 1: Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts such as the following: natural gas; water; sewer; communication systems; and solid waste disposal?**

NN-13

The DEIR presents only passing mention and cursory analysis of these aspects of the proposal. As this is a private development, the success of which is inexorably tied to the availability of public utilities, there is substantial opportunity of conflict of interest, for which San Diego tax payers and utilities customers will be most at risk. The cost and risk of these additional infrastructure buildouts should be further clarified in the interests of transparency and accountability.

**Re. Issue 2: Would the proposal use of excessive amounts of water?**

NN-14

The DEIR reframes this question in the context of potable water. The increase in potable water demand should be considered as a cumulative impact with respect to additional developments in Mission Valley and the City should show leadership by considering this critical question of meaningful sustainability for all residents in the Valley – not just Riverwalk.

In the context of non-potable water, the developer should provide estimation of water consumption during grading activities for all stages of the product. Considering the time duration and scale of the proposed project, this volume of water could be substantial and this issue should be more closely scrutinized and details provided in future EIR revisions.

## 6) Hydrology

**Issue 1: Would the proposal result in an increase in impervious surfaces and associated increased runoff?**

**Issue 2: Would the proposal result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?**

**Issue 3: Would the proposal develop wholly or partially within a 100-year floodplain as identified on a FEMA map and impose flood hazards on other upstream or downstream properties?**

NN-15

Short sighted and uncoordinated development over generations has established Mission Valley's status as a high risk area to avoid during even modest rain events; with flooding paralyzing transportation networks and significantly degrading the quality of life of the neighborhood when considered cumulatively with current road conditions. Riverwalk is located on and immediately adjacent to a well-known and historical flood plain and its inherently precarious location should warrant close scrutiny in terms of proposed development. Indeed the river park is the lowest risk and only feasible use of the area south of the trolley tracks, as to avoid significant flooding liabilities. Whilst the opening of public access to new park space is very welcome, this should

**NN-13** Comments noted. Public utilities are addressed in Section 5.13 of the EIR. As concluded in that section, the project would not result in significant impacts to public utilities.

**NN-14** The Water Supply Assessment (WSA) (July 27, 2020) has been revised to include construction water usage. As concluded in the WSA revision, the evaluation of combined service area demand and supply projections resulted in a finding of sufficient overall planned water supply to serve the project in normal, single-dry year, and multiple-dry water year forecasts within a 20-year projection as well as existing and other planned development within the City's PUD service areas. The project would not result in unanticipated demands associated with water supply.

**NN-15** Comment noted. See Master Response 9 regarding flooding.



# LETTERS OF COMMENTS AND RESPONSES

<b>NN-16</b>	<p>A <b>significant increase in impervious surfaces and associated run off</b> should be self-evident, given the that the DEIR clearly states storm-water treatment infrastructure and maintenance will be required for the project. Local residencies and businesses are already suffering from the effects of poor storm water system maintenance through property damage, it is reasonable and prudent to be skeptical on any immediately proximal developments, especially those which will remove a substantial amount of pervious ground, acting as a safety buffer to predictable storm/flood events in the future.</p>	<p><b>NN-16</b> Section 5.12 of the EIR addresses hydrology and found impacts to be less than significant. The project would meet all storm water run-off and water quality requirements. LIDs and BMPs would be implemented, as regulated, which ensure that water quality impacts do not occur. Also, as concluded in Section 5.12 of EIR, construction of the project would introduce new impervious surfaces beyond what currently exists. However, the project would be designed consistent with all applicable regulations. With adherence to applicable regulations and the project would not affect the rate or volume of surface runoff. Impacts would be less than significant.</p>
<b>NN-17</b>	<p>Given FEMA is yet to approve any modifications to the floodplain through developer’s grading activities, to date, it is premature to make any judgements on whether the development will have any significant – unmitigable or otherwise – on the above Issues 2 and 3. <b>There is insufficient detail and any judgement on breach of significance thresholds should be guided by pending FEMA redrawings of floodplain.</b></p>	<p><b>NN-17</b> See Master Response 9 regarding flooding.</p>
<b>NN-18</b>	<p><b>Summary and final comments</b></p> <p>The goal of increasing opportunities for affordable housing and increasing ridership of public transit is laudable, however no development is without its environmental costs. There is a significant question of balance between benefits and costs – both real and speculative – and how these benefits and costs are shared between the developer, the city and local residents.</p> <p>At present, the proposed development is a clear example of moral hazard, whereby the benefits of continuous rental income in perpetuity are received by the developer, whereby the tangible risks to environment, health and quality of life, years of disruption, and loss of community character will be carried by local residents and the tax payer.</p> <p>In addition, recent public comments portrayed the transit focus as “a nice to have” feature – in stark contrast with the initial transit-centric vision portrayed. With the potential loss of this once key feature, is the endeavor viable? Are the arguments in favor around the city’s climate action plan tenable given the significant increase in car traffic (note: <b>without any dedicated parking</b>) and associated pollutants?</p> <p>The developer will further harness the benefits of city-supported infrastructure to enable the development, including transit maintenance, gas, electricity, public services, schools, bespoke transit stop and continuous maintenance etc. As an exclusively rental community – unprecedented on a scale as described – this is optically concerning and the City should exercise caution as not to be seen as offering special treatment and, in effect, a subsidy of a private rental complex, albeit large in scope. (“The Levi-Cushman family is pursuing rental units as its favored choice because its members don’t want to break up the land ownership, Parikh said -- in part because of the number of heirs to the property.” [Bhavesh Parikh, Hines development director, San Diego Union Tribune JAN. 26, 2018])</p> <p>Housing is a clear need for the city; cost burdensome rentals dampen local economic activity through substantial loss of disposable income that could be reinvested into local businesses; cost of hiring new talent by local businesses increases making expansion in the city challenging for small businesses and less attractive as a destination for larger organization. The high cost of housing can, amongst other issues, be attributed to i) sequestration of housing by means of short term vacation rentals, ii) increasing</p>	<p><b>NN-18</b> Comments noted. The comments do not address the adequacy of the Draft EIR. No further response is required.</p>

# LETTERS OF COMMENTS AND RESPONSES

**NN-18  
(cont.)**

use housing as a speculative financial instrument - not a home - by investors (local, out of state and international); iii) developer speculation.

The introduction of additional 'market rate' – already cost burdensome to much of the local population - housing by a speculative developer is a very minor contribution to alleviation of the crisis when a more systemic response to wider issues in housing and transport could be addressed without concurrent damage of environment and loss of quality of life e.g. through incentivization of remote work (a clear success story for many businesses and win for the environment) and stricter regulation of, up to and including an outright ban on, short term rentals.

**NN-19**

Absent additional improvements, amendments, and additions to the DEIR, as described above, in the interests of health and quality of life, and consistency with CEQA requirements, it is not possible to endorse the proposed project. Endorsement would require substantial mitigation of noise and pollution through reduction in density and simultaneous reduction in building height. Project alternative **Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts** may be marginally more sympathetic to these needs, however further details and clarification on flooding/stormwater and impact on views is necessary prior to any endorsement. At this stage, the **no build** alternative, in the interests of community safety is the only option that can be endorsed at present.

**NN-20**

Riverwalk constitutes San Diego’s last remaining central green open space – a significant and much needed natural asset, aesthetically, environmentally and biologically – thoughtful, economically and environmentally sustainable development will pay dividends to future San Diego residents, the City and investors in the future.

Respectfully

James Ghadiali

**NN-19** Comments noted. See also responses NN-1 through NN-17.

**NN-20** Comments noted. Per the Mission Valley Community Plan, the land use designations for the site are 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. The Specific Plan includes 97 acres of parks and open space, including approximately 55 acres of publicly accessible park space and enhancement of the San Diego River.