



Appendix R

RESPONSES TO PUBLIC COMMENTS



Introduction to the Responses to Comments on the One Paseo Environmental Impact Report

The following two volumes contain responses to the comments which were received during the public review period for the Draft Environmental Impact Report (EIR) (March 29, 2102 through May 29, 2012) as well as three new alternatives which were circulated for public review subsequent to the public review period for the Draft EIR (October 25, 2013 through December 9, 2013). Each of the individual comments within these letters is assigned a number; the response is labeled with the corresponding number. In order to facilitate the review of the responses to comments, the comment letters are placed beside the corresponding responses. The identity of the commenters along with number assigned to each letter is included in Tables 1 and 2. A total of 325 letters were received during the review period for the Draft EIR (letters 1-325). A total of 98 letters were received on the circulated alternatives (letters 326-423).

The responses include information that is included to respond to specific issues raised certain comments. This information often includes exhibits which are drawn from other sources that are cited in the response. These exhibits are assigned an exhibit number that corresponds with the comment to which it relates. For example, an exhibit included in response to comment 5.2 is identified as Exhibit 5.2-1.

Where modifications to the text of Draft EIR and/or circulated alternatives were deemed appropriate, the text change is included in the Final EIR. Major changes in the text resulting from public comment are identified in ~~strikeout~~/underline format.

In response to public comment during the public review period for the original Draft EIR (March 29, 2102 through May 29, 2012), three additional reduced project alternatives were analyzed and circulated for public review. The Reduced Main Street Alternative decreases

the total development intensity from 1,857,440 square feet (sf) to approximately 1,454,069 sf. A second reduced project alternative, referred to as the Reduced Mixed-use Alternative, decreases the development intensity to 0.8 million sf. The third alternative, referred to as the Specialty Food Market Retail Alternative, consists of a retail project that would not generate any more automobile trips than would be generated by development of the site under the current community plan designation (50,000 sf). These three alternatives are described in Sections 12.9 through 12.11, respectively, of the Final EIR.

The project applicant has decided to pursue a development proposal reflective of the Reduced Main Street Alternative. The modified development proposal is commonly referred to as the “Revised Project”. For purposes of distinction, the project which was the subject of the original Draft EIR is referred to as the “Originally Proposed Project”. The analysis of the Reduced Main Street Alternative in the Final EIR also serves as the environmental analysis for the Revised Project.

The Revised Project reduces the overall gross floor area by 22 percent in comparison with the Originally Proposed Project of 1,857,440 square feet. The Revised Project consists of 1,454,069 square feet comprised of 608 residential units, 492,840 square feet of office space, 198,500 square feet of retail space, and a 48,000 square-foot cinema. In addition the Revised Project eliminates the 150 room hotel included in the Originally Proposed Project, and proposes a 1.1-acre passive recreation area and 0.41 children’s play area that would be open to the surrounding community. In addition to the reductions in the floor area, the Revised Project reduces the number of stories associated with many of the buildings in comparison with the Originally Proposed Project. With the Revised Project, the buildings would range between one and nine stories.

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Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
STATE AGENCIES				
1.	Fish and Game, California Department of		3.	Toxic Substances Control, California Department of
2.	Governor's Office of Planning and Research, State Clearinghouse		4.	Transportation, California Department of
LOCAL AGENCIES AND SPECIAL DISTRICTS				
5.	Del Mar, City of		8.	Solana Beach, City of
6.	San Diego Association of Governments (SANDAG)		9.	Solana Beach School District
7.	San Dieguito Union High School District			
GROUPS AND ORGANIZATIONS				
10.	Carmel Valley Community Planning Board		13.	San Diego County Archaeological Society
11.	Del Mar Mesa Community Planning Board		14.	Torrey Pines Community Planning Board
12.	Move San Diego		15.	Torrey Pines Community Planning Board
GENERAL PUBLIC				
16.	ACE Parking		34.	Bennett, Tracy
17.	Aksen, Howard		35.	Berkovich, Gil
18.	Anderson, Bill		36.	Berman, Grant
19.	Anonymous 1		37.	Beros, Brooke
20.	Anonymous 2		38.	Blackmon, Marcia
21.	Anonymous 3		39.	Bogart, Gavin
22.	Arivett, Pam		40.	Bowles, Janice
23.	Armour, Gil		41.	Bozek, David
24.	Arnold, Glenn (1)		42.	Brandt, Dalia
25.	Arnold, Glenn (2)		43.	Braude, Alan
26.	ASR Landscape Architecture		44.	Brendel, Denise
27.	Assi, Janet		45.	Briscoe, Willie
28.	Ayap, Arnold		46.	Brown, Christina
29.	Barnes, Ginny (1)		47.	Bruch, Kimberly
30.	Barnes, Ginny (2)		48.	Bunis, Steve
31.	Beckham, Gregory		49.	Burke, Leo
32.	Belletti, Judy		50.	Burstein, Tracy
33.	Bennett, Brad		51.	Cahen, Eva

Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (CONT.)				
52.	Carlson, Lynn		85.	Flook, Paul
53.	Casino, Denise		86.	Fornaciari, Sharon
54.	CBRE		87.	Foster, Michael
55.	Cervantes, Nate		88.	Fouse, Karla
56.	Chattopadhyay, Sukla		89.	Fowler, Milo
57.	Collins, Pat		90.	Frager, Kristen
58.	Conley, James and Natasha		91.	Freund, Robert
59.	Cunningham, Bruce and Katrina		92.	Frisco, Justin and Michelle
60.	Dalzell Group Real Estate		93.	Fuchs, Robert
61.	Daniels, Mark		94.	Fullerton, Jeanne
62.	Davis, Penny		95.	Gallagher, Brian
63.	Del Mar Highlands		96.	Gallagher, Victoria
64.	Dial, Cynthia		97.	Gallaher, Bob and Donna
65.	Dial, Kent		98.	Garbutt, Betty
66.	Dilday, David		99.	Garner, Paul
67.	Do, Tony		100.	George, Olga
68.	Doyle, Deborah		101.	Gibson Transportation Consulting
69.	Dreyfuss, Silvia		102.	Givins, Will
70.	Dunham, Michael		103.	Godefroy, Pierre
71.	Eisendrath, Pat		104.	Goldstein, Marilyn
72.	Elkus Manfredi Architects		105.	Gonor, Richard
73.	Evans, Gary		106.	Goodell, Susan
74.	Everline, Mary		107.	Goodman, Robert
75.	Farinsky, Ken (1)		108.	Graham, Suzanne
76.	Farinsky, Ken (2)		109.	Grannick, Debra
77.	Farinsky, Ken (3)		110.	Gwilliam, Douglas
78.	Farinsky, Ken (4)		111.	Gwilliam, Stephanie
79.	Farinsky, Ken (5)		112.	Hansen, Felicia
80.	Farinsky, Ken (6)		113.	Hao, Yuquing
81.	Farrell, Barbara		114.	Hardalo, Cathy
82.	Fijolek, William		115.	Harmetz, Patricia
83.	Fiscella, John (1)		116.	Harris, William
84.	Fiscella, John (2)		117.	Haskell, Dave

Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (CONT.)				
118.	Haskell, Lynn		151.	Koon, Gerhard
119.	Hayes, Marty		152.	Koperski, Judy
120.	Heisler, Ingrid		153.	Kosmont Companies
121.	Hennessey, Maureen		154.	Kriesmer, Lawrence
122.	Herold, Amber		155.	Kruk, Peter
123.	Herold, Chris		156.	Kurlansky, Laura (1)
124.	Hewitt, Lonnie		157.	Kurlansky, Laura (2)
125.	Hichborn, Sara and Paul		158.	Kurlansky, Laura (3)
126.	Hiland-Belding, Kim		159.	Kwok, Shirley
127.	Hilmer, Camille		160.	Labelle, Michael (1)
128.	Holm, Connie		161.	Labelle, Michael (2)
129.	Holtzman, Jack (1)		162.	Lack, Ron
130.	Holtzman, Jack (2)		163.	Landa, Fernando
131.	Humberstone, James		164.	LaPolla, Robert
132.	Hutchinson, Stacy		165.	Larach, Mario
133.	Infantino, Robert		166.	Lau, Susie
134.	Jackel, Audrey		167.	Laverson, Steve
135.	Jackel, Larry		168.	Lee, Deland
136.	Jaiswal, Pranav		169.	Lelais, Gerald
137.	James, Mark and Sandra		170.	Lentz, Lorie
138.	Jermyn, Frederic		171.	Light, Carolyn
139.	Kampfer, Tom		172.	Lilienfeld, David and Karen
140.	Katzman, Linda (1)		173.	Lin, Fang
141.	Katzman, Linda (2)		174.	Linton, Phillip
142.	Kayne, Joel		175.	Lipman, Robin
143.	Keim, Judy		176.	Littler, Janette
144.	Keller, C		177.	Lopata, Margaret
145.	Kern, Elizabeth		178.	Lund, Ryan
146.	Key, Kerry and Carolyn Keen		179.	Mandel, Mark
147.	Khachatourians, Margarit		180.	Marsal, Jill
148.	Kim, Gordon and Keira		181.	Marsal, Karel
149.	Knox, Dorothy		182.	Marsala, Marissa (1)
150.	Koleva, Olga		183.	Marsala, Marissa (2)

Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (CONT.)				
184.	Marshall, Mary		217.	Nickels, Darcy
185.	Martin, Mica		218.	Nickels, Matthew
186.	McKee, Sandra and Mark		219.	Norgren, Marybeth and Per Cederstav
187.	McNamara, Seth		220.	Nyce, Ben
188.	McSherry, Kimberly		221.	Okovita, Irv
189.	Meanley, John and Dolores		222.	Organ, Claude
190.	Mello, Raymond		223.	Orlando, Michael
191.	Merkin, Don		224.	Orlando, Sara
192.	Merrick, Roy		225.	Pacella, Salvatore
193.	Meyer, William		226.	Palecek, Bernard
194.	Meyers, Art and Jane		227.	Parker, Fred
195.	Michalewicz, Patricia		228.	Parker, Ted
196.	Mighdoll, David and Micki		229.	Patterson, Jamee Jordan
197.	Miller, Brian		230.	Perl, Kim
198.	Miller, Susan		231.	Pesavento, Jennifer
199.	Mirza, Sadiq		232.	Pickett, Marianne
200.	Mohammady, Rahim		233.	Pincus, Robert
201.	Molchanov, Igor (1)		234.	Polger, Lorne
202.	Molchanov, Igor (2)		235.	Ponganis, Katherine
203.	Mortimer, Mark and Dori		236.	Psyllos, Nick
204.	Muchnik, Frank and Esfira		237.	Ptashek, Shelly
205.	Mullen, Mary		238.	Quinlan, Barbara
206.	Mullinax, Becky		239.	Rashdan, Sami
207.	Mulmat, David (1)		240.	Riedy, Mark
208.	Mulmat, David (2)		241.	Rinde, Andrew
209.	Murphy, Todd (1)		242.	Ripley, Michael
210.	Murphy, Todd (2)		243.	Rohan, Carol
211.	Naughton, Pamela		244.	Rovegno, Joan
212.	Navarrete, Tena		245.	Roy, Kunal
213.	Neff, Carolyn		246.	Rubin, Gina and Kenneth
214.	Nefouse, Edward		247.	Russell, Tony
215.	Nelte, Jan and Eric		248.	Sage, ML
216.	Nguyen, Louie		249.	Sakata, Theresa

Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (CONT.)				
250.	Saltman, William and Juliet (1)		281.	Surtes, Karen
251.	Saltman, William and Juliet (2)		282.	Teague, Jacqueline
252.	Saltman, William and Juliet (3)		283.	Tecca, Brad
253.	Sanger, Craig		284.	Tiegs, Terrie and Jaime Olmos
254.	Scarano, Mindy and Mike		285.	Toman, John (1)
255.	Scheffler, Diana		286.	Toman, John (2)
256.	Schendel, Sharon		287.	Toman, John (3)
257.	Schmidt, Kimball		288.	Toohill, Karen
258.	Schrock, Rod		289.	Torchia, Timothy
259.	Scott, Jim		290.	Tremblay, Kevin
260.	Seda, Michelle		291.	Trexel, Tracy
261.	Sepinwall, Alyssa		292.	Tseng, Ben
262.	Silverwood, Stacy		293.	Tsuji, Frederick
263.	Simmons, Kathy		294.	Tsukada, Stephanie
264.	Slacum, Drew		295.	Turley, Kurt
265.	Slater-Price, Pam		296.	Vairo, Joseph
266.	Small, Sallie		297.	Varonin, Dorothy
267.	Smith, David		298.	Wakeman, Bess
268.	Smitham, Bo		299.	Wakeman, Patrick
269.	Smitham, H Bruce		300.	Walton, Barbara
270.	Smitham, Jane		301.	Wang, Sandra
271.	Smitham, Sandra		302.	Ward, Carlie
272.	Sneed, Anne		303.	Wasik, Judith
273.	Sneed, Jim		304.	Watkinson, Holly
274.	Snyder, Pam		305.	Wehenkel, Dianne
275.	Southcombe, Ericka and David		306.	Weiner, Edward and Susan
276.	Southcombe, William		307.	Wichner, Perla and Ronald
277.	Spragg, Roger and Carole		308.	Wingis, Steve
278.	Stangland, David		309.	Winters, Kevin
279.	Stenzler, Brian		310.	Witczak, Karolina
280.	Streim, Marty		311.	Wities, Robert

Table 1. Comment Letters Received on the Draft EIR

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (CONT.)				
312.	Wolf, Robert		319.	Yochem, Pam
313.	Wolter, Theresa (1)		320.	Yoelin, Karin
314.	Wolter, Theresa (2)		321.	Yoo, Tom
315.	Wood, Dorothy		322.	Yu, Wenru
316.	Woodend, Carl		323.	Yurasek, Justin
317.	Yardley, Ron		324.	Zhang, Jenny
318.	Yates, Charles		325.	Ziaee, Mahvash

Table 2. Comment Letters Received on the Recirculated Alternatives

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
STATE AGENCIES				
327.	Governor's Office of Planning and Research, State Clearinghouse			
LOCAL AGENCIES AND SPECIAL DISTRICTS				
328.	Del Mar, City of		329.	San Diego Association of Governments (SANDAG)
GROUPS AND ORGANIZATIONS				
330.	Carmel Valley Community Planning Board		332.	Torrey Pines Community Planning Board
331.	Rincon Indian Tribe			
GENERAL PUBLIC				
333.	Asselin, Don and Kathy		355.	Goldstein, Harvey
334.	Bierman, Dianne		356.	Goldstein, Marilyn
335.	Blackmon, Marcia		357.	Goloskie, Mike
336.	Burton, Steve		358.	Grubstein, Katherine
337.	Castro, Rick		359.	Gruol, Donna
338.	Christman, Mike		360.	Haskell, Dave
339.	Clement, Kimberli		361.	Helsel, Eugene
340.	Collins, Bill and Socorro		362.	Humphrey, Stacy
341.	Coppola, Amanda		326.	Impett, Laurel
342.	Danninger, Paul		363.	Juskalian, Leon
343.	Dial, Cynthia		364.	Kaplan, Lou
344.	Douglas, Dawn		365.	Kenny, Mark
345.	Duoto, Jill		366.	Klima, Greg
346.	Elliott, Joan		367.	Knox, Dorothy
347.	Farrell, Barbara		368.	Kolinko, Vladimir and Margarita
348.	Fisher, Rachel		369.	Kragh, Peter
349.	Forsythe, DeLinda		370.	Krummen, Lori
350.	Fuchs, Bob		371.	Laverson, Steve
351.	Fuchs, Bob		372.	Lee, Joseph
352.	Gardner, Ann		373.	Lefler, Natalie
353.	Gately, Noelle		374.	Litler, Janette
354.	Glaser, Dennis		375.	Marsal, Jill and Kalle

Table 2. Comment Letters Received on the Recirculated Alternatives

LETTER DESIGNATION	NAME		LETTER DESIGNATION	NAME
GENERAL PUBLIC (cont.)				
376.	Marshall, Mary		400.	Schrock, Rod
377.	Meanley, Lore		401.	Scott, Jim
378.	Mello, Ray		402.	Sepinwall, Alyssa
379.	Merrill, Angela		403.	Sepinwall, Alyssa
380.	Mintz, Andrea		404.	Seward, Wayne
381.	Moushegian, HongJun		405.	Sharafi, Arshiya
382.	Muchnik, Frank		406.	Simmonds, Steve
383.	Nalevanko, John		407.	Spaid, Noel
384.	Nelson, Susan		408.	Spragg, Carole
385.	Norgren, Mary Beth and Cederstav, Per		409.	Spragg, Roger
386.	Norman, Dawn		410.	Stratton, Gabriela
387.	Palan, John		411.	Tuffield, James
388.	Parker, Ted		412.	Vande Berg, Deborah
389.	Poline, Bob		413.	Vande Berg, Jerry
390.	Poline, Robert		414.	VanderWerff, Regina
391.	Ponder, John		415.	Victor, Meredith
392.	Reese, Andrew		416.	Walter, Erika
393.	Ripley, Michael		417.	Whitney, Julia
394.	Roark, Adam		418.	Williams, Michael
395.	Roffey, Brooks		419.	Wilson, Greg
396.	Sage, Melissa		420.	Wingis, Steve
397.	Sager, Nadia		421.	Wolf, Jill
398.	Scheffler, Diana		422.	Wong-Weinrieb, Anna
399.	Schreiber, Laurence		423.	Zapp, Nancy



State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 14, 2012

Ms. Martha Blake
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

**Subject: Comments on the Draft Environmental Impact Report for One Paseo Project,
San Diego, CA (SCH# 2010051073)**

Dear Ms. Blake:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (DEIR) dated March 29, 2012, for the One Paseo project. The comments provided herein are based on information provided in the DEIR and associated documents (including the Executive Summary and Appendices), our knowledge of sensitive and declining vegetation communities in the County of San Diego (County), and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and other sections of the Fish and Game Code (1600 et seq.). The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

The 23.6-acre proposed project site is located at the southwestern corner of Del Mar Heights Road and El Camino Real in the developed suburban community of Carmel Valley, within the City of San Diego. The project site consists of a graded site with manufactured slopes and streetscaping along the perimeters that are adjacent to existing roadways. The project site was graded between 1986 and 1990 as part of previous entitlements. Most of the project site is terraced into three building pads: northern, eastern, and southern. The northern pad is the highest at an elevation of approximately 215 feet, with the eastern pad at approximately 200 feet and the southern pad at approximately 185 feet.

The project entails the phased construction of a mixed-use development (maximum of 1,857,440 gross square feet) consisting of commercial retail, commercial office, a 150-room hotel, and a maximum of 608 multi-family residential units. The project also would include public space areas, internal roadways, landscaping, hardscape treatments, utility improvements, and parking facilities to support these uses. A total of 4,089 parking spaces would be provided throughout the site in subsurface garages, one above-ground parking structure, and small surface lots. While staging areas for the project are not described specifically, associated off-site improvements (e.g., frontage improvements, utility extensions, access improvements, and

Conserving California's Wildlife Since 1870

Ms. Martha Blake
May 14, 2012
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intersection improvements proposed as mitigation for project traffic impacts) associated with the project are also analyzed throughout the DEIR.

The Department observes several biological resource issues (both on- and off-site). Locations for staging areas are not specified, which could further directly, indirectly, or cumulatively impact biological resources. Additionally, while mitigation for impacts to nesting birds and raptors is addressed, the measure may be inadequate to offset potential impacts. Furthermore, plants to be used in landscaping are not specifically described in the DEIR; the Department is concerned about potential for the spread of invasive species.

We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

1. Staging areas for the proposed project are not described in size, function, or location. Depending on the locations of staging areas, there is potential for direct or indirect impacts to biological resources (e.g., clearing of vegetation, noise and lighting effects). A discussion on this requirement should be provided in the final Environmental Impact Report (FEIR), including corresponding figures of staging locations, and whether construction staging would be confined to the project area. Similarly, the location of staging areas should be provided for components of construction occurring off-site.
2. Mitigation language provided in Mitigation Measure 5.9-1 partially addresses impact concerns for resident, migratory, and other bird species (e.g., raptors). However, the City's MSCP SAP does not provide take for non-MSCP covered species, including many migratory avian species. In order to comply with sections 3503 and 3503.5 of the Fish and Game Code and to ensure no direct and indirect impacts to active avian nests, construction activities, (including vegetation clearing and grubbing) within or adjacent to avian nesting habitat should occur outside of the avian breeding season to avoid take of birds or their eggs. The avian breeding season generally runs from February 1- August 31 but can be as early as January 1 for some raptors. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted. Additionally, the following measures should be added to the FEIR:
 - a. If avoidance of the avian breeding season is not feasible (as defined above), the Department recommends that, beginning 30 days prior to the initiation of project activities, a qualified biologist with experience in conducting breeding bird surveys conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and, as access to adjacent areas allows, any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of project activities. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The project proponent should provide the City with results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

- 1.1 Although no construction staging plan has been prepared at this point in the project, no staging is expected to impact biological resources. As the project will be built in phases, it is anticipated that staging will occur within the undeveloped portions of the property. Since the project site does not support biological resources, onsite staging would not represent an impact. Furthermore, given the developed nature of the area, it is unlikely that staging areas for offsite roadway improvements would impact biological resources. Thus, submittal of construction staging areas at this time is not warranted.
- 1.2 With the exception of five existing Torrey pine trees in the northwest corner of the property, no native and minimal non-native vegetation occurs on the site due to past grading. As indicated on Sheet L-10 of the plans for the Revised Project, these trees would be retained. Due to the fact that the subject property has been graded in the past and is located in an urbanized area, no additional biological mitigation measures are considered necessary.

Ms. Martha Blake
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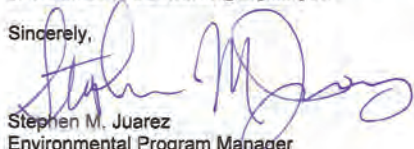
1.2
cont. b. If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g., species-specific information; ambient condition and birds' habituation to them; and the terrain, vegetation, and birds' line of sight between the project activities and the nest and foraging areas) to the City and, upon request, the Department. Based on the submitted information, the City (and the Department, if the Department requests) will determine whether to allow a narrower buffer.

c. The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer), that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and shall notify the City immediately if project activities damage active avian nests.

1.3 3. While the DEIR alludes to 'drought tolerant plants' (Appendix I, page 15) and the Carmel Valley Precise Plan, it does not describe a plant palette to be used in landscaping. Use of native plants in landscaping not only avoids spread of invasive species, but also provides additional benefits such as the attraction of native pollinators and reduced water consumption. Therefore, appropriate native plants should be used to the greatest extent feasible in landscaped areas. The applicant should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas. Exotic plant species not to be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. This list includes (but is not limited to) the following: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping should not contain plants that require extensive irrigation, fertilizers, or pesticides.

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you should have any questions or comments regarding this letter please contact Jennifer Edwards at (858) 467-2717 or via email at JEdwards@dfg.ca.gov.

Sincerely,



Stephen M. Juarez
Environmental Program Manager
South Coast Region

cc: David Zoutendyk, U.S. Fish and Wildlife Service
Scott Morgan, State Clearinghouse, Sacramento

1.3 The plant palettes described on Figures 3-3b and 3c of the Draft EIR do not include invasive plants.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KIM ALEX
DIRECTOR

May 15, 2012

Martha Blake
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: One Paseo
SCH#: 2010051073

Dear Martha Blake:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 14, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

2.1 This letter raises no issues regarding the adequacy of the Draft EIR. Therefore, no response is required.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010051073
Project Title One Paseo
Lead Agency San Diego, City of

Type EIR Draft EIR

Description The project entails phased construction of a mixed-use development encompassing a maximum of 1,857,440 gross s.f. consisting of approximately 270,000 gross sf of commercial retail (all 270,000 sf comprises the gross leasable area [glä]), approximately 557,440 gsf of commercial office (536000 sf glä), approximately 100,000 gsf consisting of a 150-room hotel, and approximately 930,000 gsf consisting of a maximum of 608 multi-family residential units. The project also would include public space areas, internal roadways, landscaping, hardscape treatments, utility improvements, and parking facilities to support these uses. A total of 4,089 parking spaces would be provided throughout the site in subsurface garages, one above-ground parking structure, and small surface lots. Associated off-site improvements include frontage improvements, utility extensions, access improvements, and intersection improvements proposed as mitigation for project traffic impacts.

Lead Agency Contact

Name Martha Blake
Agency City of San Diego
Phone 619 446 5375 **Fax**
email
Address 1222 First Avenue, MS-501
City San Diego **State** CA **Zip** 92101

Project Location

County San Diego
City San Diego
Region
Lat / Long 32° 57' 7.491" N / 117° 14' 8.278" W
Cross Streets Del Mar Heights Road, El Camino Real
Parcel No. 304-070-43, -49, -52, and -57
Township **Range** **Section** **Base**

Proximity to:

Highways SR 56
Airports
Railways Santa Fe Rail
Waterways Carmel Valley Creek
Schools Solana Pacific ES
Land Use Graded - vacant/CVPD-EC/Industrial Employment

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Noise; Public Services; Recreation/Parks; Schools/Universities; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Department of Fish and Game; Region 5; Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 03/29/2012 **Start of Review** 03/29/2012 **End of Review** 05/14/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

May 1, 2012

Ms. Martha Blake
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ONE PASEO PROJECT, (SCH #2010051073), SAN DIEGO COUNTY

Dear Ms. Blake:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The project entails the phased construction of a mixed-use development encompassing a maximum of 1,857,440 gross square feet (sf) consisting of approximately 270,000 gross sf of commercial retail (all 270,000 sf comprises the gross leasable area [gla]), approximately 557,440 gross sf of commercial office (536,000 sf gla), approximately 100,000 gross sf consisting of a 150-room hotel, and approximately 930,000 gross sf consisting of a maximum of 608 multi-family residential units. A total of 4,089 parking spaces would be provided throughout the site. The 23.6-acre project site is located at the southwestern corner of Del Mar Heights Road and El Camino Real in the developed suburban Carmel Valley community within the City of San Diego. The proposed mixed-use project will likely require that development be phased over a number of years. The project site consists of a graded site with manufactured slopes and street scraping along the perimeters that are adjacent to existing roadways."

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

- 3.1 Past hazardous waste/substance releases in the project area were addressed in Section 5.13 of the Draft EIR. As identified in that section, no hazardous materials are known to exist on the project site. Furthermore, the site has been previously mass-graded. Although the database review identified several surrounding uses where hazardous materials are expected to occur (see Table 5.13-1 of the Draft EIR), none represent a significant health hazard to future occupants of future development of the project site.

COMMENTS

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- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken

3.2 In the absence of on-site hazardous materials, no specific investigation or remediation activities are required prior to development.

3.3 Appropriate actions will be taken in the event hazardous materials are encountered. However, as stated in Section 5.13 of the Draft EIR, no known hazardous materials are present.

3.4 The site has been previously graded. As a result, no buildings or pavement will be demolished in the process of implementing the project.

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during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- 10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

3.5 Refer to response to comment 3.3.

3.6 The Draft EIR identifies the potential for health hazards to occur during construction. Hazardous materials would be related to refueling and maintaining construction equipment. In addition, toxic air contaminants including diesel particulate matter would be released by construction equipment. However, as discussed on page 5.13-4 of the Draft EIR, the emissions related to construction would not represent a significant health hazard. Furthermore, as discussed in response to comment 63.134, no formal health risk assessment is warranted to justify this conclusion.

3.7 The site was not used for agricultural activities.

3.8 Refer to response to comment 3.3.

3.9 Comment noted.

3.10 The City provided an email contact in the notice sent with the Draft EIR and will continue to do so.


COMMENTS

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Ms. Martha Blake
May 1, 2012
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If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Manny Alonzo
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3509

COMMENTS

RESPONSES

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST., M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6681

FAX (619) 688-2511

TTY 711

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May 29, 2012

11-SD-5
PM 34.13

One Paseo/SD Corporate Center
DEIR / SCH # 2010051073

Ms. Martha Blake
Development Services Dept.
City of San Diego
1222 1st Avenue, MS-501
San Diego, CA 92101

Dear Ms. Blake:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the proposed One Paseo development project (SCH 2010051073) located near the Interstate 5 (I-5) and State Route 56 (SR-56).

The One Paseo Project would require plan amendments to the General Plan and Carmel Valley Community Plan to change the current land use designation of Industrial Employment to Multiple Use. These amendments would contribute to the City of Villages Strategy of the General Plan focusing on mixed-use activity centers, or villages, connected by transit. Caltrans supports smart growth development and increased densities supported by multimodal infrastructure in areas particularly where auto travel is already at or projected to be over capacity with existing land uses.

Increased density in this location requires attention to the timing of the development and the supporting transportation facilities. The development precedes the robust provision of area transit service that could serve to attract potential riders. The increased density results in higher traffic volumes not otherwise planned for in the existing land uses; not withstanding assumed trip reductions for mixed-uses, and creates impacts to the area's roadway and freeway interchanges that are hard to mitigate. The higher road levels of service and increased traffic may further deter pedestrians and bicyclists that otherwise should be an outcome of a smart growth type development. As currently proposed, it is unclear if this project is consistent with the region's smart growth principles and could be adequately served by the limited transportation alternatives in the area.

In addition, key links in the north city area regionally significant arterial system have been omitted over time. This has contributed to additional traffic to freeways, and the concentration of traffic at a few interchanges.

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- 4.1 This comment correctly notes that the project would generate more traffic than would development of the land under existing regulations. As shown on Table 1-25 and Table 1-26 of the traffic report for the project (Appendix C to the Final EIR), projected levels of service for some roadway intersections and segments, even in the absence of the proposed development, would exceed acceptable levels of service. As further shown on Table 1-30 and Table 1-31 of the traffic report, the roadway improvements included as a part of proposed development would improve existing and projected levels of service in certain respects, although levels of service to other facilities would be degraded.

While the provision of bus service would provide benefits to the proposed mixed-use project, the proposed development is not dependent upon the availability of bus service, and the benefits attributed to the mixed-use nature of the project (e.g., reduced automobile trips) would accrue from

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RESPONSES

Ms. Martha Blake, City of San Diego
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- 4.2 The One Paseo Project will add an additional 26,961 Average Daily Trips (ADT) to the road network, which includes taking trip reduction credit for mixed-uses. These additional vehicle trips from the project result in both direct and cumulative impacts to the I-5/Del Mar Heights Road overcrossing and ramps, as well as the El Camino Real/SR-56 on-ramp. Approximately 39% of those total trips will be distributed to the I-5/Del Mar Heights Road Interchange, which equates to 10,515 ADT.
- Mitigation
The development proposes several improvements to the I-5/Del Mar Heights Road interchange to partially mitigate the project's impacts. Caltrans appreciates the developer's efforts to review the "partial mitigation" proposed in the DEIR with Caltrans. Caltrans does not have any objections to the designs identified in the DEIR. Please find our specific comments below. However, even with the improvements to the ramps, the impacts to I-5/Del Mar Heights Road interchange are still denoted as significant and unmitigatable. The EIR should clearly indicate in the Statement of Overriding Considerations the constraints that make fully mitigating the impacts to a level of insignificance infeasible. The lead agency has the responsibility to determine whether a potential mitigation measure is feasible or infeasible, based on substantial evidence in the record. Therefore, the environmental analysis should explain what the constraints are and why they make the measure infeasible.
- 4.3
- 4.4 The Del Mar Heights Road/I-5 interchange (overcrossing and ramps) currently operate at Level of Service (LOS) C/D. Based on the traffic analysis in the DEIR, the One Paseo project would be directly contributing over 90 percent of all additional traffic to this interchange from the current existing condition through the 2030 long-term horizon year, degrading the LOS to E/F.
- 4.5 It should be noted that as described in the DEIR/Environmental Impact Study (EIS) currently out for public review, Caltrans plans to replace the Del Mar Heights Bridge in all the "build" alternatives for the I-5/SR-56 Interchange Project. The plans for the I-5/SR-56 Interchange Project lengthen but do not widen the bridge. The timing between the I-5/SR-56 Interchange Project and One Paseo Project presents a coordination opportunity to look at also widening the Del Mar Heights Road Bridge as part of the I-5/SR-56 Interchange Project. This would be contingent upon a feasibility analysis and full contribution from the One Paseo Project to add additional capacity that is required to accommodate the additional traffic being generated by the One Paseo Project. However, any mitigation plans to add capacity to the bridge should not come at the expense of bicycle and pedestrian enhancements.
- 4.6 For these reasons, Caltrans recommends the project proponent consider an overall "fair share" contribution to regional transportation projects based on the total magnitude of both direct and cumulative impacts. In absence of being able to fully mitigate project impacts, and in addition to the "partial" mitigation measures already identified in the EIR that can be discounted from the overall mitigation obligation, a "fair share" should be identified in the Final EIR to further reduce, redistribute and minimize impacts identified to the regional transportation system.
- A "fair share" contribution would be used towards the most appropriate improvements that can be implemented in a reasonable time frame and with the appropriate "nexus" that would provide the best use of funds to improve the duration of system performance, most effectively redistribute trips, and ensure modal splits and trip reductions.

"Caltrans improves mobility across California"

- 4.1 cont. the proposed development regardless of the timing for bus service. Even though bus service is planned for the area by the year 2035, the traffic study performed for the Originally Proposed Project and the Revised Project did not reduce project trip generation estimates in expectation of the availability of bus service.

The proposed development would reflect the principles of smart growth by combining residential, retail, employment and recreation opportunities into a single planned development. This combination of uses allows for a synergy that would reduce the number and length of automobile trips by allowing people to walk or bike to fulfill their employment, shopping and recreation needs.

As discussed in response to comment 6.7, the Revised Project includes a Transportation Demand Management (TDM) Plan which would promote transportation alternatives.

- 4.2 This comment restates the traffic analysis conclusion that approximately 39 percent (10,515 ADT), of the trips related to Originally Proposed Project would be distributed to the I-5/Del Mar Heights Road interchange. It should be noted that the Revised Project would reduce this number to approximately 9,724 ADT.
- 4.3 As noted in this comment, Section 5.3 of the Draft EIR identified a series of mitigation measures to reduce the impacts of the proposed development on the I-5/Del Mar Heights Road interchange. However, these measures are related to improvements which require approval from Caltrans. Because the City and the project applicant cannot control whether Caltrans would ultimately approve construction of the improvements, the Draft EIR appropriately concluded that the impacts could remain significant even though mitigation measures have been identified.

As encouraged in this comment, the Project's findings as required by CEQA will document the reasons why fully mitigating the Project's impacts to the interchange cannot be assured, and is infeasible.

COMMENTS

RESPONSES

- 4.4 The commenter correctly notes that the existing LOS at the interchange is LOS C/D, and that the future LOS degrades to LOS E/F. It is also acknowledged that the project contributes a large percentage of traffic to the interchange. The exact percentage varies depending on whether daily, AM peak hour, or PM peak hour volumes are used in the calculations.
- 4.5 The applicant's subsequent conversations with Caltrans have established that the replacement of the Del Mar Heights Road/I-5 overcrossing as part of the Caltrans I-5/SR-56 Interchange project could include widening as well as lengthening the bridge. A Caltrans Advance Planning Study (APS) Design Memorandum, dated September 23, 2010, indicates that the Del Mar Heights Road bridge could be widened while accommodating both pedestrian and bicycle traffic. This improvement would provide the additional width to add a third eastbound lane. This additional lane, combined with other mitigation measures identified in Table 5.2-41 of the Final EIR, would allow the bridge to operate at an acceptable level of service and fully mitigate project impacts to the facility. See Mitigation Measure 5.2-1.1, which states that the applicant will be required to contribute \$1.5 million to Caltrans for bridge design work.
- 4.6 Caltrans is recommending a "fair share" financial contribution by the project applicant to regional transportation projects. The City recognizes the use of fair-share contributions as mitigation for project impacts which are cumulatively considerable. As set forth in Final EIR Table 5.2-41, the project's proposed mitigation does include financial contributions to fund improvements to facilities significantly impacted by the project including the bridge over I-5 to allow a third eastbound lane on Del Mar Heights Road over I-5, and an HOV lane on the I-5 SB on-ramp. However, a general fair-share contribution to partially fund regional transportation improvements is not required, and the time of implementation of such improvements is uncertain.

Ms. Martha Blake, City of San Diego
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Caltrans suggests that in addition to the I-5 interchange improvements, the developer contribute towards regional projects in the area that foster more options and alternatives for transportation users in the area. Accordingly, the following projects are recommended to be considered in the Final EIR as part of an overall "fair share" contribution for impacts to regional facilities:

Highway Projects

Del Mar Heights Bridge

Approximate Cost \$15 Million

- Replacement of Del Mar Heights Road overcrossing with longer and wider bridge to accommodate I-5/SR-56 Project alternatives. New bridge will include enhanced bicycle and pedestrian facilities.

I-5/SR-56 Interchange Project, Connector Alternatives

Project Cost \$270 Million - \$95 Million

- Contribute towards the design and construction of proposed project. Alternatives range from construction of auxiliary lanes on I-5 and SR-56 to proposed connectors from south I-5 to east SR 56 and west SR 56 to north I-5.

I-5 North Coast Express Lanes

Project Cost \$3.5 B

- Contribute towards the design and construction of the additional northbound (NB) and southbound (SB) HOV Lanes and auxiliary lanes on I-5.

Bicycle/Pedestrian Trail Projects

Carmel Valley/Sorrento Valley Road/Carmel Mountain Road Bicycle/Pedestrian Trail Connection

Approximate Cost \$8 Million

- Construction of a new paved bicycle/pedestrian trail from the existing CVREP (Carmel Valley Restoration Enhancement) trail on the east side of I-5, under I-5, to existing Sorrento Valley Road.
- Construction of separate paved lanes for bicycles and pedestrians on old Sorrento Valley Road from Park & Ride lot to Carmel Mountain Road.

Pedestrian Overpass Connection North of Del Mar Heights Road

Approximate Cost \$3 Million

- A new bicycle/pedestrian bridge over I-5 would be constructed north of Del Mar Heights Road, connecting the future I-5 North Coast Bikeway on the west side of I-5 with Lower Ridge Road on the east side of I-5.

Transit/TDM

Rapid Transit Route 473: Oceanside to UTC via Highway 101 Coastal Communities, Carmel Valley

Approximate Cost \$127 Million

- Currently in 2050 Regional Transportation Plan (RTP) Revenue Constrained Plan as a Phased Transit Service for 2030
- Peak/off-peak headway: 10 minutes

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- 4.7 In this comment, Caltrans lists an assortment of regional transportation improvement projects in the area and suggests that the project applicant should fund its "fair share" of such improvement. As discussed in response to comment 4.6, the City would impose improvement or funding requirements under CEQA, as appropriate, to mitigate significant environmental impacts related to a development project. The transportation improvements to be installed or funded by the project are identified in Final EIR Table 5.2-41, and include a contribution toward improvements to the Del Mar Heights Road bridge over I-5.

Ms. Martha Blake, City of San Diego
May 29, 2012
Page 4

Rapid Transit Route 103: Solana Beach to Sabre Springs Bus Rapid Transit (BRT) Station via Carmel Valley
Project Cost \$70 Million

- Currently in RTP 2050 Unconstrained Network
- Peak/off-peak headway: 15 minutes

Caltrans supports further enhancements to regional transit, bicycle and pedestrian improvements and integration of these features within the proposed project. In addition, Caltrans supports the development of a more comprehensive and robust Transportation Demand Management (TDM) program to provide transportation options to further assist in mitigating traffic impacts.

Another option, for example, is a contribution to the City of San Diego through their Facilities Benefit Assessment (FBA). There is already over 30 million dollars in funds identified for future improvements on SR-56 through already established FBA areas along the SR-56 corridor.

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

Traffic Analysis

- The Intersecting Lane Vehicle (ILV) calculations for the I-5 NB off-ramp/Del Mar Heights Road (existing + project) indicated that for the dual right turns each lane has an average volume of 560 during peak hours, which exceeds the right turn lane capacity. The Appendix E Synchro worksheets does not show queue length calculations. Please provide queue length calculation to verify there is not spill back onto the freeway mainlines. Based on Caltrans review of the queue lengths, if the project contributes to the queue demonstrating an "impact" to the freeway operations, appropriate mitigation should be identified in the Final EIR.
- For westbound (WB) on Del Mar Heights Road, the proposed total length extension of 845 feet for single right onto I-5 NB ramp will add longer queues. ILV calculations indicated that the average volume of during peak hours will be 843, which exceeds the single right turn lane capacity.
- The Synchro signalized intersection analysis for the I-5 NB ramps and Del Mar Heights Road must include pedestrian crossing in the signal time/phase in order to complete all modes of transportation. The Appendix E Synchro worksheets did not include the pedestrian analysis.
- The Synchro files and complete worksheets/reports are needed. Report labeling is incorrect for intersection # 8 and 9. It should read Del Mar Heights Road and I-5... not I-15.
- The lane configuration for the NB lane at intersection # 9 (Del Mar Heights Road and I-5 NB Ramps) should be dual left for all the analysis.

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4.8 This comment raises no issues related to the adequacy of the Draft EIR. Thus, no specific response is warranted. However, it should be noted that original TDM Plan included with the proposed project has been enhanced to further support alternative forms of transportation. Refer to response to comment 6.7.

4.9 The project applicant would pay applicable Carmel Valley Facilities Benefit Assessment (FBA) fees in accordance with City regulations. City Ordinance No. O-15318 was adopted by the City Council on August 25, 1980 to establish the procedure for implementing an FBA. The FBA provides funding for public facilities projects that serve a designated area of benefit. Fees are assessed at the time of building permit issuance and are determined by the type and size of the development according to the FBA schedules that are in effect at the time the permit is obtained. Fees are collected, placed into City-owned interest bearing accounts, and used within the area of benefit solely for those capital improvements and administrative costs identified in the applicable Public Facilities Financing Plan. Payment of FBA fees by the project applicant would contribute to the provision of public facilities that are identified in the Carmel Valley Public Facilities Financing Plan.

4.10 This comment raises no issues related to the adequacy of the Draft EIR. Thus, no specific response is warranted.

4.11 Synchro worksheets are included in Appendix C.1 to the Final EIR, and show queue length calculations for the I-5 northbound off-ramp at Del Mar Heights Road for the Revised Project. The queues are not shown to exceed the storage capacity on the northbound off-ramp in the Year 2030 with-project scenario for either the AM or PM peak hour. As demonstrated by the worksheets, the storage capacity for the northbound NB off ramp is approximately 2,187 feet and the 95th percentile queue is calculated to be 2,061 feet in the AM peak hour. In the PM peak hour, the 95th percentile queue is calculated to be 1,860 feet. Consequently, no mitigation is required.

COMMENTS

RESPONSES

- 4.12 A dual, westbound to northbound right-turn lane was evaluated at the I-5 northbound ramps at Del Mar Heights Road. However, Caltrans reviewed the dual right-turn option and determined that it would not support this approach. A single right-turn lane was considered safer for pedestrians crossing at the intersection. See Caltrans memo dated 2/9/10 attached to the Traffic Study in Appendix C.1 of the Final EIR.
- 4.13 Pedestrian crossing has been considered and evaluated in the signal timing and phasing of the I-5 northbound ramps at Del Mar Heights Road, see attached Synchro worksheets in Appendix C.1 of the Final EIR. Pedestrian timing was provided by Caltrans.
- 4.14 The labels on the Synchro worksheets for the I-5/Del Mar Heights Road interchange have been corrected in Appendix C.1 of the Final EIR.
- 4.15 Dual left-turn lanes have been evaluated in the Synchro worksheets at the I-5 northbound off-ramp at Del Mar Heights Road (See Appendix C.1 of the Final EIR). The analysis results, based on the dual left-turn lanes, do not change the significant impact or proposed mitigation at this location. The analysis shows the AM and PM peak hours remain at LOS F.

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- The analysis showing the interaction between signals at Del Mar Heights Road/ I-5 NB Ramps and Del Mar Heights Road/I-5 SB Ramps is needed. These two intersections are close in proximity and need to be coordinated so that they will function properly and efficiently.

General Comments - Caltrans Encroachment Permit

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that become part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM):

<http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional

"Caltrans improves mobility across California"

4.16 Caltrans has timed the interchange signals such that the southbound signal is running free (not tied to the northbound signal) all day, so the cycle length varies. Appendix C of the traffic study in Appendix C.1 of the Final EIR includes Caltrans signal timing sheets for the I-5/Del Mar Heights Road interchange.

4.17 This comment provides information relating to Caltrans' administrative procedures and raises no issues regarding the adequacy of the Draft EIR. Thus, no specific response is warranted.

COMMENTS

RESPONSES

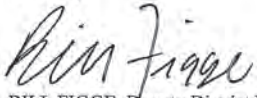
Ms. Martha Blake, City of San Diego
May 29, 2012
Page 6

4.17 cont. engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

4.18 CEQA requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program shall be submitted to Caltrans.

If you have any questions, please contact Jacob Armstrong of the Development Review branch at (619) 688-6960.

Sincerely,



BILL FIGGE, Deputy District Director
Planning Division

c: Andy Schlaefli, Urban Systems
Jake Swim, Urban Systems

4.18 The required mitigation, monitoring and reporting will be provided to all required parties.



City of Del Mar



May 25, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development
Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: One Paseo
Project #: 193036
SCH. #: 2010051073

Dear Martha Blake:

Thank you for the opportunity to comment on the subject Draft Environmental Impact Report (DEIR) for the One Paseo development project. The City of Del Mar supports local and regional planning practices that encourage mix-use environments, pedestrian-oriented spaces, sustainable building and the reduction of green-house emissions. Additionally, as a small neighboring community whose residents often utilize the retail, service, and office uses located in the Carmel Valley Community Plan area, the City of Del Mar takes great interest in the future development of the subject site and how it may contribute to the commercial and housing needs of the region.

However, after reviewing the Draft Environmental Impact Report, it appears that the project, as proposed, is overly ambitious in its attempt to become a "Community Village." The density of the project does not appear to be compatible with the surrounding development of the community and, as demonstrated in the DEIR, would create inmitigable impacts to the surrounding community in terms of traffic, visual effects and neighborhood character. Therefore, the City of Del Mar offers the following specific comments:

Traffic

As stated in the DEIR:

Del Mar Heights Road/Interstate 5 Northbound Ramps

Mitigation is proposed for direct and cumulative impacts to the intersection of Del Mar Heights Road/I-5 NB ramps, which consists of specific intersection improvements (Mitigation Measure 5.2-10) that would reduce delays. Direct and cumulative impacts would remain potentially significant following installation of the improvements, which are outside the control of the City.

5.1

The DEIR is inadequate in that it does not fully vet the existing conditions and potential impact on Del Mar Heights Road in the immediate vicinity of the I-5 Freeway Ramps. Although the project suggests mitigation measures to offset impact at the specific ramps, the cumulative traffic impact associated with the addition of new traffic signals along a currently congested Del Mar Heights Road is not adequately evaluated in the traffic report and EIR. According to pages 14-13 of the Traffic Impact Analysis report (Appendix C of the Draft EIR) the intersection spacing along Del Mar Height is approximately:

- Del Mar Heights: NB Ramps to High Bluff – 1,026 feet
- Del Mar Heights: High Bluff to Third Avenue – 555 feet
- Del Mar Heights: Third Avenue to First Avenue – 473 feet
- Del Mar Heights: First Avenue and El Camino Real – 549 feet

Segment analysis conducted for Del Mar Heights Road indicates that in Near Term and Long Term conditions are acceptable as a six-lane Prime Arterial. City of San Diego Street Design Manual indicates that the minimum intersection spacing is 500 feet for local streets intersection a major street and should be kept to a minimum. A total of six signalized intersections will be placed within a half-mile stretch of Del Mar Heights from I-5 to El Camino Real. An analysis of peak hour operating conditions is warranted to determine if acceptable peak hour flows can be maintained.

5.2

Congestion through the interchange and along Del Mar Heights Road will have an effect on route choice within the project study area that have a direct impact on roads through City of San Diego and City of Del Mar including Coast Highway and Camino del Mar. The EIR should expand its study area to include an analysis of the traffic impacts of the proposed project on traffic flows on Camino del Mar and alternative routes to Del Mar Heights as a result of the potentially congested conditions.

5.3

Increased vehicular traffic from the One Paseo project also impacts the 2,724 students (and their parents) and 136 staff members commuting to and from Torrey Pines High School. Torrey Pines High School hours are from 7:35 AM to 2:35 PM, which impact the already busy morning commute and afternoon traffic patterns on Del Mar Heights Road and surrounding roads. The City of Del Mar suggests that developers of the One Paseo project look into subsidizing the cost of school bus service as a potential mitigation measure against the negative traffic impacts caused by the development.

The DEIR should include such an analysis of these important issues to the City of Del Mar.

Del Mar Heights Road/Interstate 5 Southbound and Northbound Ramp Meters

Mitigation is proposed for cumulative impacts to the Del Mar Heights Road/I-5 SB and NB ramp meters (Mitigation Measures 5.2-11 and 5.2-12), which entails payment of a fair-share contribution (SB ramp meter) by the project applicant and specific improvements (NB ramp meter). While the fair-share contribution and identified improvements would fully mitigate cumulative impacts, the project's cumulative impacts to these ramp meters are considered potentially significant until the identified improvements are completed, which are outside the control of the City.

5.1

This comment suggests the Draft EIR did not adequately evaluate the existing conditions. The City disagrees with this comment. Street segments within the project's study area are evaluated on Table 1-1 through Table 1-3 in the traffic study and Draft EIR Tables 5.2-2 through 5.2-5. The comment correctly notes that the City of San Diego Street Design Manual suggests intersections of local streets with major streets should be kept to a minimum of 500 feet apart. However, when evaluating access to Del Mar Heights Road for this project, two access points on Del Mar Heights Road functioned more efficiently than only one, and the minimum spacing goal was not achieved. Nevertheless, the traffic study concludes that Del Mar Heights operates at an acceptable LOS for the segment between El Camino Real and High Bluff Drive, as proposed by the project. Refer to response to comment 10.165 for further discussion of this issue. To further increase efficiency through the Del Mar Heights Road corridor, the proposed development would install an Adaptive Traffic Control System (ATCS). See Appendix P to the traffic study in Appendix C.2 of the Final EIR.

5.2

The comment expresses concern that increased congestion at the I-5/Del Mar Heights Road interchange, resulting from the proposed development, would encourage motorists, who would normally use this interchange for access to I-5, to divert to a less congested interchange to reduce their commute time. The SANDAG Computerized Traffic Model, utilized in the EIR to forecast future traffic volumes, does account for the influence of congestion on the routes selected by motorists. In this way, the EIR accounts for the "trip diversion" phenomenon.

To more accurately evaluate the potential for motorists to divert from the I-5/Del Mar Heights Road interchange, several potential alternate routes were identified. These routes were driven by the applicant's traffic consultants during peak hours on at least four different occasions to determine an average travel time for the direct route to the I-5/Del Mar Heights Road interchange and the diverted route to another I-5 interchange.

The results of these tests are depicted in Exhibit 5.2-1, below, to these responses, and discussed below.

5.2
cont.

Exhibit 5.2-1
Comparison of Direct and Diverted Traffic Routes

Scenario	Travel Time						Distance (miles)		
	AM PEAK			PM PEAK			Direct Route *	Diverted Route	Increased Distance with diversion
	Direct Route (minutes:seconds)	Diverted Route (minutes:seconds)	Percent increased in travel time with diversion	Direct Route (minutes:seconds)	Diverted Route (minutes:seconds)	Percent increased in travel time with diversion			
Northbound I-5 Access diverted to Camino Del Mar, Jimmy Durante Boulevard and Via de la Valle	6:06	9:58	63	5:55	9:55	68	2.40	4.10	1.70
Southbound I-5 Access Diverted to High Bluff Drive/Carmel Valley Road	3:41	5:15	42	4:58	5:29	10	1.85	1.95	0.10
Southbound I-5 Access Diverted to South Camino Del Mar and Carmel Valley Road	3:41	6:06	66	4:58	7:25	49	1.85	3.65	1.80
Southbound I-5 Access Diverted to Carmel Country Road and Carmel Creek Road	4:57	7:53	59	5:51	8:30	45	3.15	3.20	0.05
El Camino Real Access Diverted to High Bluff Drive	2:58	4:14	43	3:15	3:46	16	1.10	1.25	0.15

Note: Trip route studies conducted on a Tuesday, Wednesday and Thursday (December 18-20, 2012) between 7:30am-8:30am and 4:30pm – 5:30pm.

Southbound I-5 Access Diverted to High Bluff Drive/Carmel Valley Road

Diverted access to southbound I-5 from Del Mar Heights Road would involve a left turn onto High Bluff Drive and then onto El Camino Real and Carmel Valley Road for access to southbound I-5. Field test results (depicted in Exhibit 5.2-1) of diversion via High Bluff Drive to access southbound I-5 resulted in travel times 42 and 10 percent longer than accessing I-5 at Del Mar Heights Road during the AM and PM peak hour, respectively. The diverted route was 0.1 mile longer. Thus, it is considered unlikely that a substantial number of motorists would divert along High Bluff Drive to reach I-5 via Carmel Valley Road rather than Del Mar Heights Road.

COMMENTS

RESPONSES

5.2 Southbound I-5 Access Diverted to South Camino Del Mar and Carmel Valley Road
cont. Valley Road

Diverted access to southbound I-5 from Del Mar Heights Road on this route would involve a left turn onto South Camino Del Mar to Carmel Valley Road for access to I-5. Field test results (depicted in Exhibit 5.2-1) of diversion through Del Mar to access southbound I-5 resulted in travel times between 66 and 49 percent longer than accessing I-5 at the Del Mar Heights Road southbound ramp during the AM and PM peak hour, respectively. The diverted route was 1.8 miles longer. Thus, it is considered unlikely that a substantial number of motorists would divert to Camino Del Mar to reach I-5 via Carmel Valley Road rather than Del Mar Heights Road.

Southbound I-5 Access Diverted to Carmel Country Road and Carmel Creek Road

The comment expresses concern that westbound motorists on Del Mar Heights Road wishing to reach southbound I-5 would avoid the direct route of accessing I-5 at the Del Mar Heights Road ramps to I-5 and, instead, proceed along Carmel Country Road and Carmel Creek Road to SR-56. Field test results (depicted in Exhibit 5.2-1) of this diversion to access southbound I-5 resulted in travel times between 59 and 45 percent longer than accessing I-5 at the Del Mar Heights Road southbound ramp during the AM and PM peak hour, respectively. The diverted route was 0.05 mile longer. Thus, it is considered unlikely that a substantial number of motorists would divert in this manner to reach southbound I-5 via SR-56 rather than westbound Del Mar Heights Road.

Northbound I-5 Access diverted to Camino Del Mar, Jimmy Durante Boulevard and Via de la Valle

Diverted access to northbound I-5 from Del Mar Heights Road would proceed west to Camino del Mar into Del Mar, turning right onto Camino Del Mar, traveling north to Jimmy Durante Boulevard and accessing I-5 from Via de la Valle. Field test results (depicted in Exhibit 5.2-1) of diversion through Del Mar to access northbound I-5 at Via de la Valle resulted in travel times 82 and 68 percent longer than accessing I-5 at the Del Mar Heights Road northbound ramp during the AM and PM peak hour, respectively. The diverted route was 1.7 miles longer. Thus, it is considered unlikely that a substantial number of motorists would divert through Del Mar to obtain access to northbound I-5 via Via de la Valle rather than from Del Mar Heights Road.

5.2 In addition to routes taken to avoid the Del Mar Heights Road/I-5 interchange, another diversion route was tested to evaluate the potential for motorists on Del Mar Heights Road to divert to High Bluff Drive through Neighborhood 3 to reach northbound El Camino Real to avoid congestion on Del Mar Heights Road.

The results of this test are presented in Exhibit 5.2-1 and discussed below.

Northbound El Camino Real Access via High Bluff Drive

Exhibit 5.2-1 indicates that diversion onto High Bluff Drive and Half Mile Drive resulted in travel times 43 and 16 percent longer than accessing El Camino Real directly from Del Mar Heights Road during the AM and PM peak hour, respectively. The diverted route was 0.15 mile longer.

In general, a diversion of traffic would be expected to occur when congestion would be below LOS D. For instance, since Del Mar Heights Road between High Bluff Drive and Carmel Canyon Road is forecasted to operate at an acceptable LOS D or better in both the near-term and long-term scenarios (see Table 5.2-34 of the Draft EIR), no diversion would be expected due to congestion on Del Mar Heights Road. In addition, as illustrated in Exhibit 5.2-1, the diverted route would be slightly longer in terms of travel time and distance. Therefore, diversions through Neighborhood Three, north of the project site, (via High Bluff Drive North and Half Mile Drive) to avoid Del Mar Heights Road between High Bluff Drive and El Camino Real would not be expected. Also, diversions into the neighborhood served by Hartfield Avenue and Half Mile Drive would also not be expected since good levels of service are forecasted along Del Mar Heights Road between El Camino Real and Hartfield Avenue.

5.3 This comment suggests that project generated traffic would impact students and teachers commuting to and from Torrey Pines High School, located at Del Mar Heights Road, approximately one-half mile from the project site. The effects of the project on traffic including high school students and teachers and, in particular, the levels of service on Del Mar Heights Road, are found in Tables 5.2-10, 11, 14, 15, 18 and 19 of the Draft EIR. The project will be conditioned to construct specific improvements to Del Mar Heights Road including: (1) modifying the raised median and extending the eastbound, dual left-turn pocket to the I-5 northbound on-ramp, and (2) extending the westbound right-turn pocket at the I-5 northbound on-ramp. The project would also be conditioned to make the following improvements to the intersection of

COMMENTS

RESPONSES

5.3 cont. Del Mar Heights Road with High Bluff Drive: (1) construct a dedicated northbound right-turn lane, (2) widen Del Mar Heights Road on the north side receiving lanes and re-stripe the northbound left-turn lane and re-phase the signal to provide northbound triple left-turn lanes; and (3) modify the eastbound and westbound left-turn lanes to dual left-turn lanes and widen the eastbound approach by two feet on the south side to accommodate the eastbound and westbound dual left-turn lanes. The project would also be conditioned to construct an eastbound right-turn lane at the intersection of Del Mar Heights Road with El Camino Real. These improvements will facilitate the movement of traffic along Del Mar Heights Road.

Moreover, a TDM Plan would be implemented which would encourage and accommodate the use of car pools, shuttle service, bicycles, and walking to reduce dependence upon automobiles. It should also be noted that the Revised Project which is currently being pursued by the project applicant would reduce the traffic associated with the Originally Proposed Project.

The comment suggests that the applicant subsidize the cost of bus service to Torrey Pines High School. However, there is no basis for the City to require the applicant to subsidize bus service. As indicated in response to comment 7.11, the applicant's payment of school fees is considered complete and adequate mitigation for any impacts to schools.

5.4

Camino del Mar is the only continuous vehicular travel corridor parallel to I-5 and it is subject to horrendous congestion when I-5 fails to function at an acceptable level of service. Queues related to ramp meters result in congestion along Del Mar Heights and alternative route selection such as Camino del Mar. Potential impacts to Camino del Mar, due to significant impact to the Del Mar Height Road/Interstate 5 ramp meters will result from drivers rerouting to the Camino del Mar/coastal corridor. This has a tremendous impact on the City of Del Mar and traffic in its downtown village. Moreover, in an attempt to avoid the peak traffic flows on Camino del Mar, this rerouted traffic would likely search for alternatives to the Camino del Mar traffic controls by using the residential neighborhood streets that create "cut-through" connections to the north end of Camino del Mar within Del Mar's downtown village (i.e. Crest Road, 15th Street, Stratford Court).

The DEIR is inadequate in that it does not include an analysis of the traffic impacts of the proposed project on traffic flows on Camino del Mar. The DEIR should include such an analysis of this important issue to the City of Del Mar.

Visual Effects and Neighborhood Character

As stated in the DEIR:

5.5

The bulk and scale of development proposed for the project site, for which height and FAR provide proxies, although consistent with other development in the broader Community Plan Area, is greater than that of the immediately surrounding development. The topography of the project site, the arrangement and design of buildings relative to that topography, the spatial buffers provided by wide rights-of-way, and increased setbacks, the articulation and varied heights of the proposed buildings, and the mirroring of existing uses on neighboring properties have all responded and provided a sensitivity to the height and mass of the immediately surrounding development. Even with incorporation of these project design measures to implement General Plan policies addressing community character impacts, the mass and height of the proposed buildings would be sufficiently greater than and different from existing development such that a significant impact to the generally low-scale and low-intensity character of the immediate vicinity would occur.

The City of Del Mar strongly agrees that the planned development would be significantly inconsistent with the "low-scale and low-intensity character of the immediate vicinity." While it may be recognized by the City of San Diego's general plan that implementation of the City of Villages strategy could result in impacts of this nature, the City does not believe that this is a suitable site for the bulk and mass that would be created by the proposed floor area ratio and heights of the project.

Alternatives

5.6

As it relates to the City's concern about the size and density of the One Paseo project and the negative impacts it could have on the community that surrounds it, we respectfully request that an additional project alternative be included and analyzed. As

5.4 As discussed in response to comment 5.2, traffic is not expected to divert onto Del Mar Heights Road west of I-5 into the city of Del Mar. The comment notes Camino Del Mar is congested when I-5 fails to function at an acceptable level of service. In the existing with-project condition, I-5 operates at an acceptable level of service, as shown in Table 1-9 and in the future (Year 2030) condition as shown in Table 1-27 of the traffic study in Appendix C.2; Appendix C.1 confirms that the level of service on the freeway would be acceptable with the Revised Project as well. The comment further implies traffic would re-route through Camino Del Mar to avoid congestion at the Del Mar Heights Road / I-5 ramp meters. As discussed in response to comment 5.2, such a diversion would not be expected to occur as a result of either the Originally Proposed Project or Revised Project.

5.5 The City recognizes the City of Del Mar's belief that the project site is not suitable for the proposed bulk and scale of the Originally Proposed Project for the reasons stated in the quotation of the Draft EIR included in the comment. It should be noted that the Final EIR includes three alternatives which would reduce the bulk and scale of the project as discussed in response to comment 5.6.

5.6 Three alternatives were added to the Draft EIR and recirculated for public comment between October 25 and December 10, 2013. Two of these alternatives (Reduced Main Street Alternative and Reduced Mixed-use Alternative) involve the same mixture of land uses as the Originally Proposed Project addressed in the Draft EIR, with the exception of the hotel, which would be eliminated under both. It should be noted

COMMENTS

RESPONSES

5.6
cont.

written, the DEIR explores alternatives involving commercial development only, Medical Office/Senior Housing only, no retail, and of course, no project. However, an alternative that includes all of the currently proposed land uses, but at lesser densities, is not included.

5.7

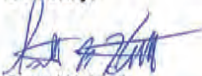
The DEIR has concluded that the project would not have significant impact related to land use and the City of Del Mar does not disagree with the appropriateness of the land use types proposed within the project area. Of significant concern however, is density of the uses and how that contributes to the project's height, massing and scale within the surrounding community. Therefore, an alternative that reduces the commercial and office square-footages, as well as the residential units, appears to be a reasonable inclusion to the analysis. An additional alternative, as described, could significantly reduce the potential negative effects to the surrounding community in terms of visual and traffic impacts.

5.8

This project would create an island of urbanization in a community of relatively low-scale development. The project would not be so much of a village but an over-intensified mixed-use development that would be located in an area of existing high vehicle traffic and minimal planned mass transit opportunities for the thousands of people who would be coming and going from corporate, retail, residential, and hotel uses on a daily basis.

Thank you again for the opportunity to comment on this environmental document. If you have any questions regarding our comments, please contact Kathleen Garcia, Director of Planning and Community Development, at (858) 755-9313, or by email at kgarcia@delmar.ca.us.

Sincerely,



Scott W. Huth
City Manager
City of Del Mar

5.6
cont.

that the Reduced Main Street Alternative is equivalent to the Revised Project currently being proposed by the project applicant. The third alternative (Specialty Food Market Retail Alternative) consists of a retail commercial use that would reduce traffic impacts by generating a traffic volume comparable to the Employment Center land use designation, which presently applies to the project site.

In addition to eliminating the hotel use, the Reduced Main Street Alternative would reduce Gross Leasable Area (GLA) of commercial by 10 percent from 806,000 to 730,000 square feet. The number of residential units would remain at 608 multi-family units. The overall Floor Area Ratio (FAR) would be reduced by 403,371 square feet (22 percent) from 1.8 to 1.4. A more complete description of the Reduced Main Street Alternative is provided in Section 12.9 of the Final EIR.

As with the Reduced Main Street Alternative, the Reduced Mixed-use Alternative would retain all of the land use components of the Originally Proposed Project, with the exception of the hotel. This alternative would reduce the overall scale of the Originally Proposed Project by approximately half. The GLA of commercial development would be reduced from the proposed 806,000 to 407,800 square feet. The number of residential units would be reduced from 608 to 304 multi-family units. The overall FAR would be reduced by 289,640 square feet from 1.8 to 0.8. A more complete description of the Reduced Mixed-use Alternative is provided Section 12.10 of the Final EIR.

The Specialty Food Market Retail Alternative includes construction of a specialty food market in combination with retail stores which would generate approximately 6,500 ADT. Based a specialty food market comprised of 30,000 square feet, the pad retail component would be able to include up to 50,000 square feet without exceeding the 6,500 ADT cap. Thus, the Specialty Food Market Retail Alternative includes a 30,000 square foot food market, and 50,000 square feet of retail uses, such as restaurants, banks, convenience stores, and other neighborhood stores, totaling 80,000 square feet, with an FAR of 0.08. A more complete description of the Specialty Food Market Retail Alternative is provided Section 12.11 of the Final EIR.

The project applicant has decided to pursue the Reduced Main Street Alternative rather than the Originally Proposed Project and has submitted

COMMENTS

RESPONSES

- | | |
|--|--|
| | <p>5.6 a revised set of plans and documents to reflect this alternative. These new
cont. plans and documents are collectively referred to as the “Revised Project”
for purposes of these responses to comments.</p> <p>5.7 The analysis in the Final EIR concludes that the Revised Project and
Reduced Mixed-use Alternative would proportionately reduce impacts
related to visual effects/neighborhood character and traffic in comparison
with the Originally Proposed Project addressed in the Draft EIR, but not
to a level below significance.</p> <p>5.8 Refer to response to comment 5.5.</p> |
|--|--|



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May 24, 2012

File Number 3330300

Ms. Martha Blake
Environmental Planner
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Blake:

SUBJECT: Comments on the Draft Environmental Impact Report for the One Paseo Project

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the One Paseo Project, which proposes to develop a mixed use project including commercial retail, commercial office, a cinema, and multifamily housing in the City of San Diego's Carmel Valley Community Plan area. Our comments are based on policies included in the Regional Comprehensive Plan (RCP) and the 2050 Regional Transportation Plan and its Sustainable Communities Strategy (2050 RTP/SCS) and are submitted from a regional perspective, emphasizing the need for land use and transportation coordination and implementation of smart growth and sustainable development principles. The goal of these regional plans is to focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure to create a more sustainable region. The project site is located within a Town Center Smart Growth Opportunity Area on the San Diego Association of Governments (SANDAG) Smart Growth Concept Map, which calls for higher density mixed-use development in a pedestrian-friendly environment with access to public transit.

The 2050 RTP/SCS sets forth a multimodal approach to meeting the region's transportation needs, and includes a future Rapid Bus service that would serve the project area in the year 2030. Therefore, it is recommended that the traffic analysis consider the needs of motorists, transit riders, pedestrians, and bicyclists, and the implementation of a robust Transportation Demand Management (TDM) Program.

SANDAG recommends that the following comments be addressed and analyzed in the DEIR.

1.0 Executive Summary

- Page 1-1: Please clarify the discrepancy in Average Daily Trips (ADTs) between the project trips versus cumulative trips. Documentation should be included within the traffic impact study analysis and include methods for estimating cumulative ADTs compared to methods for estimating project ADTs.
- Page 1-3: The project uses the SANDAG Series 11 Regional Growth Forecast. The Series 11 forecast assumes that the widening from four to six lanes on State Route 56 (SR 56) will be completed by 2020. This conflicts with the SR 56 improvements that are currently planned for 2040 in the 2050 RTP/SCS (Series 12).
- SANDAG supports further enhancements of regional multimodal transit, highway, bike, and pedestrian improvements to address cumulative impacts. Please include fair share contributions towards multimodal regional projects as mitigation for projects impacts.

4.0 Methodology

- Pages 4-5 and 4-7: The San Diego region's local jurisdictions elected to opt out of the California Congestion Management Program (CMP). Therefore, reference made in this DEIR to the Regional CMP is no longer necessary. Please refer to Technical Appendix 20 – SANDAG Federal Congestion Management Process and the Regional Transportation Multimodal Analysis for guidance in updating these sections.

18.0 Transportation Demand Management/Transit

- Figures 18-1 and 18-2: Please consider the routing and stops for the planned Rapid Bus (Route 473). The 2050 RTP/SCS shows two stops planned near the proposed development. SANDAG supports better integration of the planned transit route within the proposed project by including the planned Route 473 station within the project area (Main Street) and integrating the rapid bus station with the shuttle service rideshare center and bike station.
- Please clarify whether the Block C paseo/pathway will provide bike access via the existing bike path to the ride share center and bike station, and whether the bike classification is consistent with SANDAG's bike classification. Consider including a bike path rather than a bike route within the project area that directly connects to the existing bike path. For examples, please refer to, *Riding to 2050: the San Diego Regional Bike Plan*, referenced at the end of this letter.
- SANDAG recommends contacting the SANDAG iCommute team to explore the TDM options described below:
 - Due to the size and potential traffic impacts of this project, a comprehensive TDM program should be developed that establishes non-Single Occupant Vehicle (SOV) mode share goals, and a more detailed description of how the proposed TDM services and programs will be delivered and contribute toward those goals. Because this project is in an area with limited existing transit service, the proactive integration of TDM programs and features into the development can help reduce parking demand, provide transportation choices for tenants and residents, and mitigate the traffic impacts associated with the proposed intensification of land use. A robust TDM program also will support the proposed investment in pedestrian and bicycle facilities and help make the area a pedestrian- and bicycle-friendly place to

6.1 The comment asserts a discrepancy in average daily trips between the project driveway trips versus cumulative trips. No such discrepancy exists. The trip generation tables in Section 3.0 of the traffic study (Appendix C to the Draft EIR) used driveway trip generation rates. Driveway trips were used for analyzing project access points as well as project frontage roadways. Driveway trips were the total number of trips generated by a site. On page 1-1 of the traffic study, cumulative trips were provided for information only; they were not used in the analysis. Cumulative trip generation rates were derived from the City's Trip Generation Manual, May 2003.

6.2 The comment correctly notes the traffic analysis uses the SANDAG Series 11 Regional Growth Forecast, which assumes SR-56 widening to six lanes. When the project traffic study was prepared, Series 11 was the model available from SANDAG for traffic analysis. . . The subsequent SANDAG model, Series 12, utilizes a so-called "horizon" year beyond 2030 and programs certain improvements in year 2040, as identified in the comment. The Series 11 model and underlying assumptions are valid and appropriate for use in long-range "horizon" year transportation modeling. With regard to SR-56 improvements specifically, both 2030 and 2050 Regional Transportation Plans (RTPs) contemplate the improvements in their respective long-term scenarios.

6.3 A general fair-share contribution to partially fund regional multi-modal improvements is not required. As discussed in response to comment 4.6, the City may impose mitigation under CEQA, as appropriate, to mitigate significant environmental impacts of a development project. As such, the Draft EIR identified mitigation for significant cumulative impacts of the project, including certain fair-share financial contributions to fund improvements to facilities significantly impacted by the project. CEQA may not be used as a means to raise revenues generally for public works projects. Thus, inclusion of a mitigation measure requiring a general contribution to regional transportation projects without a nexus to a project impact would be inappropriate pursuant to CEQA.

6.4 References to the Congestion Management Plan have been deleted in the Final EIR.

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- 6.5 The City welcomes the opportunity to coordinate with SANDAG concerning planned transit in Carmel Valley. A Bus Rapid Transit (BRT) line is identified in the current 2050 RTP. Figure 1 of the project's TDM Plan shows a future bus stop location to serve the planned bus route along El Camino Real.
- 6.6 In an effort to minimize the amount of asphalt and enhance the pedestrian experience with above minimum sidewalk widths, Class III bicycle routes are planned to allow cyclists to share the lane with automobiles. This is a common feature used in many pedestrian oriented locations throughout the United States and in European countries. Class III bicycle routes would be provided along internal streets serving the development (including Block C). These bicycle routes would connect with the existing bike lanes on Del Mar Heights Road and El Camino Real. Based on the TDM Plan for the Revised Project, the proposed development would retain the Class II bike lane that exists along Del Mar Heights Road and El Camino Real adjacent to the subject property.
- 6.7 The TDM Plan proposed as part of the project has been updated, and included in the Final EIR as Appendix Q. The updated TDM Plan incorporates the following key strategies which are intended to reduce private automobile trips associated with the development of the Revised Project:
- Ridesharing, preferential carpool parking, and parking strategies;
 - Parking cash-out incentives;
 - Pedestrian and bicycle connections and circulation improvements;
 - Cycling support services, storage and amenities;
 - Electric vehicle charging stations;
 - Shuttle program to closest transit station;
 - Transportation Coordinator/TDM Sustainability Coordinator;
 - Tenant, resident, and staff best practices education (e.g., staggered work hours);
 - Public transit enhancements for the future;
 - Car sharing/bike sharing promotions; and
 - Trip Reduction Membership Program.
- Ridesharing and Preferential Carpool Parking and Parking Strategies. Formal carpool preferential parking will be offered on-site in a variety of locations throughout the development. The program will be open to residents, tenants, and employees.

6.7 Parking Cash-out Incentives. Employers would be encouraged to provide cash to employees in lieu of free parking in order to encourage them to use alternative forms of transportation rather than driving to work alone. Parking Cash-out cannot be mandated under current City regulations which require the provision of adequate parking for anticipated users of the project.

In addition, shared parking strategies were utilized in the development of the overall site plan. As an example of shared parking, the peak parking demand for office and entertainment uses within the project occur at opposite times during the day, allowing the same parking space to serve the two uses.

Pedestrian and Bicycle Circulation Improvements. The Revised Project has been designed to be pedestrian-friendly. Block lengths would be less than 250 feet to accommodate walking. Sidewalks would border all of the streets. In addition to street sidewalks, mid-block passages and paseos would be provided to shorten the overall block length and provide pedestrian access to lobbies, courts, open spaces, and parking facilities.

To accommodate the use of bicycles there will be easy connections from off-site and all of the interior streets will include Class III bicycle routes which will be appropriately signed. These routes will connect with Class II bicycle lanes associated with High Bluff Drive, Del Mar Heights Road, and El Camino Real. Bicycle parking would be provided throughout the development. Primary bicycle parking areas would be concentrated along major building entrances, and public plazas adjacent to existing or proposed bicycle routes.

Cycling Support Services and Amenities. The TDM Plan includes bicycle parking which will be fully accessible and located near bicycle paths. Office buildings will have shower and locker facilities. Bike racks and lockers will be installed near building entrances within the core of Main Street. Measures will be taken to increase awareness of the bicycle network on-site as well as in the community, how to safely ride a bike, and how to properly maintain a functioning bike.

Electric Vehicle Charging Stations. While Electric Vehicle Charging Stations are not a direct TDM Plan measure, they do assist in supporting the project's overall sustainability goals. Electric charging stations will be a part of the long-range parking strategy for the project.

6.7 Shuttle Program. The shuttle program would serve the residences and businesses located within the proposed project. The program would be phased-in as the project reaches the final build-out phase. Initial implementation of the program would include shuttles running during midday intervals between the proposed project to provide mobility options to the Employment Center within Carmel Valley. In addition, shuttle service would be provided between the proposed project and the Sorrento Valley Transit Station during the morning and afternoon commute times. The frequency of operation and the route would be evaluated periodically to gauge the benefit of ridership in relation to operational costs.

Transportation Coordinator/TDM Plan Sustainability Coordinator. The developer would establish an on-site TDM Plan coordinator or utilize similar services provided by SANDAG or other entities. The coordinator is expected to promote alternative forms of transportation by providing marketing and outreach for all TDM Plan programs including presentations to tenants, staff, and community members at large. The coordinator would act as the primary point of contact for residents, employees and tenants, and patrons wanting to travel using an alternative mode.

Public Transit Enhancement. The project will provide for bus stop along El Camino Real to facilitate implementation of a bus route planned to serve the site and the Carmel Valley community by the year 2030. The bus stop would be made available sooner if the transit agency re-instates the bus service route that traditionally served the perimeter of the site.

Car sharing/Ridesharing Promotions. Formal carpool preferential parking will be offered on-site in a variety of locations throughout the project. A One Paseo Master Association (Association) parking permit will be required (one per carpool), and participants must apply for a carpool placard through the Association. The program will be open to residents, tenants and employees.

Trip Reduction Membership Program. The Association will have the option to leave TDM Plan elements as standalone initiatives (e.g., reduced rate transit pass options, carpool program, etc.), or consolidate them into a single “umbrella” trip reduction program. Successful examples of a consolidated program include Stanford University’s Commute Club and the City of San Diego’s Transportation Alternatives Program (TAP). The benefits of such a program include:

COMMENTS

RESPONSES

live and work. TDM strategies and amenities can count toward the developer's goal of Silver Leadership in Energy and Environmental Design (LEED) certification.

- SANDAG supports the following TDM concepts proposed in the Traffic Impact Analysis section 18.1, but have the following questions regarding how these programs will be implemented, managed, and sustained:

- Shuttle service, rideshare program, and bike station – Will the shuttle connect with transit, the COASTER, and surrounding employment centers? How will the shuttle service be funded and sustained? Please describe the rideshare program.
- TDM association/coordinator for the tenants of One Paseo - Will this be funded, managed, and sustained through membership fees or some other mechanism?
- Please describe the proposed priority parking spaces for carpoolers.
- Are informational newsletters to residents and tenants discussing *Ridelink* and other tools for carpooling, bicycling, and alternative modes of transportation planned? (Please note that *Ridelink* became *iCommute* in 2009.)

- Additional TDM measures to consider for the proposed development include:

- Subsidized transit and shuttle passes for tenants
- Carpool and vanpool subsidies for employees
- Pre-tax deduction of transit and vanpool fares for employees
- Promotion of *iCommute* services (Ridematching, Vanpool Program, Guaranteed Ride Home, SchoolPool, etc.) for tenants/employees
- Parking Cash Out program for employees
- Designated Employee Transportation Coordinators and commuter programs for any large employers located within the development
- Onsite carshare and bikeshare program for tenants and employees
- Telework/Cowork center to encourage and support working from home

- To manage and monitor TDM-related services to residents and employees, SANDAG also encourages the formation of a Transportation Management Association (TMA), or similar entity. The developer also may want to consider combining the proposed Bike Station and Rideshare Center into a commuter station that includes bike commuter facilities, such as locker rooms, bike storage, bike repair, bike sales, as well as transit pass sales and information, and ride share information.

- SANDAG supports the proposal for shared parking among uses with different peak periods. The developer also may want to consider a plan for parking, renting, or selling parking spaces separately from residential and/or commercial space. A demand-based approach to public parking pricing is recommended to ensure the availability of premium on-street parking and to improve access to businesses by discouraging long-term street parking.

- In addition to the proposed bike station and racks, SANDAG requests that the development consider the inclusion of bicycle parking standards for commercial and residential buildings and bike amenities, such as showers, lockers, and changing rooms for employees of commercial buildings. The provision of bikeshare would provide a first and last mile solution to transit, increase mobility for tenants, and further support the developer's investment in bicycle infrastructure.

- 6.7 cont.
 - Provide consistent branding of the program and streamlined, cost-effective marketing;
 - Bundle incentives and provide equitable membership benefits;
 - Reduce confusion and redundancy of multiple programs;
 - Simplify TDM Plan evaluation and reporting of performance indicators; and
 - Heighten profile of commitment to sustainable practices, employee work/life balance, and the quality of the life throughout the community of Carmel Valley.

- 6.8 As recommended, the proposed development would provide a combined rideshare center and cyclist station.

- 6.9 Parking for the proposed retail uses would be free to the public. Office parking would be provided as an amenity inclusive of tenant leases.

- 6.10 The project cannot control whether employers within the proposed commercial portion of the project would provide lockers, showers and changing rooms for employees who would choose to bicycle to work.

Consultation with the Metropolitan Transit Service (MTS), North County Transit District (NCTD) and Caltrans

SANDAG advises the project applicant to consult with MTS and NCTD, the transit service providers within the project area, and with Caltrans to coordinate planned transit and/or highway improvements.

Other Considerations

Please consider the following State of California laws and Executive Order when developing the DEIR: Assembly Bill 32 (Nunez, 2006), Senate Bill 375 (Steinberg, 2008) (SB 375), SB 97 (Dutton, 2007), and Executive Order S-13-08, which call for analysis of greenhouse gas emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

We appreciate the opportunity to comment on the DEIR for the One Paseo Project. SANDAG understands the challenges involved in infill development and the short- to mid-term impacts that it may cause. Therefore, we encourage the City of San Diego, where appropriate, to consider the following tools in evaluating the One Paseo Project based on the following SANDAG publications, which can be found on our Web site at www.sandag.org/igr:

- (1) *Designing for Smart Growth, Creating Great Places in the San Diego Region*
- (2) *Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region*
- (3) *Trip Generation for Smart Growth*
- (4) *Parking Strategies for Smart Growth*
- (5) *Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in EIRs*
- (6) *Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities; and*
- (7) *Riding to 2050, the San Diego Regional Bike Plan.*

If you have any questions or concerns regarding this letter, please contact me at (619) 699-6945 or Muggs.Stoll@sandag.org.

Sincerely,

CHARLES "MUGGS" STOLL
Director of Land Use and Transportation Planning

MST/SBA/RSA/dsn

6.11 This comment raises no issues related to the adequacy of the Draft EIR. Thus, no specific response is warranted.

6.12 The discussion of GHG emissions in Section 5.7 does consider the legislation mentioned in this comment; see pages 5.7-6 through 5.7-9 of the Draft EIR. Although not specifically described, the GHG analysis does consider reducing water and energy consumption an important means of reducing GHG emissions in its discussion of the CARB Scoping Plan on pages 5.7-10 through 5.7-12. On pages 5.7-25 through 5.7-27, the Draft EIR identified measures to reduce energy and water consumption. With the proposed reduction strategies, project GHG emissions (combining construction and operations) were determined to be reduced to a level that would be consistent with the goals of AB 32 and regulations adopted by CARB pursuant to AB 32.

San Dieguito

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May 16, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Request for Comments on Draft EIR
Project Name: One Paseo
Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

The project site is located within the jurisdiction of the Solana Beach School District (SBSD) for elementary school and the San Dieguito Union High School District (District) for middle and high school.

The Project is located at a central intersection within the community at El Camino Real and Del Mar Heights Road. Del Mar Heights Road, El Camino Real, and Via de la Valle, thoroughfares that provide direct access or are part of a larger commute, would be impacted. The DEIR in its executive summary states that "the proposed project would result in significant and unmitigated direct and/or cumulative impacts" to transportation/circulation/parking at areas along these road segments and/or at their intersections. It further states that the significant impacts to transportation/circulation/parking cannot be reduced by the proposed mitigation measures.

The bulk of the District's comments center on providing a safe and healthful environment for its students both during construction and future operation of the Project.

Finally, the project site is located and subject to the North City West mitigation agreement for which the proposed One Paseo project (Project) would be required to pay school facility fees to offset any school capacity impacts in lieu of statutory school fees under SB 50. The District's comments look to establish the capacity impact, as it appears that the EIR is silent on the projected impact and to correct the method by which school facility fees would be paid, and also to note and to propose a solution for potential unmitigated school facility costs.

COMMENTS

RESPONSES

Comment 1

7.1

The executive summary to the DEIR states that “the proposed project would result in significant and unmitigated direct and/or cumulative impacts” to transportation/circulation/parking, etc. It further states that the significant impacts to transportation/circulation/parking, et al cannot be reduced by the proposed mitigation measures. It appears that the design of an alternative lower impact project is needed so that impacts to transportation/circulation/parking could be mitigated at the time of the Project’s construction and may help to alleviate some aspects of the comments below.

Comment 2

7.2

With the addition of Project buildout traffic, the LOS along Del Mar Heights Road between the I-5 SB ramps and I-5 NB ramps, and Del Mar Heights Road between the I-5 NB ramps and High Bluff Drive segments would decrease from D, a current unacceptable level, to E and F. Further, the LOS both at the Del Mar Heights Road/High Bluff Drive intersection and Del Mar Heights Road/El Camino Real intersection would degrade from C, a current reasonable level, to E during the PM peak hour. As well, the intersection of Carmel Creek Road/Del Mar Trail would further degrade from E, a current unacceptable level, to F in the AM peak hour. It appears that the design of an alternative lower impact project is needed so that impacts to transportation/circulation/parking do not degrade further existing acceptable areas, and especially existing unacceptable areas.

Comment 3

7.3

In some instances, the Project developer shall make fair-share contribution towards the mitigation of traffic impacts. Should the agencies responsible for implementing the mitigation paid for by the fair-share contribution, not be able to implement the necessary mitigation prior to Project completion, what interim degrade could occur? For those potentially operating at LOS F during this time, it would be beneficial to know what that degrade would mean in terms of total minutes/seconds.

If design of an alternative lower impact project is found unacceptable, the District would recommend phasing of the Project to concur with implementation of improvements by the agencies responsible in addition to the payment of the fair-share contribution.

7.1 As indicated in response to comment 5.6, the Revised Project and the Reduced Mixed-use Alternative would result in reductions in the magnitude of traffic and neighborhood character impacts compared to the Originally Proposed Project, but the impacts would remain significant and not mitigated. Other reductions would occur with respect to air quality, GHG, and noise as expressed in the comment, and this alternative would reduce, but not eliminate, the traffic impacts associated with the project.

7.2 As discussed in response to comment 5.6, the Final EIR includes a Reduced Mixed-use Alternative, which would retain the same general mix of land uses as the Originally Proposed Project but reduce the overall density and intensity in comparison with the Originally Proposed Project. This reduction in density and intensity would result in a proportionate decrease in the impacts related to density and intensity; primarily traffic and visual effect/neighborhood character.

In addition, as discussed in response to comment 5.6, the Revised Project, which is currently proposed by the project applicant, would also reduce traffic and neighborhood character impacts. However, the traffic impacts would remain significant and not mitigated.

7.3 As illustrated in Table 5.2-41 of the Final EIR, construction of, or fair share contributions towards roadway improvements included as mitigation measures are tied to specific phases of the project to assure that the improvements will be in place as project traffic is added to the local street system. This would also be true for the Revised Project. However, the commenter is correct that the implementation of improvements toward which the applicant is required to make a fair-share contribution would be delayed, or in the worst case, not constructed. It is this later scenario that prompted the City to conclude that the cumulative impacts outside the City’s jurisdiction for which mitigation is a fair-share contribution are potentially unmitigable. The consequences of a delay and/or failure to construct “fair-share” roadway improvements, in the near-term, are illustrated in Tables 5.2-26 through 29 of the Final EIR because these statistics assume that the “fair-share” improvements are not in place. Similarly, long-term (buildout) implications are illustrated in Tables 5.2-34 through 38 of the Final EIR.

COMMENTS

RESPONSES

Comment 4

Given the close proximity of the Project to Carmel Valley Middle School (0.2 miles), Torrey Pines High School (0.5 miles), and the related elementary school sites (both 0.2 miles), what project design features and/or EIR mitigation measures address and provide for the protection of students for:

- 7.4
 - general construction traffic and safety issues?
 - Require the use of adequate fencing and visual screening, human crossing guards, construction worker parking location, staging, haul routes, time of day construction, construction schedules, delivery schedules, access and site surveillance, security, including workers arriving at and leaving the site, and separation of construction workers from students.
- 7.5
 - air quality monitoring during construction with thresholds and remedies for exceeding them? In the air quality analysis what EPA standards for internal combustion engines/construction, equipment were used?
 - Require the Project's contractors to comply with standards that could meet EPA Model Year 2010 NOx emissions levels.
- 7.6
 - dust suppression and washing of El Camino Real and Del Mar Heights Road?
- 7.7
 - restriction of construction hours to reduce conflicts with Torrey Pines High School, Carmel Valley Middle School, and related elementary schools?

Comment 5

The District would recommend a preliminary construction management plan be prepared and funded by the developer, with the consultation and, if possible, the approval of the District. Ideally, it would be prepared by an independent, third-party consultant, agreed upon by both the developer and the District. An independent environmental monitor, agreed upon by the developer and the District, funded by the developer, would provide compliance monitoring during construction.

Comment 6

The daily activities at Torrey Pines High School, Carmel Valley Middle School, and related elementary schools have the potential for numerous conflicts with the construction of the Project, and thereafter, the Project's ongoing operations. For the District, peak school times include, not only the pickup and drop off hours heavily traveled by both automobiles and pedestrians, obviously impacting traffic, public safety, and security issues, but also numerous other school events, including school fundraisers, parent meetings, sporting events, after school and weekend athletics, and summer school, etc. How are these issues to be handled? The DEIR is silent. At the very least, a preliminary construction management plan defining specific mitigation measures should mandate pedestrian and traffic control measures for many, if not all of these events.

7.4 Construction traffic is not expected to pose a significant safety risk to local schools with either the Originally Proposed Project or the Revised Project, as construction activity would be similar between the two development approaches. Thus, the analysis of construction traffic associated with the Originally Proposed Project in the Draft EIR is considered applicable to the Revised Project. In addition, a traffic control permit, satisfactory to the City Engineer, will be required.

As discussed in Section 5.2 of the Final EIR, construction traffic is expected to primarily occur on Del Mar Heights Road between I-5 and El Camino Real and El Camino Real between Via de la Valle and Del Mar Heights Road. Construction traffic is expected to access Del Mar Heights Road directly from I-5 or from the north via El Camino Real. As discussed in Section 5.2, daily construction traffic will range between 1,265 and 1,775 trips, depending on the construction phasing. The peak hour construction traffic during the morning would range between 84 and 130 trips; in the afternoon, the peak hour construction traffic would range between 77 and 118 trips. Given the peak hour volumes on Del Mar Heights Road in the near-term condition (estimated as 10 percent of the daily traffic volume or 5,477 trips), construction traffic would result in an increase of approximately 2 percent in both the morning and afternoon peak hour. On a daily basis, construction traffic would increase traffic on Del Mar Heights Road by approximately 3 percent. These represent nominal increases in traffic volumes.

Construction traffic will generally be comprised of commute trips related to construction workers working on the property and trucks making deliveries of construction materials. During the construction phase when grading is occurring, the number of large trucks associated with construction traffic (in the form of dump trucks) will increase as exported soil is transferred to offsite locations. Similarly, truck traffic (in the form of cement trucks) will represent a larger portion of construction traffic when building foundations are poured. However, as indicated earlier, these trucks would be limited to Del Mar Heights Road and El Camino Real, in the project area.

As indicated in Section 3.3.2 of the Final EIR, a traffic control plan and haul route plan would be required for review and approval by City staff for trucks hauling excavated material once haul route destinations are known and to complete mitigation measures or accommodate construction

COMMENTS

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7.4 vehicles. These traffic plans would ensure that the construction work cont. would not pose a safety risk to motorists or pedestrians.

The proximity of the schools in the surrounding area to the primary construction traffic routes is an important consideration in determining how to best accommodate construction traffic. As illustrated in Figure 5.12-1 of the Final EIR, the schools referenced in this comment letter are not located on the portions of Del Mar Heights Road and El Camino Real which are expected to handle the majority of the construction traffic.

Torrey Pines High School is located on Del Mar Heights Road, east of El Camino Real. As indicated earlier, construction traffic is expected to be focused on the portion of Del Mar Heights Road west of El Camino Real. Thus, construction traffic would not pass in front of the high school. Although the school attendance area overlaps Del Mar Heights Road, high school students frequently travel by car rather than foot. When high school students walk to school, they are typically less vulnerable to injury from automobile traffic because they have had more experience dealing with safety along major roadways.

Carmel Valley Middle School is located off Carmel Creek Road, which is not expected to handle any project construction traffic. Although the school attendance area overlaps Del Mar Heights Road, middle school students frequently travel by car rather than foot. As with high school students, middle school students that do walk to school are typically less vulnerable to injury from automobile traffic because they have had more experience dealing with safety along major roadways.

The nearest elementary schools are not located on primary construction traffic travel routes. In addition, the current attendance areas of the nearest elementary schools are structured in a way that generally precludes the need for children walking to school to cross Del Mar Heights Road because Del Mar Heights Road forms the boundary of the attendance areas for the three nearest schools.

On the basis of the information provided above and in response to comment 9.1, neither the Originally Proposed Project nor the Revised Project would pose a significant safety risk to school children in the project area.

COMMENTS

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- 7.5 Criteria pollutant emissions during project construction and/or operations would not pose a localized risk to children and faculty associated with nearby schools under either the Originally Proposed Project or the Revised Project, as the construction activities would be comparable between the two. As discussed in Section 5.5 of the Final EIR and illustrated in Tables 5.5-5 through 12 of the Final EIR, none of the construction and operations scenarios evaluated resulted in criteria pollutant emissions which exceeded significance thresholds. Thus, no mitigation measures are required relative to air quality. Nevertheless, the project will be required to follow standard dust control practices required by the City which, include regular applications of water during construction.
- The assumptions for emissions generated by combustible engines are pre-determined by the URBEMIS model, Version 9.2.4 (Rimpo and Associates 2007) which was used in the analysis.
- As discussed in Sections 5.5 and 12.9 of the Final EIR, neither the Originally Proposed Project nor the Revised Project would expose the schools to substantial pollutant concentrations. The analysis considered diesel particulate matter and naturally occurring asbestos during construction, as well as toxic air contaminants from project operations with either the Originally Proposed Project or the Revised Project, and concluded that potential pollutant concentrations would be below a level of significance.
- 7.6 As discussed in the previous response, dust suppression and control of dust on El Camino Real and Del Mar Heights Road would be performed in accordance with City requirements.
- 7.7 Refer to response to comment 7.4.
- 7.8 Refer to responses to comments 7.4 and 7.7. A traffic control plan and traffic control permit are required by the City of San Diego to define how construction traffic will be safely handled on local streets.
- 7.9 The project will be required to complete a Traffic Control Plan to the satisfaction of the City of San Diego, and obtain a Traffic Control Permit to define how construction traffic will be safely handled on local streets.

COMMENTS

RESPONSES

Comment 7

Finally, completing the preliminary construction management plan, including its requirements as mitigation measures, and subjecting it all to public review and comment before the Final EIR is certified and the project approved, is particularly important. Granted, for most large scale projects, these issues would logically be addressed in a Construction Management Plan, but while a Construction Management Plan is implied by the DEIR's proposed mitigation measures, the details of what would be included in such a plan (with a few exceptions, e.g., paleontology, noise, etc.) are not included in the mitigation measures for the DEIR.

In order to comply with CEQA's requirements that mitigation measures be included in the EIR, and, if feasible, not deferred to future implementation. The preparation of a preliminary construction management plan should be advanced and included as enforceable mitigation measures in this Project's Final EIR so that the District can be assured that promises made by the developer as well as other measures necessary to mitigate impact on school operations and activities are made part of the environmental approval process and are not deferred to future implementation when there is limited opportunity for project modification or enforcement if the final Construction Management Plan is inadequate.

Comment 8

The Project, while not originally considered in its proposed form in the General Plan, Carmel Valley Community Plan, or the Carmel Valley Employment Center Precise Plan, would, if approved, continue to be assessed a school deposit under the North City West School Facilities Master Plan (11/17/81). Fees collected under this agreement are for the benefit of San Dieguito Union High School District, Solana Beach Elementary District, and the Del Mar Union School District. Given that the Project as currently proposed was not originally contemplated as part of the North City West master plan, existing school facilities were not constructed or planned to house projected students from the residential component of the Project. The Project is expected to generate 122 grade K-6 students (608 units x .2 SGR) to be served by the Solana Beach Elementary District and 158 grade 7-12 students (608 units x .2598 SGR) to be served by the San Dieguito Union High School District.

For grades 7-12, students would likely be served by Carmel Valley Middle School (CVMS), Torrey Pines High School (TPHS), and Canyon Crest Academy (CCA). In the short term, CVMS would be directly impacted as the school site currently serves 250 students more than its core capacity of 1,250 students. In the long term, both TPHS and CCA would need to have additional capacity constructed to serve the students generated by this Project.

The Solana Beach Elementary District's K-6 school facility cost per student (\$34M/649 students) is \$52,388.29. The Project is expected to generate 122 grade K-6 students. This will generate a school facility cost of \$6,391,371.34 excluding land costs in today's dollars.

The San Dieguito Union High School District's weighted average 7-12 facilities cost is \$67,923.33 per student. The cost impact to San Dieguito Union High School District to house the additional 158 students from the Project would be \$10,731,886.14 excluding additional land costs in today's dollars.

The total K-12 school facility cost is \$17,123,257.48 excluding land costs.

7.10 Refer to response to comment 7.8.

7.11 Although the payment of school fees will fully mitigate the project's school impacts, the following information on local school enrollment is offered for informational purposes. The information is based upon input from school district officials.

Solana Beach School District (SBSD) facilities serving Carmel Valley include Carmel Creek Elementary School, Solana Highlands Elementary School, and Solana Pacific Elementary School. In addition, a future elementary school, referred to as School #7, is currently under construction.

Carmel Creek Elementary School, located east of the Originally Proposed Project in Carmel Valley, was constructed in 1995, and enrolls students in kindergarten through grade 4. The school has a capacity of 553 students. A total of 550 students are currently enrolled, including students living in the Pacific Highlands Ranch project within Carmel Valley. Upon completion of School #7 in 2014, discussed below, students from the Pacific Highlands Ranch project will be re-assigned to School #7, leaving 488 students in Carmel Creek Elementary School, with excess capacity for 65 additional students. District projections for 2021 anticipate an enrollment of 519 students, creating an excess capacity for 34 students.

Solana Highlands Elementary School, located north of the Originally Proposed Project in Carmel Valley, was constructed in two phases

COMMENTS

RESPONSES

7.11 (1986 and 1999), and enrolls students in kindergarten through grade cont. 4. The school has a capacity of 573 students. A total of 577 students are currently enrolled, including students living in Pacific Highlands Ranch. Upon completion of School #7 in 2014, students from the Pacific Highlands Ranch project will be re-assigned to School #7, leaving 408 students in Solana Highlands Elementary School, with excess capacity for 165 additional students. District projections for 2021 anticipate an enrollment of 393 students, creating an excess capacity for 180 students.

Solana Pacific Elementary School, located east of the Originally Proposed Project in Carmel Valley, was constructed in 2004, and enrolls students in grades 5 and 6. The school has a capacity of 600 students. A total of 516 students are currently enrolled, including students living in Pacific Highlands Ranch. Upon completion of School #7, students living in Pacific Highlands Ranch will be re-assigned to School #7, leaving 385 students at Solana Pacific Elementary School, creating an excess capacity for 215 students. District projections for 2021 anticipate an enrollment of 410 students for an open capacity of 190 students at this school.

School #7 is currently under construction in the Pacific Highlands Ranch development within Carmel Valley. The projected opening is for the 2014-15 school year. The school will have a capacity of 567 kindergarten through grade 6 students, as well as Child Development Center preschool, and before/after school care options for parents. Students who live within the SBSD boundaries in the Pacific Highlands Ranch project will attend this school, which is anticipated to accommodate the ultimate enrollment from the Pacific Highlands Ranch project area. Until the new school is complete, elementary students (K-6) from the Pacific Highlands Ranch project will continue to attend Carmel Creek, Solana Highlands, and Solana Pacific Elementary School Schools.

SBSD's total capacity for Carmel Creek Elementary School, Solana Highlands Elementary School, and Solana Pacific Elementary School is 1,726 students. Upon completion of School #7 in 2014, SBSD's projected enrollment for the three schools is 1,278 students. District projections for 2021 anticipate an enrollment of 1,322 within Carmel Creek, Solana Highlands, and Solana Pacific, creating an excess capacity for 422 students.

Residential development is expected to occur in the second and third phases of the Revised Project. The second phase is anticipated to be completed in 2015, and will include 194 units. The third phase is anticipated no earlier than 2015, and will include the balance of 414

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7.11 units. Using SBSD's student generation rate of 0.2 students per unit, the project would generate 39 students in 2015 and an additional 83 students after the year 2016. Assuming 71 percent of the students are kindergarten through grade 4, up to 87 students will attend either Carmel Creek Elementary School or Solana Highlands Elementary School. The decision about which school will enroll students from the Originally Proposed Project will be made by the SBSD's Board after completion of School #7, which is expected prior to first occupancy of the Originally Proposed Project. Assuming 29 percent of the students are grades 5 and 6, 35 students will attend Solana Pacific Elementary School.

The Originally Proposed Project would not generate students before the completion of School #7, when Pacific Highlands Ranch students will be assigned to School #7. Thus, sufficient capacity is anticipated to exist to accommodate the project's 87 kindergarten through grade 4 students at Carmel Creek Elementary School, or Solana Highlands Elementary School. The 35 grades 5 and 6 students from the Originally Proposed Project could be accommodated at Solana Pacific Elementary School.

The San Dieguito Union High School District (SDUHSD) facilities serving Carmel Valley include Carmel Valley Middle School and Earl Warren Middle School. In addition, a third middle school is planned next to the Canyon Crest Academy.

Carmel Valley Middle School, located east of the Originally Proposed Project in Carmel Valley, was constructed in 1999. The Originally Proposed Project is within the attendance boundary of this school. The school has a current capacity for 1,331 students in grades 7 and 8. A total of 1,500 students are currently enrolled, which is 169 students over its capacity. There are relocatable classrooms onsite to accommodate the current enrollment, and a limited "split" schedule is in place. SDUHSD's long-range projection for enrollment from the Carmel Valley area is 1,675 middle school students, without the Originally Proposed Project students. The District's long-range plan after the new middle school (discussed below) is completed is to reduce the preferred capacity at Carmel Valley Middle School to 1,000 students.

Earl Warren Middle School, located northwest of the Originally Proposed Project (west of I-5) in Solana Beach, was constructed in 1955. The school has a current capacity of 872 students in grades 7 and 8. A total of 696 students are currently enrolled, which includes approximately 100 students within the attendance boundary of Carmel Valley Middle School, who elect to travel to this school. The District's long-range projection is

COMMENTS

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7.11 803 students, or 69 students below its capacity. The District's long-range
cont. plan after the new middle school (discussed below) is completed is to
demolish Earl Warren Middle School and re-build it with a capacity for
500 students.

As indicated earlier, the District plans to construct a new middle school
adjacent to Canyon Crest Academy to serve Carmel Valley. A bond
measure to fund this new school was approved on the November ballot
in 2012. The school is planned for an initial capacity of 500 students, and
an ultimate capacity of 1,000 students. The new school is anticipated to
be opened in 2017.

SDUHSD's long-range enrollment projection for grades 7 and 8 for the
combined middle schools addressed above is 2,478 students, or 305
students more than currently enrolled, not taking into account students
from the Originally Proposed Project. As noted, SDUHSD's long-range
plan is to reduce capacity at Carmel Valley Middle School from 1,331 to
1,000 students, and reduce Earl Warren Middle School from 872 to 500,
but only after additional capacity from a new middle school is realized.

The present combined capacity of Carmel Valley Middle School and Earl
Warren Middle School is 2,203 students. The addition of a new middle
school in 2017, with an interim capacity of 500 students, will increase
capacity to 2,703 middle school students. If the new middle school is
originally built with the ultimate capacity of 1,000 students, capacity
among the three middle schools serving Carmel Valley will reach 3,203
students. The capacity figure exceeds the long-range projection of 2,478
middle school students. However, as noted, SDUHSD's long-range plans
include reductions in capacity at Carmel Valley Middle School and Earl
Warren Middle School, which, if implemented, would result in long-
range capacity of 2,500 students.

Using SDUHSD's student generation rate of 0.2598 per unit, the
Originally Proposed Project would generate 50 students in 2015 and 108
students after the year 2016. Assuming 33 percent of the students are
grades 7 and 8, 53 students will attend SDUHSD middle schools. The
decision about which school will accept students from the Originally
Proposed Project will be made by SDUHSD prior to first occupancy of
the Originally Proposed Project. The long-range enrollment projection
for grades 7 and 8, including 53 students for the Originally Proposed
Project, is 2,531 students (2,478 + 53).

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7.11 cont. The Originally Proposed Project will generate students before the completion of a new middle school in 2017. Because sufficient capacity does not presently exist at Carmel Valley Middle School to house grades 7 and 8 students from the Originally Proposed Project, those students likely will attend Earl Warren Middle School, where capacity does exist, pending completion of the proposed new Middle School. When the Third Middle School is built, Earl Warren Middle School will be rebuilt with a capacity of 500 students. At the same time, SDUHSD will decrease the capacity of Carmel Valley Middle School to 1,000 students. At that time, the three schools will have a capacity of 2,500 students to serve a projected enrollment of 2,531. It is expected that the slight exceedance of capacity can be accommodated between the three middle schools through relocatable classrooms. Thus, no middle school facilities in addition to those currently planned are anticipated to be required to accommodate the Originally Proposed Project.

SDUHSD high school facilities serving Carmel Valley include Torrey Pines High School, Canyon Crest Academy, and San Dieguito Academy.

Torrey Pines High School, located east of the Originally Proposed Project in Carmel Valley, was constructed in 1974, and has a capacity of 3,011 students. A total of 2,656 students are currently enrolled, creating an excess capacity for 355 students. Relocatable classrooms previously were utilized. However, relocatable classrooms are no longer necessary at the school.

Canyon Crest Academy, located west of the Originally Proposed Project in Carmel Valley, was constructed in 2004, and has a capacity of 1,812 students. A total of 1,868 students are currently enrolled in the school. SDUHSD plans to increase the capacity to 2,250 students to accommodate additional growth at the south end of the District. Historically, approximately 90 percent of the students enrolled at Canyon Crest Academy are from the Torrey Pines attendance boundary.

San Dieguito Academy, located northwest of the Originally Proposed Project development in Cardiff, was constructed in 1936, and has a capacity of 1,476 students. A total of 1,611 students are currently enrolled at the school. Historically, approximately five percent of the students enrolled come from the Torrey Pines boundary. The District routinely allows “over-enrollment” at the beginning of the school year, based on its experience that some students either graduate early or return to their respective school boundaries.

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7.11 Both academies are open to grades 9 through 12 students within the entire cont. SDUHSD boundary through an open enrollment application process.

SDUHSD's long-range projection for grades 9 through 12 for the Torrey Pines High School boundary is 5,446 students attending Torrey Pines High School or Canyon Crest Academy, which represents 922 students more than currently enrolled in those schools. Torrey Pines High School and the expanded Canyon Crest Academy will have capacity for 5,261 students. Thus, projected long-term enrollment will exceed capacity by 185 students.

Assuming 66 percent of the 158 project-generated high school students attend grades 9 through 12, approximately 105 students will attend some combination of Torrey Pines High School, Canyon Crest Academy, or San Dieguito Academy. Sufficient short-term capacity exists in Torrey Pines High School to accommodate all students from the Originally Proposed Project. Moreover, the expanded Canyon Crest Academy also will have capacity to house some students from the project. However, SDUHSD projects over-capacity in the long-term of 185 students at the high school level without the project, as described above. With the project, there will be a long-term over-capacity of 290 students.

As described above, SDUHSD historically has utilized portable classrooms and/or split schedules to accommodate enrollment beyond preferred capacity. There are no plans to construct additional permanent facilities to house high school students as a result of the project.

No environmental effects from the project on local schools are anticipated. As discussed in Section 5.12 of the Final EIR, the applicant is required to pay applicable school impact fees. Consequently, any potentially significant impacts upon local schools will be mitigated.

7.12 As explained in response to comment 7.11, sufficient capacity exists within Earl Warren Middle School to accommodate these students. As also indicated in response to comment 7.11, the SDUHSD is expected to be able to handle anticipated future school enrollment, including students from the Originally Proposed Project.

7.13 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

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7.14

As part of the North City West agreement, school districts are encouraged to participate in the State School Construction Building program in order to secure up to 50% of the housing cost from the State, with the remaining offset coming from direct mitigation fees. Per the Office of Public School Construction, the State expects to have exhausted its existing school construction bond authority by the end of the 2012 calendar year. At this time, it is unclear if the State will ask the voters of California to authorize more debt for school construction, or if the State will decide to continue the school building program.

In today's dollars, the Project would generate \$16,830 per multi-family unit in direct mitigation fees. The total amount mitigated would be \$10,232,640.00 (\$16,830 x 608 units) of \$17,123,257.48. Should the State be unable to fund the balance of \$6,890,617.48, a local funding source would need to be found. The District would propose that the developer set aside an additional amount of \$6,890,617.48, plus land costs in an escrow account for the benefit of the school districts should the State be unable to fully fund the balance of the cost at the time seats for the students are needed. The additional amount could be refunded, all or in part, to the developer at the time the State is able to provide funding.

The District looks forward to these concerns being properly addressed in your next draft.

Sincerely,



John Addleman
Director of Planning and Financial Management

7.14 Any consensual agreements between the applicant and the school districts with regard to funding of school facilities above and beyond legally mandated school impact fees are beyond the scope of this environmental analysis.



CITY OF SOLANA BEACH FAX (858) 792-6513 / (858) 755-1782
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May 29, 2012

Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Ave. M.S. 501
San Diego California 92101

Subject: One Paseo Project No. 193036 SCH No. 2010051073

Dear Ms. Blake:

The City of Solana Beach (Solana Beach) would like to take this opportunity to provide review comments on the Draft Environmental Impact Report (DEIR) for the One Paseo Project that was issued on March 29, 2012. In general, Solana Beach is in the opinion that the proposed project is grossly dense, inconsistent with the existing zoning regulations and out of character with the surrounding communities. While the proposed project is outside of the jurisdictional boundaries of Solana Beach, the large magnitude of this development project will negatively impact Solana Beach in the following areas:

Police and Fire Services

The City of Solana Beach provides police and fire services to its residents and surrounding neighborhoods. Similar to other jurisdictions, Solana Beach provides back-up services to the surrounding communities when the resources allocated for those communities are responding to other emergencies. Solana Beach is concerned that the intense development as proposed would place a significant demand on local resources and therefore, would require response to emergency calls to the proposed project site for public safety resources from the surrounding cities including Solana Beach police and fire services. During the 2011 calendar year, Solana Beach Fire Department responded to City of San Diego approximately 90 times for automatic or mutual aid emergency calls, while San Diego Fire responded approximately 5 times to Solana Beach to provide assistance. The proposed development would significantly impact Solana Beach emergency fire and police services by increasing automatic and mutual aid calls for a variety of incidents. Solana Beach is recommending that the proposed project be scaled back to comply with the existing zoning established by the current community plan and specific plan for this property. Should the City of San Diego determine that a scaled back mixed-use project would be more suitable for this site; the applicant for the new project should be required to prepare an emergency response plan for the interim and built-out conditions to the satisfaction of Solana Beach.

- 8.1 The Draft EIR acknowledged that the density of the Originally Proposed Project exceeds that which is currently allowed by the applicable planning and zoning for the property. In addition, the Revised Project would also exceed the development currently allowed by applicable planning and zoning. The Final EIR identified a significant project impact on the neighborhood character in the area for both the Originally Proposed Project and the Revised Project.
- 8.2 As indicated at Section 5.12 of the EIR, the project is expected to result in minimal increases to fire and emergency service calls within Carmel Valley. Those services are provided by the City of San Diego. No new or expanded public facilities must be constructed in order to provide these services. Moreover, possible increases in response times are not a physical environmental impact. Consequently, no potentially significant impacts are anticipated, and no mitigation is required.
- 8.3 As explained in response to comment 8.2, the City of San Diego, rather than the City of Solana Beach, has jurisdiction over the project and primary responsibility for fire and emergency services. The City

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Ms. Blake
May 24, 2012
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Economic Impact

The project as designed proposes 270,000 square feet of commercial/retail space. This proposal is inconsistent with the current zoning as established by the community plan and specific plan for this site. Solana Beach, in general, is in favor of mixed use projects; however, Solana Beach is concerned about the economic impact of this project to the surrounding commercial and retail centers. Solana Beach is of the opinion that the applicant needs to perform an economic impact study to properly analyze the impacts of the proposed project to the surrounding commercial and retail centers.

Traffic

Solana Beach is very concerned with the proposed intensification of the project site. While the traffic analysis indicates that there are no impacts to Solana Beach, the traffic study clearly identifies significant increased delays at the Interstate 5 freeway ramps at Del Mar Heights Road, Via De la Valle and Lomas Santa Fe Drive. These delays would impact all freeway users, including residents of Solana Beach. Solana Beach is requesting that the proposed project be scaled back in size, volume and intensity to match the character of the surrounding community and to be more in compliance with the existing zoning of the project site.

We appreciate the opportunity to comment on this important project and look forward to a more collaborative effort throughout the future processing of this project.

Sincerely,


David Ott
City Manager
City of Solana Beach

CC: City of Solana Beach Councilmembers
Sheri Lightner
Pam Slater-Price

8.3 of Solana Beach is not a Responsible Agency as that term is defined in cont. CEQA since the City of Solana Beach does not maintain discretionary approve over the proposed development. Contrary to the comment, the applicant is not required by any known standard or requirement to submit plans to the City of Solana Beach for approval in connection with the project. Refer to response to comment 5.6.

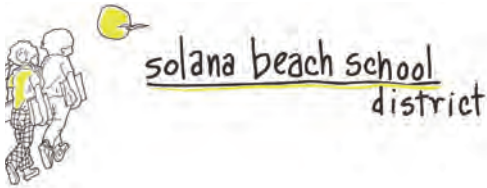
8.4 An economic study of the potential effects of the Originally Proposed Project was prepared; the study is included as Appendix B in the Final EIR. An update to this study was prepared for the Revised Project and included as Appendix B.1 of the Final EIR. As discussed in Section 5.1.4 of the Final EIR, this study concluded that the retail supply included as part of the Originally Proposed Project would not exceed the overall retail demand within the trade area. The same conclusion applies to the Revised Project because it would include 10 percent less retail than the Originally Proposed Project. As demand for retail would not be exceeded with the additional retail included in either the Originally Proposed Project or Revised Project, existing retailers are not expected to be forced to close for reasons related to insufficient demand. Further, as the market conditions are forecast to continue to remain favorable within the trade area due to the projected ongoing demand for additional retail space, the project would not cause store closures and long-term vacancies that could lead to physical deterioration indicative of urban decay.

8.5 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required. However, it should be noted that the traffic analysis does conclude that the Originally Proposed Project would result in a significant increase in traffic at the I-5 interchanges identified in this comment (see pages 19-38 of the TIA in Appendix C of the Final EIR).

8.6 Refer to response to comment 5.6.

COMMENTS

RESPONSES



BOARD OF EDUCATION

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SUPERINTENDENT

Nancy Lynch, Ed.D.

May 24, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Request for Comments on Draft Environmental Impact Report (DEIR)
Project Name: One Paseo
Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

The One Paseo Project (Project) is located within the Solana Beach School District (District) for elementary (Grades K-6) students and the San Dieguito Union High School District (SDUHSD) for middle and high school (Grades 7-12) students.

The DEIR states: "The Project would result in significant and unmitigated direct and/or cumulative impacts" to transportation, circulation and parking along road segments and intersections around the Project site.

The District agrees with and supports the DEIR Response to Comments letter sent from San Dieguito Union High School District. Mr. Addleman, Director of Planning and Financial Management, states clearly that the mission is to provide a safe and healthful environment for students during construction and future operations of the Project. He also states concerns regarding the size of the project, current unacceptable transportation levels, and the impact of a Project the size of One Paseo. Students would need to cross Del Mar Height Road and/or El Camino Real to reach local schools. Safe routes to schools need to be adequately identified as part of the EIR. Consideration should be given to the current daily activities in the Carmel Valley area in regards to potential conflicts during construction and future operations of the Project. Elementary schools, Carmel Creek, Solana Highlands and Solana Pacific, already produce traffic congestion at pickup/drop-off times as well as during special events. Staggered start/end times for the elementary schools within Solana Beach School District (SBSD) are in place.

The DEIR states: "In the SBSD, the schools which would serve the project site are Solana Highlands Elementary School (grades K-4), located approximately 0.2 mile north of the site, and Solana Pacific Elementary School (grades 5-6), located approximately 0.2 mile east of the site."

To date, the District has not determined the school(s) of attendance for students generated from the Project. The District is limited to three-acre sites for both Solana Highlands and Carmel Creek schools and, therefore, does not own land in Carmel Valley to place additional classroom buildings to meet the expected increase to enrollment.

309 North Rios Avenue, Solana Beach, California 92075-1298 • Phone (858) 794-7140 • Fax (858) 794-7149

9.1 Based on recent discussions with the Solana Beach School District representatives, the District is unable to determine, at this time, which elementary school children from the proposed development would attend. However, if the elementary school boundaries are unchanged from the current condition, children would attend Solana Pacific Elementary School, which is located on Townsgate Drive, south of Del Mar Heights Road. The northern boundary of the school's attendance area is coterminous with Del Mar Heights Road; thus, school children would not cross Del Mar Heights Road. As the residential area for this school lies to the south of the school, children would not likely travel Del Mar Heights Road to reach the school. They would use new sidewalks created by the project and an existing bypass sidewalk on the adjacent property to the south, which would be separated from the roadway by landscaping. The students would cross El Camino Real at the existing traffic signal cross-walk located at Townsgate Drive.

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9.1 In the event Solana Pacific Elementary School cannot accommodate elementary school children from the project, they could attend Solana Highlands Elementary School, which is located on High Bluff Drive, roughly three blocks north of Del Mar Heights Road. Elementary school children from the project, who could walk to school, would have to use sidewalks along Del Mar Heights Road and cross Del Mar Heights Road. However, the children would use new sidewalks created by the project along the south side of Del Mar Heights Road. Unlike, the existing sidewalks which are contiguous to the curb, the new sidewalks would be separated from Del Mar Heights Road by landscaping to provide a buffer between the children and cars on this roadway. This separation will promote the safety of school children and all pedestrians using these sidewalks. In addition, the project will be required to make improvements to the intersection of Del Mar Heights Road and High Bluff Drive. These improvements would decrease traffic congestion, and proportionately increase the safety of pedestrians crossing at the intersection, including school children. See also response to comment 7.4.

Thus, no substantial safety risk is expected to occur with respect to elementary-age school children associated with future development of the project. Refer to response to comment 7.4.

With respect to middle school, the San Dieguito Union High School District is also unable to determine whether the project's middle school children would attend Carmel Valley Middle School or Earl Warren Middle School. In either case, the safety issues related to busy roadways and students walking to school are less than elementary schools because the students are older and more conscious of the risks associated with automobiles. Should students end up attending Carmel Valley Middle School, they would experience the same benefits of the project's non-contiguous sidewalks along Del Mar Heights Road and El Camino Real. Should they attend Earl Warren Middle School, such students would likely be driven or bused to school.

9.2 No final decision can be made at this time on school attendance boundaries. These decisions will be made by the trustees of SBSD. Solana Highlands Elementary School and Solana Pacific Elementary School (grades K through 4) and Carmel Creek Elementary School (grades 5 and 6) are currently operating near capacity; however, SBSD has approved construction of School #7 in Pacific Highlands Ranch, which is expected to open in fall 2014. Approximately 100 students attending Solana Highlands Elementary School, approximately 100 students attending Solana Pacific Elementary School, and approximately

COMMENTS

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9.3

In addition to the facilities impact outlined in Mr. Addleman's Reponse to Comments letter, Solana Beach School District would be further impacted by the student population generated from the project (estimated 122) by lack of land to place classroom buildings. If land were available adjacent to the campuses, recent value is approximately \$1.98M/acre.

The DEIR states: "The project would not impact the SBSB and SDUHSD's ability to comply with SB 50 because the money from the State of California is based on the number of students; therefore, an increase in the number of students would increase the amount of funding available to comply with SB 50."

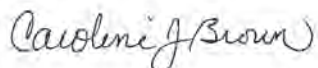
9.4

The Solana Beach School District, unlike most school districts in California, is solely dependent on property tax revenue (not by number of students served) for its unrestricted operational funding, which pays for employee salaries and benefits as well as classroom materials and supplies. As such, the District does not receive unrestricted State apportionment funds to offset any declines in property tax revenue due to declining assessed value. Thus, when reviewing any new development projects, the District would ask that the Project be considered in light of how such a Project will benefit the overall property tax base and that consideration is given to whether the Project, in conjunction with other proposed development projects in and around Carmel Valley, will add to the overall property values within the District. If the Project will cause the assessed value in other areas of the District to decline in any way, this could pose a financial detriment to the District and the level of service the District is able to provide to the students of the District.

9.5

It appears that the design of an alternative lower-impact Project in relation to development plans for surrounding communities is necessary so that impact to transportation, circulation, parking, assessed valuation, and schools could be addressed and mitigated adequately. The District looks forward to these additional responses, along with Mr. Addleman's comments/concerns, being addressed in the next draft of the EIR.

Sincerely,



Caroline J. Brown
Director, Technology and New Facilities

9.2 100 students attending Carmel Creek Elementary School live in Pacific cont. Highlands Ranch. Upon opening School #7, those students, and new students from Pacific Highlands Ranch enrolled between 2012-2014, will be enrolled in School #7, leaving sufficient capacity in any of the three schools to accommodate the 122 grades K through 6 students (87 grades K through 4 and 35 grades 5 and 6) from the Originally Proposed Project. Therefore, it is not expected that additional, previously unplanned, construction at any of the three existing campuses will be required in order to accommodate elementary students from the Originally Proposed Project. Refer to response to comment 7.11.

9.3 Refer to responses to comments 7.11 and 9.2.

9.4 The One Paseo Mixed-use Originally Proposed Project: Net Fiscal Impact and Economic Benefit Analysis prepared by Kosmont Companies (updated January 2013), included as Appendix B.1, concludes that property tax assessments will increase rather than decline. Therefore, no decline in property tax revenues to SBSB is expected to occur.

9.5 Refer to response to comment 5.6.

CARMEL VALLEY COMMUNITY PLANNING BOARD**Attn: Allen Kashani, CVCPB Secretary****6025 Edgewood Bend Court****San Diego, CA 92130****PH: 858/794-2571/ Fax: 858/794-2599**

May 29, 2012

Martha Blake, Environmental Planner
 City of San Diego
 Development Services Center
 1222 First Ave., MS 501
 San Diego, CA 92101

Re: One Paseo DEIR
 Project No. 193036/SCH No. 2010051073

Applicant: Kilroy Realty LP

Dear Martha:

The Carmel Valley Community Planning Board represents the residents, property owners, business owners and workers in the communities of Carmel Valley and Pacific Highlands Ranch. The board also is the acting planning board designated by the City of San Diego Planning Commission and City Council to make recommendations to those bodies on land use issues in the North City Future Urbanizing Area Subarea II.

At its meeting of May 24, 2012 the CVCPB voted to submit this letter stating our concerns, questions and responses to the One Paseo DEIR.

KEY ISSUES

1. **Environmental Setting is Inaccurate.** The Environmental Setting omits information and skews the setting to capture the broadest area to the benefit of the project in a manner that ignores existing and planned community character.
2. **Community Planning Engagement Process Was Ignored.** The Project Description goals/objectives were not the result of a community planning engagement process set forth in the General Plan.
3. **Project and Zoning are Inconsistent with the Land Use Designation.** The Land Use section fails to address the inconsistency of the project with the Community Village land use designation. The project is much more dense and intense and draws from a far broader trade area than intended by the Community Village designation. The CC-5-5

- 10.1 The discussion of land uses around the site is broadened when appropriate in other sections of the Draft EIR. For example, in evaluating visual effects and neighborhood character in Section 5.3 of the Draft EIR, the existing conditions discussion is considerably broader and encompasses the entire Carmel Valley Community Planning area due to the larger context in which the project would be perceived. However, the impact analysis in Section 5.3 of the Draft EIR focused on buildings and scale immediately adjacent to the project site, therefore, the reference to the taller buildings along Carmel Valley Road did not affect the ultimate conclusion of the Draft EIR that the proposed development would result in a significant neighborhood character impact.

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10.3
cont.

zoning is inconsistent with the Community Village designation in that it allows for much more intense and a far broader mix of uses. The EIR fails to disclose that this is a regional project, not a community village. The EIR does not address the inconsistency of the project with the General Plan because it fails to customize the land use designation for this community and the zoning is not consistent with the existing planned development ordinance paradigm for Carmel Valley.

4. **Retail Market Analysis is Missing Reasonably Foreseeable Projects and is Flawed in Methodology.** The recently approved University Town Center expansion and long proposed Downtown Del Mar Specific Plan were not included in the analysis. The analysis also contains basic errors, such as not including the amount of retail approved by community plans. The analysis is also too general and broad, failing to analyze the specific impact to currently planned project, such as the Pacific Highlands Ranch Village Center. It fails to consider a reasonably foreseeable chain of events that would negatively impact the physical environment of Carmel Valley and Pacific Highlands Ranch, resulting in urban decay. This project is simply too large and would negatively disrupt the complex and interrelated balance of planned land use plans and existing retail centers in the community.

5. **The EIR Relies on a Precise Plan that Lacks Detail.** The Precise Plan is vague and the EIR makes unfounded assumptions that lack substantial evidence. Examples include the phasing of the project that is overly flexible, non-specific design narratives that read as market material rather than a planning and zoning document, and a transportation demand management concept that commits the project to nothing.

6. **The Traffic Impact Study is Inconsistent with the Retail Market Analysis.** The traffic study must study at an equal level of detail the entirety of the total trade area identified in the retail market analysis. The project is regional in scope, yet the traffic study was not. This also affects air quality and greenhouse gas emissions sections of the EIR.

7. **Unmitigated Traffic Impacts are Unacceptable.** The traffic impacts are unacceptable and this board would challenge subsequent findings and statements of overriding considerations in part on the basis that the formulation of the project objectives was inconsistent with the General Plan, that the project is inconsistent with the Community Village land use designation and that the decision makers lacked a reduced density/intensity alternative from which make a reasoned choice on the project.

8. **The EIR Failed to Include a Reduced Density/Intensity Alternative.** This alternative is reasonable and feasible. Failing to include it violates CEQA and case law.

9. **The EIR Improperly Defers Mitigation of Park Land:** Payment of FBA fee does not mitigate for impacts to park facilities because no sites are identified by this project or any other plan or program on which to expend the funds. Additionally, many greenways and small recreation sites do not meet the definition of population-based park facilities in the General Plan, which this project cannot receive credit.

10. **The EIR Fails to Adequately Evaluate Community Character and Makes Erroneous Findings.** Throughout, the significant and substantial public controversy surrounding this project and all the fair arguments made as part of the public controversy, are focused on community character. The bulk and scale negatively impacts community character. The EIR focuses on land use transitions and not the dramatic transitions in physical form with the surrounding community. The EIR does not address that there are no 10-story residential towers anywhere in Carmel Valley, yet it would be allowed by the precise plan. The precise plan is too vague to be relied upon to assure design and visual quality for all components of this project. The EIR fails to even address the negative impacts that the loss of landscaping and widening of Del Mar Heights Road, El Camino Real and High Bluff Drive would have on the visual appearance of these key

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10.2 Comment noted. As this comment does not relate to the adequacy of the Draft EIR, no response is required.

10.3 The proposed development is considered consistent with the Community Village land use designation. According to the General Plan, a Community Village “provides housing in a mixed-use setting and serves the commercial needs of the community at large, including the industrial and business areas. Integration of commercial and residential use is emphasized; civic uses are an important component. Retail, professional/administrative offices, commercial recreation facilities, service businesses, and similar types of uses are allowed.” The Originally Proposed Project and the Revised Project (which is described in response to comment 5.6 and Section 12.9 in the Final EIR) are consistent with the land uses described for this category. The proposed development would not introduce new land uses to Carmel Valley.

As shown in Draft EIR Table LU-4, General Plan, and Community Plan Land Use Categories, a Community Village does not have an established trade area or maximum density limitations (other than for residential uses). The proposed development should not be classified as a regional shopping mall because the development would be a community village, which would not draw customers from distant areas but rather would provide services and uses intended to serve the Carmel Valley community. The updated Retail Market Analysis, included as Appendix B.1 of the Final EIR, concludes that approximately two-thirds of the retail draw is expected from within four miles of the project site.

It should also be noted that in July 2010, the Carmel Valley Planning Group opposed the Regional Commercial land use designation included in the community plan amendment request approved by the City’s Planning Commission. It was suggested that other alternatives such as Community Village may be more appropriate.

Proposed zoning for the property is a new zone (CVPD-MC) tailored to the mixed-use project that will become part of the Carmel Valley Planned District Ordinance. The CC-5-5 zone is not being directly applied to the project site. However, the CC-5-5 zone was the basis for the use and development standards of the proposed CVPD-MC zone. The CVPD-MC zone has been modified to identify and require certain uses intended to activate pedestrian-oriented streets and to include specific development regulations unique to this project and to mixed-use projects in general. The intent of the zone is to implement the Community Village land use designation for the project site. Lastly, the Community Village land use

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10.3 cont. designation does not mandate specific acceptable zones or describe any particular zoning as inconsistent with this land use designation. It does, however, provide a residential density range of 30-74 dwelling units per acre, and the Originally Proposed Project and the Revised Project comply with this residential density range.

10.4 Several comments included questions about the general methodology of the Retail Market Analysis (RMA), the trade area evaluated, and specific retail developments included therein, as well as the types of retail desired by consumers.

As detailed on pages 2 - 4 of the RMA in Appendix B of the Draft EIR, the RMA utilized industry standard practices and models, and a number of detailed and reliable data sources. These sources include the United States Bureau of Labor Statistics, the California State Board of Equalization, ESRI, and the United States Census. Specific information evaluated included population, household incomes, existing sales patterns, consumer expenditure patterns, and metrics on existing retail center. This information was aggregated from sub-areas within the overall retail trade area (Trade Area) for the proposed development to create an accurate understanding of the retail environment within the Primary Market Area (PMA), the area within four miles of the proposed development), and the Secondary Market Area (SMA), between four and 10 miles of the proposed development). The demand from the two sub areas were weighted based on the appropriate level of potential draw; all existing and proposed retail within the PMA was generally assumed to capture approximately 65 percent of the PMA retail demand, and only 10 percent of the SMA demand. While a 10-mile radius trade area could potentially be considered regional, and the Draft EIR studied the effects of a potentially regional draw (see Section 5.2 Transportation/Circulation/Parking, and 5.12 Public Services and Facilities/Recreation of the Draft EIR), approximately two-thirds of the retail draw is expected from within four miles of the proposed development.

The Trade Area was established based on industry standards for the retail component of the proposed development. The development is prototypical of a lifestyle center, which is generally defined as a retail development between 150,000 - 500,000 square feet that includes upscale national-chain specialty stores with dining and entertainment in an outdoor setting. Pursuant to International Council of Shopping Centers publication "U.S. Shopping-Center Classification and Characteristics" (April 2012), an eight- to twelve-mile radius trade area is typically ascribed to lifestyle centers.

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10.4 cont. The RMA conservatively evaluated consumer trends, evaluated 136 existing retail centers, and all appropriate, known proposed retail projects as of January 2012, within the established PMA and SMA. Absent a development application or other indication that development is pending, land designated in a general or specific plan for retail use was not included, as the development of such property is not reasonably foreseeable. With respect to included projects, the RMA specifically assumed that maximum buildable envelope entitled for the proposed Pacific Highlands Ranch Village of 195,000 square feet of retail, as well as a 152,250 square-foot expansion to the Del Mar Highlands Town Center, would be developed (see Figure 5 on page 9, and Appendix 4.3.1 on page 37 of the RMA in Appendix B of the Final EIR). Additionally, while the University Town Center expansion was originally deemed completed in the RMA, the expansion is now considered a cumulative project and included in the analysis provided in response to comment 64.13.

The analysis discussed in response to comment 63.14 confirms that should the proposed Pacific Highlands Ranch Village and University Town Center Expansion, as well as all other known proposed developments be developed, a net demand for retail would remain after development of the retail associated with the Originally Proposed Project. As indicated in the Addendum to the RMA included in Appendix B.1 the same conclusion would hold true for the Revised Project due to the fact that the amount of retail development would be less than the Originally Proposed Project. Thus, it is unlikely that the proposed development would have a significant negative impact on existing and proposed retail establishments that would result in urban decay. The market has the capacity to absorb the proposed development, with excess capacity remaining, and any potential urban decay would not be related to competition from retail associated with the proposed development. The atypically low vacancy rates for retail in the area further indicates strong consumer demand and that the market area is likely underserved by retail. This gap is expected to grow, and retail demand is expected to increase.

Finally, individual consumer demand is typically satisfied only through a wide variety of retail options formats and types. A single consumer would typically utilize different options at different times depending on a variety of factors including among others, convenience, specific offerings, and entertainment. Options include a large grocery store versus a specialty grocer, or a neighborhood convenience store; a high-end store versus a discount store; an adjacent restaurant versus a local restaurant; or a boutique restaurant versus a themed chain restaurant. The diversity

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10.4 of retail demand and importance retail patrons place on convenience cont. supports a variety of retail options dispersed within a given trade area. The proposed development, like other retail developments, would not provide a single solution for all retail needs, but instead provide only a partial supply of retail options to meet a portion of retail demand within the Trade Area.

As discussed above, absent a development application or other indication that development is pending, land designated in a general or specific plan for retail use was not included as the development of such property is not reasonably foreseeable. With respect to the Downtown Del Mar Specific Plan, it is actually a revitalization effort which focuses on enhancing the appearance of downtown to encourage growth. It does not contain any specific development proposals. In general, the plan is intended to stimulate revitalization by enhancing pedestrian access, defining building envelopes to preserve ocean views, increasing the availability of parking, and permitting a variety of residential densities.

The retail square-footage proposed in the Pacific Highlands Ranch Village and the University Town Center expansion are considered cumulative developments and included in the analysis. The analysis confirms that should the proposed Pacific Highlands Ranch Village and University Town Center Expansion, as well as all other known proposed developments be developed, a net demand for retail would remain after development of the retail associated with the Originally Proposed Project. As indicated in the Addendum to the RMA included in Appendix B.1, the same conclusion would hold true for the Revised Project due to the fact that the amount of retail development would be less than the Originally Proposed Project.

10.5 The comment does not provide a specific deficiency regarding development standards or assumptions in the Draft EIR. However, the comment claims the Precise Plan lacks detail. The Carmel Valley Employment Center Precise Plan was initially adopted in October 1981, and has been amended in the following decades. The purpose of a precise plan is to provide policy guidance that is more focused than a broader community plan. As a long-range planning document, precise plans serve as a bridge between the community plan, regulatory zoning, and development permits. It should be noted the Precise Plan Amendment proposed for the Originally Proposed Project and Revised Project, which includes over 175 design-related policies and overarching goals, is substantially greater in length, more extensive, and more specific than the existing Employment Center Precise Plan that has guided

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10.5 cont. the development of the much larger balance of this planning area. In addition, the proposed zoning amendment (CVPD-MC) to the Planned District Ordinance contains detailed regulatory standards for the Revised Project. Additional project details (including information about phasing) are included in the project plan set, which includes a Site Development Permit, Neighborhood Development Permit, a Conditional Use Permit for the proposed cinema, and a Vesting Tentative Map. Collectively, these documents regulate all aspects of development, including site coverage, density, height, parking, design details, open space, and setbacks.

Refer to response to comment 6.7 for details of the TDM Plan.

10.6 To ensure consistency, traffic analysis in the City of San Diego is based on traffic distributions determined by transportation models developed by SANDAG. In this case, the Series 11 Travel Forecast was utilized. This model determines the distribution of a project's traffic based on a number of factors, including population distribution and existing and planned land use. With respect to retail trip distribution, the SANDAG model does take into account the type of retail facility. However, according to the updated market analysis information presented in response to comment 10.46, approximately two-thirds of the retail draw is expected within four miles of the proposed development. Thus, although the trip generation would likely not coincide with the RMA, it does assume a similar area of trip distribution. Furthermore, there is no requirement that the focus study area of the TIA duplicate the RMA. Such an approach would interfere with the rest of the traffic generation sources factored into the SANDAG model.

With respect to air quality and GHG impacts, the analysis in the EIR evaluates potential impacts over the entire San Diego Air Basin.

10.7 The Board's intent to object to the possible future adoption of Findings and Overriding Considerations by the City Council in taking action on the project does not raise any issues related to the adequacy of the EIR, and, thus, no specific response is required.

10.8 As discussed in response to comment 5.6, the Final EIR includes a Reduced Mixed-use Alternative which would retain the same general mix of land uses as the Originally Proposed Project and the Revised Project, but reduces the overall density and intensity in comparison with both. This reduction in density and intensity would result in a proportionate decrease in the impacts related to density and intensity; primarily traffic and visual effect/neighborhood character.

10.9 The Draft EIR did not defer mitigation for parkland. As discussed in responses to comments 63.168 through 63.170, adequate parkland to serve the proposed development would be assured through payment of FBA fees—FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. Furthermore, the Revised Project includes a 1.1-acre multi-purpose recreation area and a 0.4-acre children’s play area in Block C. Overall, the Revised Project includes a total of 10.7 acres of open space, which includes 6.6 acres of usable and 4.1 acres of non-usable open space.

10.10 The Draft EIR contained an extensive evaluation of the visual effects and neighborhood character impacts associated with the Originally Proposed Project, including photographs and simulations to facilitate the analysis. Section 12.9 of the Final EIR provides an evaluation of the visual effects and neighborhood character impacts of the Revised Project. The conclusion that the project site is located within a transition area in the community was well supported in the Draft EIR. Figure 5.3-3 identified the change in land use around the subject property. The land to the north, across Del Mar Heights Road is dominated by higher density multi-family residential development. Although residential development occurs farther east of the site, the dominant land uses adjacent to the project site are the retail uses associated with the Del Mar Highlands Town Center and Carmel Country Plaza. Again, although residential development does occur to the south, the immediately adjacent property supports scientific research uses and the area to the west consists of extensive office development located in buildings ranging between 2 and 12 stories. Residential uses begin across from the site to the north, while the southern portion of the site is bordered by retail land use associated with Del Mar Highlands Town Center.

The Final EIR concludes that the bulk and scale of the Originally Proposed Project and the Revised Project would negatively impact the character of the surrounding community due to the differences in building heights with surrounding land uses. The focus of the Draft EIR was appropriately placed on the bulk and scale of proposed buildings. The impact of the project on neighborhood character is determined to be significant (pages 5.3-23 and 25 of the Final EIR). Furthermore, despite architectural design measures to be included in subsequent development under either the Originally Proposed Project or Revised Project, the Final EIR concludes that the significant impacts on neighborhood character would be unmitigated.

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10.10 The proposed residential use of a 10-story building is immaterial to the cont. issue of bulk and scale. In addition, concerns related to the 10-story building are addressed by the Revised Project, which reduces the building to 6 stories.

The visual impacts of removing landscaping, most notably street trees, in the course of constructing road improvements included as project features and/or required as traffic mitigation measures, were discussed in the Draft EIR on pages 5.3-16 through 5.3-18. However, further discussion is offered in this response to provide additional support for the Draft EIR's conclusion that the loss of street trees would not constitute a significant visual impact.

Although the loss of trees is not considered a significant impact pursuant to CEQA, the project applicant is proposing to replace or relocate street trees which would be affected by project-related roadway improvements. Trees that are removed would be replaced with a tree of the same species in a 24-inch container.

The new or relocated trees would be planted in the same general area as the original trees, within City right-of-way where feasible to do so. The actual number and location of trees would be determined as final design is completed for off-site roadway improvements consistent with the Public Facility regulations, Section 142.0610, and Street Tree and Public Right-of-Way Requirements, Section 142.0409, of the Land Development Code.

Although visual impacts may occur with implementation of roadway improvements toward which the project applicant is being required to make fair-share contributions toward, these potential impacts would be evaluated as part of the approval process for those improvements. Thus, the visual effects of fair-share improvements need not be addressed at this time.

As indicated earlier, off-site roadway improvements are proposed as project features or traffic mitigation measures. The off-site project features are listed at the top of page 5.3-17 of the Draft EIR. The traffic mitigation measures are identified in Table 5.2-41 and Figure 3-5 of the Draft EIR. The visual effects of each of these offsite roadway improvements are discussed below from west to east.

10.10 Del Mar Heights Road Bridge Improvements
cont.

Mitigation Measure 5.2-1 requires the applicant to extend the existing dual, left-turn pocket on the bridge easterly for a distance of 400 feet. This would be accomplished by re-striping. No landscaping would be affected by this improvement. Thus, this improvement would not create a visual impact.

Del Mar Heights Road WB Right-turn Lane to I-5 NB On-ramp Improvements

Mitigation Measures 5.2-2 and 10 require improvements to Del Mar Heights Road and the I-5 northbound on-ramp. The existing westbound, right-turn lane leading to the northbound on-ramp would be extended easterly for a distance of 845 feet to a point near High Bluff Drive. Since the time the Draft EIR was circulated for public review, additional design work has been completed for the lane extension. Based on this design, construction would result in the removal of up to 19 street trees, including Italian stone pines, canary pines, and California sycamores. As discussed on page 5.3-16 of the Draft EIR, these trees are not considered significant visual resources because: (1) they function as streetscape landscaping; (2) they are generally arranged in a single, informally spaced linear row at the roadway edge; and (3) the trees are not designated as sensitive species and are not protected.

Extension of the right-turn lane would require construction of retaining walls to minimize encroachment outside the existing right of way. Three walls would be needed for the right-turn lane. A 120-foot-long wall with a height of 3 feet would be required west of the AT&T building. A 150-foot-long, 3-foot-high wall would be required in front of AT&T. A 335-foot long wall would be required east of the AT&T building. The first 35 feet (at the west end) of this wall would taper from 1 to 8 feet in height. The middle section would be 240 feet long, and would range in height between 7 and 8 feet. The most easterly portion would be 50 feet long and taper from 7 to 1 foot. The retaining walls will comply with Fence regulations (Chapter 14, Article 2, Division 3). However per Section 142.0350 of the Municipal Code the wall must be approved under Process 2 due to the wall height.

There would be a non-contiguous sidewalk within a 10-foot parkway in front of the wall along the AT&T building and to the east of AT&T building, but not in front of the wall to the west of AT&T building. Assuming that a five-foot sidewalk would be located in the right-of-way,

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10.10 4.5 feet would be available for planting as the curb takes up 6 inches of
cont. the parkway. As all but 50 feet of the turn lane, east of the AT&T building
is within Caltrans ROW and contains a contiguous sidewalk without a
parkway, the sidewalk portion, west of the AT&T building, is proposed
to be contiguous with the curb to reflect the condition that would within
the Caltrans ROW.

The walls would be colored and decoratively textured surface, such as a
“form-liner” wall, to yield a stone or earthy texture. Successful examples
of this kind of wall treatment exist in the project vicinity. Landscaping
would be installed in the parkway at the base of the walls. Evergreen
shrubs that grow 8-10 feet would be planted in the parkways to screen and
break-up the lines of the walls; possible screen shrubs include Marjorie
Channon Pittosporum, Compact Strawberry Tree and native Lemonade
Berry. Climbing vines would be planted at the base of the taller wall
sections. Trailing vines and vining shrubs would be planted along the
top of the wall, west of the AT&T Building. . The trailing vines and
shrubs would serve to screen the wall from the top. Trailing vines and
shrubs would be planted along the top of the other wall sections to further
enhance screening of the walls. Vine and vine-like shrubs could include
Creeping Fig, Boston Ivy, Ivy Geranium, Trailing Purple Lantana and
the native San Diego Honeysuckle. In combination with one another, the
wall treatment and landscaping would avoid a significant visual impact.

Mitigation Measure 5.2-12 requires widening and restriping of the
I-5 northbound on-ramp to accommodate an HOV lane. While a few
street trees may be removed at the entrance to the ramp, the rest of the
improvements would involve removal of ground cover. The minimal
tree loss and the applicant’s proposal to replace the trees would avoid
significant visual impacts from the on-ramp improvements.

I-5 Northbound Off-ramp Improvements

Mitigation Measure 5.2-10 requires widening and restriping of the
I-5 northbound off-ramp to accommodate dual left-turn lanes, a
shared through/right-turn lane, and a dedicated right-turn lane. These
improvements would only affect ground cover. Thus, no significant
visual impact would occur from the off-ramp improvements.

High Bluff Drive and Del Mar Heights Road Intersection Improvements

As a project feature, the project would regrade a parcel in the southeast
corner of this intersection, which currently contains monument signage

10.10 and street trees. The five existing Torrey pine trees on this parcel would cont. be retained. As illustrated in Figure 3-3a of the Draft EIR, this parcel would be extensively landscaped as a project feature. The landscaping would include 17, 24-inch box street trees and two accent trees as well as understory landscaping including groundcover and shrubs. The visual appearance of this parcel would equal or improve the existing condition. Mitigation Measures 5.2-6 and 7 require various improvements to the High Bluff/Del Mar Heights Road intersection including a new, northbound, right-turn lane on High Bluff Drive (south of Del Mar Heights Road), widening and restriping on Del Mar Heights Road and High Bluff Drive to modify turn lanes, and two feet of widening on the south side of the eastbound approach of Del Mar Heights Road to High Bluff Drive.

The additional northbound, right-turn lane on High Bluff Drive would not impact any street trees, and improvements to the parcel at the southeast corner, discussed earlier, would more than offset effects of the widening. Widening of Del Mar Heights Road to modify eastbound and westbound turn lanes would affect five feet of roadway of the north side of Del Mar Heights Road for a distance of 165 feet, west of High Bluff Drive. No more than two mature street trees would be impacted by this widening. The two feet of widening on the south side of Del Mar Heights Road, approaching High Bluff Drive, would not remove any trees.

Due to limited number of street trees impacted, and the new street trees proposed in the southeast combined with the project applicant's intent to replace the trees impacted in the northwest corner with 24-inch container trees of the same species, the visual impact of these improvements would be not significant.

Del Mar Heights Road Frontage Improvements

The proposed development would impact three trees within the center median on Del Mar Heights Road to accommodate breaks in the median to allow connection to First and Third Avenues. As discussed earlier, the project applicant intends to replace these three trees with 24-inch container trees of the same type.

As discussed on page 5.3-16 of the Draft EIR, development of the Originally Proposed Project would result in the loss of street trees located on the property fronting Del Mar Heights Road, including Italian stone pines, canary pines, and California sycamore trees. The loss of these street trees is not considered a significant visual impact for the reasons

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10.10 cont. elements of the community's public realm, as these roadways are currently main streets to Carmel Valley. This project imposes a Mira Mesa Boulevard character on Carmel Valley, yet the EIR does not even address this character issue nor include any alternative to reduce the impact and instead make meaningful improvements to community character. The overall finding that the project would have a significant and unmitigated impact on community character is unacceptable to the community and the board would challenge subsequent findings and statements of overriding considerations in part again on the basis that the decision makers lacked a reduced density/intensity alternative from which make a reasoned choice on the project.

Attached to this letter is the PowerPoint presentation that the Carmel Valley Community Planning Board made on this project at its May 24, 2012 regular meeting, which are incorporated into this comment letter on the Draft EIR.

OVERVIEW

10.11 In order to adequately convey the effects of this project to decision makers and the general public, the DEIR should expand its focus beyond the project site and make a special effort to comprehensively describe the "ripple effects" of this project from both direct and indirect impacts throughout Carmel Valley and surrounding master-planned communities. Here are two examples:

10.12 **Traffic:** The DEIR says that this project would meet the goals of the General Plan Mobility Element. But the DEIR also says that the project would have significant, unmitigable traffic impacts. Because of Carmel Valley's hierarchical (non-grid) street system, the stretches of roadway and the intersections most impacted (to LOS E and F, and an I-5 freeway ramp wait time of 47 minutes in the morning) must be used daily by Carmel Valley residents and businesspeople to go to and from their work, shopping, entertainment, and civic facilities such as the library, schools, and the community park and recreation center. The One Paseo project itself is described as providing connectivity between a variety of uses - but what happens to the existing connectivity between a variety of uses for the surrounding larger community? The DEIR describes the project as walkable and bikable. But the unmitigable traffic congestion caused by the project would seem to render the larger community LESS walkable and LESS bikable. The street widenings and the loss of medians and street landscaping that are proposed as partial mitigations are themselves negative impacts to community character. The dry phrase "significant unmitigable traffic impacts" does not adequately convey the cascading effects, ranging across a number of CEQA categories in separate sections throughout the DEIR, of One Paseo traffic on the quality of life of the community as a whole.

10.13 **Unplanned Retail:** The DEIR says only that the project would provide a variety of retail opportunities and that a market study says there is room for more retail within a ten-mile radius of Carmel Valley. But if this project soaks up all or most of the available retail market, what will happen to the three Community Plan designated neighborhood-convenient retail nodes in Carmel Valley, all of them planned (since 1975) and portions of them currently under construction or not yet built? What will happen to the planned Town Center of Pacific Highlands Ranch, a true village/civic center combining retail and entertainment with multifamily housing, a high school and a middle school, and a community park and recreation center, all connected by a wide public paseo, less than three miles from Carmel Valley's Town Center? PHR's Town Center was approved by the voters of the City of San Diego in 1998, and reconfirmed by Proposition C in 2010, but has not yet been built because it has been awaiting freeway timing

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10.10 earlier in this response. Furthermore, as indicated earlier, the project cont. applicant intends to replace these trees with 24-inch container trees of the same species.

The proposed greenbelt and replacement of median trees would avoid a significant visual impact from frontage improvements to Del Mar Heights Road.

Del Mar Heights Road/El Camino Real Intersection Improvements

Mitigation Measure 5.2-8 requires the applicant to construct a 365-foot eastbound, right-turn lane on Del Mar Heights Road, west of El Camino Real. This lane would be located along the project frontage. As a result, the loss of street trees associated with this turn lane are part of the Del Mar Heights Road frontage improvements discussed earlier, and would be offset by the proposed greenbelt and street tree replacement.

Traffic Signal at Carmel Creek Road/Del Mar Trail

Mitigation Measure 5.2-5 requires installation of a traffic signal at this intersection. As the improvement would not affect any landscaping or require changes to the roadways, and because traffic signals constitute visually appropriate and compatible elements of roadways, no visual impacts would be related to implementation of this mitigation measure.

10.11 Refer to responses to comments 10.12 and 10.13.

10.12 The impacts of the Originally Proposed Project with respect to traffic are evaluated throughout the Carmel Valley community. The supplemental traffic analysis contained in Appendix C.1 of the Final EIR evaluates the impacts of the Revised Project in a similar context. The Originally Proposed Project and Revised Project are designed to accommodate alternate forms of transportation and allow residents and patrons within the proposed development to avoid having to rely on the private automobile to obtain everyday goods and services.

The proposed development includes a number of features to accommodate walking and biking within the development. In addition, the development would include a non-contiguous sidewalk and landscaped parkway along Del Mar Heights Road, which would enhance the safety for pedestrians along this roadway. Similar sidewalk improvements would be made along portions of El Camino Real to enhance pedestrian movement and safety in that area.

10.13 As discussed in response to comment 10.4, the RMA concluded that with development of Pacific Highlands Ranch Village, as well as all other proposed retail developments, a net demand for retail would remain. Thus, neither the Originally Proposed Project nor the Revised Project would “soak up” all of the demand for retail within the Trade Area, as asserted in the comment.

According to CEQA Guidelines Section 15131(a):

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR would trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes.

In other words, a project’s economic impacts on a community could be considered potentially significant only if they can be tied to physical changes. Therefore, evaluating a project’s impact on property values without evidence of a causal change to specific physical effects, and need not be evaluated in an EIR. In recognition of the fact that CEQA does not require an evaluation of economic impacts of a project, the discussion of jobs and revenues related to the project has been eliminated on pages 5.1-18 and 93 of the Land Use section of the Final EIR.

While an evaluation of residential markets and property values is not required under CEQA, the following comments are nevertheless provided. The residential market generally has been depressed due to the recent recession. The single-family and multi-family home market in the area is now showing stability; home prices have increased in 2012, as evidenced by the Case-Shiller Home Price Index for San Diego, which has increased from 150.54 as of January 31, 2012 to 154.09 as of June 30, 2012. With time, the housing market is expected to regain its full strength, absorb residential vacancies, and ultimately spur new residential development.

Typically residential construction precedes retail construction in developing communities (unless constructed concurrently as part of a mixed-use development), and residential demand is based on a set of factors isolated from retail demand, including employment, access to financing, home prices, and the perception of the health of the housing market. As the housing market improves, demand for housing should increase, supporting increased property values, new home construction, and the payment of developer fees to fund parks and infrastructure.

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- 10.13 cont. decisions, which have finally been resolved. If the PHR Town Center is further delayed by the proposed One Paseo change in land use, PHR residential development will likely slow and there will not be sufficient FBA funds to provide the parks and infrastructure required for the whole brand-new community. The potential cascading effects of One Paseo's unplanned switch from industrial/office to 270,000 square feet of retail are not adequately conveyed by the DEIR's focus on the project site itself. The DEIR should have analyzed this impact to PHR.
- 10.14 In order to gain an adequate vision of the potential impacts of this project, the readers of the DEIR must assemble partial descriptions and analyses sprinkled throughout the DEIR, buried within a number of CEQA categories.
- 10.15 We find that the 4,500+ pages DEIR for One Paseo, at least as it has been made available to the general public, is not an electronically searchable document.
- 10.16 The issues raised by this proposal are complex, interrelated, and deserving of both more rigorous scrutiny and a broader analytical perspective.
- The "big picture" that we believe should be conveyed to decision makers might require a form of organization different from, or in addition to, the usual CEQA format.

ONE PASEO DEIR COMMENTS

- 10.17 PROJECT DESCRIPTION: 3.2.1 Blocks: It is difficult to understand the size and scale of development on blocks when the DEIR does not, in the text, give numbers. For example, Block A would have 65,610 sf of retail in two buildings, a "4-story residential building containing 194 homes and 659 underground and surface parking. The text does not convey that the 4-story residential would be on top of the retail uses, making these structures 5 stories and no square footage of the housing is given. The same is true of "Block B", no square footage of residential is provided for "a total of 181 homes." For "Block C", the primary retail block, no square footage is given for the 4- and 10-story multifamily units proposed.
- 10.18 The "Development Summary" (3-4) and Table 3-1 also do not specify the square footage of residential buildings. The summary for each use is given (commercial retail – max. 270,000 sq. ft.; office – max. 557,440 sq. ft.; hotel [150 rooms] – max. 100,000 sq. ft.; and residential – [608 du] – max. 930,000 sq. ft.) but there is no breakdown for the residential in blocks A, B, and C. The DEIR says, "Because the project would be developed in phases driven by market conditions, densities of these uses may vary per phase...." Does this mean that locations as well as densities are flexible in this proposal? Or that a developer can come along later and substantially change the site plan up for approval? The DEIR must be specific in square footages being allocated.
- 10.19 EXECUTIVE SUMMARY: We are concerned with the open-ended scheduling of construction of the five blocks – A through E – as described: "The timing and scope of future development proposals may result in the need to modify the proposed phasing identified in the proposed Precise Plan Amendment or planned construction schedule. Development may proceed in smaller or larger increments ... Changes to the anticipated construction sequence analyzed in this EIR would be reviewed against the conclusions and MMRP in the certified Final EIR for the project."

- 10.14 The Draft EIR provided an Executive Summary to help the reader understand the information contained in the EIR by briefly describing the Originally Proposed Project and summarizing the results and conclusion of the analysis contained in the Draft EIR. However, by its nature, the Executive Summary cannot provide extensive detail.
- 10.15 The City appreciates the suggestion that documents posted on its website be searchable, and will take this into consideration with future EIRs.
- 10.16 In the absence of a specific recommendation for reformatting of environmental documentation, no response can be made.
- 10.17 As stated on page 3-3 of the Draft EIR, Block A would include a four-story residential structure, and also a mix of underground and surface parking. On the same page, the Draft EIR stated that in Block B, "[f]our levels of residential development would be constructed above the street-level retail on the balance of this block, and an additional four-level residential building would be built with interior courtyards." These relationships are also addressed in Section 5.3, Visual Effects/Neighborhood Character for the Originally Proposed Project. For example on page 5.3-24, the Draft EIR noted: "The proposed residential buildings along the Del Mar Heights Road project frontage would be four stories tall over underground parking or four stories over retail shops, resulting in 5 story high buildings." Square footage amounts are summarized in Table 3-1 on page 3-5 of the Draft EIR. As indicated on page 3-4 of the Draft EIR, the square footages are intended to be maximum values. As a result, the actual development could be less but not more than the square footages identified in the Draft EIR. This same conclusion would hold true for the Revised Project, although the maximum square footage would be reduced with respect to the Originally Proposed Project, as discussed in response to comment 5.6.
- 10.18 The allocation of square footage of residential to each block was provided in the last column of Table 3-1 of the Draft EIR. Section 7.8 of the Precise Plan Amendment (PPA) provides a limited ability to transfer density subject to conformance with approved governing regulatory

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		<p>Table ES-1 "Development Summary" breaks down the phasing of each phase or block and shows a footnote that makes possible even more potential changes to the commercial uses proposal: "Gross Leasable Area ... Density transfers permitted in accordance with procedures described in the Precise Plan." The proposed precise plan amendment states that: "Transfer of retail/commercial, office commercial or other non-residential square footage shall be allowed provided the transfer does not result in any block receiving more than 15% of the maximum square footage identified in the land use table." (p. 112)</p>
<p>10.19 cont.</p>		<p>Clearly this means that not only can square footage between the two office buildings be transferred, affecting the height and scale of the two structures. It also means that there would be no restrictions on uses, with negative results. For example, the theater could be downsized and retail space increased, making parking requirements increase dramatically. Or, the hotel square footage could be transferred to the office buildings with resultant height increases. These changes, therefore, could drastically change the bulk and scale of design, affect parking, and increase traffic within and outside the site. The final EIR must analyze these scenarios.</p> <p>Importantly, since the applicant differentiates between "corporate office" and "professional office" (or multitenant office, which might include medical and dental offices) and says this density can be transferred, how will this also affect traffic, parking and overall project design? The DEIR must be more specific when a land use amendment of this immensity is being sought.</p>
<p>10.20</p>		<p><u>2.0 ENVIRONMENTAL SETTING:</u> 2.3 describe the "surrounding land uses." While correctly enumerating the retail, office, and multi-family and condominium uses in all directions, the DEIR fails to mention the single-family homes in N 3 which are located near the High Bluff Dr. entrance to the neighborhood. Potential view and traffic impacts to these homes should be included in impact analyses.</p>
<p>10.21</p>		<p>"2.4.2 Carmel Valley Community Plan - The Precise Plans contain detailed planning and design considerations for the specific neighborhoods. This hierarchy of planning documents allows for flexibility in determining how each development unit will create a diverse and balanced community." This DEIR assertion suggests wide latitude in infill development such as the One Paseo proposal, whereas, the precise plan for Neighborhood 2 is based on the community plan principle of creating two separate kinds of commercial developments, the "Town Center" and "Neighborhood Centers." The development flexibility allowed by the Carmel Valley Community Plan was not intended to extend to converting industrial/office use to a <u>regional</u> commercial retail "village."</p>
<p>10.22</p>		<p><u>4.0 HISTORY OF PROJECT CHANGES</u></p> <p>This section misrepresents the involvement of the community planning board in discussing and processing this application, by substituting and confusing applicant marketing and promotional presentations for the meaningful participation by a community required for any substantive land use amendment proposal (City of San Diego General Plan "Strategic Framework Element.")</p>
<p>10.23</p>		<p>The DEIR states that several changes were made to the project "in response to comments by the public, City staff, and the community planning board." (4-1) The applicant "then presented the project to the...(CVCPB) for approval to initiate a CPA and PPA amendment. On June 1, 2009, the CVCPB approved the CPA initiation." (4-5)</p> <p>Not mentioned here is that on that date the CVCPB Chair, Frisco White, on behalf of the board,</p>

- 10.18 documents, including the Draft EIR. As discussed in the PPA document, residential units can only be transferred to a block which has already been approved for residential use. A "substantial change in the site plan," which is a proposal exceeding requirements discussed in Section 7.8, could not be accomplished using the density transfer provisions. The Land Use Summary contained in the PPA specifically allocates the maximum amount of development which is permitted by block. A change that expands beyond the overall intensity of the site would require City Council approval of amendments to the Community Plan, Precise Plan, and discretionary permits.
- 10.19 The comment incorrectly asserts that there are no controls regulating allowable density transfers and phasing changes associated with the proposed development following project approval. Any changes proposed subsequent to approval of the proposed development would be reviewed against adopted planning documents and entitlements, as required by the California Environmental Quality Act (CEQA) and the City's Substantial Conformance Review (SCR) (Process 2) procedures. The Revised Project could not exceed adopted maximum structure heights of the zone, transfer square feet between different types of land uses (including the noted corporate versus professional office uses that generate different amount of traffic trips) without regard to trips or minimum land use thresholds of the zone; additionally, it could not exceed limits established or assumed for analytical purposes in the Final EIR, Precise Plan, traffic study, parking study, or Planned District Ordinance without the discretionary approval of the City of San Diego through a Substantial Conformance Review-Process 2 (SCR-2), as well as CEQA review. If the proposed project is not found to be in substantial conformance with the Precise Plan, an amendment to the Precise Plan would be required pursuant to City of San Diego Bulletin 500. As stated in the Implementation section of the PPA, an SCR-2 is presented to the Planning Group and the City's decision would be appealed to the Planning Commission. The transfer provisions included in the PPA are consistent with City policy and other long-range planning documents for comparably phased projects.
- 10.20 The Environmental Setting section of the Final EIR will be revised to include the single-family development referenced in this comment. However, the single-family development referenced in this comment is spatially and topographically separated from the project site. The residents of this development would experience the same traffic impacts as the residents in the area using Del Mar Heights Road and El Camino Real and, as discussed in response to comment 10.164, there would be

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10.20 no significant traffic impacts in single-family neighborhoods associated with the proposed development.

10.21 This comment suggests that the Originally Proposed Project is inconsistent with existing land use plans applicable to the project site, and that the Draft EIR incorrectly relies on the “flexibility” within the existing Community Plan to propose a “regional commercial retail “village.” The Originally Proposed Project and the Revised Project include a General Plan Amendment, Community Plan Amendment, and Precise Plan Amendment rather than relying on the “flexibility” of existing planning documents. The adoption of these land use plan amendments will bring the Revised Project into conformance with adopted long-range planning documents including the General Plan, Community Plan, and Precise Plan.

The project site is currently designated Industrial Employment in the General Plan. The applicant seeks a re-designation to Multiple Use, which allows the implementation of the City of Villages strategy focusing growth into mixed-use activity centers or villages. The proposed Community Plan Amendment would change the site designation from Employment Center to Community Village, which provides for housing in the context of a mixed-use setting to serve the commercial needs of the community at large. Refer to Section 5.1 of the Draft EIR for additional information.

The proposed development would not be classified as a “regional” retail, as stated in this comment. Super Regional Malls/Regional Malls typically range from 500,000 to 2 million square feet of retail space and feature full-line or junior department stores, mass merchant, discount department stores, and fashion/apparel stores. The nearest regional mall to the project site, the redeveloped University Towne Centre, or UTC (a super regional mall) has over eight (8) times the amount of commercial/retail space as proposed for the proposed development. An anchor tenant at UTC, such as the existing Macy’s department store, is approximately five times the size of the largest proposed retailer at the proposed development. Therefore, the retail component of the Originally Proposed Project and Revised Project do not meet the characteristics of a regional center.

10.22 This comment indicates concerns that the project applicant’s interaction with the community planning board was misrepresented in Section 4.0. However, in the absence of specific environmental concerns relative to purported misrepresentations, no response can be offered to this comment.

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wrote to Kelly Broughton, Development Services Dept., that the board "unanimously voted to request that the City review the smart growth map designations within its review area as part of SANDAG's technical update of the Smart Growth Concept Map." The map update was to be done by SANDAG and its "member jurisdictions" to result in adoption of the 2050 RTP. Carmel Valley requested in this letter that "the Development Services Dept. involve it in the update of the map, as corrections and changes may be appropriate."

In the later Section 5.1 Land Use, the DEIR discusses the 2050 RTP, summarizing that the project site, now added to the SANDAG Smart Growth Map, qualifies the property for the Kilroy proposal since the updated RTP now includes "a rapid bus route...planned to serve the Carmel Valley community. (Route 473) is identified in the Revenue Constrained Plan...would provide a transit stop along the El Camino Real project frontage corridors." This is after stops from Oceanside to University Town Center.

Key to the applicant's justification for changing the land use on this site is its fit with the "City of Villages" principles and the inclusion of this site in SANDAG's Smart Growth Concept Map.: "Thus, the proposed mixed-use village concept is consistent with this designation, and the project would be consistent with the overall regional vision and core values...in the RCP...Applying smart growth principles, the project would develop a mixed-use village..." (5.1-10)

The DEIR explains this map as part of the "Regional Comprehensive Plan". The map, updated January 27, 2012, provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area... The RCP defines "Town Centers" as containing residential, office/commercial, and civic/cultural facilities uses, including mixed use, at densities of 20-45 or more dwelling units per acre and 30-50 employees per acre...Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City GP 'City of Villages Strategy' as supporting the Town Center concept." (5.1-10)

10.24

This board would like an explanation of how, if at all, the City involved the CVCBPB in the update of the map, as Chair White requested, since the map update precipitated the inclusion in the 2050 RTP of a bus route into Carmel Valley, which then precipitated SANDAG's decision to make this site compatible with "smart growth" intensification and thus it allowed the applicant and City to claim that this proposal is "consistent with the City of Villages Strategy."

"The Applicant submitted the first development plan set and draft PPA to the City in December 2009. Both City staff and the Community Planning Board raised concerns regarding the limited views of the proposed Main Plaza from El Camino Real, the height and setbacks of a proposed parking structure, the bulk and scale of the proposed office buildings, the lack of pedestrian connection to the adjacent property, the lack of a future transit stop, and the lack of bike and pedestrian pathways/connections. Concerns also were raised in response to the NOP about the proposed Regional Commercial community plan land use designation." (4-1)

10.25

The DEIR then cites proposal changes and resubmittal in August 2010. The minor changes following these concerns resulted in Kilroy's reduction of the mass of the project by less than 2%, from 836,000 sq. ft. to 806,000 sq. ft. The overall bulk and scale of the proposal, the change in land use, major traffic concerns and impacts on the low-key character of Carmel Valley were the major concerns expressed both during 2009 and at several later community meetings in 2010 and 2011, especially at the board's "Regional Issues Subcommittee" meeting

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10.23 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.24 This comment raises no issues regarding the adequacy of the Draft EIR, nor does it address the project. Therefore, no response is required.

10.25 The discussion of History of Project Changes is intended to identify the changes which were made by the project applicant to the proposed plan rather than changes which were requested but not incorporated.

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10.25 cont. on July 20, 2011. At that meeting, community and subcommittee members repeated concerns that the proposal was too massive and asked the applicant if he would consider a reduced project.

So, the DEIR is selective in this "history of project changes" and should be re-written to accurately reflect that the majority of attendees at several public meetings have urged a reduced proposal and that the applicant has been unwilling to consider this alternative.

5.0 ENVIRONMENTAL ANALYSIS

10.26 This key DEIR section appears flawed: It mischaracterizes the community setting of the site; it misrepresents how the General Plan goals for "town centers" or "villages" are to be retrofit into communities; and it selects only those "Strategic Framework" principles which the proposal could achieve while completely omitting the key principles which ensure the strong role community plans and community planners are to play in any land use amendments which would intensify a community.

10.27 Under "existing surrounding uses", again there is no mention of one of Carmel Valley's largest single-family home neighborhoods...just condominiums. (5.1-1) This omission affects the traffic study as well as community character impacts.

10.28 The DEIR mischaracterizes the project site's compatibility with its surroundings by using the only tall structures in Carmel Valley, located at the other end of the Employment Center at the juncture of two freeways, I-5 and SR 56. These tall structures are not in the immediate area of One Paseo and should not have been used for community character comparison.

10.29 It states that: "Surrounding buildings range from one to seven stories in height." The closest buildings that even approximate to the 8 and 10-story buildings proposed are next to I-5 on lower High Bluff Dr. There, the "Del Mar Gateway" building at 11988 El Camino Real is 10 stories but is set back 135 ft. from the road. The "AMN" building at 12400 High Bluff Dr. is 8 stories and is set back 130 ft. from the road. The proposal's plans show that 10 and 8-story buildings are set back only 35 feet. Worse, the DEIR states that along El Camino Real 30% of a building could be set back only 10 ft. from the road. (DEIR Section 3.4.3, Rezone)

10.30 The existing "Employment Center" design is an office campus with extensive landscaping and intentional, significant setbacks from the road. The [Carmel Valley] Employment Center Precise Plan (1981; 1987) states: "The goal of this plan is to create an outstanding example of industrial-office park design through unique and highly controlled planning." (p. 5) Radically changing the setback/building height ratio intended to create a campus-like design, as well as the development intensity and land uses on this site, cannot be characterized as "highly controlled planning."

10.31 The "Neighborhood 2 Precise Plan" is clear on the need for harmony between commercial development and all other community land uses. The design element reads: "In order to promote self-containment an industrial-office park which emphasizes the area as a unique and permanent feature of [Carmel Valley] is desirable. (It) must be designed so as to relate to the community and the adjacent town center rather than as a separate industrial development which does not complement the area." (p. 16) The term 'self-containment' as it is used here does not mean that the industrial-office park should contain a variety of land uses; it refers to the self-containment of the community as a whole and the Employment Center's essential role as part of

10.26 As this comment does not identify any specific Strategic Framework principles which were omitted from the Draft EIR discussion, no response can be offered. The role of Community Plans and community planning groups is acknowledged. In recognition of this fact, the majority of Section 5.1, Land Use, is devoted to a detailed discussion of the relationship of the Originally Proposed Project to the policies, goals, and objectives established in the Carmel Valley Community Plan. A similar discussion of the Revised Project is provided in Section 12.9 of the Final EIR.

10.27 Refer to response to comment 10.20.

10.28 The Draft EIR did not misrepresent the environmental setting. More detailed information regarding the heights of structures is contained in Section 5.3, Visual Effects/Neighborhood Character, where on page 5.3 it is acknowledged that the tallest building, the Marriott Hotel, is located nearly a mile away from the proposed site. Nevertheless, in a broader context, this building is appropriate to mention. It should be noted that occurrence of taller buildings in the general area did not change the conclusion that the project would have a significant, unmitigated impact on the neighborhood character.

10.29 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.30 As indicated in Table 5.1-2 of the Draft EIR, setback requirements imposed on the property by the current CVPD-EC zoning is minimal (the CVPD-EC zoning setbacks refer to the CC-1-3 zone). No front setback requirements are specified and the side and rear setbacks are 10 feet. The CVPD-MC zone being requested for the project site would establish front setbacks of 30 feet from Del Mar Heights Road, High Bluff Drive and El Camino Real, which would provide more separation from these major streets than would occur under the existing zoning. The setback along the westerly property line would be 15 feet. In addition, it should be

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10.31
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a balanced community.

The environmental analysis of the City's "General Plan" is perhaps the DEIR's most obvious example of selective citations and reasoning, as it liberally cites the goals and features of the "City of Villages" concepts in the 2008-adopted "Strategic Framework" element of the General Plan while omitting scores of citations relating how basically essential community plans are in deciding whether or not a mixed-use "village" is appropriate for a community.

10.32

The DEIR outlines the "Strategic Framework Element" key role in "provid(ing) the overarching strategy for how the City will grow while maintaining the qualities that best define San Diego." And "(the) General Plan policies represent a shift in focus from how to develop vacant land to how to reinvest in existing communities through infill development and redevelopment." "A 'village' is defined as the mixed-use heart of a community ... intended to be unique to the community in which it is located."

Here and throughout the DEIR, the emphasis is on the positive aspects of a "City of Villages" with no tempering analyses of the ill effects intense infill development can cause or the role of community plans as the template through which any village proposal must be viewed.

10.33

One of many examples of "General Plan" directives on communities' roles in land uses and plan amendments is in the "Strategic Framework Element (SF-29): "Because San Diego is a large and diverse city, the GP relies upon the community plans...to provide community-specific policies and recommendations. While community plans are in the process of being updated, there may be instances where the policies of the community plan and GP are not fully aligned. However, there is no land use or zoning inconsistencies between the GP and any given community plan because the GP does not change community plan land use designations. The community plans are the final arbiter on issues of land use, density, and intensity. The GP and community plans are to play complementary roles to ensure that quality of life is maintained, essential community character is respected and that public facilities are provided."

Similarly, the "Land Use and Community Planning Element" of the Strategic Framework element states: "Identify sites suitable for mixed-use village development that will complement the existing community fabric or help achieve desired community character, with input from recognized community planning groups and the general public." (LU-9)

Further, when community plans are updated in terms of applicability to the "City of Villages" concept, "It will be the role of the community plans to refine GP goals and policies into site-specific recommendations that will guide the development of each community." (LU-12)

10.34

Members of this board and community played active roles in the "City of Villages" decisions and served on its City Council-designated design and editing committees. It was never the intent or design of the "City of Villages" model to make infill development or redevelopment a requirement in each community or that intense infill development would be appropriate for each community. If appropriate and if community planners and residents were to consider a "village" of mixed uses, such a village would have to adhere to the planning regulations and guidelines of that particular community. A "village" could not negatively impact a community while attaining the goals of a "village...where residential, commercial, employment, and civic uses are all present and integrated." (5.1-3)

10.35

Regarding community plan change: "Public input is essential in ensuring that tailored community

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10.30 noted that the existing zone does not impose a building height limit while cont. the Originally Proposed Project and Revised Project would establish height limits on the property. These more restrictive setbacks and height limits combined with the design guidelines contained in the Precise Plan Amendment would provide more controls over the development that the existing zoning.

10.31 The Precise Plan provisions cited in this comment are related to the development of the site as an industrial-business park, in accordance with the current "Employment Center" designation of the site. However, the project applicant is seeking to change the current land use designation to "Community Village" to allow a mixed-use development. By its nature, a mixed-use development would not be able to meet the objectives of the industrial-business park designation. As a result, Section 5.1.2, Land Use, contains a comprehensive analysis of the relationship of the proposed development to the overall goal and objectives of the Carmel Valley Community Plan to determine the project's overall consistency with the Community Plan.

10.32 Without identifying the omissions referenced in the letter, no specific response can be offered. However, the City is aware of the emphasis placed on community plans and notes that the Draft EIR devoted substantial analysis to the Carmel Valley Community Plan in Section 5.1 of the Draft EIR.

With respect to the concern that Draft EIR emphasized the "positive aspects of the City of Villages," it was not the purpose of the Draft EIR to evaluate the wisdom of the City of Villages concept but rather to analyze the potential environmental impacts of the proposed development and consistency with City policies.

10.33 As noted earlier, the City recognizes the importance of community plans in governing future land use.

10.34 The City Council with input from the community will determine whether the Revised Project is appropriate for the site.

10.35 The City recognizes the importance of input from the public on the decision whether to approve the project including the proposed community plan amendments.

10.35
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needs are addressed in the community plan. Stakeholders...along with the recognized community planning group play a major role and are key partners in creating a plan that sets forth a joint vision for the future of a community." (LU-22) And the criteria for initiation of a plan amendment, whether general or community, are: "a) the amendment request appears to be consistent with the goals and policies of the GP and community plan and any community plan specific amendment criteria; b) the proposed amendment provides additional public benefit to the community as to the existing land use designation, density/intensity range, plan policy or site design; and c) public facilities appear to be available to serve the proposed increase in density/intensity, or their provisions will be addressed as a component of the amendment process." (LU-28)

10.36

The DEIR omits these General Plan edicts while deflecting this omission with the statement that the Carmel Valley Community Plan does not adhere to the General Plan. While noting that "The Precise Plan envisioned Neighborhood 2 as an Employment Center with a "tightly controlled business park of the highest quality..." the DEIR adds: "It is noted that some aspects of the Precise Plan are considered outdated since they do not reflect the current General Plan goals and City regulations. One of the changes to note is that the City is now promoting mixed-use developments and focusing on how to make development sustainable..." (5.1-7)

This is a mischaracterization of the role of "The City of Villages" in San Diego's communities. In naming community plans "the final arbiter" of any land use amendments that would create a mixed-use village and intensify a community, the City Council recognized that "the General Plan and community plans are to play complementary roles to ensure that quality of life is maintained, essential community character is respected, and that public facilities are provided." (SF-29)

The CVCBPB played the major role in ensuring that this critical language is included in the final General Plan amendment draft so that "one size fits all" would not be the operative direction of these City policies. This DEIR is skewed to pit selected General Plan policies against the preservation of community plan objectives.

IMPACTS ANALYSIS

5.1.2 Impact - Issue 1 asks: "Would the project be inconsistent/conflict with the environmental goals, objectives, or guidelines of the Carmel Valley Community Plan or City of San Diego General Plan?" Issue 2 asks: "Would the project be inconsistent/conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts may occur?"

The SANDAG 2050 Regional Transportation Plan" (RTP) "is to guide the San Diego region toward a more sustainable future by integrating land use, housing, and transportation planning to create communities that are more sustainable, walkable, transit-oriented, and compact." The DEIR finds that "the project type, location, and features are consistent with the 2050 RTP...." because:

The site is located along major roadways and nearby regional freeways (I-5 and SR 56), as well as adjacent to future planned regional transit services. While no transit services are currently provided within the project area, a rapid bus route is planned to serve the Carmel Valley community. This route (Route 473) is identified in the Revenue Constrained Plan of the 2050 RTP and would extend between Oceanside and the University Towne Center regional shopping mall via Carmel Valley. Specifically, Route 473 would occur along the Del Mar Heights Road

10.36 The Draft EIR contained an analysis of relevant goals, policies, and objectives from both the General Plan and the Carmel Valley Community Plan. Refer to response to comment 10.32. The reference to the evolution of the City of Villages concept after preparation of the Carmel Valley Community Plan is important because the current General Plan places a major emphasis on the concepts identified in the City of Villages. As indicated earlier, the City recognizes that any mixed-use project proposed in accordance with the City of Villages concept must reflect the underlying Community Plan. Given the similarity in land use types, the conclusions of the Draft EIR equally apply to the Revised Project. Refer to updated information contained in Section 5.1.2 of Final EIR.

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- 10.37 and El Camino Real corridors. The project would provide a transit stop along the El Camino Real project frontage." (5.1-10) The DEIR should have analyzed the realistic potential of whether transit would arrive to CV considering that the community already has a transit stop that is not being served by public transit.
- 10.38 The "Regional Comprehensive Plan" (RCP) includes the SANDAG "Smart Growth Concept Map (amended January 27, 2012 to include Carmel Valley and this site) and it "provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area. (SANDAG 2012) Further, the RCP specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, and specifically cites the City General Plan "City of Villages Strategy" as supporting the Town Center concept." (5.1-10)
- Thus, the DEIR by a circuitous and tenuous route finds that the proposed One Paseo "is consistent with this designation and the project would be consistent with the overall regional vision and core values presented in the RCP."
- The City of San Diego General Plan is widely referenced in the DEIR for its policies and land use categories in an attempt to find a category that might be appropriate for or acceptable to this community. We disagree with the categories proposed for this project:
- Land Use: Using the General Plan and Community Plan "Land Use Categories" the DEIR says that "Based on the existing Community Plan designation of Employment Center, the Business Park designation and land use considerations...are most appropriate for the project site. The project proposes to change the Industrial Employment General Plan designation to "Multiple Use...the City of Villages strategy..."
- 10.39 The "Business park-Residential" with "Office Use Permitted" does reflect the office and residential components of the proposal; however, this land use category does not allow retail use, which is a major component of the proposal. Most accurate is the "Regional Commercial" designation, as retail comprises 270,000 sq. ft., 15% of the project construction. This is critical as this retail component generates more than 60% of the projected traffic.
- Transit/Transportation: "High-quality transit" is a "City of Villages Strategy" and "While no transit services are currently provided within the project area, a rapid bus route is planned to serve the Carmel Valley community. This route (Route 473) is identified in the Revenue Constrained Plan of the 2050 RTP and would extend between Oceanside and the University Town Center regional shopping mall via Carmel Valley."
- 10.40 This one bus line cannot be seen to make the site consistent with the General Plan "City of Villages Strategy" for three reasons:
- A single bus servicing a 30-mile length of cities and communities, from Oceanside to University Town Center and circling through these entities, thereby increasing the mileage, cannot realistically provide a sufficient amount of transit to a 2,000,000 sq. ft. mixed use regional commercial development.
 - This single bus service is not available for many years and the project phasing is not required to be concurrent with the availability of Route 473. The EIR fails to disclose the disconnect between project phasing and the availability of one transit line.
 - The "City of Villages Strategy" was developed by community activists, transit experts, City Staff, planners from both the private and public sectors and many other

10.37 Refer to response to comment 10.40.

10.38 The City believes that the basis for concluding that the project reflects the goals of the RCP is not circuitous or tenuous. The RCP specifically identifies the subject property as a "Town Center" smart growth opportunity area.

10.39 The statement referenced from the Draft EIR regarding the Business Park designation being "most appropriate" for the site is taken out of context. The statement referred to the fact that the land use designations in the new General Plan do not correlate well with land use designations of the Carmel Valley Community Plan due to the different ages of the documents. The intent was to identify the current General Plan designation which most closely reflects the Community Plan designation to serve as a baseline for the analysis in the Draft EIR. The intent was not to imply that the Originally Proposed Project could fit within the land uses allowed by this designation, and the analysis did not proceed under such an assumption.

10.40 The introductory discussion of the City of Villages Strategy on page LU-6 of the General Plan states that the strategy is "to focus growth into mixed-use activity centers that are pedestrian-friendly, center of community, and linked to the regional transit system." On page LU-9, the discussion related to the City of Villages Strategy goes on to state, "Factors to consider when locating village sites include community plan-identified capacity for growth, existing public facilities or an identified funding source for facilities, existing or identified funding source for transit service, neighborhood character, and environmental constraints." On page LU-10, Policy LU-A.4 states, "Locate village sites where they can be served by existing or planned public facilities and services including transit services" (emphasis added). While all of these statements identify the importance of a connection to regional transit, none of them mandate that regional transit be available immediately, nor do they specify a level of regional transit service or require any level of local transit. Rather, they acknowledge that regional transit may occur in

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10.40 the future as long as a funding source is identified. As identified in the cont. 2050 RTP, the funding for the implementation of BRT Route 473 (Bus Route 473) is anticipated to be available by the year 2030. In addition, SANDAG is currently developing a new transportation plan, referred to as "San Diego Forward." This plan will incorporate the Regional Comprehensive Plan, adopted in 2004, and will replace the 2050 RTP/Sustainable Communities Strategy adopted in 2011. On December 20, 2013, the SANDAG Board of Directors approved for further evaluation a 2050 Unconstrained Transportation Network which includes: 1) a new Light Rail Transit (LRT) connection from University Towne Centre (UTC) to Del Mar Heights Road via UTC-Campus Point and Sorrento Valley; and 2) Bus Route 103 that runs from Solana Beach to Sabre Springs along Del Mar Heights Road and Carmel Valley Road. It is anticipated that SANDAG will consider final adoption of San Diego Forward in Summer 2015. These potential improvements would supplement the bus line currently planned along El Camino Real. Thus, the proposed development would not be inconsistent with the goals of the General Plan relative to the desired relationship of future villages to regional transit.

Furthermore, the proposed development is not dependent upon the availability of bus service, and the benefits attributed to mixed-use projects (e.g., reduced automobile trips) would accrue from the proposed development regardless of the timing for bus service. Moreover, the traffic impact analysis for the Originally Proposed Project and the Revised Project does not incorporate any trip discount for Bus Route 473.

Consequently, although the Draft EIR did not explicitly indicate that bus service was not anticipated until the year 2030, the future planned nature of Bus Route 473 was made clear on pages 5.2-81 and 82 of the Draft EIR. Also, the only trip reductions assumed in these traffic analyses were based on the mixed-use character of the proposed development. Therefore, the traffic impact analyses are not affected by the time projected for bus service to reach the project. Consequently, the analysis of air quality and greenhouse gas impacts, which are largely a function of automobile trip generation, are unaffected by the time required for bus service to be provided to Carmel Valley.

Lastly, timing for transit is often affected by demand. Therefore, implementation of the project could facilitate the provision of bus service to Carmel Valley by creating sufficient to demand to further justify the extension of bus service into the community. Also, a "single bus" misstates the planned level of transit.

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- 10.40 cont. areas of expertise. A guiding principle in writing and approving the entire "City of Villages" General Plan amendment was that mixed-use "villages...should be located in almost every community plan area..." However, a basic caveat is that they should occur only where "transit corridors" exist: "They are located along streets and major roads and are served by higher frequency transit service...(which) provide valuable new housing opportunities with fewer impacts to the regional freeway system because of their available transit service." (Gen Plan LU-7)
- The notated impacts on major Carmel Valley roads and I-5 from this proposal, added to the already-anticipated Level of Service "E" if just only entitled and as yet unbuilt projects are developed with only one very future and iffy transit solution offered do not meet the City of Villages goals for ideal locations of "villages."
- 10.41 Nor does this single bus service, combined with the "significant and unmitigable traffic impacts" of the project meet the primary goal of the "General Plan Strategic Framework Mobility Element":
- "While vehicle congestion relief is an overall goal of the Mobility Element, the degree of acceptable vehicle congestion will vary in different locations based on the function of roadway and the desired community character. Decisions that must balance the benefits and impacts of designing our transportation system for multiple modes of transportation will need to be made at the community plan or project level." (ME-21)
- Simply put, the "Mobility Element" essential policy is to "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system." (ME-C2)
- We believe that the increases in traffic congestion identified by this DEIR, combined with the proposed partial mitigations such as the narrowing of driving lanes and the addition of turn lanes, would make the rest of our large community planning area, including the streets by which we access our schools and our existing Town Center and Employment Center, LESS drivable, bikable, and walkable.
- 10.42 Urban Design: The DEIR accurately cites the "Strategic Framework Urban Design Element" proviso that a basic policy is to "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system." (ME-C2) Yet, the DEIR in the executive summary and elsewhere vastly understates the change in traffic flow relative to the constrained capacity of Del Mar Heights Road. If this proposal goes forward the current LOS is D and this proposal takes it through two worse levels, through "LOS E" and "LOS F."
- The DEIR emphasizes "Urban Design" goals that are seen as met by the proposal to the exclusion of goals, which clearly cannot be met. The DEIR says, "By definition, the very nature of a village would result in an intensification of land uses, as well as distinctive/unique development types that are different from existing development patterns." (5.1-13)
- The "City of Villages Strategy" does not promote making "village" development contrast with or stand out from existing community development. An "urban design strategy" principle is to "build upon our existing communities" (UD-4) and an element goal is: "A pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context." (emphasis added) (UD-5)
- 10.43 The DEIR statement that "the project could mirror the surrounding land uses" is flawed not only

10.40 Refer to updated information contained in Section 5.1.2 of Final EIR. cont.

10.41 The Draft EIR directly addressed and disclosed traffic impacts to segments of Del Mar Heights Road. The Draft EIR and Final EIR acknowledge that the traffic generated by the Originally Proposed Project and the Revised Project would result in significant impacts to local street segments, including Del Mar Heights Road. Specifically, significant direct and/or cumulative impacts would occur to the following segments of Del Mar Heights Road (refer to Table 5.2-41 of the Draft EIR):

- Del Mar Heights Road between Interstate 5 (I-5) southbound ramps to I-5 northbound ramps (direct); and
- Del Mar Heights Road between I-5 northbound ramps and High Bluff Drive (direct and cumulative).

The Draft EIR also acknowledged that some traffic impacts would remain significant despite implementation of feasible mitigation measures. This is due to the need for other public agency approvals, such as Caltrans, to construct certain improvements identified in the mitigation measures. In other instances, traffic impacts were considered significant and less than fully mitigated in the Draft EIR because construction of the identified improvements cannot be assured.

As described in Table 5.2-41 of the Final EIR, a number of mitigation measures are identified to reduce congestion. However, the Final EIR concludes that all impacts of the proposed development cannot be fully mitigated because some of the mitigation measures are dependent upon widening the Del Mar Heights Road bridge over I-5 and the timing of planned improvements to El Camino Real and Via de la Valle distant from the project site. Widening the Del Mar Heights Road bridge is contingent on Caltrans approval and funding, which is beyond the control of the City or applicant to guarantee. Thus, traffic impacts of the Originally Proposed Project and Revised Project are considered significant and not mitigated.

10.41 By concentrating development with compatible uses along a planned transit route and by providing bicycle facilities and amenities to accommodate pedestrian travel, either the Originally Proposed Project or Revised Project would accommodate future transit use and accommodate less vehicle use than a single-use development. Therefore, the Originally Proposed Project and Revised Project would accommodate and provide for multiple modes of transportation.

In recognition of the fact that impacts to the Del Mar Heights Road bridge may not be fully mitigated because the improvements lie within the jurisdiction of Caltrans, Table 5.1.1 of the Final EIR has been revised to indicate that the project would not be consistent with Policy ME-C.2. However, despite this change in the relationship of the proposed development to this policy, the conclusion that the proposed development would not conflict with the collective intent of the goals and policies of the General Plan remains unchanged. A general finding of consistency with an applicable plan, such as a General Plan, does not require strict consistency with every policy or with all aspects of a plan. Land use plans attempt to balance a wide range of competing interests, and a project need only be consistent with a plan overall: consequently, even though a project would deviate from some particular provisions of a plan, the City would still find the project consistent with that plan on an overall basis. See, e.g., *Friends of Lagoon Valley v. City of Vacaville* 2007 154 Cal. App. 4th 807, 815. Therefore, because the proposed development would advance a range of planning policies articulated in the Community Plan and in the various General Plan elements, including promoting sustainable development, the City would properly conclude that the Project is consistent overall with the General Plan, despite inconsistencies with particular policies.

Also, an EIR may provide information regarding social and economic issues, but CEQA does not recognize these issues as direct physical impacts on the environment. CEQA Guidelines section 15131 states “[E]conomic or social effects of a project shall not be treated as significant effects on the environment.” A direct physical change in the environment is a change caused by and immediately related to the project (CEQA Guidelines section 15064(d)(1)). As noted above, Section 5.1 of the Draft EIR did not identify environmental impacts due to plan inconsistencies that would not result in physical changes to the environment. Physical impacts on the environment that could result from implementation of proposed development or project alternatives were addressed in the

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10.42 As discussed in detail in Section 5.1 of the Draft EIR, the Originally Proposed Project is consistent with the characteristics of a Community Village, as defined by the General Plan. A similar analysis of the Revised Project is included Section 12.9 in the Final EIR. Based on this analysis, the conclusion that the Originally Proposed Project as well as the Revised Project would be generally consistent with the General Plan and implement the City of Villages strategy is appropriate.

The Originally Proposed Project and the Revised Project are consistent with the referenced urban design strategy principle to “build upon our existing communities” because both would provide the land uses that were already planned for the site within an internally balanced land use mix that reflects the types of uses that exist in the community and that complements the existing uses in the vicinity of the project site.

As discussed on page 5.1-69 of the Final EIR, the Originally Proposed Project would be consistent with the referenced General Plan Urban Design goal on page UD-5 of the Urban Design Element. The proposed uses of the project site already exist within the community, and have been sited so that uses reflect adjacent off-site uses. Additionally, design guidelines contained in the PPA would be incorporated into proposed buildings and landscape features to complement existing development. It should be noted that some of the wording of this goal, specifically, the latter phrase of the goal “and that respects desirable community character and context” was inadvertently omitted from Table 5.1-1 in the Draft EIR. This has been corrected in the Final EIR. This correction does not change the conclusions of the Draft EIR.

While the Final EIR recognizes that both the Originally Proposed Project and Revised Project would result in significant impacts to the neighborhood character of the area, the proposed mixed-use development would be consistent with this General Plan goal. The Originally Proposed Project and Revised Project would be consistent with General Plan policies that support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. Specifically, the project would be consistent with, and implement the City of Villages strategy.

The issue of neighborhood character is different from land use policy consistency. As is the case here, it is possible for a project to result in a significant neighborhood character impact while retaining overall consistency with General Plan policies that include the words “community character.” The significant neighborhood character impacts

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10.43
cont.

because tall buildings do not surround the site. It also mischaracterizes the residential uses in close proximity to the site. Again it states only that "multi-family residential development exists to the north..." Single-family homes in Carmel Valley neighborhoods 3 and 7 are not directly adjacent but within close proximity."

10.44

"The product type that would be introduced in the neighborhood would differ from existing surrounding development in terms of integration of land uses and density, bulk and scale. Therefore, although the project would be consistent with General Plan policies and implements the City of Villages strategy with no associated land use impacts, the project would result in significant impacts related to community character."

The project is described as providing "a large plaza for public gatherings and social interaction, as well as a number of smaller plazas, paseos, and public outdoor spaces..." in keeping with the "City of Villages" goals for walkability and recreation opportunities. The "plaza" depicted is only one acre, much of which substitutes for the walkways and landscaping which would be required for the retail and office space surrounding it. A significant portion of this acre is the walkway to the underground parking in "Block D."

10.45

Therefore, while the General Plan "City of Villages" Element encourages the use of mixed-use, urban "village" development, the above inconsistencies with major goals and objectives of the "City of Villages Strategy" make the One Paseo proposal inconsistent with the General Plan and sound planning in general.

Carmel Valley Community Plan

The main premise of the DEIR regarding the community plan is that the proposal to convert the current land use from "Employment Center" to "Community Village" (5.1-15) is appropriate because it is seen as an action consistent with the community plan Goals 1 and 2 which address balance of land uses:

"The provision of (the addition of housing and retail to office use) these additional uses along with the office uses identified in the Community Plan would not upset the economic balance of planned land uses in Carmel Valley for several reasons. First, a retail market analysis was conducted for the project (Kosmont 2012a,) to evaluate existing and projected demand for retail services within a 10-mile radius of the project site (defined as the Trade Area). The analysis concluded that even with full buildout of the project, there will continue to be additional demand for retail uses within the Trade Area...Secondly (and related to retail demand), the new retail uses proposed by the project would not adversely impact existing businesses nor lead to urban decay..." (5.1-15,16)

10.46

Whether or not the retail market analysis is accurate, the DEIR analysis fails to address the effects of a regional commercial retail use on the community. A ten-mile radius for a market study is, in fact, a regional draw.

10.47

The Carmel Valley community was planned comprehensively and a self-contained community is actually Goal No. 2 in the "Goals for [Carmel Valley].": "2. To establish self-containment and (the) feeling of community identity among the future residents of [Carmel Valley]." (Community Plan, p. 50)

We do not agree with the DEIR finding that the community plan goal of "self-containment" -

10.42 of the Originally Proposed Project and the Revised Project are the result of the difference in height and scale of the proposed buildings in relation to those in the immediately surrounding properties. This, in and of itself, does not automatically mean that the Originally Proposed Project and Revised Project are inconsistent with the General Plan. The intent of this goal is to consider the existing context and community fabric as a whole, including the mix of uses within the community and intensifications of those uses, where desirable, not just a specific element that contributes to neighborhood character (such as building height).

10.43 Refer to response to comment 10.20.

10.44 The conclusion of the Final EIR with respect to neighborhood character of the Originally Proposed Project and the Revised Project concurs with the commenter's belief that the impact of the project on neighborhood character would be significant.

The large plaza is only one component of the public space that would be provided by the Originally Proposed Project and Revised Project. The Originally Proposed Project included 9.4 acres of open space throughout the project site of which 7.6 was useable open space. As discussed in Section 12.9 in the Final EIR, the amount of open space within the proposed development would increase to 10.7 acres with the Revised Project. Of this open space, 6.6 acres would be useable; the remaining 4.1 acres of open space would be comprised of ground level open space which is not technically considered usable because traffic noise levels are anticipated to exceed 65 CNEL, but which otherwise exhibits the characteristics of usable open space. Open space would include greenbelts, plazas, paseos, gardens, pocket parks, amphitheaters, and public facilities and services. Most notably, the amount of open space in the northwest corner of the project would be increased with the Revised Project.

10.45 As discussed in Section 5.1 of the Draft EIR and responses to comments 10.39 through 10.44 above, the Originally Proposed Project and the Revised Project would be consistent with the General Plan City of Villages strategy. Additionally, as described in response to comment 10.41, planning documents such as General Plans necessarily balance a series of competing and often conflicting interests, and perfect consistency with all policies in a planning document is not necessary for a finding of general consistency with that document.

10.46 As discussed in response to comment 10.4, the Trade Area was established based on industry standards for the retail component of the proposed

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10.46 development. While a 10-mile radius trade area could potentially be cont. considered regional, approximately two-thirds of the retail draw is expected within four miles of the proposed development, as described in the revised RMA (Appendix B.1). Moreover, as described in response to comment 10.4, the Draft EIR evaluated any potentially regional effects.

10.47 As discussed in the updated RMA, included as Appendix B.1 of the Final EIR, the retail needs of the community are currently underserved and residents often patronize businesses outside of Carmel Valley. The proposed development furthers the community goal of self-containment by expanding the goods, services, and entertainment opportunities offered locally. Moreover, even with the proposed development, demand for additional retail in Carmel Valley would still exist. At present, the community, like many suburban communities planned in the 1980s, lacks a pedestrian-oriented Main Street that would serve as a community focal point. The addition of Main Street and new public and private spaces will augment and further a distinctive community identity for Carmel Valley that has been a stated goal of the local planning board.

As described on pages 5.1-15 and 5.1-16 of the Draft EIR, the Community Village concept, as implemented by the Originally Proposed Project and the Revised Project, would be consistent with the goals identified in the Community Plan related to maintaining a balance of uses in the Community Plan area and fostering and enhancing community identity. By providing a mix of uses commonly found throughout the community within the project site, the Originally Proposed Project and Revised Project would maintain balance in fiscal, social, and land use terms.

First, as detailed in the updated RMA included as Appendix B.1 of the Final EIR, the retail uses proposed would help meet existing demand for retail in the area and particularly within a four-mile radius of the project site. However, even with development of the Originally Proposed Project or Revised Project and all other reasonable foreseeable retail development in the vicinity, a net demand for retail would remain. Further, the Originally Proposed Project and Revised Project would generate substantially greater tax revenue to the City than a stand-alone office development, and would promote many more short- and long-term jobs.

Secondly, in terms of physical and social balance, the Originally Proposed Project and the Revised Project would still provide the office uses permitted by the Employment Center designation, and may also provide uses that could serve as a social center for the community. In

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10.47 addition to a mix of community-serving uses, the Originally Proposed cont. Project and Revised Project would provide pedestrian-oriented spaces to accommodate gathering and interaction, and would provide pedestrian and bicycle path connections to neighboring uses, promoting circulation. Also, the Originally Proposed Project and Revised Project would provide a range of housing types to accommodate a diversity of choice and demographics, and will continue to provide office space for local residents who prefer to live and work in the community.

Another direct benefit of mixed-use is the more efficient use of land than single-focused developments. Similarly, unlike the vast majority of parking lots in the Employment Center, office parking of the Originally Proposed Project and Revised Project will be used after-hours for sharing with other uses.

Contrary to the comment and as discussed in Section 12.5 of the Draft EIR, nothing in the Employment Center designation of the Community Plan limits development on the project site to two buildings or, for that matter, to any particular configuration or height. Moreover, the type of office and light industrial uses currently allowed by the Employment Center Precise Plan are not considered community-serving, as a general manner, and providing only additional office buildings, rather than mixed-use, will not facilitate self-containment. According to 2000 census data, only 9 percent of those living in Carmel Valley have a commute time of less than 10 minutes, and a substantial portion of these people may be working at home or a neighboring community. In contrast, the currently adopted Employment Center land uses typically accommodate commuters from outside the community, perpetuating this commute pattern. While the Main Street of the proposed development would serve the public throughout the day, evening, and weekends, stand-alone office buildings typically have limited access with activity occurring only during weekday business hours and no potential to serve as a nexus for the surrounding community, or to provide any services for nearby residents or workers.

Refer to updated information contained in Section 5.1.2 of Final EIR.

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10.47 cont.	<p>meaning a balance of land uses throughout the 4000-acre community as a whole - would be furthered by this proposal.</p>	
10.48	<p>The "Employment Center" was intended to serve Carmel Valley residents and the density assigned was considered as part of the overall community design. The building placements and size were in keeping with the balance of uses and the site for two office buildings was considered appropriate, adjacent to the town center.</p>	
10.49	<p>Most importantly, the Carmel Valley road system designed for the community plan designated Industrial/office park use on this site, not a regional commercial retail use. Had a 2,000,000 sq. ft., regionally drawing mixed-use project been envisioned, the roads would have had to be designed to accommodate that traffic.</p>	10.48 It is true that the Carmel Valley road system originally designed for the community plan did not anticipate the proposed use of the project site as mixed-use or that the site would generate the volume of traffic associated with the proposed development. Table 5.2-42 of the Draft EIR identified the traffic improvements which were identified by the traffic analysis to mitigate the impacts of the proposed development.
10.50	<p>In analyzing and opining about the appropriateness of converting an Employment Center lot to a retail destination, the DEIR traffic analysis must include baseline and future conditions within the same area analyzed in the primary and secondary market areas defined in the Retail Market Analysis (Appendix B). These market areas are also the traffic shed for this project.</p>	10.49 Refer to response to comment 10.6.
10.51	<p>With its unmitigable traffic and bulk and scale impacts this proposal would immediately and permanently change Carmel Valley to a University Town Center development without the large carrying capacity of 8-lane arterials such as La Jolla Village Drive, Genesee Avenue, etc.</p>	10.50 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
10.52	<p>Regardless of whether or not "future retail demand is sufficient to support the project considering existing and additional retail uses" (5.1-16) the community road system cannot support the project. We believe that the impact of unmitigable additional traffic will transform the community through traffic delays and congestion, and the community will feel out of control, overrun and misused, rather than comfortably "self-contained."</p>	10.51 Refer to response to comment 10.41.
	<p>A major objective of the community plan "Industrial Office Park Land Use Element" is: "...industrial sites must be developed as a part of a planned industrial park with strict development controls. Through this action the relationship of structures, driveways, parking areas, grading and landscaping can be coordinated and natural site features that exist can be capitalized upon." (CV Community Plan, p. 88)</p>	
	<p>The Carmel Valley Community Plan perhaps naively asserted that "the industrial office park...will provide over one-half of the available jobs within the community." (CVCP p. 89) The 2000 Census found that 81% of workers in Carmel Valley drove more than 12 miles to their workplaces. (SANDAG website) In the years since that census was taken, as freeway congestion and gas prices have increased, we have observed that more principals of firms who live nearby have sought to open offices in Carmel Valley. We are concerned that with the increase in local traffic congestion and the long freeway ramp wait times for potential employees engendered by the One Paseo proposal, this desirable trend will not continue.</p>	
	<p><u>City of San Diego Land Development Code/Carmel Valley Planned Development Ordinance:</u> The "Impact Analysis asks: (1) "Issue 1: Would the project be inconsistent/conflict with the environmental goals, objectives, or guidelines of the Carmel Valley Community Plan or City of San Diego General Plan? And (2) would the project be inconsistent/conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts may occur?"</p>	
	<p>Land use compatibility impacts "may be significant if the project would: be inconsistent or</p>	10.52 The impact of potential traffic congestion on the likelihood that employers will seek to locate their companies in the Carmel Valley community is speculative and beyond the scope of the Draft EIR.

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conflict with the environmental goals, objectives or guidelines of a community plan or general plan; ... with an adopted land use designation or intensity and result in indirect or secondary environmental impacts; and/or be substantially incompatible with an adopted plan." (5.1-9)

The DEIR concludes that the project type, location, and features are consistent with the 2050 Regional Transportation Plan because the project is seen as a: "development of a mixed-use "Main Street" village center for the Carmel Valley community on a single development site that would provide a balance of housing, offices, retail, restaurants, hotel, public spaces and recreational areas, and a mix of transportation facilities, including those oriented towards automobiles, bicycles, and pedestrians." The DEIR cites the "rapid bus route...planned to serve the Carmel Valley community...(Route 473)...identified in the Revenue Constrained Plan of the 2050 RTP..." (5.1-10)

Again, a future, revenue constrained single bus line cannot be seen as anything remotely adequate for "a mix of transportation facilities."

The Regional Comprehensive Plan, including SANDAG'S "Smart Growth Concept Map "updated Jan. 27, 2012" ...identifies the proposed project site as a Town Center smart growth area..." for a "Town Center" land use "containing residential, office/commercial, and civic/cultural facilities uses, including mixed use, at densities of 20 to 45 or more dwelling units per acre and 30 to 50 employees per acre." (5.1-10) Thus the DEIR finds that "the proposed mixed-use village concept is consistent with this designation, and the project would be consistent with the overall regional vision and core values presented in the RCP."

Again, however, the fact that the proposal contains uses of a "town center" does not take into account that adequate infrastructure to support this growth is not present - no planned and realistic multi-modal transportation improvements - and with this lack impacts on community character and transportation would occur, which goes against the San Diego General Plan's principles on the "City of Villages Strategy."

The City of San Diego General Plan elements regarding land use, transit, and village design are the sources for impact analysis:

Land Use: "Based on the existing Community Plan designation of Employment Center, the Business Park designation and land use considerations above are most appropriate for the project site." (5.1-11)

No, what is proposed with 270,000 square feet of retail and 100,000 sq. ft. of hotel cannot be defined as "Business Park." The closest land use designation appropriate to this proposal is "Regional Commercial" which "serves the region, within five to twenty-five miles, with a wide variety of uses, including commercial service, civic, retail, office, and limited industrial uses. Residential uses may occur only as part of a mixed-use...project. 0.74 du/ac." (Gen Plan LU-17) Importantly, even this category does not include/allow hotels.

The DEIR needs to accurately define a land use for this proposal that reflects its true nature. Instead, this document focuses on the fit of the proposal to the "City of Villages Strategy."

Transit: The DEIR accurately notes a major characteristic of a "City of Villages" potential site: "The goal of the City of Villages Strategy is to have mixed-use villages located throughout the City and connected by high-quality transit." Given the LOS E of project vicinity roads and major CV arterials when all of the already entitled nearby development occurs--and this is without

10.53 As discussed in response to comment 10.40, there is expectation that adequate transit service will be available in the future to support the Originally Proposed Project and Revised Project. Nevertheless, the TIA did not include any trip reductions based on future rapid bus service. Also, "transportation facilities" do not comprise only one bus line; they also include bicycles and other means.

10.54 As discussed in response to comment 10.40, there is expectation that adequate transit service will be available in the future to support the Originally Proposed Project and Revised Project. Moreover, the TIA did not include any trip reductions based on the future rapid bus service. In addition, as discussed on page 5.1-22 of the Final EIR, the General Plan recognizes the potential impacts of intensification associated with development under the City of Villages Strategy.

10.55 As discussed in response to comment 10.39, the statement referenced from the Draft EIR regarding the Business Park designation being "most appropriate" for the site refers to the current General Plan, and is not intended to imply that the Originally Proposed Project would fit within the land uses allowed by the Business Park designation.

10.56 As discussed in response to comment 10.40, there is expectation that transit service via Bus Route 473 will be available in the future to support the Originally Proposed Project and Revised Project. Moreover, in comment 6.7, SANDAG requests that the project integrate with this planned route and assorted facilities. Furthermore, the rapid bus service to the site would connect with the regional transit system.

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counting future traffic from a built-out Pacific Highlands Ranch---the DEIR must quantify and explain how a single bus line serving several municipalities over a 30-mile length of I-5 can be seen as "high-quality transit."

10.57

Village Design: The DEIR takes liberties in interpretation of the General Plan: "The General Plan specifies that each village is intended to be unique to the community in which it is located. As a result, a village could visually appear different than its surrounding uses in terms of both integration of land uses and density, bulk and scale." (5.1-13)

A clear policy in the "City of Villages Strategy" is that, in addition to having adequate "high-quality transit", a mixed-use village superimposed on existing communities must not conflict with a community design theme: The "Urban Design" element of the "Strategic Framework Plan" for the City of Villages clearly states: "Policies---Residential Design - UD-B-1. Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Projects should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility."

Further, new construction should be "Integrate(d) with the existing fabric and scale of development in surrounding neighborhoods...must be designed with sensitivity to existing development." (UD-17)

The DEIR description of the proposal, instead, selectively edits these policies and emphasizes that this development would "introduce building forms that are characteristic of a village that would be unique and distinctive to CV...could result in development patterns that are different from the immediately surrounding environs...would differ from existing surrounding development in terms of integration of land uses and density, bulk and scale..." (5.1-113)

Conformity with the Carmel Valley Community Plan

10.58

The DEIR concludes, "although the project would be consistent with General Plan policies and implements the City of Villages strategy with no associated land use impacts, the project would result in significant impacts related to community character." (5.1-13) This, however, is seen to be well tempered with project features that "would serve as a village uniquely suited for the Carmel Valley Community"---the "Main Street", "village center" locale, "vacant site in a high-activity urbanized area at a transition point between land uses." A final EIR should cite thoroughly and clearly all of the General Plan requirements for mixed-use "villages", especially those that expressly state that community character, traffic, and urban form should not be negatively impacted for the sake of a "village."

10.59

This proposal is seen as a "unifying, mixed-use center" as the site grading would "expose the project site to public view from multiple vantage points...the project site is at a prominent and highly visible location within CV" Here the DEIR concludes that: "Therefore, although the project would be consistent with General Plan policies and implements the City of Villages strategy with no associated land use impacts, the project would result in significant impacts related to community character."

But the DEIR fails to make the finding that while some City of Villages goals may be met by the project the General Plan criteria for where to locate a village are not met (location near functioning transit corridors, urban design bulk and scale, etc.)

10.60

The DEIR fails to cite the community plan goal of comprehensively and painstakingly planning the community as a whole, from its inception and throughout the years since the plan was

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10.57 The comment correctly states that the proposed development must be considered in the context of the Carmel Valley Community Plan and the surrounding neighborhood character. As discussed in Section 5.3 in the Draft EIR, the visual analysis evaluates both the immediate visual setting of the project site and the Carmel Valley community as a whole. The analysis in the Final EIR concludes that the Originally Proposed Project and the Revised Project would be compatible with the overall broad development pattern of Carmel Valley because they would include land uses that already exist in Carmel Valley, and mirror surrounding land uses. Moreover, the development would incorporate project design measures to address bulk and scale, such as (1) the arrangement and design of buildings relative to topography, (2) spatial buffers and setbacks, and (3) building articulation and varied building heights. The Final EIR also conclude that the proposed buildings would, despite such project design strategies to minimize apparent height and mass of the structures, substantially contrast with portions of the surrounding development in the community, resulting in a significant neighborhood character impact.

While the Final EIR recognizes that both the Originally Proposed Project and Revised Project would result in significant impacts to the neighborhood character of the area, the proposed mixed-use development would be consistent with General Plan policies related to the City of Villages strategy, as discussed in pages 5.1-13 through 5.1-15 in the Draft EIR. The issue of neighborhood character is different from land use policy consistency. As is the case here, it is possible for a project to result in a significant neighborhood character impact while remaining consistent with General Plan policies that pertain to community character. The significant neighborhood character impacts of the Originally Proposed Project and the Revised Project are the result of the difference in height and scale of the proposed buildings in relation to those in the immediately surrounding properties. This, in and of itself, does not compel the conclusion that the Originally Proposed Project and Revised Project are inconsistent with the General Plan, as a whole.

Section 5.1, Land Use, Section 5.3, Visual Effects and Neighborhood Character, are intended to provide the public and decision-makers information related to the relationship of the Originally Proposed Project to these factors; Section 12.9 in the Final EIR provides comparable information related to the Revised Project. Section 5.1.2 of the Final EIR provides additional discussion of land use issues. Ultimately, the

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10.57 decision of appropriateness of the proposed development, taking a range cont. of factors into account, rests with the City Council.

10.58 Section 5.1 of the Draft EIR did address the relevant goals, policies, and objectives of both the General Plan and Carmel Valley Community Plan, and, as the commenter notes, the Draft EIR concludes that the Originally Proposed Project would have a significant impact on neighborhood character despite the design features included to reduce this impact. Refer to updated information contained in Section 5.1.2 of Final EIR. The analysis of the Revised Project Section 12.9 in the Final EIR reaches a similar conclusion.

Additionally, the analysis neither concludes nor implies that community character is sacrificed for the sake of implementing the City of Villages strategy. Rather, as discussed on page 5.3-23 of the Draft EIR, the General Plan recognizes that intensification associated with implementation of the City of Villages concept, consistent with smart growth principles, could be expected to result in impacts to community character, and contains policies to help minimize such impacts, such as building design and site selection. As disclosed in Section 5.3 and Section 12.9 of the Final EIR, the Originally Proposed Project and Revised Project would, despite implementation of design and mitigation measures, result in intensification-related impacts to neighborhood character.

10.59 Section 5.1 of the Draft EIR provided a comprehensive analysis of the Originally Proposed Project with applicable adopted land use plans and goals, policies, and objectives contained within those plans, including the Community Plan; Section 12.9 addresses the consistency of the Revised Project with applicable land use plans. As concluded in Section 5.1.2 of the Final EIR, the Originally Proposed Project and the Revised Project are consistent with the overall goals identified on page 50 of the Community Plan (refer to Section 5.1 of the Final EIR and Section 12.9 in the Final EIR), one of which is to “establish a physical, social, and economically balanced community.” The policy consistency analysis of this overall goal of the Community Plan is not applied to only the project site, but the Carmel Valley community as a whole. Additionally, as discussed in response to comment 10.47, the Originally Proposed Project and the Revised Project would be consistent with this overall goal of the Community Plan regarding the planned balance of land uses within the entire community.

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approved. Rather the community plan "framework goals...related to the balance of planned land uses...(Goals 1 and 2)" are emphasized with a focus solely on this site.

Carmel Valley, as the writers of the DEIR should know, is a 4000-acre master planned community with exclusionary zoning intended to minimize conflicts among diverse land uses. The community plan emphasizes a gradation in intensity of development from our Town Center and the Employment Center radiating outwards to large lot quintessentially suburban residences. There is an additional large node, with multi-family housing within easy walking distance of office and medical buildings, shopping, a public outdoor dining plaza and a prosperous collection of restaurants called Piazza Carmel at the juncture of Carmel Creek and Carmel Country Roads, bounded on the south by SR-56 and acres of restored open space and a very popular double multi-use trail along Carmel Creek.

There is another, smaller node of retail mixed with multi-family housing and public plazas and trails with views over natural canyons at the juncture of Carmel Mountain and Carmel Country Roads, long planned and currently under construction. Neighborhood parks and neighborhood-scale commercial centers, as well as school sites, provide decentralized services within walking or biking distance from every home. The goal of the Community Plan was and is to provide a balance of land uses over the entire 4000 acres, not a balance of land uses within any one or two parcels of land.

We would add that the Carmel Valley Community Plan, commissioned by the City of San Diego in the 1970s to intentionally provide a balance of land uses and housing types overall, and to minimize age-old conflicts between adjacent land uses, has proven successful both financially and in terms of people's expressed satisfaction and pride and even affection for its housing and business venues.

The following text on potential economical impacts to existing retail and other uses is disturbing for two reasons: (1) the market study area did not include potential impacts on "Pacific Highlands Ranch" whose town center is entitled and unbuilt and is 2.6 miles from the entrance to Carmel Valley's town center; and (2) clearly the proposal is not a community village commercial retail use but a regional commercial draw. The DEIR states: "The provision of these additional uses along with the office uses identified in the Community Plan would not upset the economic balance of planned land uses in Carmel Valley for several reasons. First, a retail market analysis was conducted for the project (Kosmont 2012a,) to evaluate existing and projected demand for retail services within a 10-mile radius of the project site (defined as the Trade Area). The analysis concluded that even with full buildout of the project, there would continue to be additional demand for retail uses within the Trade Area." (5.1-16)

The study cited concluded that there is a market for the land uses proposed as far as 10 miles surrounding Carmel Valley.

The omission of any discussion of the potential financial/market impacts on Pacific Highlands Ranch within the CVCPB sphere of influence - the CVCPB also represents Pacific Highlands Ranch - is a serious flaw in the DEIR and renders the document inadequate. The Town Center in Pacific Highlands Ranch is already approved and entitled to build 300,000 square feet of retail space and its Employment Center is planned for 300,000 square feet of office space.

Pacific Highlands Ranch (NCFUA Subarea III) is another approximately 4000-acre master planned community immediately east of Carmel Valley. Its Town Center was sized to serve

10.60 The comment assumes that Carmel Valley, an almost fully developed 4,000-acre community, will become imbalanced by changes within the project's 23-acre site. The proposed development would provide the uses (Employment Center) that were already planned for the site, including offices and restaurants, in a mix that reflects the types of uses that already exist in the community and that complement the existing uses in the vicinity of the project site. A number of the uses associated with the Originally Proposed Project and Revised Project, such offices and restaurants, are also already permitted by the adopted Precise Plan and existing zone classification.

10.61 As discussed in response to comment 10.4, the RMA assumed that the proposed Pacific Highlands Ranch Village would be fully developed, and concluded that even if the Pacific Highlands Ranch Village and all other known proposed developments are constructed, a net demand for retail would remain within the appropriately 4-mile trade area, as well as the broader 10-mile trade area. No evidence indicates that the proposed development would prevent nor impede the development of the Pacific Highlands Ranch Village.

Although a 10-mile radius trade area could potentially be considered regional, lifestyle centers, such as the proposed development, have observed trade areas of 8-12 miles. Although the Draft EIR studied the effects of a potentially regional draw, approximately two-thirds of the retail draw is expected from within 4 miles of the proposed development, as discussed in the revised RMA included as Appendix B.1 to the Final EIR.

10.62 As discussed in response to comment 10.4, the RMA assumed that the proposed Pacific Highlands Ranch Village would be developed, and concluded that even if the Pacific Highlands Ranch Village and all other proposed developments are constructed, a net demand for retail would

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10.62 remain after implementation of either the Originally Proposed Project or cont. Revised Project. With respect to included projects, the RMA specifically assumed that maximum buildable envelope entitled for the proposed Pacific Highlands Ranch Village of 195,000 square feet of retail, and a 152,250 square-foot expansion to the Del Mar Highlands Town Center, would be developed (see Figure 5 on page 9, and page 37 of the RMA in Appendix B of the Draft EIR). The Pacific Highlands Ranch Village is entitled to development of 215,000 square feet, of which 20,000 square feet is commercial office space. Absent a development application or other indication that development is pending, land designated in a general or specific plan for retail use was not included in the near term as the development of such property is not reasonably foreseeable.

While not addressed in the RMA, competition for tenants within the office market is not historically attributed to physical decay. Furthermore, neither the Originally Proposed Project nor Revised Project would result in urban decay with regard to existing office buildings. An analysis of the health of the office market confirms temporarily elevated vacancy rates in proximate communities. However, the rates are not disparate from vacancy rates in the City of San Diego, or San Diego County as a whole. The office market is recovering from an expected increase in vacancies that resulted from the recent recession. According to market reports from Colliers International and CBRE (both nationally recognized and reputable brokerage houses) the office market is improving, and expected to continue improving. According to CBRE's Second Quarter 2012 Market View for the San Diego Office market, the direct vacancy rate has dropped for the eleventh straight quarter to 15.5 percent, and all office classes have shown an increase in asking rents. For reference, vacancy rates around 10 percent or less are typically considered indicative of a strong market.

Per the Colliers International Q2 2012 San Diego County Market Report for the office market, "More than 13.3 million SF of new construction is proposed countywide. New speculative construction in Class A developments could commence as soon as year-end or early 2013 due to dwindling options in existing suburban Class A space. This office segment would like[ly] see a vacancy rate entering single-digits in the beginning of 2013, thereby driving demand for new development." Thus, the decrease in vacancy is expected to continue as the economy improves, increasing demand, and absorbing available square-footage at existing and proposed office developments. The office component of both the Originally Proposed Project and the Revised Project is expected to help meet only a portion of the increasing demand for office space in the

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approximately 5,500 homes, as well as the 500+ homes on the 2000-acre Del Mar Mesa (NCFUA Subarea V), which lies immediately east of the southern part of Carmel Valley. Both of these new communities are clustered in order to conserve approximately 3000 acres of natural and restored open space in deference to the City's MHPA. The PHR Town Center was planned, by an unprecedented coalition of the EHL, the Sierra Club, City planning staff, the CVCPB, and property owners and developers, to be a true small town civic center. The Town Center will include not only retail but a high school and a middle school, a Community Park with a recreation center and playing fields, a library, a movie theater, multi-family housing surrounding and concealing a parking structure, and a wide linear public paseo connecting all of these uses with plenty of room for sidewalk cafes and amusement and play and rest areas.

We are very concerned that One Paseo's proposed increase in retail space will jeopardize the development of the PHR Town Center. The final EIR must address this possible scenario.

From a strictly Carmel Valley point of view, if the PHR Town Center is delayed or its market appeal to retailers is crippled by One Paseo, the residents of PHR and Del Mar Mesa will have to continue to rely on Carmel Valley's shops and services, with traffic impacts to not only Carmel Valley's main streets, but SR-56, which connects all of these communities and is already slow-and-go in the morning and evening commuting hours. From the point of view of current and future Pacific Highlands Ranch and Del Mar Mesa residents, if the unplanned retail in the One Paseo proposal is allowed to absorb a significant portion of the remaining retail market within a ten-mile radius, these communities will remain isolated and will need to drive on an overloaded freeway for goods and services forever.

The DEIR fails to address the following points:

It is reasonably foreseeable that the sheer size of the One Paseo project will delay or prevent the development of the Pacific Highlands Ranch Village Center and could cause the Del Mar Highlands Town Center and the Plaza Carmel center to physically decline and change character as tenants are drawn to One Paseo. It is reasonably foreseeable that the One Paseo project will prevent the development of the approved Carmel Valley neighborhood-serving commercial center at the junction of Carmel Country and Carmel Mountain Roads. The final EIR must address these points.

It is important to the land use and character of the Carmel Valley area that neighborhood services and amenities are dispersed per currently adopted plans to be available to immediate neighborhoods, which also reduces traffic impacts being focused in a single area. Preventing this from occurring is a significant impact to the adopted land use planning and planned future character of the area.

It is inconsistent with the City of Villages strategy for one village to dominate at the expense of other villages. It is also a cumulative impact.

The PHR mixed-use village is a key element of the developing Pacific Highlands Ranch community. The DEIR fails to consider the impact that the One Paseo project would have on the master-planned community of Pacific Highlands Ranch as a whole, which would decline as its planned and mostly entitled village center is unable to develop. The result would be an urban decay throughout Pacific Highlands Ranch and a reduction in property values that would hinder the school districts' ability to have sufficient revenues to fund capital and operations for school facilities necessary to serve the population. Proposition C of 2010 was designed to allow PHR to develop and gain the planned, approved amenities, including the village center, it requires to

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10.62 market, leaving ample space in the market for other office developments.
cont.

Although the 536,000 square feet of office space, included in the Originally Proposed Project, would exceed the 510,000 square feet allowed under the current Precise Plan, the 484,000 square feet of office space proposed under the Revised Project would not exceed that allowed by the current Precise Plan. Therefore, the Revised Project would not affect future development of Pacific Highlands Ranch, under CEQA.

10.63 As discussed in response to comment 10.4, the analysis confirms that, should the proposed Pacific Highlands Ranch Village be developed, a net demand for retail would remain after implementation of either the Originally Proposed Project or Revised Project. Thus, there is no evidence that the development of the proposed development would prevent or impede the development of the Pacific Highlands Ranch Village. Finally, the Draft EIR studied the effects of the anticipated draw. Refer to responses to comments 10.60 and 10.61.

With regard to the potential development at the northwest corner of Carmel Valley Road and Carmel Mountain Road, a potential development of up to 50,000 square feet at that location was included in the analysis, as discussed in response to comment 63.14. Even if the proposed development and all other proposed developments are constructed, a net demand for retail would remain after implementation of either the Originally Proposed Project or Revised Project. Thus, there is no evidence that the development of the proposed development would prevent or impede this potential development.

10.64 Refer to responses to comments 8.4, 10.4, 10.60, and 10.62.

10.65 Refer to response to comment 8.4.

10.66 Although the comment asserts that the proposed development contradicts the City of Villages strategy and is a cumulative impact, the comment does not explain or characterize the claimed impact. To the extent the comment implies a fiscal or urban decay-related impact, the RMA demonstrates otherwise. There is no evidence to suggest that either the Originally Proposed Project or the Revised Project would dominate any other village.

10.67 As discussed in responses to comments 10.4, 10.60 and 10.62, the RMA assumed that the proposed Pacific Highlands Ranch Village would be developed, and concluded that even if the Pacific Highlands Ranch

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- 10.67 cont. become a viable community while reducing impacts PHR residents produce on Carmel Valley, Del Mar Mesa is also relying on PHR amenities and facilities.
- 10.68 One Paseo as a new, very large project puts PHR at risk for delay. In particular, One Paseo proposes another theater, but PHR already has a theater site entitled. One Paseo proposes another anchor grocery store, but PHR already has an anchor grocery store entitled. There are already grocery stores in Torrey Hills, Piazza Carmel, two in Del Mar Highlands Town Center and more in surrounding areas. These four grocery stores serve 30,000 – 40,000 residents and the PHR grocery store would serve another 10,000. In consideration of grocery stores in the CVCPB planning area and its immediate periphery, yet another grocery store so close (the grocery store proposed for One Paseo) makes it reasonably foreseeable that a grocery store would not materialize in PHR, leaving PHR's village without an anchor, causing the village center to fail to develop without the anchor draw, which then reduces the marketability of PHR for home sales, which fails to generate FBA to build facilities, which reduces property values that negatively impact schools, which causes urban decay, vacancy and reasonably foreseeable land use changes that could occur to match the declining market values. The DEIR fails to address these impacts on PHR. The focus of the DEIR is on the potential to close existing businesses in existing centers, but it fails to address the impact on approved planned and entitled projects and how that would impact the physical environment.
- 10.69 The DEIR retail market analysis fails to fully consider all entitled and approved planned projects, including the PHR Village Center (more is planned in the PHR Community Plan than what is currently entitled) and the UTC recently approved expansion entitlement (a very large expansion within the trade area), which are reasonably foreseeable and cumulative projects. Further, the DEIR fails to consider the draft Downtown Del Mar Specific Plan, which is a reasonably foreseeable and cumulative project. All of these projects will greatly increase the retail supply in the trade area and make it reasonably foreseeable that urban decay is likely in Carmel Valley and PHR. The DEIR also fails to address how Internet retail sales reduce the demand for brick-and-mortar stores, furthering the likelihood of urban decay.
- 10.70 The DEIR does not justify or explain the sudden jump in retail space (Table 5.1-8) between 2017 and 2020.
- 10.71 The Retail Market Study makes assumptions for the types of retail, but the zoning of CC-5-5 allows for broader uses. This inconsistency is not addressed or disclosed.
- 10.72 The DEIR does not address phasing and timing of retail absorption and how various projects and developments come on line and how that may impact the development of other planned centers. That is to say too much retail coming on line at once would cause a leasing decline by flight from existing retail and the inability to build entitled retail in PHR. Absorption projections are included in area PFFPs. It is therefore reasonably foreseeable and must be addressed in the EIR. Nothing in the One Paseo project description commits to specific and measurable phases. The CVCPB comments on the proposed Precise Plan Amendment, submitted as part of our comments on the DEIR, further details these concerns.
- 10.73 The base maps in the Retail Market Study are inaccurate because recently constructed arterial roads are not shown in PHR and points east.
- 10.74 The fact that only one market study by one firm was referenced in the DEIR does not provide comfort with the findings. The DEIR does not provide text detail about the basis of the studies

10.67 Village and all other known proposed developments are constructed, cont. a net demand for retail would remain. Thus, there is no evidence that implementation of either the Originally Proposed Project or Revised Project would prevent or impede the development of the Pacific Highlands Ranch Village.

As discussed in response to comment 10.13, as the housing market improves, demand for housing should increase, supporting increased property values, new home construction, and the payment of developer fees to fund parks and infrastructure.

10.68 As discussed in responses to comments 10.4, 10.60 and 10.62, the RMA assumed that the proposed Pacific Highlands Ranch Village would be developed, and concluded that even if the Pacific Highlands Ranch Village and all other known proposed developments are constructed, a net demand for retail, including additional food/grocery uses, would remain after implementation of either the Originally Proposed Project or the Revised Project. In addition, as previously discussed, individual consumer demand is typically satisfied only though a wide variety of retail options, formats, and types. The diversity of retail demand and importance retail patrons place on convenience supports a variety of retail options dispersed within a given trade area, and, coupled with the expected remaining net retail demand, supports the timely development of the Pacific Highlands Ranch Village.

With respect to movie theaters, demand for a given theater is typically a function of theater amenities, proximity to consumers, and pricing. As with general retail, a single consumer would typically utilize different options at different times depending on a variety of the same. The success or failure of a given theater is typically dependent on its competitive offering; theaters that deliver a desired offering would succeed, and those that don't may close, be rebranded and reopened, or a facility repurposed. In the worst case, the isolated closure of a given theater within a market is not generally considered to cause a significant detrimental impact to the physical environment as these amenities are usually either adapted to more competitive theater offerings or the facility repurposed for a use desired by consumers.

As discussed in response to comment 10.13, as the housing market improves, demand for housing should increase, supporting increased property values, new home construction, and the payment of developer fees to fund parks and infrastructure. Additionally, residential construction typically leads retail construction in developing communities (unless

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10.68 constructed concurrently as part of a mixed-use development), and cont. residential demand is based on a set of factors isolated from retail demand, including employment, access to financing, home prices, and the perception of the health of the housing market.

10.69 The comment incorrectly states that the RMA did not consider existing or approved projects in the trade area. However, as discussed in responses to comments 10.4, 10.60 and 10.62, the analysis confirms that should the proposed Pacific Highlands Ranch Village and University Town Center Expansion and all other proposed developments be developed, a net demand for retail would remain after implementation of either the Originally Proposed Project or Revised Project.

With respect to the Downtown Del Mar Specific Plan, it is a revitalization effort which focuses on enhancing the appearance of downtown Del Mar to encourage growth. It does not contain any specific development proposals. In general, the plan is intended to stimulate revitalization by enhancing pedestrian access, defining building envelopes to preserve ocean views, increasing the availability of parking, and permitting a variety of residential densities. Absent a development application or other indication that development is pending, land designated in a general or specific plan for retail use was not included as a cumulative project because the development of such property is not reasonably foreseeable.

With regard to the impact of the internet on retail, internet sales have increased with time and traditional retailers are beginning to determine how best to utilize the internet to facilitate sales. Some sales that would have occurred at a physical retail location are occurring on-line, while in other cases the internet is proving to be more of an educational tool for consumers who then make purchases at physical locations. At this time, the loss of sales at physical locations appears to be predominately occurring among “big-box” retailers. However, these retailers are quickly adopting practices to drive sales at physical locations. Additionally, many consumers’ general desire for immediate access to purchased goods and the entertainment component of shopping serves to limit the impact of the internet on physical retail locations. The general lack of retail vacancy in the Trade Area evaluated in the RMA and the demand by existing physical retailers for new locations indicate demand and an ongoing desire for a physical presence in the retail market.

10.70 There is no “jump” in the projections but rather a change in the time scale in the table to illustrate projected net future demand. The columns in Table 5.1-8 (page 5.1-33 of the Draft EIR) are shown in the following

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- 10.70 increments; 2015, 2016, 2017, and then a three-year gap to 2020. If the cont. interim years (2018 and 2019) were illustrated the gradual projected growth would be shown. Additional details can be found on page 43 of the RMA in Appendix B to the Draft EIR.
- 10.71 The assumptions in the RMA were based on the actual development proposal and plan included in Section 3.0 Project Description of the Draft EIR (beginning on page 3-1), and page 5 of the RMA in Appendix B to the Draft EIR. Also, as stated on page 3-14, of the Draft EIR and in response to comment 10.84, the Originally Proposed Project does not propose the CC-5-5 zoning designation for the project site. Rather the CC-5-5 zone is the basis for the CVPD-MC zone with limitations applied to uses (along activating streets) and slightly modified development regulations.
- 10.72 The RMA explicitly includes conservative (i.e. accelerated) assumptions about build-out timing for cumulative proposed developments and the proposed development. The best summary of the assumed build-out timing can be found in Tables 5 through 8 on pages 12 and 13 of the RMA, which is included in Appendix B of the Draft EIR. Additionally, the study, in combination with the update included in Appendix B.1 to the Final EIR, indicates that even if all of the retail square-footage associated with either the Originally Proposed Project or the Revised Project and the cumulative developments were built at once, a net retail demand would still exist.
- 10.73 As indicated in the comment, some recently constructed streets do not appear in Figures 3-5 on pages 7-9 of the RMA in Appendix B of the Draft EIR (see extracted image/area from Figure 3 of the RMA below). The recently constructed roads are shown in the additional map below, generally within the area denoted within the yellow circle. As the precise configuration of the roadway network does not affect the retail market analyses, the addition of the roads has no impact on the analysis or conclusions of the RMA.

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10.74
cont.

or offer other possibly different and even conflicting studies. The text only relates that "the proposed project is estimated to result in annual net revenues of approximately \$1.86 million, creation of 8,311 construction jobs, and creation of 1,785 permanent jobs compared to net revenues of \$25,000, creation of 3,011 construction jobs, and 1,182 permanent jobs associated with the office use alone (Kosmont, 2012b)." If the final EIR is going to cite revenue and jobs estimates for the One Paseo proposal, it should also cite offsetting negative revenue and jobs estimate figures for the potential LOSS of revenue and the LOSS of construction and permanent jobs if the unplanned One Paseo project (1) prevents or delays the development of the Pacific Highlands Ranch Town Center and/or (2) prevents or delays the construction of PHR's and Del Mar Mesa's additional approved homes and public facilities and/or (3) prevents the development of approved square footage in the Del Mar Highlands Town Center and/or (4) prevents the development of the retail portion of the approved center at the junction of Carmel Country and Carmel Mountain Roads and/or (5) delays or prevents the construction of the approved but not yet built multifamily projects in Neighborhood 8 and/or (6) contributes to higher vacancy rates in Carmel Valley's existing office buildings or (7) contributes to higher vacancy rates in Carmel Valley and Torrey Hills hotels. We are also concerned that the significant unmitigated traffic impacts of the One Paseo proposal may result in reduced property values throughout Carmel Valley. Given how prominently these figures are cited in the DEIR and in One Paseo promotional communications, it is tempting to believe that the hotel was included in the One Paseo proposal chiefly in order to boost the touted revenue estimate by the amount of the hotel room tax.

10.75

The DEIR does not provide market analysis of the hotel. It simply includes the hotel as a contributor "to a greater balance of uses both on site and within the community as whole..." Carmel Valley already hosts a number of hotels in its long-established visitor commercial zone, as does the adjacent Torrey Hills. Yet another hotel is currently under construction at the intersection of Carmel Valley Road and El Camino Real, at the southern end of the Employment Center and a few hundred feet from I-5. Planning Commission Resolution No. 4532-PC specifically required in their initiation of plan amendments (July 23, 2009) that the DEIR "address the demand for the following through a comprehensive market study: hotel, office and retail."

10.76

A particular emphasis of the DEIR should be explained: the DEIR seems to manufacture a lack of community identity in Carmel Valley that neither this board nor the majority of the community residents, retailers, office workers and other community participants realized: "The project also would be consistent with the overarching Community Plan goal of establishing a sense of community identity." (5.1-16)

10.77

The DEIR goes on to say that "The project has been designed to foster a sense of place through the provision of a gateway, mixed-use development anchored by large public spaces and self-contained uses to serve the community." (5.1-16)

It is not clear what is meant by 'gateway.' Carmel Valley has two gateways from I-5. The Carmel Valley Road east exit from I-5 leads to the visitor commercial center and the Employment Center along El Camino Real. The Del Mar Heights Road east exit from I-5 leads to the Employment Center and the Del Mar Highlands Town Center along El Camino Real. The One Paseo site lies at the SW corner of Del Mar Heights Road and El Camino Real. Does the DEIR really mean to suggest that people traveling from Del Mar Heights Road to El Camino Real should be routed through the One Paseo project? More realistically, we are concerned that the levels of service projected for Del Mar Heights Road and El Camino Real as a result of

10.74 CEQA and its guidelines state that a project's economic or social effects may be included in a CEQA document, but shall not be treated as significant effects on the environment unless these result in indirect physical effect on the environment. The Net Fiscal & Economic Impact Benefit Analysis has been updated to reflect the reduced square footage and removal of the hotel component in the reduced development. The Final EIR notes this update, and confirms that reduced development is expected to still provide a net fiscal benefit.

No requirement exists in CEQA for a local agency to prepare more than one technical study for any environmental issue area. The agency must exercise its independent judgment based on substantial evidence, and describe conflicting expert opinions presented by the public. Prior to the inclusion of the RMA in the Draft EIR, the RMA was subject to thorough review and determined to reflect the City's independent judgment regarding the retail market, as well as the potential effects of the proposed development on that market, the environment, and on existing and reasonably foreseeable developments. Experts can disagree regarding approaches and conclusions. CEQA requires that the City disclose and explain differences where they occur, and substantiate its choice of approach. Consistent with CEQA, the RMA provided a summary discussion of the methodology on page three of the RMA, with substantial, detailed methodological discussion throughout the RMA to support its approach. Further, the responses to comments in this letter and others, further describe, amplify, and substantiate the approach used in the Draft EIR, and disclose and explain differences of expert opinion, with conflicting approaches presented in the comments on the Draft EIR. Neither public controversy regarding an issue, nor the mere existence of a disagreement among experts, indicates the existence of a significant impact: such disagreements only require disclosure and discussion. See 14 California Code Regulations §15151; Citizens for Responsible Development in West Hollywood v. City of West Hollywood (1995) 39 Cal.App.4th 490. Nor must the EIR reconcile such disagreements. Here, however, no evidence indicates that the Originally Proposed Project would delay implementation of other projects or result in urban decay, as set forth in the RMA and RMA Addendum, and summarized below. As discussed in response to comment 10.13, as the housing market improves, demand for housing should increase, supporting increased property values, new home construction, and the payment of developer fees to fund parks and infrastructure.

As discussed in responses to comments 10.4, 10.60 and 10.62, the analysis confirms that should the proposed Pacific Highlands Ranch Village and Del Mar Highlands Town Center Expansion, as well as all other known

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10.74 proposed developments be developed, a net demand for retail would remain after implementation of either the Originally Proposed Project or the Revised Project.

With regard to the potential development at the northwest corner of Carmel Valley Road and Carmel Mountain Road, a potential development of up to 50,000 square feet at that location was included in the analysis, as discussed in response to comment 63.14. The conclusion remains unchanged; even if the Originally Proposed Project, as well as all other known Originally Proposed Projects, is constructed, a net demand for retail would remain.

With regard to the office market, as discussed in response to comment 10.62, the current trend of decreasing office vacancy is expected to continue as the economy improves, increasing demand and absorbing available square-footage at existing and proposed office developments. The office component of the Originally Proposed Project or the Revised Project is expected to help meet only a portion of the increasing demand for office space in the market.

Regarding demand for hotels, since the preparation of the Draft EIR, the proposed hotel component of the proposed development has been eliminated. However, the following comments are provided in response to the Originally Proposed Project.

While not addressed in the RMA, competition or even excessive competition within the hospitality sector is not historically attributed to physical decay nor required to be studied by the EIR. However, an analysis of the health of the hospitality industry in the greater San Diego area indicates that the sector continues to show healthy growth from lows experienced during the recent recession, and while perhaps lower than optimally desired, both current occupancy rates and Average Daily Rates (ADR) are strong. According to the June 2012 Quarterly Travel Forecast prepared for the San Diego Convention and Visitors Bureau occupancy and ADR for 2011 was 68.8 percent and \$125.65 respectively, and is projected to be 70.9 percent and \$129.10 in 2012, combining to support a 6 percent growth in average room revenue. Strong occupancy rates in the hospitality industry are significantly lower (70-75 percent) from those of other industries. For reference, according to PKF Hospitality Research, in 2008 (considered a strong year in the sector), average occupancy rates in San Diego were approximately 73.9 percent. Thus, data indicate an increasingly strong hospitality market and indicate that physical decay stemming from a swath of long-term hotel closures is unlikely.

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10.75 Refer to response to comment 10.74.

10.76 Without specific citations regarding the lack of community identity, no response can be offered.

10.77 Use of the term “gateway” was intended to refer to the location of the proposed development near one of the two gateways into the Carmel Valley community, which are identified in the Community Plan. The intent of the discussion of the proposed development fostering the gateway concept was to identify the fact that the project would include a greenbelt at the northwest corner and along Del Mar Heights Road.

The cited overarching Community Plan goal is “to establish self-containment and feeling of community identity among the future residents of North City West.” The proposed development furthers the community goal of self-containment by expanding the goods, services, and entertainment opportunities offered locally. The addition of Main Street and new public and private spaces will augment and further a distinctive community identity for Carmel Valley. Furthermore, as described in response to comment 10.47, the Originally Proposed Project and the Revised Project would be consistent with the overall goals identified in the Community Plan related to maintaining a balance of uses that contribute to community-wide self-containment, and fostering and enhancing community identity in the Community Plan area.

The reference to “Main Street” is intended to reflect the mixed-use development which is planned along this street. The Main Street concept is not intended to imply that non-project traffic would be encouraged to travel through the proposed development rather than Del Mar Heights Road, nor does the Originally Proposed Project or Revised Project provide a means for doing so. Rather, traffic to, from, and around the project site would continue to flow along the surrounding roadways, rather than the project site, consistent with the traffic analysis, which concludes that traffic on certain segments of Del Mar Heights Road would be significantly impacted by traffic associated with the proposed development.

Refer to updated information contained in Section 5.1.2 of Final EIR.

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- 10.77 cont. the One Paseo project will render one of our two I-5 "gateways" much more difficult and unpleasant to negotiate.
- 10.78 In this discussion of how a town center should function the DEIR fails to discuss how the proposal does not meet the General Plan recommendation that at least 10% of a mixed-use village be dedicated to open space and recreation. (Strategic Framework Element UD-22) The +/- 1-acre primary "paseo" described as a central plaza is mischaracterized as a large public meeting space. It includes wall-wall space normally required for sidewalks and entries into the retail spaces and also includes landscaping ordinarily required for building frontages. A portion of it also is the walkway into the parking garage in "Block D."
- Carmel Valley Employment Center Precise Plan
 "...not all of the proposed uses would be consistent with the existing Employment Center designation...(however,) as previously discussed, some aspects of the Precise Plan are considered outdated since they do not reflect the current General Plan goals and City regulations, particularly the City of Villages concept." (5.1-17)
- 10.79 The above statement appears to be intentionally obfuscating and misleading. The Employment Center Precise Plan was never intended to meet City goals for a variety of land uses. The Carmel Valley Community Plan as a whole meets City goals for a complete variety of land uses. One might just as well say that any of the other Carmel Valley Precise Plans, say those for the exclusively residential neighborhoods, do not "reflect the current GP goals..."
- The only aspects of the Precise Plan that might be characterized as "outdated" are some of its more detailed design guidelines. Recently, as several new businesses moved into the Employment Center, they requested changes in the monument sign design specifications, and changes in the requirements for building surface treatments and a change from the uniform building identification signage lettering color from gilt to black. The CVCPB, which includes business representatives, was happy to oblige. The DEIR needs to identify by whom aspects of the Precise Plan are "considered outdated."
- 10.80 Carmel Valley is not a "village" and an adequate final EIR would consider and acknowledge that the One Paseo proposal is an attempt to inappropriately superimpose "village" concepts, with resulting significant, unmitigated and unmitigable negative impacts, on a large, thriving master-planned community. Carmel Valley is a small town, of 36,000 residents, with more to come as planned-for multi-family housing comes online, with its own retail centers and an office/industrial park, and large greenbelts to enhance community and neighborhood separation and identity. If every parcel or even every Precise Plan in Carmel Valley were required to meet "City regulations, particularly the City of Villages concept" Carmel Valley would be a polyglot, indistinguishable sprawl — exactly the destiny the North City West Community Plan was commissioned by the City to avoid.
- 10.81 The same could be said of Pacific Highlands Ranch, whose carefully worked out community plan, with a walkable, bikable Town Center and freeway-close Employment Center, as well as defining natural and public amenity open space areas, was approved by the voters of the City of San Diego in 1998, and whose future prospects were reconfirmed by the voters via Proposition C in 2010.
- 10.82 Again, this DEIR ignores the many citations in the General Plan "Strategic Framework Element" regarding the sanctity of community plans (and by logical extension the precise plans within the

- 10.78 The General Plan provides policy direction concerning public space. It does not state that 10 percent of a mixed-use village is required open space and recreation, as claimed in this comment. The policy referenced in the comment is actually Urban Design Element policy UD-C.1, which states "Encourage the provision of approximately ten percent of a project's net site area as public space. Public space may be provided in the form of plazas, greens, gardens, pocket parks, amphitheater, public facilities and services and social services." The Land Use Element in defining a village notes that public spaces include public parks or plazas, community meeting spaces, outdoor gathering spaces, passive or active open space areas that contain desirable landscape and streetscape design amenities or outdoor dining and market activities. The public gathering spaces proposed with both versions of the project are consistent with these definitions, as described on pages 5.1-84 and 5.1-85 of the Final EIR. Although the policy only encourages the provision of approximately 10 percent of qualifying public space (as defined in policy UD-C.1 and the Land Use Element), the total area of public space provided by the Originally Proposed Project and the Revised Project both exceed 10 percent of the project site's net site area.
- 10.79 The intent of the discussion on page 5.1-17 of the Draft EIR was to disclose that because the Precise Plan was prepared and adopted approximately 37 years ago, it does not (and could not) reflect the current land planning and growth strategy of the General Plan, known as the City of Villages strategy. According to the Strategic Framework Element of the General Plan (page SF-3), the City of Villages strategy "calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system." In essence, since the adoption of the Community Plan and Precise Plan, the overall planning and growth philosophy has moved away from compartmentalized uses and gravitated toward more integrated and sustainable land use development patterns. Although the Precise Plan remains important as a comprehensive planning document to guide the development of the Employment Center, the General Plan Land Use and Community Element policy LU-C.5 indicates that community plans (and by extension the associated precise plans) should be up-to-date and relevant. The Carmel Valley Community Plan and Employment Center Precise Plan are not up-to-date with respect to the growth strategy of the General Plan. Moreover, Section 5.1 of the Draft EIR provided a

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- 10.79 comprehensive analysis of the Originally Proposed Project with applicable cont. adopted land use plans and goals, policies, and objectives contained within those plans, including the Precise Plan. Further, the Final EIR recognizes that both the Originally Proposed Project and the Revised Project would require a Precise Plan Amendment to accommodate the mix of land uses on the project site.
- 10.80 A proposal does not exist to apply the Community Village land use designation “to every parcel” or Precise Plan in Carmel Valley, only the project site and the corresponding Employment Center Precise Plan. The City’s General Plan does not designate whole community planning areas as villages; rather it identifies specific areas with the potential to become villages. The project site is identified on General Plan Land Use Figure LU-1 as having moderate propensity to accommodate a village. The Land Use Element of the General Plan describes a village as the mixed-use heart of a larger community. Within a village, residential, commercial, and civic uses are all present and integrated, as with the Originally Proposed Project and Revised Project. Carmel Valley has a population greater than five incorporated cities within San Diego County, but lacks a pedestrian-oriented Main Street, of the type commonly found in many small towns, that can act as a focal point of the community. That absence is what the village concept is designed to address, and what the Originally Proposed Project and Revised Project both would offer.
- 10.81 As this comment does not raise any issues with respect to the proposed development or the adequacy of the Draft EIR, no specific response is required. Refer to response to comment 10.80.
- 10.82 The Carmel Valley Community Plan (which was largely written in 1975) has not been updated since adoption of the 2008 General Plan. Land Use and Community Planning Element policy LU-C.5 indicates that community plans should be up-to-date and relevant. The Carmel Valley Community Plan has not been updated to reflect the guiding principles of the 2008 General Plan Update (such as the City of Villages strategy). Moreover, as indicated in Land Use and Community Planning Element policy LU-A.1 and discussed in Table 5.1-1 of the Draft EIR (page 5.1-35), designation of Community Villages is to occur at the community plan level. Therefore, for Carmel Valley, amendments to both the Community Plan and the Employment Center Precise Plan are required to implement the City of Villages strategy. The proposed Community Plan Amendment and Precise Plan Amendment for this site are intended to revise the Community Plan to align and implement the more current policies of the General Plan, which is the senior governing document.

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10.82 cont.	<p>community) vis-à-vis changing existing community plan land uses to "villages"; "While community plans are in the process of being updated, there may be instances where the policies of the community plan and General Plan are not fully aligned. However, there are no land uses or zoning inconsistencies between the General Plan and any given community plan because the General Plan does not change community plan land use designations. The community plans are the final arbiter on issues of land use, density, and intensity. The General Plan and community plans are to play complementary roles to ensure that quality of life is maintained, essential community character is respected, and that public facilities are provided." (Gen Plan, SF-29)</p>
10.83	<p>"The project would be consistent with these overall planning principles and applicable policies contained in the Precise Plan, as discussed in Table 5.1-1. Associated land use consistency impacts would be less than significant." (5.1-18) <u>No, this proposed change in land use is significant and its impacts would extend to Pacific Highlands Ranch and Del Mar Mesa and Torrey Hills and Torrey Pines and Solana Beach and beyond.</u> If for no other reason, the changes in land use proposed by One Paseo are significant because they would generate four times more traffic than the original limited Precise Plan designation for this property, contributing to the DEIR finding that the traffic impacts of the project are unmitigable.</p> <p><u>City of San Diego Land Development Code/Carmel Valley Planned District Ordinance</u></p>
10.84	<p>For the zone for 510,000 sq. ft. of office, "The current zoning of the property is CVPD-EC...development regulations applied are CC-1-3 zoning...this includes a maximum FAR of 0.5, maximum lot coverage of 60%...no maximum structure height for the project site, and minimum re-subdivided lot size of 20,000 sf. Existing setback requirements include no minimum or maximum front or street side setbacks and minimum 10 feet side and rear setbacks."</p> <p>"The project proposes to rezone the site to CVPD-MC (a new zone that would be added to the Carmel Valley PDO), which allows a diversity of uses, including residential, retail, restaurants, hospitality, workplace, and civic activities. The intent of the CVPD-MC Zone is to create a compact, multi-functional, mixed-use community village." (5.1-19) The max FAR is 2.0.</p> <p>"As shown, the proposed standards would place limits on building heights where none currently exist, and also would provide for greater setbacks from abutting roadways compared to the existing standards." The proposed standard would have a FAR of 1.80 and "While there is currently no maximum height limit for buildings to be constructed on the project site, the proposed zone would limit building heights to 100, 150, or 199 feet, depending on the location within the project site. Buildings entirely within 225 feet of the westerly property line and within 520 feet of the Del Mar Heights Road/High Bluff Drive intersection have a maximum height of 150 feet."</p> <p>"The tallest proposed building within the portion of the site with an allowable maximum height 199 feet would be one of the office buildings in the southern portion of the project site at a height of approximately 190 feet above grade."</p> <p>Figure 5.1-3 "The setback requirements of the proposed zone include the following: § Minimum of 30 feet from Del Mar Heights Road; § Minimum of 30 feet from El Camino Real (except a maximum of 30 percent of a structure's frontage may vary to a minimum of 10 feet); § Minimum of 30 feet from High Bluff Drive; and</p>

- 10.82 Refer to updated information contained in Section 5.1.2 of Final EIR. cont.
- 10.83 Refer to response to comment 10.40.
- 10.84 The project site is not being proposed for rezoning to CC-5-5, as referenced in the comment. As discussed in Section 3.4.3 of the Final EIR, the proposed zone is CVPD-MC, which would become part of the Carmel Valley PDO. The CC-5-5 zone is the basis for the CVPD-MC zone with limitations applied to uses (along activating streets) and slightly modified development regulations. There are numerous PDOs that include references to city-wide zones or that base PDO zones on a citywide zones. The Land Development Code is comprised of Chapters 10 through 15 inclusive. The Carmel Valley PDO is contained in Chapter 15 and is, therefore, part of the Land Development Code. No inconsistencies would exist with the proposed CVPD-MC and the Carmel Valley PDO once the proposed amendment is approved. The comment does not specify how adoption of a new PDO zone would be inconsistent with the PDO.

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§ Minimum of 15 feet from the western property line. "

Summary: a rezone to the LDC CC-5-5 designation would make the project consistent with the LDC but not consistent with the CV PDO. The DEIR concludes that a rezone would "be consistent with, and implement the City of Villages strategy...would integrate land uses on a single site..." (5.1-22)

"Despite the assessment of significant community character impacts, the proposed project would be compatible with surrounding land uses and land use designations. The areas immediately surrounding the project site include existing office, residential, and retail uses. The proposed uses of the project site mirror these surrounding uses, and have been sited so that the uses are an extension of existing adjacent off-site uses." No, as we've said earlier, compatibility with surrounding uses was stretched to include the few office buildings over two stories far away on lower High Bluff Drive and El Camino Real.

The DEIR does not consider cumulative impacts it will have on community character when other entitlements are built out, such as the Del Mar Highlands Town Center's full development potential, which is entitled for an additional 150,000 sq. ft. of retail space.

The DEIR needs to address the effects on community character as the project is phased. A meaningful phasing plan is therefore necessary to address community character.

The DEIR does not address the significant impact to community character that would occur with the addition of the first residential tower (up to 10 stories) in Carmel Valley. No such tower currently exists; only office and hotel exist in Carmel Valley as towers and they are not in the immediate area for compatibility comparisons.

The DEIR does not address how the project is designed as an island, relatively walled-off from the surrounding relatively open, low-rise area and how that negatively affects community character.

The comment in the DEIR on page 5.3-22 that the tall office buildings on El Camino Real are not inconsistent with the character of the Community Plan Area because El Camino Real is a commercial corridor is not accurate. Again, the DEIR focuses on land use but does not address physical form, which is integral to a discussion of character. The tall buildings are not located in this area of El Camino Real. Therefore, this is a significant impact.

The discussion of FAR relative to other maximums in the PDO does not address the immediate context. This will be a significant change in community character.

"As described above, the proposed project would be compatible with surrounding land uses. While some buildings would be taller (up to 10 levels tall) than buildings in the immediate area, the architectural style of proposed buildings would provide articulation and various design elements to provide visual diversity and reduce massing so they do not appear block-like in accordance with the design guidelines contained in the proposed PPA." (5.1-23) No, despite these comments the four-story multifamily buildings along Del Mar Heights Road create a lengthy and nearly unbroken wall. This is a significant impact in its length and resulting dominance and drastic transition to the scale and character of the existing development on the north.

10.85 The statement cited from the Draft EIR in this comment is related to land use compatibility rather than neighborhood character. The former deals with the potential for activities associated with one type of use to conflict with one another. The neighborhood character issue was largely based on bulk and scale, and building heights were an important factor for consideration in that analysis. However, building heights are not a factor in evaluating compatibility of land uses.

10.86 Contrary to this comment, pages 6-6 and 6-7 of the Draft EIR evaluated the cumulative aesthetics impacts within the vicinity, as such impacts are observed locally, consistent with the bulk and scale discussion for project impacts, as described on pages 5.3-23 and 5.3-24 of the Draft EIR. Further, pages 5.3-23 and 5.3-24 include an analysis of the aesthetic impacts of the proposed development in relation to the broad development patterns within Carmel Valley and the area within about one mile of the project site, in addition to the impacts in comparison to development immediately adjacent to the project site. While an expansion of the Del Mar Highlands Town Center would add additional retail uses to the area, its contribution to the neighborhood character effects would not be considered cumulatively considerable.

10.87 The issue of neighborhood character is based on the ultimate relationship of the project to the surrounding community. Thus, phasing the development would not be relevant to the consideration of neighborhood character impacts.

10.88 The 10-story residential building is discussed on page 5.3-24 of the Draft EIR. Although not specifically identified as having a significant impact on neighborhood character, this building contributes to the overall conclusion of the Draft EIR that the project would have a significant impact on neighborhood character. Furthermore, as discussed in Section 12.9 of the Final EIR, the Revised Project would reduce the height of this building to 6 stories. Overall, no building would exceed 9 stories in the Revised Project.

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- 10.89 The site plan for the Originally Proposed Project identified a landscaped greenbelt with a pedestrian way that would separate the proposed buildings from Del Mar Heights Road to recreate the greenbelt that currently exists along the north side of the roadway. As discussed in response to comment 5.6, the Revised Project provides even more landscaping in the northwest corner of the development. In addition, it is anticipated that future building design will include architectural and siting features that will minimize the “walling off” condition identified in this comment with the Originally Proposed Project or Revised Project.
- 10.90 The Draft EIR did address physical form. As indicated at the top of page 5.3-22, the analysis takes topography and horizontal separation into account. As a reflection of this fact, the discussion referenced in this comment discusses the fact that topographic conditions onsite would reduce the perceived building height. As a result, the Draft EIR concluded that the buildings in question would not be significantly out of scale with the immediate area. However, this does not change the overall conclusion of the Draft EIR that the community impacts of the project, as a whole, would be significant. It should be noted that the lower building heights associated with the Revised Project would serve to reduce the impact of building height on the surrounding community.
- 10.91 In Section 5.3, the Draft EIR concluded that the Originally Proposed Project would have a significant impact on neighborhood character, as suggested in the comment, because of the differences in development intensity between the immediately surrounding land uses and the proposed development despite the presence of other structures in the vicinity with heights closer to those in the Originally Proposed Project. Additionally, Section 12.9 of the Final EIR reaches a similar conclusion in regard to the Revised Project. However, as described in response to comment 5.6, it is important to note that the Revised Project includes several features which reduce the neighborhood character impact, including: reducing the 10-story residential building to 6 stories, eliminating the hotel and increasing landscaped open space on Block C; reducing the height of other buildings to no more than 9 stories throughout the development, and providing enhanced access from the greenbelt along Del Mar Heights Road into the proposed retail development.
- 10.92 The Draft EIR concurred with the comment regarding the impact of the residential buildings along Del Mar Heights Road. Page 5.3-25 of the Draft EIR included the following statement: “Even with incorporation of these project design measures to implement General Plan policies addressing neighborhood character impacts, the mass and height of the

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- 10.93 The EIR is further inadequate because it focuses community character compatibility on the *use* of land, but not on the *physical form* of the proposed project on the character of the existing built environment. Use and form are different.
- 10.94 We question, and the DEIR should also question, whether 10-story tall buildings even with articulation and using diverse design elements are enough to ameliorate the effects of buildings, which would tower over anything in the DM Hts./ECR vicinity.
- 10.95 The project proposes to change the Community Plan designation to Community Village, which is one of the land use designations in Table LU-4 in the Land Use and Community Planning Element of the General Plan. Promoting villages is a focus of the City of Villages strategy of the General Plan.
- Plan Amendment Process Goal:* Allow for changes that will assist in enhancing and implementing the community's vision.
- As discussed under the Carmel Valley Community Plan in this table, the proposed project would be consistent with the framework goals identified in the Community Plan related to the physical, social, and economic balance of planned land uses in the Carmel Valley community. This balance already exists. The framework goals identified in the Community Plan were intended to apply to the 4000-acre community planning area as a whole, not to individual lots in the Employment Center.
- 10.96 As asserted in this table, the project would be consistent with all applicable goals, policies, and guidelines presented in the General Plan and Community Plan. (5.1-45) This contention only appears to be true because the analysis uses selective community plan goals and ignores the General Plan language that says that community plans will be the "arbiter" of any General Plan changes.
- In the evaluation of Table 5.5-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION to determine whether applicable elements, goals and policies are consistent we have concluded the following:
- 10.97 Regarding "Policy LU-H in the Gen Plan "Land Use and Community Planning Element, developers must "a. Plan village development with the involvement of a broad range of neighborhood, business, and recognized community planning groups and consideration of the needs of individual neighborhoods, available resources, and willing partners."
- The DEIR states that this has happened: "Ongoing coordination with community planning groups and the community has occurred through community planning group presentations, workshops, and public meetings." (5.1-50) The box opposite this issue should be checked "No." The community has participated by reacting to proposed design development rather than being a partner in the development of this vision for CV.
- 10.98 In anticipation of the negative impacts to traffic circulation and community/neighborhood character now identified in the DEIR, the planning board as well as past planning board members and individual citizens have repeatedly urged the applicants to consider a reduced project. This above cited "coordination" has resulted in a less than 2% reduction in the proposed square footage of the project.

10.92 proposed buildings would be greater than and different from existing cont. surrounding development such that a significant impact to the generally low-scale and low-intensity character of the immediate vicinity would occur." The analysis of neighborhood character impacts associated with the Revised Project in Section 12.9 of the Final EIR also concludes that the buildings along Del Mar Heights Road would significantly impact the local neighborhood character.

10.93 Refer to response to comment 10.90.

10.94 The impact of the 10-story building along with the other buildings was determined in the Draft EIR to be significant with respect to neighborhood character. It should be noted, as discussed in response to comment 5.6, that the project applicant has reduced the height of this building from 10 to 6 stories in the Revised Project. However, the bulk and scale impacts of the Revised Project would remain significant and not mitigated.

10.95 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.96 The analysis of planning documents in the Final EIR addresses both the General Plan and the Carmel Valley Community Plan. The City Council will ultimately be the decision-maker in weighing the merits of the project and the land use designations proposed to accommodate the project.

10.97 The project applicant has been coordinating with the community during the formulation of the proposed development for over three years. The process began on June 24, 2008, when the project applicant met with Community Planning Board members, City staff, and community stakeholders to discuss the vision for the project. Following input from the community, the project applicant submitted a Preliminary Review package to the City on March 17, 2009. City staff responded to the Preliminary Review by indicating that a Community Plan Amendment (CPA), a Precise Plan Amendment (PPA), and other discretionary permits would be required. The project applicant presented the project to the CVCBPB for approval to initiate a CPA and PPA. On June 1, 2009, the CVCBPB approved the CPA initiation unanimously.

On July 14, 2009, a public hearing was held before the Planning Commission to consider the initiation of a CPA and amendments to the General Plan and the Carmel Valley Employment Center Precise Plan to re-designate the site from Industrial Employment to a commercial/

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10.97 residential designation. Initiation was unanimously approved by the cont. Planning Commission.

On September 14, 2009, the project applicant submitted a General Plan/Community Plan/Precise Plan Amendment and Re-zoning for a 23-acre proposed mixed-use center. The development concept incorporated comments received during a Visioning/Planning Meeting held with members of the community, City staff and the design team almost a year before.

The project applicant then hosted four meetings at the end of September 2009, inviting the community and the CVCBPB members. The goal was to share the concept which had been developed along with the community, get feedback, and understand the needs of the neighborhood. After receiving all the comments, the project applicant refined the plan, incorporating the concepts articulated by the community and City staff.

On December 23, 2009, the project applicant submitted the 2nd Entitlement Application. City staff responded on March 29, 2010, issuing the 2nd Assessment Letter with comments from all disciplines and the Carmel Valley Community Planning Board. In response to this input, the project applicant once again modified the proposed development. After making these additional modifications, the project applicant initiated a meeting with the City Staff and the CVCBPB to review and confirm the plan revisions and clarify concerns. In early June 2010, the project applicant mailed out brochures, letters, and comment cards to 9,500 community members. Over 600 responses to the proposed plan were collected from the community, reviewed, and followed up on. Based on this additional input from the community, City staff, and the Carmel Valley Community Planning Board, the plan was again modified.

After making additional changes to the plan in 2010, the project applicant submitted the 3rd Entitlement Application on October 19, 2010. City staff responded on January 5, 2011, issuing the 3rd Assessment Letter. A Carmel Valley Regional Issues Subcommittee meeting was held on July 20, 2011 where the project applicant presented the discussed design plans underway since the 3rd Assessment Letter.

On August 27, 2011, the project applicant hosted an informal workshop at the project applicant's office campus in Carmel Valley: 375 community members attended the meeting.

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10.97 On September 24, 2011, the CVCPB hosted another town hall meeting cont. where the development plans, based on the 3rd Assessment Letter, were presented.

In June 2011, the project applicant launched a web site (www.onepaseo.com) to further enhance the ability of the public to obtain information on the proposed development and provide comments.

Preparation of the 4th Entitlement Application (the Revised Project) was accompanied by more community outreach including feedback from individuals, the CVCPB, and City staff.

In summary, modifications which were made to the proposed development, largely in response to three-years of public input include:

- Changing the requested land use designation from Regional Commercial to Community Village to more closely reflect the goals of the Community Plan.
- Reducing the overall intensity and intensity of the proposed development by approximately 22 percent.
- Reducing the maximum building height from 10 to 9 stories.
- Increasing open space in the northwest corner.
- Adding a 1.1-acre passive recreation park and 0.41-acre children's play area.
- Varying building height along Del Mar Heights Road to reduce shadowing of the rear yards of residential development to the north.
- Reducing overall square footage of residential buildings and providing more orientation to Del Mar Heights Road.
- Enhancing visibility of the "Main Street" from El Camino Real by adding a new street, orienting the second plaza along the street, and providing view corridors.
- Reducing the scale of the aboveground parking by reducing the number of parking levels, increasing roadway setback, and wrapping portions of the parking structure with commercial space.
- Enhancing pedestrian and bicycle access.
- Adding a transit stop for the future rapid bus transit service, and providing a kiosk or bulletin board to display transit information.

10.98 As discussed in response to comment 5.6, the project applicant has modified the Originally Proposed Project to yield a reduction in the intensity and density of the proposed development, and is now seeking approval for this Revised Project.

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- 10.99 This DEIR contention does not take into account the General Plan requirement that: "Public input is essential in ensuring that tailored community needs are addressed in the community plan. Stakeholders in a community, along with the recognized community planning group, play a major role and are key partners in creating a plan that sets forth a joint vision for the future of a community." (LU-22)
- And: a major General Plan policy is: "*Planning Process*---LU-1-1: Ensure environmental justice in the planning process through meaningful public involvement. a. Assure potentially affected community residents that they have opportunities to participate in decisions that affect their environment and health and that the concerns of all participants involved will be considered in the decision-making process."
- 10.100 "*Policy LU-H.6: Provide linkages among employment sites, housing, and villages via an integrated transit system and a well-defined pedestrian and bicycle network.*" The consistency evaluation is found to be a "yes" because: "Pedestrian facilities would provide convenient connections between the proposed uses within the project site, as well as adjacent lands. The project would connect to existing pedestrian and bicycle networks and would provide bicycle routes, sidewalks, pathways, plazas, and public spaces for pedestrians and bicyclists. This would include a pedestrian path and stairway connecting to the adjacent commercial office development to the south." (5.1-51)
- Does the proposal include enough surface ("plazas and public spaces") for these shared uses? More important, can you call it an "integrated transit system" without a meaningful mass transit system?
- 10.101 "*Policy LU-H.6: Provide linkages among employment sites, housing, and villages via an integrated transit system and a well-defined pedestrian and bicycle network. (cont.)*" This is seen to be met because of the single bus, route 473, whose route covers a linear 20 miles between Oceanside and UTC, which has a circuitous route within all jurisdictions between Oceanside and UTC. This box should be checked "No."
- Environmental Justice Goal:* Ensure a just and equitable society by increasing public outreach and participation in the planning process. This also seems to be met because "Ongoing coordination with community planning groups and the community has occurred through community planning group presentations, workshops, and public meetings." (5.1-52)
- Having meetings does not meet the test of "meaningful public input" required by the General Plan. The applicant has ignored repeated requests that a less intensive use or a smaller-scale version of a mixed-use project be considered.
- 10.102 Moreover, the applicant has presented to the public, via mass promotional mailings and free barbecues, renderings of the project that emphasize the retail portion of this project but do not accurately convey the amount or scale of office, condo, and hotel development proposed, nor convey any sense of the impacts of this entire proposal on the community as a whole. This box should be checked "No."
- The DEIR's only reference to whether or not the proposal "Ensure(s) environmental justice in the planning process through meaningful public involvement" is that (Gen Plan Policy LU-1.1) "The Native American Heritage Commission (NAHC) also was contacted, and replied with a list of tribes that should be contacted. The NAHC also conducted a search of their Sacred Lands

- 10.99 Public input is an essential purpose of the City's CEQA review process. Public input opportunities occur at several points in the CEQA process. The first opportunity occurs during the 30-day Notice of Preparation (NOP) period and public scoping meeting which is held during the NOP period. The public review period offers a second opportunity for public input. Lastly, public input is solicited at the Planning Commission and City Council hearings related to a project. In addition, the project applicant has attended a number of meetings in the community to discuss their proposed development.
- 10.100 The proposed pedestrian and bicycle access associated with both the Originally Proposed Project and the Revised Project is considered adequate to achieve the goals to accommodate options to the private automobile. As discussed in response to comment 10.40, transit service is expected to be able to serve the Revised Project by 2030.
- 10.101 Refer to response to comment 10.40.
- 10.102 The project applicant's public outreach program, outside the public input opportunities mandated by CEQA, is beyond the scope of the Draft EIR.

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- 10.102 cont. files to determine if any traditional cultural properties or Native American heritage site are located within the project area." (5.1-54)
- 10.103 Consistency with the General Plan "Mobility Element" (Policy ME-B.9) is alleged to be met. This policy requires that any intensification of land use - creation of a mixed-use village - "make transit planning an integral component of long range planning documents and the development review process." This includes identifying "recommended transit routes and stops/stations as part of the preparation of community plans and community plan amendments, and through the development review process." (DEIR 5.1-62) The DEIR justification for consistency with the Gen Plan here is that the 2030 RTP includes adding this location in Carmel Valley to the existing route 473.
- 10.104 The Mobility Element Policy ME-C.2 requires that this type of village project "Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system." The DEIR finds that this is met through "proposed and recommended design treatments of project roadways for safety, aesthetics, and traffic calming, as well as mitigation in the form of improvements to the existing street system to provide adequate capacity and reduce congestion." (5.1-63) The box opposite this issue should be checked "No."
- This proposal worsens projected Levels of Service on major intersections and stretches of roadway which most residents and workers in the larger community must use every day from LOS E to LOS F.
- 10.105 Policy UD-A.5 requires that villages be designed to "contribute to a positive neighborhood character and relate to neighborhood and community context." (DEIR 5.1-70) This includes designs "that are sensitive to the scale, form, rhythm, proportions, and materials in proximity to commercial areas and residential neighborhoods that have a well established, distinctive character." This and other design principles seem to be met because "the project would construct a distinctive mixed-use village center with a variety of uses that are contiguous and compatible with existing adjacent uses." Design details are supplied. However, even though this site is surrounded by similar uses these uses are much smaller in scale, density, and height. The "proportions" of the existing retail, commercial, and office uses nearby are in a "form" and "proportion" and "rhythm" compatible with a low-rise residential community. This box should be checked "No."
- 10.106 The residential design policies (Policy UD-B.1) emphasize that multi-family structures "should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility." The 10, 5, and 4-level residential components of the project, not to mention the hotel, would tower over anything in the vicinity. However, the DEIR finds that this policy is met because "The proposed project would be visually compatible with surrounding uses" and that although "some buildings would be taller than buildings in the surrounding area, incorporation of the design guidelines contained in the proposed PPA would ensure that the architectural style of proposed buildings would include articulation and various design elements to provide visual diversity and reduce massing." (5.1-80) These are arbitrary statements that are in conflict with other sections of the DEIR. This box should be checked "No."
- 10.107 "Policy UD-B.8: Provide useable open space for play, recreation, and social or cultural activities in multi-family as well as single-family projects." (5.1-83) This policy is seen to be met because it "would provide a series of public, semi-public, and private outdoor spaces." In addition to the

10.103 Refer to response to comment 10.40.

10.104 The Draft EIR concluded that significant, unmitigated traffic impacts would occur as a result of the proposed development. For example, as described in Table 5.1-1, although the project includes a number of features which reduce congestion, it is unable to provide sufficient capacity on Del Mar Heights Road. Thus, Table 5.1-1 of the Final EIR has been revised to indicate that the project would not be consistent with Policy ME-C.2. However, despite this change in the relationship of the proposed development to this policy, as discussed in response to comment 10.41, the conclusion that the proposed development would not conflict with the collective intent of the goals and policies of the General Plan remains unchanged.

10.105 While the Draft EIR (in Section 5.3.3) recognized that the Originally Proposed Project would result in significant impacts to the neighborhood character of the area, it would be consistent with General Plan policy UD-A.5 Urban Design Policy UD-A.5, which addresses building and architectural design features and treatments to consider in proposed developments. As stated in response to comment 10.42, the issue of visual effects/neighborhood character is related to, but not necessarily the same as land use policy consistency. As is the case here, it is possible for a project to result in a significant neighborhood character impact while remaining consistent with General Plan policies that include the words "neighborhood character." A discussion of proposed building design features is contained in Section 5.3.4 and elsewhere throughout Section 5.3 of the Draft EIR that explains that proposed buildings would provide architectural interest. Design guidelines contained in Chapter 4 of the proposed Precise Plan Amendment, which are consistent with this General Plan policy, would be incorporated into building designs. Some of these features include articulation; variation in materials, details, surface relief, color, and texture; recessed or projecting bays, and offsetting planes. As discussed in Table 5.1-1 and Section 12.9 of the Final EIR, the Originally Proposed Project, as well as the Revised Project, would be consistent with this General Plan policy.

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10.106 As stated above in response to comment 10.105, although the Originally Proposed Project would result in significant neighborhood character impacts, it would be consistent with the applicable General Plan policies, including Urban Design Policy UD-B.1. As discussed on pages 5.1-11 through 5.1-15 in the Draft EIR, the Originally Proposed Project would be consistent with the City of Villages strategy because (1) it would be consistent with applicable City of Villages strategy policies (upon approval of an amendment to change the General Plan designation from Industrial Employment to Multiple Use), (2) the project site is identified as having moderate village propensity in the General Plan, (3) the proposed development would provide a village center unique to the Carmel Valley community, and (4) the proposed development would be consistent with the General Plan definition of Community Village.

Moreover, as indicated in response to comment 5.6, the Revised Project would reduce the density and intensity of the proposed development in responses to comments received during the public review period for the Draft EIR. The most substantial changes include reductions in the buildings heights, elimination of the proposed hotel, a 14-percent reduction in the amount of office space, and a 10-percent reduction in the amount of retail with concomitant reductions in massing and height. A more detailed description of the Revised Project is contained in response to comment 5.6 and Section 12.9 of the Final EIR. The Revised Project would reduce, but not eliminate, the significant impact of developing the project site on the surrounding neighborhood character. Such impacts are associated with implementation of the City of Villages strategy, as discussed and determined in the General Plan EIR, which concludes that the associated intensification resulting from implementation of the City of Villages could have adverse community character impacts. Nevertheless, for the reasons described on pages 5.1-81 and 5.1-82 of the Draft EIR and above, the Originally Proposed Project and Revised Project would remain generally consistent with Urban Design Policy UD-B.1. Refer to updated information contained in Section 5.1.2 of Final EIR.

10.107 The Originally Proposed Project would be consistent with Urban Design Policy UD-B.8 because it included 9.4 acres of open space throughout the project site of which 7.6 was useable open space. Refer to updated information contained in Section 5.1.2 of Final EIR.

As discussed in response to comment 5.6 and Section 12.9 of the Final EIR, the amount of open space within the proposed development would increase to 10.7 acres with the Revised Project. Of this open space, 6.6 acres would be useable; the remaining 4.1 acres of open space would be

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10.107 cont.	<p>"smaller recreational spaces" within the residential buildings residents "would also have the option of utilizing the public spaces such as the walkways and central plaza for active or passive leisure activities." The disturbingly small one-acre "plaza" in "Block D" and the few sidewalks surrounding each block cannot be seen as sufficient "usable open space" for residents in 605 multifamily units as well as the community visiting this entity. This box should be checked "No."</p>	10.107 comprised of ground level open space which is not technically considered usable because traffic noise levels are anticipated to exceed 65 CNEL. Open space would include greenbelts, plazas, paseos, gardens, pocket parks, amphitheaters, and public facilities and services. Most notably, the amount of open space in the northwest corner of the project would be increased. The Revised Project, therefore, would also be consistent with Urban Design Policy UD-B.8.
10.108	<p>Also disturbing is that the City is allowing combining our community's MAD parks - small areas of open space whose maintenance is paid for by nearby residents, who also control the uses within them - with our population-based parks to establish that "at buildout, the Carmel Valley community will have a surplus of approximately 4.8 acres of useable population-based parks. Consequently, adequate parks exist to serve the project." (5.1-83) After publication of this DEIR, it has noted that the CV is still 1-acre short of population based parks.</p>	10.108 Refer to responses to comments 63.168 through 63.170.
10.109	<p>This issue rises again in response to General Plan policies on "Urban Design" cited: "<i>Policy UD-E.1</i>: Include public plazas, squares or other gathering spaces in each neighborhood and village center (see also UD-C.1 and UD-C.5 for additional public space requirements in village centers, and UD-F.3 for policy direction on public art and cultural activities in public spaces. This policy is seen to be met because "The project consists of a mixed-use development with a large public plaza along the proposed Main Street component for public gatherings. Other public spaces would be provided throughout the project site, such as paseos and smaller plazas." (5.1-90)</p> <p>The "Main Street" component of the One Paseo proposal is approximately 600 feet long, or about the distance from the Champagne Bakery to the Postal Annex in our existing Town Center. Again, this is a highly exaggerated description of a "large public plaza."</p>	10.109 The City acknowledges that the term "large" is relative. However, regardless of whether the commenter considers the Main Street area to be "large," it does meet the intent of UD-E-1 to include public plazas, squares or other gathering places.
10.110	<p><u>Mixed-Use Villages/Commercial Areas Goal:</u> Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces." This guideline is seen to be met because "The project consists of a mixed-use development with a large public plaza along the proposed Main Street component for public gatherings. Other public spaces would be provided throughout the project site, such as paseos and smaller plazas." (5.1-83) <u>Who is the "public" referred to in this statement?</u> Carmel Valley has some 36,000 residents and more are expected, for a total of 40,000 people. The identified traffic impacts to El Camino Real and Del Mar Heights Road, as well as the street widenings and the loss of medians proposed as partial mitigations for the One Paseo generated traffic, would make its one-acre "public plaza" hard to access, even by walking, for anyone except the residents of its own 608 proposed residential units. We also understand that the One Paseo applicants have declined to provide assurance that parking near this site will always be free of charge. This box should be marked "No."</p>	10.110 The term "public" used in this context is not restricted to residents or patrons of the Originally Proposed Project or the Revised Project. These would be open to the community.
10.111	<p>Carmel Valley already has a number of public gathering places, including two 20-acre Community Parks, a number of easily accessible neighborhood parks, and public plazas in each of our three shopping centers, including the amphitheater which hosts a popular series of volunteer-organized free summer concerts and open-air dances each year - with ample free parking.</p>	10.111 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
10.112	<p><u>"Mixed-Use Villages/Commercial Areas Goal:</u> Attractive and functional commercial corridors which link communities and provide goods and services. This policy is seen to be met because "The proposed project would "include a commercial retail corridor along the proposed Main Street that would provide various goods and services to the community." (5.1-84) This box should be checked "No."</p>	10.112 As discussed on page 5.1-84 of the Draft EIR, the analysis describes the project's place and purpose within the Carmel Valley community, as a whole. Consistent with the community village concept, the Originally Proposed Project and the Revised Project would provide a pedestrian-oriented "Main Street" that would be accessible to and used by residents throughout Carmel Valley. For example, as described in the

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- 10.113 Carmel Valley already has a "main street." It is called El Camino Real. El Camino Real traverses Carmel Valley from north to south, and, because of Carmel Valley's hierarchical street system, nearly everyone in the community uses it to access work, shopping, entertainment, school, our very busy library and Community Park and Recreation Center and friends' homes on a daily and weekly basis. The future residents of One Paseo are not "the community." The increased traffic that One Paseo will deliver to both El Camino Real, Carmel Valley's "main street," and Del Mar Heights Road, our Town Center and Employment Center's chief access to I-5 and our main access to the Torrey Pines community and the coast, will diminish the true, larger "community's" connection to its own civic center and to adjacent communities and attractions.
- 10.114 The final EIR should make clear, throughout the document, to which "community" - the future residents of One Paseo, or the larger surrounding community that is Carmel Valley - it is referring.
- 10.115 The General Plan Economic Prosperity Element ensures that new commercial development centers are compatible with the community. "Policy EP-B.9: Design new community commercial centers with consideration for: traffic patterns; compatibility with surrounding land uses; site planning that reinforces pedestrian movement to and through the site; superior architecture and landscape design; and sustainable design." This is seen to be met because the One Paseo mixed use "Community Village...would be contiguous and compatible with existing commercial development in the surrounding neighborhood." (5.1-93) As we've pointed out throughout our comments, although retail, office, and residential uses surround this site, they are much smaller in bulk, scale, and height, and even the most densely developed of them include more area experienced by both users and passers-by as open space, with second-story as well as ground-level amenities. There are no 10-story uses anywhere close. This proposal cannot be found to be compatible with Carmel Valley or even with the adjacent Del Mar Highlands Town Center.
- 10.116 Additionally, One Paseo should not be characterized as a new "community" commercial center. Carmel Valley already has a community commercial center, across the street from the One Paseo site. It is called Del Mar Highlands, and it includes a number of acres already zoned for commercial development, which have not yet been built. Currently, the Del Mar Highlands Town Center has entitlements for approximately another 150,000 square feet of retail, and the 3.8 acre Pell property adjacent to the south is also zoned commercial.
- It is our understanding that the current unrewarding market, as well as an upcoming threshold which will require an investment in a parking structure for the existing community commercial center to expand, are the only obstacles to the provision of additional retail to Carmel Valley's already existing and planned Town Center.
- 10.117 Affordable housing goals of the General Plan are seen to be met with the simple explanation that "The project would comply with the City's Inclusionary Housing Ordinance." (5.1-124)) The DEIR fails to provide any more details regarding how the "Affordable Housing Goals and Community Balance Objective, Policy 4" would be met, or the requirement that "The City's highest housing priority shall be to provide housing for very low- and low-income families and special needs populations" or for the "second priority...to provide housing opportunities for moderate-income households including first-time home buying opportunities." (5.1-24)
- Because Carmel Valley has been so successful and prosperous, some neighborhoods which

10.112 Draft EIR, RMA, and RMA Addendum, the primary market area for the cont. retail portion of either project comprises a four-mile radius, indicating a community-wide draw and broad use. Additionally, although the El Camino Real corridor includes a range of commercial uses, that street is not pedestrian-oriented, does not serve as a gathering or focal point for the community, and does not serve as a community village within the meaning of the term intended in the General Plan.

Refer to updated information contained in Section 5.1.2 of Final EIR.

10.113 The intent of the term "Main Street" is to describe a retail environment that reflects an integration of retail into a single area within the proposed development. It is not intended to imply that it will be a major thoroughfare in the Carmel Valley community. Also, refer to the response to comment 10.112 for discussion regarding the intent of the development and its function relative to El Camino Real.

The referenced impacts of project traffic on Del Mar Heights Road and El Camino Real is documented in detail in Section 5.2 of the Draft EIR. Additionally, as discussed in response to comment 10.112, neither the project site nor the residents of the Originally Proposed Project or Revised Project are considered to comprise the "community" for the purposes of the EIR.

10.114 Unless otherwise stated, the term community when used in the context of the Draft EIR referred to the general population located in the project area and, where appropriate, in the Carmel Valley Community Plan Area.

10.115 The language of General Plan policy EP-B.9 explicitly relates to use, not density, bulk, scale, or height as indicated in the comment. Specifically, this policy states, "...compatibility with surrounding land uses..." Therefore, the Draft EIR appropriately analyzed the Originally Proposed Project's consistency with this policy in terms of compatible land use types within the immediately surrounding area. Refer to updated information contained in Section 5.1.2 of Final EIR.

As discussed in Section 12.9 of the Final EIR, the Revised Project would also be consistent with applicable land use policies, including General Plan policy EP-B.9.

10.116 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.117
cont.

were originally (1975) intended, via smaller houses on smaller lots, and via zoning for multi-family housing, to provide "affordable" housing have proven to not be particularly affordable. Carmel Valley does lack housing readily affordable for people who work in Carmel Valley, such as firefighters, police officers and civilian staff, teachers in our local schools, and retail staff. Over the last several years, the CVCPB has made a condition for its recommendation of approval for multi-family housing projects that the projects supply on-site integrated affordable housing along with market rate housing. We have even recommended - and the applicants have taken advantage of - density increases in addition to the City's codified density bonuses in order to encourage yet more affordable housing. Two such multi-family projects just south of SR-56 have not yet been built; as soon as the market supports their construction, our housing balance will improve significantly.

For this box to be checked "Yes," the One Paseo project should be required to provide on-site codified affordable housing and just plain market-rate but designed to be affordable housing.

CARMEL VALLEY COMMUNITY PLAN COMPLIANCE ASSESSMENT:

10.118

Goal 1: To establish a physical, social, and economically balanced community. This goal is seen to be met because: "The proposed project would construct a mix of hotel, retail, residential, public spaces, and office uses...would promote the economic balance of planned land uses...because (1) the proposed retail uses would help satisfy the unmet need for retail uses within the community (Kosmont 2012a); (2) the project would not cause substantial closures of businesses leading to urban decay; and (3) the project would generate more revenue than the office use that could be developed under the existing Community Plan designation." (5.1-129) This box should be checked "No." The Kosmont study did not identify an unmet need for retail uses "within the community." It only identified a 2% vacancy rate within a ten-mile radius of Carmel Valley. It is unclear how the "Kosmont" study on retail uses determines that there is not enough retail available for the community. Is there a dearth of retail available for Carmel Valley? Instead, it appears that because the study was done on an area that is 10 miles from Carmel Valley this proposal is, indeed, for a "Regional Retail Center", not the zone proposed. Please see our additional comments elsewhere in our responses on retail within and near Carmel Valley.

10.119

Additionally, the DEIR contends that the proposal "would provide would result in a more internally well balanced use compared to a single use on the project site."

We repeat that this community plan goal was intended to apply to the 4000-acre master planned community overall, not to individual precise planning areas or individual lots. The DEIR's contentions suggest that the community plan and the community as it exists today have not met this community plan goal. Is the DEIR maintaining that Carmel Valley as it has been comprehensively planned and executed is not a physically, socially, and economically balanced community? On what evidence and analysis?

10.120

"Goal 2: To establish self-containment and feeling of community identity among the future residences of North City West." This goal is seen to be met because "One of the goals of the project is to provide a sense of community, and this is achieved through comprehensive planning, which includes provision of a large plaza for public gathering and social interaction, and by providing an integrated development." (5.1-129) This box should be checked "no." This is a Community Plan level goal, not a goal for a lot within the Employment Center. Carmel Valley has 36,000 residents, with more expected. A one-acre open space within the One Paseo project cannot be regarded as providing a sense of community for Carmel Valley as a whole.

10.117 This comment suggests that the City require the applicant to provide on-site affordable housing in order to comply with General Plan policies promoting affordable housing stock. The project applicant may, at its option, provide on-site affordable housing, but the City is precluded by its regulations from mandating on-site affordable housing. See Municipal Code Chapter 14, Article 2, Division 13 (Inclusionary Affordable Housing Regulations). If on-site affordable housing is not provided, a project applicant is required to pay an inclusionary affordable housing fee which is deposited into the City's Affordable Housing Fund. Such funds are used by the City to advance the General Plan goals of ensuring the availability of housing stock to City residents of all income levels. This is consistent with the City's policies and Draft Housing Element. Consequently, compliance with the Inclusionary Affordable Housing Regulations constitutes project compliance with the General Plan goals referenced in the comment. Refer to updated information contained in Section 5.1.2 of Final EIR.

10.118 The comment mischaracterizes the study area and conclusions of the RMA. The trade area was established based on industry standards for the retail component of the proposed development. As discussed in the RMA Addendum, included as Appendix B.1 of the Final EIR, adequate consumer demand will continue to exist to support retail centers in the study area after completion of the proposed development with either the Originally Proposed Project or the Revised Project. The atypically low vacancy rates for retail in the area further indicates strong consumer demand and that the market area is likely under-served by retail.

Contrary to the comment, the proposed development is not a regional center, which, as discussed in response to comment 10.21, typically ranges from 500,000 to 2 million square feet of retail space and feature full-line or junior department stores, mass merchant, discount department stores, and fashion/apparel stores. The proposed development is prototypical of a lifestyle center, which is generally defined as a retail development between 150,000 to 500,000 square feet that includes upscale national-chain specialty stores with dining and entertainment in an outdoor setting. Consequently, and as demonstrated in the RMA Addendum, the retail component of the Originally Proposed Project and Revised Project would not draw customers from distant areas but rather would provide services and uses intended to serve the Carmel Valley community. The RMA Addendum concludes that approximately two-thirds of the retail draw is expected from within four miles of the project site.

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10.118 Furthermore, as discussed in response to comment 10.21, if the cont. commercial component of the proposed development were reclassified from a community shopping center to a regional retail center as suggested in the comment, traffic impacts would be reduced, as the latter use has a lower trip generation rate.

10.119 The focus of the Final EIR is on the relationship of the Originally Proposed Project and Revised Project to Community Plan. The Final EIR is not intended to draw any conclusions regarding whether the current development within the Carmel Valley Community Plan has met the overall goals of the Community Plan. Nevertheless, as demonstrated in the RMA and RMA Addendum, the primary and secondary trade areas are likely underserved by existing and proposed retail development, and even with development of either version of the project, a net demand for retail would remain. As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur.

10.120 Section 5.1 of the Draft EIR provided a comprehensive analysis of the Originally Proposed Project with applicable adopted land use plans and goals, policies, and objectives contained within those plans, including the Community Plan. As concluded in Sections 5.1 and 12.9 the Final EIR, the Originally Proposed Project and the Revised Project are generally consistent with the overall goals identified on page 50 of the Community Plan (refer to Section 5.1 of the Final EIR and Section 12.9 of the Final EIR). The policy consistency analysis of the overall goals of the Community Plan is not applied to only the project site, but to the Carmel Valley community as a whole, where appropriate. As described in response to comment 10.47, the Originally Proposed Project and the Revised Project would be generally consistent with the overall goals identified in the Community Plan related to maintaining a balance of uses and fostering and enhancing community identity in the Community Plan area.

- 10.121 As with Goal 1 above, this response presumes that the existing community is not self-contained and does not have a sense of community. The final EIR needs to explain this finding since Carmel Valley is one of the most sought-after locales in the county. It also needs to explain how a one-acre plaza (which replaces sidewalks and landscaping ordinarily surrounding buildings) aids community identity and self-containment when by its location and size it may barely provide a "large public open space" for residents and workers at this site.
- 10.122 "Goal 4: To establish a balanced transportation system to be used as a tool for shaping the urban environment." This goal is seen to be met because "The proposed project would contribute part of a balanced transportation system to the community through the provision of pedestrian and bicycle systems connecting various activity nodes, transportation corridors that internally link the project and connect to off-site networks throughout the community..." (5.1-129)
- It is unclear how the proposed project would provide "pedestrian and bicycle systems." Is the applicant going to construct new bike lanes along Del Mar Heights Rd. or El Camino Real or collector streets? Or, is the DEIR saying that bike lanes and sidewalks already in existence will remain? If so, how, then, is the proposal contributing to the goal of "balanced transportation" for the community overall?
- 10.123 A variety of marketing materials provided by the applicant claim that One Paseo is intended to be a pedestrian and bicycle friendly development. We assume that being a pedestrian and bicycle friendly project means providing safe linkages to the network of pedestrian and bicycle facilities that are off-site as well. However, a review of the Precise Plan Amendment, Figure 3.4a – Bicycle Circulation Type Designation, indicates that internal project site streets would be Class III Bike Routes and Del Mar Heights Road and El Camino Real (adjacent to the project site) would be Class II Bike Routes. This is hardly the type of commitment that would be consistent with a project with a stated purpose of being pedestrian and bicycle friendly. Class III Bike Routes are "share the road" facilities, not even providing a dedicated lane for bicyclists. We believe internal project site streets should be Class II Bike Routes at a minimum (Class I would be even better). Class II Bike Routes on Del Mar Heights Road and El Camino Real would provide bicycle lanes; however, bicycle lanes already exist on these roadways.
- We believe that for the above DEIR contention to be true, the applicant should be providing some kind of linkage for bicycles so that the community will be motivated to bicycle to and from the proposed development safely. This commitment must be more than what already exists. If the current plan were implemented, we believe the vast majority of visitors to the development would travel by car. We believe the applicant's stated Discussion, Policies and Objectives (e.g. 3.4-4) (relative to Bicycle Circulation) in the Precise Plan Amendment are not supported by the actual commitment being made in the proposed development.
- 10.124 Again, we are concerned - and the DEIR should respond with thoughtful, appropriate analysis to our concern - that the traffic congestion and physical partial mitigation measures such as double turn lanes and the loss of medians that the One Paseo project will engender will make much of the rest of our already built community harder -- less pleasant and less safe -- to negotiate either walking or biking, with the result that people will more often choose their cars over other modes of transportation.
- 10.125 The "Commercial Land Use Element" Objective 3 states: "In order to promote preservation of

10.121 The Draft EIR did not express the view that Carmel Valley is not currently self-contained and lacks a sense of community. Rather, Sections 5.1 and 5.3 of the Draft EIR described how the Originally Proposed Project would contribute to a balanced community and enhance community cohesiveness by providing the land uses that were already planned for the site within an internally well-balanced land use mix that reflects the types of uses that exist in the community and that complements the existing uses in the vicinity of the project site. Refer to updated information contained in Section 5.1.2 of Final EIR.

As described in Section 12.9 of the Final EIR, the Revised Project also would be consistent with the overall goals in the Community Plan and would contribute to Carmel Valley's community and sense of place in the same manner.

10.122 As discussed in Section 5.2.7 of the Draft EIR, Class II bike lanes currently exist on Del Mar Heights Road, El Camino Real, High Bluff Drive, and other surrounding roadways. The Originally Proposed Project and the Revised Project propose several internal bicycle routes that would connect to the bicycle facilities within the three circulation element roads and a paved trail to the west. Pedestrian connections also would be provided within the project site that would connect to existing sidewalks along Del Mar Heights Road, El Camino Real and the aforementioned paved trail. Refer to response to comment 6.6 for additional information related to the proposed bicycle and pedestrian improvements. As indicated in Table 5.1-1 of the Draft EIR, the proposed bicycle and pedestrian improvements would improve access and connectivity between activity centers within the project area which, consistent with Goal 4 of the Community Plan, would contribute to meeting the broader community-wide goal of achieving a balanced transportation system.

Additionally, by providing a mix of residential and commercial office uses on the same site, the Originally Proposed Project and Revised Project would support the development of a balanced transportation system by helping to reduce dependence on automobile use. The Revised Project also includes an enhanced TDM Plan. Refer to response to comment 6.7 for details of the TDM Plan.

Refer to updated information contained in Section 5.1.2 of Final EIR.

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10.123 As illustrated in Figure 3.4a of the proposed Precise Plan Amendment, the proposed development would include a central bicycle system, which would connect to the existing bicycle facilities on Del Mar Heights and El Camino Real. Although the proposed development does not include designated bicycle lanes on internal roads, it would include delineated bicycle routes to accommodate bicycle use. Furthermore, internal intersections would be stop-controlled to calm traffic along internal streets to improve bicyclist safety.

10.124 The Final EIR does contain a comprehensive analysis of the traffic impacts and the effects of the project on neighborhood character and acknowledges that significant impacts would occur in both of these areas with either the Originally Proposed Project or the Revised Project. With respect to the effect traffic congestion on walking and biking, the proposed development includes signed bicycle routes and sidewalks for pedestrians which are non-contiguous with the street to promote safety.

10.125 The Community Plan policy referenced in this comment describes that commercial development should “promote preservation of the natural environment.” The project site, which has been mass graded, does not contain natural landforms. Similarly, the area surrounding the site would also be characterized as developed rather than being within a natural environment. Carmel Valley is designated by Figure LU-4 of the General Plan as an urbanized community. Although the Originally Proposed Project and the Revised Project propose a mixed-use development rather than solely commercial development, an amendment to the Employment Center Precise Plan is also proposed to ensure that the proposed development is designed and constructed as part of the overall development.

The Employment Center Precise Plan area is not exclusively limited to low-profile office buildings in a campus-like setting. The Del Mar Corporate Center III, which is located approximately 0.5 mile from the project site at the southwestern corner of High Bluff Drive and El Camino Real includes a six-story office building. A number of multi-story towers (from 6-12 stories), to which the heights and massing of the Originally Proposed Project and Revised Project are similar, can also be found along SR-56 within one mile of the project site.

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the natural environment, commercial development must be designed and constructed as part of an overall planned commercial development." This objective is seen to be met because "The project is identified in the Community Plan as part of the Employment Center and with the exception of the project site, the entire Employment Center area has been developed with offices and business park campuses." (5.1-132)

10.125
cont.

Although this site is included in the "Employment Center Precise Plan" area, because it was separately owned it was not planned in detail, but only in concept, along with the bulk of the employment center located on High Bluff Drive and El Camino Real. That part of the employment center was planned comprehensively and, as a result, does appear as "an overall planned commercial development." Its offices, predominantly two to four-stories with large setbacks from roads and spaced widely from one another, do form a business park campus. This proposal is radically different with office buildings from 8 to 10-stories with only 30-ft. setbacks within a site plan design that proposes a 1.85 floor area ratio. The only similarity between the existing business park and the proposal is that the latter proposes office use. This proposal was certainly not planned as part of an overall planned commercial development. This box should be checked "No."

10.126

The primary objective of the Park, Recreation and Open Space Element of the community plan states that "a variety of park and recreational facilities will be necessary." The DEIR finds this objective to be met because it would "provide public spaces, including a large plaza for public gatherings and social interaction, as well as a number of smaller plazas, paseos, and public outdoor spaces for both active and passive recreational use by residents and the community." (5.1-133) Again, we strongly question that the one plaza proposed is large enough - one acre - given the 608 residences proposed and the employees of the offices and other businesses, who these days often seek exercise and recreation during their lunch hours and after work, and community shoppers and visitors, or is designed as anything other than an enlarged paved surface.

10.127

The "Circulation Element" of the community plan contains "Objective 4" which says that auto dependence should be "reduced by developing an integrated system of pedestrian, bicycle, local transit and automobile facilities." This is seen as being met because "The proposed project would provide pedestrian and bicycle systems connecting various activity nodes, transportation corridors that internally link the project and connect to off-site networks throughout the community..." (5.1-134)

Again, is the DEIR representing that the proposal will create pedestrian walkways and bike paths for the overall Carmel Valley community other than the ones now existing on surrounding roads? And is it saying that these "pedestrian and bicycle systems" will result in the "integrated" system of transportation called for in the circulation element? Finally, how is this proposal facilitating a varied "transit corridor" if the mode of transit other than automobiles is the potential extension of bus route 473 to Carmel Valley?

10.128

The One Paseo proposal would be bounded on two sides - and effectively separated from the rest of the circulation system - by major circulation elements already in place, Del Mar Heights Road and El Camino Real. Carmel Valley has a hierarchical street system, with neighborhood cul-de-sac leading to connector and collector streets, which in turn deliver almost all of Carmel Valley automobile traffic to the major arterials. Carmel Valley does not have, and most likely never will have, a TOD or grid street system, which would have allowed residents and workers and shoppers to find a variety of routes to and from their various destinations. In order to go

30

10.126 Refer to response to comment 10.107 regarding the amount of useable open space provided by the Revised Project. Also refer to responses to comments 63.168 through 63.170 for a detailed discussion of the adequacy of parkland to serve the project and Carmel Valley.

10.127 As the comment indicates, Objective 4 of the Community Plan establishes a goal to promote bicycle and bike paths within the community. In general, this objective is achieved by actions taken by either the City or developers. When done by developers, the objective is achieved through construction of pedestrian and bike paths within the development and/or improvements on adjacent roadways. The developer is not obligated to make other improvements within the community unrelated to the impacts to their project. Furthermore, the project applicant cannot control the nature of transit services available to the community.

10.128 The Draft EIR acknowledged that traffic generated by the project would have a significant impact on portions of Del Mar Heights Road and El Camino Real, notwithstanding proposed mitigation. However, the provisions contained in the proposed TDM Plan are specifically intended to reduce this impact through actions such as providing shuttle service during peak hours and the provision of integrated pedestrian and bicyclist access within the development connecting with existing facilities on the surrounding streets.

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10.128 cont. almost anywhere, Carmel Valley denizens must access and use the major arterials. One Paseo, because it proposes an amount of development not anticipated by Carmel Valley's already-built street system, and because it would -- must -- feed directly into the major arterials, will make negotiating Carmel Valley for almost any daily purpose more difficult. Not only would walking and biking our community become more difficult, less enjoyable, and less safe, and hence less likely, but traveling by car, which is currently not difficult, and, as intended by Carmel Valley's typically wide, curving, well landscaped streets, can even be pleasant and relaxed except perhaps in peak hours, would in future require a more intense level of attention and faster reflex times. Drivers would increasingly need to "white knuckle it" to avoid harming bicyclists, especially at intersections where bike lanes disappear.

In general, we believe that the overloading of our street system by the One Paseo proposal would not improve circulation by any means of transportation at all, and all of the language in the DEIR, which suggests that it would, in accordance with the various City policies, should be stricken from the document. One Paseo should not be regarded as having met the intent of these policies -- rather the contrary.

10.129 The "Employment Center Precise Plan" primary goal is that due to its "prominent visible location" the "design and construction be accomplished in the best manner possible. Individual buildings should be designed to fit into park-like surroundings, with particular attention paid to the appearance of the facility and its scale." This objective is seen to be met because "Office buildings and associated parking would be integrated into the development and would incorporate architectural and landscape treatments similar to the rest of the development." (5.1-137)

We do not agree that the office buildings of the proposal conform to either the overall scale or the "park-like surroundings" of the existing employment center.

5.3 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

10.130 5.3.1 Existing Conditions: Figure 2-2 and the text portray the surrounding land uses as "a mixture of commercial office, commercial retail, and residential uses" but limit the residential uses to the "multi-family residences to the north", in the community's "Neighborhood 3." This neighborhood of single-family homes begins close to Del Mar Heights Rd. and should be included in this mix in order to accurately assess impacts on lower-density development.

"Roadside landscaping exists along the street frontage of Del Mar Heights Road and El Camino Real and includes mature street trees and low-lying groundcover. Additional trees and ornamental landscaping are located on the western site perimeter between the site and High Bluff Drive." (5.3-1)

10.131 Carmel Valley's street landscaping was an essential requirement for the approval of the original community plan and we are very concerned about the removal of plantings necessitated by the widening of Del Mar Heights Rd. and the widening of High Bluff Dr. into Neighborhood 3. While the DEIR accurately states that "There are no visual elements or aesthetic features within the project site that are considered scenic or important visual resources", the scenic and community character value of this adjoining street landscaping would be impacted by the street widening necessitated by the proposal and the DEIR must detail and address these impacts to Community Plan mandated community character.

10.129 The Draft EIR acknowledged the comment that the proposed development would have a significant impact on the surrounding neighborhood character.

10.130 The single-family homes referenced in this comment are located in an area which is largely not visually connected with the project site and, thus, not included in the Draft EIR. However, as indicated in response to comment 10.20, the Environmental Setting section of the Final EIR has been revised to include the single-family development referenced in this comment.

10.131 As discussed in response to comment 10.10, the proposed development would not impact trees and planting within the center median on Del Mar Heights Road except where portions of the median and up to three trees would be removed to accommodate the proposed connection points for First and Third Avenues. Furthermore, the development would include extensive landscaping at the southeast corner of the intersection of High Bluff Drive with Del Mar Heights Road and a greenbelt along the south side of Del Mar Heights Road. In addition, the project includes landscaping and wall treatments to soften the appearance of the retaining walls required to extend of the right-turn lane on Del Mar Heights Road to the I-5 NB onramp. Consequently, substantial landscaping along these

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- 10.132 More analysis and emphasis is needed on the change to the character of the roadways themselves: Del Mar Heights Road, El Camino Real and High Bluff. The proposed widening and loss of landscaping and the loss of medians and median landscaping are a significant impact to community character. These roadways are part of the public realm and form a key element of the community's design and character. The project would result in changing the character of these roadways to be like Mira Mesa Boulevard, which is incompatible with the Carmel Valley area. The DEIR is deficient on this fair argument.
- 10.133 On occasion, when changes in driveway configuration within the Employment Center have been regarded by City traffic engineers as necessitating new or longer turn pockets, the CVCPB has successfully argued, tree by tree, for the retention or replacement nearby of the street edge and median landscaping that is a characteristic and highly desirable feature of our planned community. The City has come to realize the value of street trees, for attracting re-investment in commercial areas and for cooling pavement, calming traffic, improving air quality, and encouraging cheerful pedestrian sidewalk use.
- Community and Neighborhood Character
- 10.134 "The City's Significance Determination Thresholds do not address the geographic area or viewshed to be considered in determining "neighborhood" character." (5.3-2) Please provide in the final EIR the basis for this statement since (a) Carmel Valley was planned comprehensively so as to have all land uses complement the area and exist harmoniously with each other and (b) the elevations of this proposal certainly are a factor of analysis of impacts. In fact the DEIR accurately states, "Due to the combination of its central location and visibility from major roadways, the project site is at a visually prominent location within Carmel Valley. (5.3-3)
- 10.135 The DEIR is not correct in this characterization that the existing zoning allows for unlimited height - it does not. This is because there is an FAR limitation of 0.5, which effectively limits building height.
- 10.136 The DEIR goes on to say, "The existing condition of the site, however, consists of graded vacant building pads that contrast with the surrounding developed neighborhood and the larger community." (5.3-3) Is the DEIR really trying to imply that the contrast between the vacant site and the rest of the community somehow justifies the entire One Paseo proposal?
- Applicable Development Regulations
- "Existing Regulations
Development regulations relative to visual effects and neighborhood character for the project site are set forth in the Carmel Valley PDO (1979) and the City's LDC (updated through 2009). Existing development regulations for the project site include no maximum structure height, a maximum FAR of 0.5, and maximum lot coverage of 50 percent for interior lots and 60 percent for corner lots. Existing setback requirements include no minimum or maximum front or street side setbacks and minimum 10 feet side and rear setbacks."(5.3-11)
- 10.137 However, an application for the entitled use - 510,000 sq. ft. of office - would come under the same scrutiny that all zone-consistent applications do; the community - including the current Employment Center owners and tenants - would review it and suggest site plan and design considerations that would make the application more compatible with existing uses.

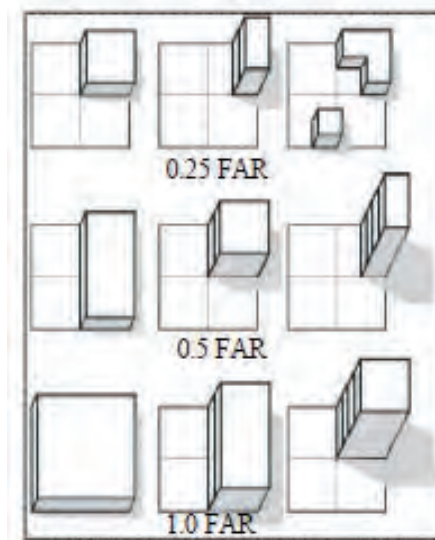
- 10.131 roadways would continue to be provided, consistent with the Community cont. Plan. Refer to updated information contained in Section 5.1.2 of Final EIR.
- 10.132 As discussed in responses to comments 10.10 and 10.131, the proposed development would include extensive landscaping, including replacement of street trees impacted by offsite roadway improvements. Furthermore, the development would include extensive landscaping at the southeast corner of intersection of High Bluff Drive with Del Mar Heights Road and a greenbelt along the south side of Del Mar Heights Road.
- 10.133 Refer to responses to comments 10.10 and 10.131.
- 10.134 As indicated on pages 5.3-2, 6-6 and 6-7, the Draft EIR did consider the entire Community Plan area in its evaluation of neighborhood character.
- 10.135 Pursuant to Section 153.0309 (b)(3) of the Carmel Valley Planned District Ordinance, maximum structure heights within the Employment Center depend on a property's location relative to El Camino Real. Properties located east of El Camino Real have a 50-foot maximum height limitation, and properties west of El Camino Real have a maximum height limitation of "none." Because the project site is located west of El Camino Real, there is no building height limitation for the project site.

FAR is not intended to regulate structure heights. The Municipal Code provides different definitions and regulatory standards for FAR and maximum structure height. As depicted below, it is possible to comply with the same FAR and design buildings with varying building heights.

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10.135
cont.



Source: Chula Vista General Plan

10.136 The statement to which this comment refers occurs in the existing conditions analysis and is intended only to identify the fact that, in its undeveloped state, the project site has an appearance that differs from the surrounding property. It is a statement of fact that helped establish the baseline for analysis of the Originally Proposed Project or the Revised Project.

10.137 This comment summarizes certain portions of the Draft EIR and raises no issues regarding its adequacy. Therefore, no response is required.

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San Diego General Plan

The DEIR cites the "Urban Design Element" goal that a mixed-use "village" "respects desirable community character and context" and, regarding architecture, "design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context."

Importantly, the DEIR cites the "Distinctive Neighborhoods and Residential Design Goals" policy: "Preserving neighborhood character does not mean maintaining the status quo. Sometimes change is welcome, as private and public investment can contribute to the beauty, vitality, and functionality of a neighborhood. However, new development, whether it is in the form of infill, redevelopment, or first-time development, should contribute to the creation and preservation of neighborhood character and creation of a sense of place." (5.3-13-14)

Further, "Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Projects should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility." (5.3-14)

We agree. The scale, bulk, and height of the One Paseo proposal are not compatible with Carmel Valley's community character.

5.3.2 ImpactIssue 1: Would the project have a substantial adverse effect on a scenic vista?

An impact "threshold" for the City is does the project exceed "the allowed height or bulk regulations, and this excess result(s) in a substantial view blockage from a public viewing area"? (5.3-16) Please see our comments elsewhere on the view from Del Mar Heights Road as drivers approach Carmel Valley from the freeway, traveling downhill, as the Town Center and much of the rest of Carmel Valley are laid out before us and experienced as "home." The four-story multifamily buildings along Del Mar Heights Road create a lengthy and nearly unbroken wall, which will obscure part of this cherished view. This wall of development is a significant impact in its length and resulting dominance and drastic transition to the scale and character of the existing development on the north and to the east. The DEIR is further inadequate because it focuses its discussion of community character compatibility on the *use* of land, but not on the *physical form* of the proposed project on the character of the existing built environment. Use and form are different.

5.3.3 Impact Issue 3: Would the project substantially degrade the existing visual character or quality of the site and its surroundings? Please see our above comment.

The City's "Significance Determination Thresholds" state that impacts to neighborhood character may be significant "if the project would: Severely contrast with the existing or planned surrounding neighborhood character; Exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project area by a substantial margin; ... and would strongly contrast with the surrounding development or natural topography through excessive bulk, signage, or architectural projections." (5.3-18) One Paseo proposes a 10-story residential tower. There are no other 10-story residential towers in Carmel Valley, nor were any intended by our Community Plan.

Surely this proposal meets this threshold. In discussing "Neighborhood Character – Land Use Types and Development Patterns" the DEIR maintains that the proposal: "would not introduce a

33

10.138 The Revised Project has reduced the scale, bulk, and height of structures to more closely conform to the existing community. Despite the reductions, community character is still considered as a significant unmitigated impact, as described in Section 12.9 of the Final EIR.

10.139 As indicated in response to comment 10.10, the Final EIR concurs with the conclusion regarding bulk and scale of the proposed residential buildings when viewed from Del Mar Heights Road.

10.140 The Draft EIR addressed both land use and physical form. The discussion of bulk and scale in the Draft EIR focuses upon the physical form of the development, and is the primary basis for the conclusion of the Final EIR that both the Originally Proposed Project and Revised Project would have a significant impact on neighborhood character. These impacts would occur despite the fact that the proposed land uses (retail, office, residential, etc.) would be generally compatible with the surrounding land uses.

10.141 This comment refers back to earlier comments and does not raise any specific issues related to the Draft EIR. Refer to the response to comment 10.140 for a discussion of visual character and impacts.

10.142 The Final EIR acknowledges that both the Originally Proposed Project and Revised Project would result in a significant, unmitigated impact on neighborhood character due to the form of the development. However,

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- 10.142 cont. new land use...that would contrast or be incompatible with The proposed mix of uses is different from the predominantly single-use structures immediately surrounding the project site. However, different specific combinations of uses do not, by themselves, represent a severe or adverse contrast with surrounding uses...would not severely contrast with existing land use and development patterns." (5.3-20)
- 10.143 This assertion is not true. The intentional urban quality of the One Paseo mixed-use proposal would be a "severe" and "adverse" contrast with Carmel Valley's spacious and overall low-rise, horizontal and emotionally reassuring - suburban - development style.
- 10.144 It is interesting that the DEIR issue of "Bulk and Scale" is the next following this section and there is no analysis of this proposal's bulk and scale except for one broad statement that "A substantial alteration to the existing or planned character of the area would occur if new development would be of a size, scale, or design that would markedly contrast with the character of the surrounding area." (5.3-20)
- 10.145 However, in the discussion of floor area ratios (FAR), which "(1) regulate bulk and scale of structures and (2) limit development intensity" the DEIR proposes that: "An increase in FAR beyond existing and proposed development alone does not cause a project to be inconsistent with community character." (5.3-22) This statement contradicts the immediately previous DEIR statement that community character would be substantially altered "if new development would be of a size, scale, or design that would markedly contrast with the character of the surrounding area." Certainly an unprecedented increase in FAR from .50 (current Employment Center zone) to 2.0 (the maximum FAR for the proposed zone (CVPD-MC) is a change in community character.
- 10.146 To justify the proposal the DEIR states, "The proposed bulk and scale regulations would place limits on building heights where none currently exist, and also would provide for greater setbacks from abutting roadways compared to the existing regulations." (5.3-23) Again, the FAR of the existing Employment Center Precise Plan would effectively regulate building height. And again, if the two office buildings planned for this site were to be reviewed by the planning board, height and design certainly would be discussed so that any such proposal would be judged as to how it maintained the character of the surrounding area and the community as a whole. Additionally, the DEIR maintains that "spatial buffers would also provide greater visual relief from the (two office buildings)." This single spacing provision is used to ameliorate the change from 0.5 to 2.0 "which would result in a change in planned density."
- 10.147 The preceding points are submitted in the DEIR to downplay the change in community character resulting from the proposal, and are points with which we do not agree. We also do not concur with the hesitancy - the word 'potential' - of the summation that: "the potential still exists for inconsistency with development immediately surrounding the project site" (5.3-23) because the bulk and scale and combination of uses together on this site do constitute an inconsistency with surrounding development.
- While citing the design attempts to soften the appearance of the proposal in its surroundings - topography...arrangement and design of buildings relative to that topography, the spatial buffers...increased setbacks...articulation and varied heights...have all responded and provided a sensitivity to the height and mass of the immediately surrounding development." the DEIR concludes that:

- 10.142 as stated in the Draft EIR, the types of uses proposed (residential, retail, cont. commercial office) are consistent with the uses in the immediate vicinity and the surrounding area, as these uses are already present within the community; the Originally Proposed Project and Revised Project would generally orient uses on the project site toward like uses surrounding the project site.
- 10.143 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 10.144 As stated in Section 5.3 of the Draft EIR (page 5.3-1), community character is defined by numerous factors including (among several others) bulk and scale, which is related to FAR. FAR is only one of the many factors of neighborhood character analyzed within the Draft EIR. As indicated in response to comment 10.135, the same FAR can result in vastly different building heights, bulk, and scale. A change in FAR alone may or may not signify a lack of compatibility with existing community character. A project may have exactly the same FAR as surrounding developments but may be out-of-context with the existing character because of building coverage, architectural style, materials, colors, setbacks, or other factors.
- Nonetheless, the Draft EIR, in Section 5.3, concluded that the Originally Proposed Project would have a significant impact on neighborhood character, as suggested in the comment, because of the differences in development intensity between the immediately surrounding land uses and the proposed development. Additionally, Section 12.9 of the Final EIR reaches a similar conclusion in regard to the Revised Project. However, as described in response to comment 5.6, it is important to note that the Revised Project includes several features which reduce the severity of the neighborhood character impact including: reducing the 10-story residential building to 6 stories, eliminating the hotel and increasing landscaped open space on Block C, reducing the height of other buildings to no more than 9 stories throughout the development, and providing enhanced access from the greenbelt along Del Mar Heights Road into the proposed retail development.
- Further, as described in response to comment 10.125, the Originally Proposed Project and Revised Project are similar to other 6- to 12-story structures along State Route 56 and within one mile of the project site.

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10.145 Refer to responses to comments 10.135 and 10.144.

As discussed in Section 12.5 of the Draft EIR, nothing in the Employment Center designation of the Community Plan limits development on the project site to two buildings or, for that matter, to any particular configurations or height.

As stated above in response to comment 10.144, the Draft EIR (in Section 5.3) concluded that the Originally Proposed Project would have a significant impact on neighborhood character because of the differences in development intensity between the immediately surrounding land uses and the proposed development. Additionally, Section 12.9 of the Final EIR reaches a similar conclusion in regard to the Revised Project, although the severity of the neighborhood character impact would be reduced, as height and massing of structures would be reduced.

10.146 As stated above in response to comment 10.144, the Draft EIR (in Section 5.3) specifically concluded that the Originally Proposed Project would have a significant impact on neighborhood character because of the differences in development intensity between the immediately surrounding land uses and the proposed development, particularly a combination of bulk, scale, and height. Section 12.9 of the Final EIR reaches a similar conclusion in regard to the Revised Project, although the severity of the neighborhood character impact would be reduced, as height and massing of proposed structures would be reduced.

10.147 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

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10.147
cont.

"Even with incorporation of these project design measures to implement General Plan policies addressing community character impacts, the mass and height of the proposed buildings would be sufficiently greater than and different from existing development such that a significant impact to the generally low-scale and low-intensity character of the immediate vicinity would occur." (5.3-23) We agree.

Visual Analysis

10.148

The 8- to 10-story office buildings proposed are described as not excessive for the community because the Marriott Hotel is 12 stories tall. (5.3-24) The DEIR persists in using a sweeping term for "surrounding land uses." Again, the Marriott Hotel and the tightly zone-limited buildings on lower El Camino Real are in a coastal visitor-commercial setting in close proximity to I-5 and SR-56, substantially removed from the One Paseo site surroundings which are dominated by smaller-scale retail, residential, and commercial office.

10.149

We also point out that the Marriott Hotel site was entitled to, and was many years ago approved for, a single massive pyramidal building, but more recent applicants chose to separate the imposing structure into two buildings, achieving slightly greater height in return for a reduced building footprint that allowed for more ground-level open space and landscaping. At our request, the applicants also "notched" the Marriott building so that people traveling south on El Camino Real would continue to enjoy the view of the sandstone bluffs overlooking Los Penasquitos Lagoon. Their final project both enhances and benefits from the overall desirable ambiance of Carmel Valley. We cite this both as an instance of an applicant making a genuine attempt to design a project to fit Carmel Valley, and as an instance of productive dialogue between an applicant and the CVGPB and other concerned citizens.

10.150

The cross sections depicting overall proposal elevations do not effectively portray to the people who must experience this project daily the height and scale of the proposal. To provide a realistic view of the proposal the final EIR should provide a comparable scale analysis by superimposing the project on similar mixed-use projects around the county.

10.151

The "Significance of Impact" of the proposal is found to remain "significant and unmitigable" despite the design features described above. We agree, but we do not agree that the design features mentioned in the DEIR lessen the intensity of the proposal and that the "height and bulk of the proposed structures would be compatible with broad development patterns in the Community Plan area..." (5.3-30)

10.152

The Visual Impact Analysis states "design considerations would provide for an organized and visually compatible development that would not create a disorganized visual appearance. Associated visual impacts would be less than significant." (5.3-31) Providing articulation is seen to "provide visual diversity...as well as to reduce massing."

10.153

We do not understand the apparent inconsistencies in the DEIR with regard to the contrast

10.148 The statements in the Draft EIR regarding the relationship of the multi-storied buildings within the Originally Proposed Project relative to the 12-story Marriott Hotel and other multi-story buildings within the Employment Center were part of a community-wide evaluation. Although the proposed buildings heights would not be unprecedented in the Carmel Valley community, the Final EIR concludes that the building heights associated with the Originally Proposed Project would be out of character with the area surrounding the development, and that the impact would be significant and not mitigated. Although building heights would be reduced with the Revised Project, the development would continue to be out of character with the surrounding land use and have an unmitigated significant impact with respect to neighborhood character.

10.149 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.150 The City believes that the focus of the Draft EIR on the Carmel Valley community is appropriate, and does not agree that the environmental analysis would be enhanced by superimposing the proposed development on other mixed-use developments around the City.

10.151 The statement regarding the compatibility of the Originally Proposed Project with surrounding development is valid given the extent and character of the employment center development to the south. The employment center includes a number of mid-rise buildings.

10.152 This comment combines visual and neighborhood character impacts into a single category. The Draft EIR distinguished these two issues, and appropriately concludes that the proposed development would not have a significant visual impact due to the disturbed nature of the project site and the controls to be placed on building design and landscaping. The Draft EIR concluded, on pages 5.3-30 and 31, the proposed development would result in a significant, unmitigated impact with respect to neighborhood character. Although the scale of the proposed development would be comparable in a regional context, the bulk and scale of the proposed development would depart from the character of the nearby development.

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- 10.153 cont. between the One Paseo proposal and the rest of Carmel Valley. Before the DEIR can reasonably be certified, or relied upon by decision makers, we suggest that the sections regarding One Paseo's consistency with the community plan and with the community character of Carmel Valley be rewritten, not by the applicant, but by City planning staff intimately familiar with the history and planning goals for Carmel Valley and surrounding communities.
- 10.154 RETAIL
Carmel Valley was planned as a self-sufficient and self-sustaining community. The Carmel Valley Community Plan restricts retail development to neighborhood and community plan area serving as opposed to regional. The Draft Environmental Impact Report (DEIR) acknowledges that traffic impacts created by the proposed One Paseo project cannot be mitigated to a level of insignificance if a regional draw commercial development is built.
- 10.155 The developer's approach should respect decades of planning and project review. The DEIR should focus more closely on potential impacts to Carmel Valley, Pacific Highlands Ranch, and surrounding community plan areas, not a 10-mile radius trade area.
- According to the CoStar report, the 92130 zip code area currently¹ has 835,799 square feet of retail space built with 12,861 square feet vacant (1.5%). This low vacancy rate does suggest that more retail square footage could be absorbed. The question is how much. The DEIR identifies an additional 493,965 entitled square feet within 92130, which could be built at anytime. One Paseo proposes an additional 220,000 square feet. If all of the entitled and proposed projects were built, 1,549,000+ square feet of retail space would exist in the zip code, an 85.3% increase.
- If the 493,965 of entitled retail space were ignored, One Paseo's proposed 220,000 square feet would swell retail square footage in the 92130 zip code by 26.3% over 2012's 835,799 square feet.
- 10.156 SANDAG's Regional Growth Forecast (forecast) for the 92130 zip code estimates that 2008's 17,304 occupied housing units will grow to 22,351 by 2020, a 1.77% compound annual growth rate (CAGR). Applying the 1.77% CAGR to 2008's occupied housing units suggests 18,562 and 19,912 occupied housing units in 2012 and 2016 respectively. This is a total occupied household growth of 7.3% over 2012.
- SANDAG also forecasts that 92130's median household income will decline between 2008 and 2020.
- A revised EIR should be prepared to analyze whether a 7.3% household growth with declining median household income can support a 26.3% or 85.3% increase in available retail square footage. If the analysis suggests that this growth cannot be absorbed by the 92130 population the undeniable conclusion will be that drawing from a wider trade area will be required for project success. This would lead to unmitigated traffic on roads which were never intended for such volume, and subject a prosperous, master planned community, portions of which are entitled but not yet built, still in the approval pipeline, or under construction, to an environment likely to jeopardize the success and financial value of the entire community.
- 10.157 We would add that owners and developers of the existing and planned retail venues in Carmel
- ¹ Retail square footage built/vacant source is CoStar report dated May 20, 2012.

10.153 Refer to responses to comments 10.151 and 152.

10.154 The Final EIR acknowledges significant traffic impacts associated with both the Originally Proposed Project and Revised Project. . . The retail uses anticipated to be developed within the project are expected to be primarily community serving. As discussed in the RMA Addendum contained in Appendix B.1, 65 percent of demand for the retail component of the Originally Proposed Project is expected to come from demand located within four miles of the project. An estimated 10 percent of the retail demand in the area between 4 and 10 miles is expected to be attracted to the area. Thus, the majority of the trips associated with the proposed retail development would come from an area within 4 miles of the project site.

10.155 The Draft EIR analyzed the impact of the proposed development on the environment including the surrounding community. As discussed in response to comment 10.4, the Trade Area for the RMA was established based on industry standards for the retail component of the proposed development. Additionally, the RMA assumed that the proposed Pacific Highlands Ranch Village would be developed, and concluded that, even if the Pacific Highlands Ranch Village and all other known proposed developments are constructed, a net demand for retail would remain after implementation of either the Originally Proposed Project or the Revised Project.

As discussed in responses to comments 10.64 and 10.74, with regard to the potential development at the northwest corner of Carmel Valley Road and Carmel Mountain Road, a potential development of up to 50,000 square feet at that location was included in the analysis as discussed in response to comment 63.14. The conclusion remains unchanged that even if the Originally Proposed Project or the Revised Project and all other known proposed developments are constructed, a net demand for retail would remain within the Primary Trade Area.

10.156 To strictly limit the RMA analysis to one zip code, as suggested in the comment, would represent a fundamentally flawed methodology. As an example, a retail center on the edge of a given zip code doesn't only draw patronage from residents of that same zip code. Rather, the appropriate trade area must be identified and evaluated regardless of postal or

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10.156 municipal boundaries. As discussed in response to comment 10.4, the cont. Trade Area was established based on industry standards for the proposed retail component of the proposed development, and the established Trade Area includes a PMA within four miles of the proposed development, and a SMA within 10 miles of the proposed development. Additionally, the amount of retail square-footage a given area can support is dependent on a number of factors that were thoroughly evaluated in the RMA. Based on the analysis in the RMA, should the Originally Proposed Project or the Revised Project and all other known proposed developments be developed, a net demand for retail amenities would remain.

SANDAG's Regional Growth Forecast cited in this comment was completed as a Technical Update to the current RTP and was released in October 2011. The RTP estimates are periodically updated and are revised every four to five years. SANDAG's estimates are completed annually and previously released estimate within any given decennial census period are updated as new data becomes available. The forecast and estimates do not match as these are based on data available when each is released. The forecast and estimates are indicative of a single point-in-time when evaluated. With respect to SANDAG figures cited in the comment, research indicates that the 2008 median income figure referenced in the comment is different from the SANDAG estimate and from other data sources, including the U.S. Census, which is the underlying data source of the RMA (see Exhibit 10.156). Additionally, SANDAG figures are reported as constant 1999 dollars, while income and required sales per square foot figures in the RMA are based on 2012 dollars. As such, the figure cited and the conclusions drawn there from in the comment are erroneous.

10.156
cont.

**Exhibit 10.156-1
Median Income**

	SANDAG "Estimate"	SANDAG "Forecast"
2000		
2001	83,944	
2002	78,836	
2003	77,305	
2004	72,499	
2005	72,771	
2006	73,826	
2007	74,753	
2008	74,892	100,339
2009	73,342	
2010		
2015		86,435
2020		94,571
2025		99,646
2030		104,939
2035		107,655
2040		111,797
2045		114,699
2050		116,245

(1999 Constant \$US)

With respect to changes to the model as suggested in the comment, no change is necessary relative to income growth, as the model assumes no income growth. The model does not assume income growth in order to account for inflation, and offset the assumed increase in sales required to support a given amount of retail on an ongoing basis. With respect to population growth, the 1.77 percent compound annual growth rate is greater than the estimated population growth in the RMA of 1.43 percent for the PMA, and 0.90 percent for the SMA (see Table 9 on page 17 of the RMA in Appendix B of the Draft EIR), and greater still than the analysis discussed in response to comment 63.14 which estimated a 0.62 percent compound annual growth rate in the number of households in the PM A, and 0.54 percent within the SMA. The higher household growth rate suggested would necessarily increase the demand for retail goods within the Trade Area, and increase the projected supportable retail square-footage. Thus, the lower estimated growth rates utilized in the model are more conservative than the alternative proposed in this comment, and use of the suggested growth rates would further substantiate the conclusions of the RMA.

COMMENTS

RESPONSES

10.157
cont.

Valley have adhered to the Carmel Valley Community Plan, the Town Center Precise Plan and the Carmel Valley PDO - for size and scale of buildings, signage, and type of retail offered since the 1980s.

TRAFFIC

Transportation/Circulation/Parking

We are concerned that the DEIR traffic study does not include the already entitled retail space in the "Del Mar Highlands Town Center" (150,000 sq. ft.) and in the already entitled retail and commercial office spaces of the "Pacific Highlands Ranch (PHR)" Town Center approved for approximately 300,000 sq. ft. of retail and an additional 300,000 sq. ft. approved for office use. Nor does the traffic study include the remaining +/- 3,000 homes approved in the PHR area. In addition, office occupancy for the Carmel Valley "Employment Center" served by High Bluff Dr., and El Camino Real was at 80% when the traffic study (including the traffic counts) was done in 2009 so that previous and future higher occupancy rates were not calculated.

Including these land uses and their projected traffic could result in significantly higher trip numbers within and through the community. When the applicant's traffic engineer was asked (May 24, 2012) why the above were not included in the "near-term" land uses (for the list of cumulative projects for analysis) he answered that 'The City told us which projects to include in the "Near Term" analysis and to use the SANDAG Series 11 forecast for the Long-Term Cumulative (Year 2030) condition.'

Does the Series 11 forecast include the entitled but not built land uses we cite? Can you explain why there is only a 200 ADT difference between the DEIR figure of 51,595 ADT for the segment of Del Mar Heights Rd. from the I-5 ramps east to High Bluff Dr. and the SANDAG 2030 figure of 51,800 for that identical segment? If the DEIR estimates for just this one example of road segment do not include these additional entitled but unbuilt uses and the Series 11 model includes them, the Series 11 model cannot be accurate because the combined retail of the Del Mar Highlands Town Center and Pacific Highlands Ranch - 350,000 sq. ft. of retail, the 300,000 sq. ft. of office in Pacific Highlands Ranch and 3,000 future homes surely must add up to more than 200 ADT.

We understand that SANDAG's "Regional Traffic Model" is largely used for and is effective in forecasting traffic on the regional traffic system - freeways and major arterials. We have learned that when the City senses that the "broad brush stroke" of the modeling fails to accurately portray or estimate a project's future traffic and impacts, there is a commonly used methodology the City uses to refine the process. It is called "quality controlling (QC)" the modeling and is done by inserting into the model explicit land uses entitled. In this case, the above Carmel Valley and Pacific Highlands Ranch entitlements would be included.

The SANDAG methodology is less accurate on the local level so that QC is, apparently, the way to "fix" inaccuracies. How is this handled by the City and is the City open to applying this more accurate review to the "One Paseo" EIR? If not, is there another way that the City can assure that all of the relevant cumulative projects (as noted above) are factored into the traffic study properly?

We ask that the City analysts apply this (or a similar method if it generates accurate results) more accurate way of determining traffic numbers and their potential impacts and revise the

10.157 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

10.158 This comment suggests that the traffic analysis is deficient because it does not account for (1) an additional 150,000 square feet of potential retail uses at the Del Mar Highlands Town Center (Town Center), (2) the development of the Pacific Highlands Ranch project, and (3) vacancies in existing Carmel Valley office buildings. As discussed below, the development referenced in items (1) and (2) have been included in the traffic analysis. With regard to vacancies in the Carmel Valley Employment Center, current office vacancy rates were not considered. Typical vacancy rates are reflected via the standard trip generation rates for office uses, which were developed based on data collected from multiple sites over multiple years.

As discussed in Section 12.0 of the traffic study, the long-term Year 2030 traffic volumes were obtained from the I-5/ SR-56 Interchange Study (Model Run G), using the SANDAG Series 10 Model. To verify whether the Series 10 Model assigned adequate traffic volumes to the relevant traffic analysis zones to account for the Del Mar Highlands Town Center, a new traffic model run was completed to assess the traffic impacts associated with the Revised Project (Reduced Main Street Alternative) (see Appendix C.4 of the Final EIR). This new model run used the SANDAG Series 11 Model. Buildout of the Pacific Highlands Ranch and Del Mar Highlands Town Center projects were specifically coded into the model. The results of this updated analysis are illustrated in Exhibit 10.158-1. This table compares the Year 2030 traffic volumes utilized in the traffic study for the Originally Proposed Project (Appendix C) with the volumes for the Revised Project using the updated model (Appendix C.4), which explicitly included buildout of Pacific Highlands Ranch and Del Mar Highlands Town Center. As can be seen in the table, the volumes utilized in the original traffic analysis, with the exception of the bridge on Del Mar Heights Road between the I-5 southbound and northbound ramps, were greater than those identified in the Series 11 Model for the Revised Project. It is unclear why the volumes on the Del Mar Heights Road bridge were higher with the updated traffic model; however, the impact conclusions of the Draft EIR are not affected by the additional traffic, as evaluated in Appendix C.4. Thus, the basic impact conclusions and mitigation measures in the Draft EIR relative to the Originally Proposed Project are applicable to the Revised Project.

10.158 The commenter's comparison of the existing volume (51,595 ADT) to cont. the 2030 volume (51,800 ADT) on Del Mar Heights Road is an apples to oranges comparison since the 2030 volume comes from a traffic model which has future roadway network upgrades included. These upgrades are not included in the existing setting.

Exhibit 10.158-1
SANDAG FORECAST MODEL COMPARISON TABLE

Road Segment	Average Daily Traffic (ADT)			
	Originally Proposed Project ¹	Revised Project ²	Change in ADT	% Change ³
Del Mar Heights Road Segments				
I-5 SB Ramps to I-5 NB Ramps	43,482	47,200	3,718	10
I-5 NB Ramps to High Bluff Drive	62,315	53,100	-9,215	-15
High Bluff Drive to Third Avenue	54,902	44,300	-10,602	-19
Third Avenue to First Avenue	53,824	37,300	-16,524	-31
First Avenue to El Camino Real	53,824	38,100	-15,724	-29
El Camino Real to Carmel Country Road	46,189	31,500	-14,689	-32
Carmel Country Road to Torrey Ridge Road	37,905	23,200	-14,705	-39
El Camino Real Segments				
Quarter Mile Drive to Del Mar Heights Road	30,618	19,600	-11,018	-35
Del Mar Heights Road to Del Mar Highlands Town Center	28,392	14,600	-13,792	-49
Del Mar Highlands Town Center to Townsgate Center	29,505	19,900	-16,950	-57

¹ Based on the original traffic study in Appendix C of the Final EIR which was based on the I-5 / SR 56 Interchange Study (Model Run G), using the SANDAG Series 10 Model.

² Based on new SANDAG Series 11 Model run, including 27,000 ADT from future development in Pacific Highlands Ranch and 11,000 ADT from future development of Del Mar Highlands Town Center shopping Center (See Appendix C.4 of the Final EIR).

³ Rounded to the nearest one percent.

10.159 Refer to response to comment 10.158. Refer to Appendix A of the traffic analysis of the Revised Project found in Appendix C.4 of the Final EIR.

COMMENTS

RESPONSES

10.159
cont.

traffic study to more accurately portray future traffic of this proposal. Is the City willing or able to do this, especially since this more accurate analysis would provide the critical portrayal of real traffic onto our surface streets given the levels of service "E" and "F" on the major arterials as a result of this project?

An argument for this request comes from the City's own "Traffic Impact Study Manual" (pp. 9-11):

"The following scenarios should be evaluated in each traffic impact study:

- Buildout Community Plan Conditions
- Buildout Community Plan with Additional Site Traffic (If project deviates from the Community Plan)"

10.160

Additionally the manual states "Any development that has been approved but not yet occupied should be considered for use as background traffic... The count data...should be no more than two years old." Importantly, the manual states "the adopted community plan should be used for 20-year or buildout area wide conditions when reliable information exists." The entitled land uses we ask to be included in the traffic conditions and impacts have reliable statistics as they are approved with fixed uses and the community is near build-out. Does the City not agree that these directions from the "Traffic Impact Study Manual" are most relevant to the proposed "One Paseo" project?

10.161

Another land use we believe should be reflected in a more accurate traffic forecast is the "Employment Center" occupancy rate. The uncharacteristic 2009 20% vacancy rate used in the DEIR is a recession-driven figure and does not reflect the area's more robust 90+% occupancy that has been the norm for most of its history. The High Bluff corridor 20% vacancy reflected a vacancy of approximately 315,000 sq. ft. at that time. The streets of Carmel Valley will have to handle the increased traffic that will be generated by office land uses that are currently vacant but expected to be at a much higher occupancy rate when the economy recovers. Should not this additional traffic be added to the "Near Term" traffic scenario?

10.162

A footnote to this line of inquiry is that the Del Mar Highlands Town Center been extensively remodeled and has added new and expanded retail in 2011-12 and continues to expand with the recent news of the "Red Robin" restaurant being replaced by another restaurant which just announced that it will expand the restaurant site. These are not "Long-Term Cumulative" uses.

10.163

A major request that the CVCPB made in their July 2, 2010 comments on the NOP for this EIR has been completely ignored---that any impacts on our neighborhood streets be fully explored. We stated that our concerns should be addressed in the EIR by taking into account the "many levels of analysis of past, present, and future traffic throughout the community ... (p. 6) Among the eight areas of traffic analysis we requested was one particularly ignored in the DEIR:

"5. The traffic study should take a new approach to understanding how inadequate levels of service on the major roadways and freeways directly impact neighborhood streets: for example, SR 56 at peak hours is a failed roadway with queues onto I-5 (AM) or from I-5 onto SR 56 (PM) so that drivers are exiting either major roadway prior to their exits and carving through neighborhood streets to get back on the freeway at a more desirable location. In the morning, SR 56 traffic from the I-15 corridor exits before Carmel Valley, meanders through neighborhood streets to get to Del Mar Heights Rd.,

10.160 The traffic study measured the Year 2030 without Originally Proposed Project scenario against Year 2030 with Originally Proposed Project. Traffic counts were obtained during traffic study scoping. Updated counts of critical links were taken on September 12, 2012, which supported use of the original counts. The original counts were slightly higher, meaning that traffic in the area studied had decreased since the original counts were taken in 2009. The more conservative higher counts are used in the traffic analysis for the Revised Project. The updated traffic counts are included in Appendix J of the traffic analysis of the Revised Project, found in Appendix C.4 of the Final EIR.

10.161 Refer to response to comment 10.158.

10.162 Refer to response to comment 10.158.

10.163 It is acknowledged that some drivers divert from I-5 and SR-56 through the Carmel Valley community to avoid peak hour congestion on these freeways. However, the existing traffic counts conducted in the EIR traffic study account for drivers who are currently diverting through the Carmel Valley Community. As a result, any existing "cut-through" traffic is reflected in the analysis. As discussed in response to comment 5.2, traffic related to the Originally Proposed Project would not be expected to divert trips away from the I-5/Del Mar Heights Road interchange.

COMMENTS

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and finally to I-5 south, all to avoid the stretch of SR 56 within Carmel Valley. The reverse is true in the evening with cars going out of their way to return to SR 56 much farther east.

The same is true of I-5 N. traffic in which cars exit the freeway onto Del Mar Heights Rd. and then head north onto El Camino Real in order to [re-enter the freeway further] north on I-5 at Via de la Valle."

These forays onto our neighborhood collector streets, and even forays into our cul-de-sac by confused and frustrated drivers, now occur at an alarming frequency; when congestion develops on the freeways and even on the major arterials such as Del Mar Heights Rd. and El Camino Real in proximity to the One Paseo site, traffic volume immediately increases on our neighborhood streets. These streets serve only a limited number of homes, and the increases in traffic volume cannot be attributed only to the times of day, when people are going to or returning from work, when they occur.

The draft EIS for the I-5/SR-56 freeway connectors includes information about the numbers of cars currently and in the future "cutting through" Carmel Valley on surface streets in order to avoid freeway congestion.

While Carmel Valley's 1970s hierarchical street system has many now-recognized drawbacks - Carmel Valley is an example of the New Urbanists derided "dead worm" school of city planning, because the map of its street system resembles the shapes of the earthworms beached on the sidewalk after a rain - it has succeeded until quite recently in providing families with quiet, relatively private neighborhood streets, suitable and safe for children walking or riding bicycles.

The DEIR traffic study should be revised to include these potential impacts and others that we requested in our response to the NOP.

A final point in this section concerns the proposal-driven widening of Del Mar Heights Rd. to provide an extra northbound turn lane from Del Mar Heights Rd. onto High Bluff Dr. This action would (1) surely have to be seen as an anticipation of traffic impacts in Neighborhood 3, and (2) change the character of this neighborhood through the loss of medians and landscaping as well as increased traffic volumes. The proposed physical changes would require amendments to the "Neighborhood 3 Precise Plan". No discussion of this possibility appears in the DEIR, or the list of discretionary actions required for the One Paseo project.

The following are comments on specific roadway intersections and roadway segments where the DEIR has already identified significant traffic impacts:

The CVCPB believes it is greatly preferable to have one traffic signal along Del Mar Heights Road rather than two. We believe two traffic signals along Del Mar Heights Road, between High Bluff Drive and El Camino Real, would create short block lengths along Del Mar Heights Road, which would create a variety of traffic problems and congestion along Del Mar Heights Road. We believe the site plan for the proposed project or its alternatives should only allow for one traffic signal along Del Mar Heights (rather than two), to avoid additional traffic impacts and unsafe driving conditions along Del Mar Heights Road.

#1: Access Points along Del Mar Heights Road and El Camino Real

10.164 Neither the Originally Proposed Project nor the Revised Project would require an amendment to the Neighborhood Three Precise Plan. The proposed improvements along Del Mar Heights Road are identified as mitigation to reduce projected traffic impacts along segments and intersections of Del Mar Heights Road, and not roadways within Neighborhood Three. No traffic impacts resulting from the Originally Proposed Project or Reduced Project would occur to roadways within Neighborhood Three. No roadways in Neighborhood Three are located within the traffic study area shown on Figure 5.2-1 in the Draft EIR because none would carry at least 50 project-generated trips in one direction during a peak hour.

With respect to off-site widening of Del Mar Heights Road, the Draft EIR (pages 5.3-17 and 18) and response to comment 10.10 indicate that the north side of the roadway would be widened to accommodate improvements to the Del Mar Heights Road/High Bluff Drive intersection as well as to extend the westbound turn lane to the I-5 NB on-ramp. This widening would be associated with both the Originally Proposed Project and Revised Project. The majority of these improvements would occur

COMMENTS

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10.164 within the existing right-of-way; however, minor land acquisition within cont. Neighborhood Three outside the existing City right-of-way would be required to the east of the AT&T building. As indicated in response to comment 10.10, affected trees would be relocated and/or replaced. This small area of acquisition would not change existing land uses or roadway alignments within Neighborhood Three. Accordingly, no amendment to the Neighborhood Three Precise Plan is required.

10.165 Two signals along Del Mar Heights Road are necessary to provide adequate project access. The projected traffic volumes entering and exiting the proposed development on Del Mar Heights Road cannot be accommodated by a single access point. The comment suggests two traffic signals would create a variety of traffic problems and congestion. Two signals would split the project traffic onto Del Mar Heights Road allowing traffic to flow more efficiently.

10.166
cont.

According to City of San Diego *Traffic Impact Study Manual*:

- "The number of driveways should minimize adverse impacts on adjacent roads. A capacity analysis, gap check or lane adequacy check should be conducted for each driveway. Joint access should be considered where several adjacent properties have relatively short frontages or where low-volume driveways would otherwise result."

Section 14.0 of the Appendix C of the DEIR has analyzed the access points. According to Table 14-1 and Table 14-2 there are two segments on Del Mar Heights Road that have queues forming as much as 67% over the available storage capacity. This section falls short in addressing eastbound through movement in the AM and PM peak hour at Del Mar Heights Road/I-5 NB Ramps. Also, the statement of "further improvement in traffic flow can be obtained by using Adaptive Traffic Control (ATCS) equipment" per page 15.2 and Appendix P, hypothetically would only improve the operations between 10-15%.

10.167

The CVCBP is also concerned about the project site internal roadway network, with relatively short street segments for roadways providing direct access to the project site (e.g. Third Avenue, First Avenue, Market Plaza, and Market Street). We are concerned these short street segments would result in excessive traffic queues as vehicles attempt to ingress and egress from the project site. We believe this queuing could cause additional traffic congestion and unsafe driving conditions both internal to the project site and along Del Mar Heights Road and El Camino Real. The volume of traffic ingress/egress from the project site would compound this problem.

#2: On-Site Circulation and spillover onto Del Mar Heights Road and El Camino Real

According to City of San Diego *Traffic Impact Study Manual*:

- "The capacity of on-site intersections should be sufficient to prevent traffic entering the site from backing up on the adjacent street."

10.168

Section 14.0 of the Appendix C of the DEIR has analyzed the On-Site Circulation. The on-site road system facility has the characteristic of system wide oversaturated flow conditions that presents limitations. There appear to be multiple overlapping bottlenecks as well. According to Highway Capacity Manual 2010 Exhibit 10-23, micro-simulation tool such as VISSIM is recommended when these limitations occur. The software utilized in the DEIR (Synchro) is not able to determine individual vehicle behaviors in an oversaturated network using different driver/vehicle parameters.

To the contrary of Page 14-1 the worksheets for the internal streets and intersections could NOT be found in DEIR Appendix N.

PROJECT ALTERNATIVES

The alternatives offered are described as "meet(ing) most of the objectives of the proposed project, and eliminat(ing) or further reduc(ing) significant environmental effects of the project." (ES-3)

The "No Project/No Development Alternative", while eliminating all project impacts would not require the proposed plan amendments and rezone.

10.166 The traffic study does evaluate eastbound traffic on Del Mar Heights Road at the I-5 interchange. As indicated on page 14-12 of the traffic analysis, "In the eastbound direction, the through movement is highlighted to show the queue exceeds the storage capacity." Tables 14-1 and 14-2 identify the anticipated queuing effects. The traffic analysis did not assume implementation of an Adaptive Traffic Control System.

10.167 The traffic study addresses project access and internal traffic in Section 14.0 of the traffic study in Appendix C.2 of the Final EIR. Table 1-26 in the traffic study shows all three signalized project access points projected to operate at acceptable levels of service in the Year 2030 with-Project scenario. First and Third Avenue at Main Street would operate at LOS A in the AM peak hour, and LOS C in the PM peak hour in Year 2030 with-Project scenario. El Camino Real at Del Mar Highlands Town Center is projected to operate at LOS B in the AM, and LOS C in the PM peak hours. The internal stop-controlled intersections on-site are projected to operate at acceptable levels of service, as shown on Figure 14-8 in the traffic study. The signals would be timed so that any queuing would occur within the project rather than on Del Mar Heights Road.

10.168 The traffic study addresses project access and internal traffic in Section 14.0 of the traffic study in Appendix C.2 of the Final EIR. Table 1-26 in the traffic study shows all three signalized project access points projected to operate at acceptable levels of service in the Year 2030 with-Project scenario. First and Third Avenue at Main Street would operate at LOS A in the AM peak hour, and LOS C in the PM peak hour in Year 2030 with-Project scenario. El Camino Real at Del Mar Highlands Town Center is projected to operate at LOS B in the AM, and LOS C in the PM peak hours. The internal stop-controlled intersections on-site are projected to operate at acceptable levels of service, as shown on Figure 14-8 in the traffic study. The signals would be timed so that any queuing would occur within the project rather than on Del Mar Heights Road.

The "No Project/Development Under Existing Plans Alternative" would result in "buildout under the existing zoning", of the 510,000 sq. ft. of commercial office use.

The "Commercial Only Alternative" would result in construction of 57% of the multi-use proposal, or a 43% reduction. 510,000 sq. ft. of corporate office; 21,000 sq. ft. of professional office; and 270,000 sq. ft. of retail, totaling 806,000 sq. ft. The "...General Plan, Community Plan, and Precise Plan amendments would be required, as well as a Rezone." (ES-4) The "net ADT reduction of approximately 15% compared to the proposed project" would still not "reduce them to below a level of significance. Similarly significant community character impacts would be lessened, but not avoided..."

The "Medical Office/Senior Housing Alternative" would result in "425,000 sf of medical office and 600 senior housing units." Plan amendments would still be required. This alternative "would result in a net ADT reduction of approximately 12% compared to the proposed project..." but significant impacts would remain. "Land use---noise compatibility impacts and community character impacts would be lessened, but not avoided..."

The physical size of the senior housing is not provided.

The "No Retail Alternative" would result in 510,000 sq. ft. of office; a 150-room hotel and 608 multi-family residences. "The Main Street component and ground floor retail uses...would not be constructed...the office buildings would be reduced by one level." This solution is described as reducing "project-generated traffic by removing the commercial retail uses...as well as provid(ing) a slight reduction in development intensity." (emphasis added) [ES-5]

Traffic would be reduced by 61% but traffic impacts would still be significant. "As with the project, impacts to freeway segments would be less than significant under (this) alternative." Bulk and scale would be reduced but the project would still be inconsistent with "lower-scale commercial and residential development proximate to the project site." Finally, "Identified significant impacts to transportation/circulation/parking, community character...would remain..."

The Reduced Scope Alternative: A review of these alternatives immediately reveals a glaring inadequacy of this DEIR: No attempt has been made to offer the most obvious alternative to the One Paseo proposal, one which may be a welcomed addition to the community as opposed to the overly large and impactful proposal which has been presented over and over, but which has not changed significantly in nearly three years.

The Final EIR should include a mixed-use project which would (1) be compatible with and complementary to the surrounding commercial and residential neighborhoods in terms of land use, design and bulk and scale; (2) provide an ample park suitable for both active and passive recreational use, and; (3) result in the same traffic projections as the currently entitled two office buildings.

The Reduced Scope Alternate should also develop a plan where the frontages to Del Mar Heights Road and El Camino Real are inviting because the design faces to the community rather than the back of buildings. This can occur by having the ground level residential units' front door face those streets.

10.169 Information regarding the square footage of the senior residential units is not considered critical in assessing the potential for this alternative to reduce the impacts of the proposed development. Traffic generation is based on the type rather than size of residential units. With respect to square footage, it is reasonable to assume that seniors require less square footage to accommodate their needs. Thus, the 600 units associated with this alternative would require less square footage than traditional multi-family units.

10.170 As discussed in response to comment 5.6, the Final EIR includes two alternatives which represent reduced versions of the Originally Proposed Project. As discussed in Sections 12.9 and 12.10 of the Final EIR, both the Revised Project and the Reduced Mixed-use Alternative cause significant neighborhood character and traffic impacts.

As discussed in Section 12.10 of the Final EIR, the Reduced Mixed-use Alternative, which would reduce the square footage of the Originally Proposed Project by 50 percent, is not feasible. Further reduction to achieve the same level of traffic generated by an employment center development, the Specialty Food Market Retail Alternative also is considered infeasible.

With respect to the suggestion that an alternative be considered that has front doors facing Del Mar Heights Road, the Revised Project design incorporates front door entrances on the residential buildings facing Del Mar Heights Road in Block A, west of the intersection with El Camino Real.

COMMENTS

RESPONSES

In our comments on the proposed Precise Plan Amendments, submitted as part of our comments on the DEIR, we recommend a process, which might result in just such an acceptable project.

Sincerely,
Carmel Valley Community Planning Board



Frisco White, AIA, Chair

cc: Councilwoman Sherri Lightner
Bernard Turgeon, Senior Planner

Attachments: One Paseo: Review of the DEIR and Proposed Discretionary Actions (ppt)
Precise Plan Amendments & Pertinent DEIR Sections Board Presentation (ppt)

ONE PASEO:

Review of the
Draft EIR and Proposed
Discretionary Actions

24 MAY 2012

Carmel Valley Community Planning Board

Overview of Action Agenda Item

- Public Hearing Purpose, Process and Expectations
- Board Discussion
 - ▣ Issues Identification by Topic
 - ▣ Areas of Consensus
- Board Vote
- Finalize and Transmit Letters

Public Hearing Purpose, Process and Expectations

Board Discussion – Process

- Chair and Vice Chair will introduce individual discussion topics
- Chair will call on board members wanting to speak to each discussion topic
- Board members requested to keep comments to about two minutes per discussion topic

Board Discussion – Topics Overview

- Draft EIR
 - Environmental Setting
 - Project Description
 - Land Use
 - Transportation/Circulation/Parking
 - Visual Effect and Neighborhood Character
 - Public Services and Facilities/Recreation
 - Alternatives
- Precise Plan Amendment
- CVPD-MC / CC-5-5 Zoning Standards
- Other Discretionary Actions

Board Discussion – Environmental Setting

- Inaccuracies and omissions

Board Discussion – Project Description

- Project objectives need more alignment with community character, planned land uses and vision

Board Discussion – Land Use

- Intensity and density
- Retail market study
 - Negative impacts to existing and planned retail
 - Particular concerns about PHR Village Center
 - Does not account for all approved, planned projects
 - Physical impacts from such a large retail project endangers existing and planned land uses
- Community Village and zoning needs to be customized
- Phasing makes assumptions without commitments in the plan
- EIR relies on a non-specific Precise Plan
- Excess and non-specific flexibility to make changes with unknown impacts

Board Discussion – Transportation/ Circulation/Parking (Mobility)

- Unmitigated traffic impacts
- Inadequate Transportation Demand Management program
- Internal inconsistency within EIR between traffic study analysis and retail market analysis trade area
- Negative impact on Del Mar Heights Road though traffic
- EIR needs to evaluate alternative designs for DMH Road and ECR as potential solution to negative impacts
- EIR did not fully account for adopted plans and entitlements

Board Discussion – Visual Effect and Neighborhood Character

- Bulk and scale radically different than anything in Carmel Valley
- Project bulk and scale walls itself off from community and is its own island—limited view corridors into site
- Negatively impacts community character and this is unmitigated
- Drastic transitions
- EIR focuses on use transitions and not sufficiently physical form
- Does not consider the negative impact that the widening of roads will have—Mira Mesa Boulevard character will result
- EIR relies on a non-specific Precise Plan

Board Discussion – Public Services and Facilities/Recreation/Safety

- Payment of FBA fee is deferral of mitigation for park requirement—no sites identified
- Park requirement to be met on site—parks, plazas and equivalencies
- EIR did not consider future conditions adequately on degradation of public safety response times

Board Discussion – Alternatives

- EIR does not include a Reduced Density/Intensity Alternative, which could achieve the project objectives without the same negative impacts

PRECISE PLAN AMENDMENT & PERTINENT DEIR SECTIONS

Carmel Valley Community Planning Board

Introduction

- It would have been more appropriate and proper to have developed and approved this Precise Plan Amendment (PPA) prior to presenting a project to the community
- PPA will sustain that it will “complement the existing fabric and help achieve desired community character”
- Commercial village designation must be customized for Carmel Valley
- Fundamental principles must be defined in more detail
- Community did not develop the overall concept plan with the applicant

Land Use

- Land Use Element of the PPA clearly indicates the present design of the proposed One Paseo project rather than a diagrammatic relationship of potential uses
- CC-5-5 zone is much too broad in terms of uses for this project/site and is not compatible with Carmel Valley
- Multi-Family Residential dwellings will be compatible with the surrounding context of residential design and not be allowed to approach the height of the office buildings

Mobility

- Land use and block design appears to indicate that this will be a destination point arriving by vehicles rather than walking
- PPA discusses and proposes that a transit stop will be provided
- If a rideshare program is going to be policy and objective for the PPA, then it must have a qualified objective for the reality rather than a policy statement
- PPA should indicate the ratio or number of parking spaces
- PPA must indicate the number of curb cuts along the public street
- Approach of widening roads

Design Guidelines

- ☐ Must be more specific
- ☐ PPA indicate true design standards
- ☐ Compatibility within the PPA, compatible to the surrounding community uses
- ☐ Plazas and open spaces must have some dimensions
- ☐ Guidelines must give some dimensional parameters to the building in height and bulk
- ☐ Service hours

Landscape Guidelines

- ☐ Internal plaza to have a direct view from the public streets, introduced on the opposite side to visually have the landscape as a boulevard
- ☐ Measurable standards
- ☐ California Sycamores

Public Facilities, Services & Safety

- Mitigate the impact on school facilities
- 5 acres of population-based park
- PFFP be amended concurrently

Implementation

- PPA must establish guidance on the phasing of the property
- Reviewed and action taken by the Carmel Valley Community Planning

COMMENTS

RESPONSES

Board Discussion – CVPD-MC/CC-5-5
Zoning Standards

Board Discussion – Other Discretionary
Actions

- ☐ General Plan Amendment
- ☐ Community Plan Amendment
- ☐ Vesting Tentative Map
- ☐ Site Development Permit
- ☐ Neighborhood Development Permit
- ☐ Conditional Use Permit
- ☐ Street Vacation
- ☐ Easement Abandonment

Areas of Consensus

- Mixed use heart for Carmel Valley

Board Vote

- AGENDA ITEM – One Paseo DEIR and PPA
Response: Consider the draft response letter for the DEIR and Precise Plan Amendment and direct the Chair to submit letters with changes or corrections.

Next Step

- ☐ Finalize and transmit letters
- ☐ Letters will be posted at www.cvsd.com
- ☐ Thank you for participating!

Del Mar Mesa Community Planning Board***3525 Del Mar Heights Road, Box 246, San Diego, California 92130****Phone 858-361-8555**fax 858-755-1209**e-mail gary@scabreezproperties.com*

May 10, 2012

Martha Blake, Environmental Planner

City of San Diego Development Services Center

1222 First Avenue, MS 501, San Diego, CA 92101

DSDEAS@sanidiego.gov

Dear Ms. Blake:

Please accept the following comments for inclusion in the Environmental Impact Report for One Paseo (Project No. 193036/SCH No. 2010051073), a mixed-use project proposed for property located on the southwest corner of El Camino Real and Del Mar Heights Road in the Carmel Valley community.

The applicant is requesting a General Plan Amendment, Community Plan Amendment, Precise Plan Amendment, Rezone, Vesting Tentative Map, Neighborhood Development Permit, Conditional Use Permit, Street Vacation and Easement Abandonment.

The 23.6 acre site is currently designated for Employment Center uses in the Carmel Valley Community Plan and Industrial Employment in the City of San Diego's General Plan with a maximum square footage of 500,000 sq ft. The project proposes to change this land use designation to create a "community village" encompassing 270,000 square feet of commercial retail space, 557,000 sq ft for office uses, 930,000 sq ft for 608 residential units and a 100,000 sq ft 150 room hotel. The Draft EIR totals these uses at a maximum building area of 1,857,440 square feet with additional structures containing 4,100 parking spaces.

DEL MAR MESA COMMUNITY PLANNING BOARD

The Del Mar Mesa Planning Board represents the residents, property owners and businesses in the Del Mar Mesa planning area of the City of San Diego. Elected by the community, the planning group serves in an advisory capacity to the City of San Diego Planning Commission and the San Diego City Council.

BACKGROUND

Del Mar Mesa is a unique community in the City of San Diego, created over a twenty year planning process that began in 1985. Because of its historic rural settlement pattern that goes back over a hundred years, and by virtue of several ballot measures and extensive complex negotiations between environmentalists, community planners, city and county public officials, public utilities, small and large property owners and developers, Del Mar Mesa retained its agricultural zoning when 12,000 acres of open space in northern San Diego were up-zoned for various degrees of density development.

Del Mar Mesa is defined by a strictly adhered to community plan that includes, according to the Precise Plan, 1270.4 acres of resource based open space, including Del Mar Mesa Preserve, 260 acres of public trails, and 563 acres of residential and commercial property. At build-out, it is anticipated there will be 540 homes. Commercial property includes the Del Mar Grand resort/golf course and several public equestrian facilities. A four-acre community neighborhood park is already carefully planned with funding from the DMM FBA identified.

There are also 10 miles of public biking, hiking and equestrian trails throughout the area that is used by recreation users from all over the city.

It should be further noted that property owners ceded up to 75% of their properties to the city's Multiple Species Habitat area in exchange for density bonuses, which created approximately 1300 acres of one of the most important endangered habitat links in the city's open space system.

DEIR FAILS TO ASSESS IMPACTS TO ADJACENT PLANNING AREAS

The most problematic deficiency in the One Paseo DEIR is that there is no analysis of impacts to the adjacent planning areas of Del Mar Mesa, Pacific Highlands Ranch, Torrey Hills and Torrey Pines, especially those concerning Transportation/Circulation/Parking, Neighborhood Character, Noise, Air Quality, Public Services and Facilities/Recreation, and Retail/Commercial.

DMM shares not only a common experience, but financial responsibilities for public facilities, infrastructure, open space connections, trails and retail venues with the adjacent communities of Torrey Hills, Carmel Valley and Pacific Highlands Ranch. The community uses the existing commercial centers, and FBA fees levied upon their homes contribute proportionally to library, fire and police stations, and parks. And, adjacent communities use DMM trails as gateways to City Park Open Space (MHPA).

The community is connected to Carmel Valley South via Del Mar Mesa Road, Carmel Country Road and Carmel Mountain Road. Carmel Country Road is the current access to SR56 and to Pacific Highlands Ranch. In the near future, Carmel Mountain Road will open and provide direct access to the Torrey Hills Community and its park and retail centers. A direct connection to Pacific Highlands Ranch is also in the infrastructure finance plan via the Little McGonigle Canyon Ranch Road & Carmel Valley Road interchange off SR56.

DMM also shares the concerns of communities west of I-5, including proposed Caltrans projects. Further, Del Mar Mesa Preserve is part of an integrated ecosystem and animal life corridor connecting from Torrey Pines State Park, and Los Penasquitos Lagoon and Canyon, to and from 1,760 acres of natural and restored wildlife habitat in through Pacific Highlands Ranch.

Without study, there is no way to assess what effects a project of the magnitude of One Paseo could have on planned communities adjacent to Carmel Valley.

TRAFFIC/NOISE/AIR QUALITY/COMMUNITY CHARACTER

The DEIR describes an increase of 26,000 daily trips attributable to the One Paseo project. This is in addition to ADT's that will be generated by other already entitled commercial projects (Del Mar Highlands additions, Pell Property and Pacific Highlands Village and Employment Center) not yet built.

The DEIR fails to assess traffic impacts to the circulation in DMM as drivers seek alternative ways to access I5 and SR56 to avoid failed intersections and traffic long waiting times associated with freeway ramp meters in Carmel Valley resulting from increased ADT's.

Del Mar Mesa is a semi-rural, dark sky community. Increased pressures to accommodate overflow traffic, for example additional traffic control devices and brighter street lights, would significantly affect community character as would increases in noise and diminished air quality impacts from stop and go traffic.

11.1 As indicated on page 5.4-6 of the Draft EIR, and discussed in response to comment 63.125, substantial stationary noise from the project would not extend 120 feet beyond the source. Similarly, as indicated on page 5.4-15 of the Draft EIR, the addition of project traffic to the surrounding streets would not significantly impact traffic noise experienced by surrounding development. As stated in the Draft EIR, additional noise created by project traffic would not exceed the 3 dBA threshold used to identify significant increases in noise; changes in noise below 3 dBA are not considered audible to the human ear and therefore do not create a significant impact.

11.2 The Draft EIR analyzed both the direct and cumulative impacts of the Originally Proposed Project; similarly, both of these conditions are evaluated for the Revised Project in Appendix C.1 of the Final EIR. The cumulative project list considered for traffic is discussed in Section 7.0 of the traffic study.

11.3 Del Mar Mesa is beyond the traffic report study area. The criteria used to determine the project's traffic study area are based on the City's Traffic Impact Manual, which requires consideration of a roadway segment or intersections that receives a minimum of 50 peak hour trips related to a Originally Proposed Project. As shown in Figure 2-3 on page 2-4 of the

COMMENTS

RESPONSES

PUBLIC FACILITIES: PARKS

The DEIR fails to appropriately assess impacts on Community Parks within Carmel Valley and therefore possible demands on parks in adjacent communities for more active uses, including sports fields.

While acknowledging that the increased population generated by the housing element would result in the need for 4.7 acres of additional park land, the DEIR suggests that contributions to the Facility Benefits Assessment (FBA) Fund would suffice. However, Carmel Valley is very nearly built out, and it is difficult to imagine where such land owned by a willing seller might be found.

It is particularly objectionable that Maintenance Assessment District pocket parks were used in the calculation of "population based" parks. MAD parks are largely designed for passive use and are funded entirely by the annual property taxes of the Carmel Valley community.

COMMERCIAL FACILITIES: RETAIL CENTER

One Paseo applicants are marketing the project as a community serving project in accordance with the Carmel Valley Community Plan which restricts retail to neighborhood servicing as opposed to regional. The community's already built infrastructure, including roads, traffic control and public facilities, was designed to accommodate only the local service retail zoning shown in the community plan.

Yet, the DEIR's analysis for retail demand was done on a regional basis. There is confusion as to whether One Paseo is intended to serve its immediate communities, or if it is intended to be a regional draw.

The applicant is proposing a community village mixed use project approximately four times the size of current zoning on the site. Currently, the Del Mar Highlands Town Center has entitlements for approximately another 150,000 square feet, the 3.5 acre Pell property is zoned commercial, and the future retail center in Pacific Highlands Ranch Town Center is entitled to build 300,000 square feet of commercial and another 300,000 sq ft Employment center (office).

The issue in question is how the development of the retail component proposed for One Paseo would affect the future development of the only remaining undeveloped retail site in the Community Plans, specifically intended -- by a phase shift City-wide vote in 1998 -- to serve the Del Mar Mesa community, the Pacific Highlands Ranch Town Center.

The development of the Pacific Highlands Ranch Town Center site is linked to a Phasing Plan, and until the requirement for the SR-56 ramps were removed the development was limited to no more than 50,000 sq ft including requiring a market-type store. Despite the good economy, development did not start because there was too small a quantity of space to develop a viable retail site. The Phasing plan is in the process of being updated - and after July 1 this site will be limited to no more than 150,000 sq ft. until certain other public facilities are completed over the next 5+ years. Only when certain other community facilities are completed - over the next 5 -10 years - will full build-out be allowed up to 300,000 sq ft.

But if One Paseo is allowed to build, it will overburden our combined community planning areas with retail square feet footage and it is uncertain how much more demand there would be for more retail village style development.

In fact it is possible that the development of a One Paseo Main Street will satisfy most of the demand for local retail type uses - after all how many movies, specialty markets, small shops etc can be supported by our community - and then we may be faced with the Pacific Highlands Ranch Town Center going more toward big box anchors and regional retailers, losing the town square concept approved by the voters in

11.3 traffic study, freeway segments along State Route 56 from El Camino cont. Real to Carmel Country Road were analyzed in the traffic study near Del Mar Mesa community. Project traffic that would travel to the Del Mar Mesa community would be considered well below the threshold for study, and would not be expected to cause any significant traffic impacts. Refer to response to comment 5.2 for a general discussion of diverted traffic.

11.4 Refer to response to comment 11.1.

11.5 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks.

11.6 Refer to response to comment 10.4.

11.7 As discussed in response to comment 10.4, the RMA assumed that the proposed Pacific Highlands Ranch Village, as well as a 152,250 square-foot expansion to the Del Mar Highlands Town Center, would be developed and concluded that even if these two developments, as well as all other known proposed developments are constructed, a net demand for retail would remain after implementation of either the Originally Proposed Project or the Revised Project.

With respect to build-out timing, the RMA indicates that even if all of the retail square-footage in the proposed development and the cumulative developments were built at once, a net retail demand would still exist. Assuming the phasing of Pacific Highlands Ranch Village as provided in the comment actually results in even greater demand for retail in the short-term, and is less conservative than the assumptions in the RMA. Additionally, the actual type of retail developed (i.e. a large grocery store versus a specialty grocer, or a neighborhood convenience store) is dependent on retail demand within a given market area, as well as what is allowable under applicable zoning and land use regulations. Individual consumer demand is typically satisfied only through a wide variety of retail options, formats and types.

As discussed in response to comment 10.68, with respect to movie theaters, demand for a given theater is typically a function of theater

COMMENTS

RESPONSES

11.7
cont.

1998. It is also possible that, as has happened in the past, the owners of this property would come back to the City and the Community requesting changes to the Pacific Highlands Ranch Community Plan, as has occurred in the past, reducing the commercial uses and requesting additional residential uses. This domino impact of the One Paseo project has not been evaluated in the EIR.

11.8

Finally, without public transportation, One Paseo does not conform to the City's Villages designation. There are no immediate plans for public transportation within Carmel Valley and between Carmel Valley and its adjacent communities.

ALTERNATIVES

The Alternatives to the One Paseo plan listed in the DEIR are disappointingly devoid of imagination and creativity, including failing to provide an architecturally appealing mixed use village project in scale with the community.

Thank you for your consideration,



Elizabeth Rabbitt, Del Mar Mesa Planning Board Vice-Chair



Lisa Ross, Del Mar Mesa Planning Board Member

11.7 amenities, proximity to consumers, and pricing. As with general retail, a single consumer would typically utilize different options at different times depending on a variety of the same. The success or failure of a given theater is typically dependent on its competitive offering; theaters that deliver a desired offering would succeed, and those that don't may close, be rebranded and reopened, or a facility repurposed. In the worst case, the isolated closure of a given theater within a market is not generally considered to cause a significant detrimental impact to the physical environment as these amenities are usually either adapted to more competitive theater offerings or the facility repurposed for a use desired by consumers.

11.8 Refer to response to comment 10.40.



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www.movesandiego.org

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elowe@movesandiego.org

City of San Diego
Development Services Dept.
Attn: Martha Blake, Environmental Planner
1222 First Avenue, MS 501,
San Diego, CA 92101

May 29, 2012

VIA Email to DSDEAS@sandiego.gov

Subject: Comments to Draft Environmental Impact Report (DEIR) on *One Paseo* proposed project ("ONE PASEO, Project No. 193036/SCH No. 2010051073)

Dear Ms.Blake:

Move San Diego, Inc. is pleased to take this opportunity to comment on the DEIR for the One Paseo. The Mission of Move SD is to organize and serve a broad collaboration of people and organizations to prioritize, fund, and implement sustainable, healthy, convenient transportation and related land use solutions that get people and goods where they are going, on time, throughout the San Diego region."

In 2011, Move San Diego formed an alliance of local leaders in land use and transportation planning, walkability, architecture, urban design, infill development and sustainable energy. This group of experts, the MOVE Alliance, recognizes and promotes early-stage development plans in the San Diego region that exemplify sustainability and encourage smart growth. The process brings together local experts to review and assess projects for location efficiency, access to current and future transit, density, mixed use opportunities, use of smart growth techniques, pedestrian and bike accessibility and proximity to employment. Smart growth projects endorsed by the MOVE Alliance notably will reduce Vehicle Miles Traveled by creating *Mobility Options Viable for Everyone*.

The MOVE Alliance is proud to report the One Paseo Project has earned its endorsement for its mixed use strategy, place-making and early commitment to supporting transportation options, or Transportation Demand Management strategies.

The MOVE Alliance panel members who reviewed One Paseo included:

- Elyse Lowe, Move San Diego
- Ms. Kathy Breedlove, Esq., Move San Diego
- Mr. Kyle Goedert, California Center for Sustainable Energy
- Mr. Jim Hare, AICP, Retired Community Planner

2 |

- Ms. Leah Ostenberg, MURP, LEED AP, CNU-A, Walk San Diego
- Ms. Monique Chen, CE Transportation, Chen Ryan Mobility
- Mr. Diego Velasco, AICP, LEED AP, MW Steele, New School for Architecture
- Mr. Tony Pauker, City Ventures

Comments in this letter reflect 1)the findings of the MOVE Alliance panelists review of the project prior to the release of the DEIR, and 2)that of Move SD's review of the One Paseo DEIR. The following areas are the focus of Move San Diego's DEIR comments: Traffic and Trip Generation, Transit, Walkability and Cycling, Smart Growth, TDM and Shared Parking.

No one affiliated with Move SD or the MOVE Alliance with stated a conflict of interest with One Paseo project contributed to any of the discussions that resulted in our comments.

Traffic and Trip generation:

It is important to note that mixed use projects of this size and scale are not the norm, and thus the City had to create new trip generation rates to estimate traffic. The "blended" trip generation rates used by the City were very conservative (4-6%), when the DEIR traffic study preparers found actual internal trip generation rates in other case studies were closer to 25% and in some cases, as high as 50%.

We are concerned that by underestimating the number of internal trips (from a mixed use community) the DEIR overestimates the number of car trips, which inflates the overall project GhG emissions, and inadvertently requires too many car parking spaces.

Transit: Current and Future

The Draft EIR concludes that the One Paseo project does not conflict with proposed future transit plans but in fact are actually creating the conditions that promote future transit ridership. Move San Diego agrees with this conclusion.

The timing of future transit projects coming to this area will be substantially determined by more compact development and more mixed use opportunities for the mobility of residents, workers and consumers. The Draft EIR states in section 5.2- pg. 81:

"The proposed project would not negatively impact alternative transportation modes or safety. The provision of additional pedestrian and bicycle facilities, as well as a transit stop and shuttle stops, that would connect with existing and planned future facilities would be consistent with adopted plans supporting alternative transportation modes.

Specifically, the project would be consistent with the 2050 RTP and the City of San Diego General Plan Mobility Element goal of supporting multi-modal transportation and the Urban Design Element goal to create mixed-use, walkable villages. This is also consistent with the Regional Comprehensive Plan and the smart growth principles by developing a mixed-use village that would provide additional housing types and employment opportunities within close proximity to major roads, major freeways, and existing community amenities within the Carmel Valley community."

12.1 The comment correctly notes that trip generation and internal capture rates used for the proposed development are conservative, and that other case studies have found greater reductions in trip generation for mixed-use projects. The City is aware of the SANDAG studies regarding mixed-use project traffic generation. The MXD model, which was developed specifically to model mixed-use trip characteristics, was applied to the Originally Proposed Project. The results indicated an internal capture trip reduction of 14 percent, which is higher than the 10 percent used in the traffic study.

12.2 As the following statements raise no issues related to the adequacy of the document, no specific response is required.

3 |

Although no bus routes exist right now to service this site, the community has long desired to have a bus route run through this area, where it is the most densely populated. The Draft EIR states that

“A rapid bus route however is planned to serve the Carmel Valley community. This route (Route 473) is identified in the Revenue Constrained Plan of the 2050 Regional Transportation Plan (RTP) and would extend between Oceanside and the University Towne Center regional shopping mall via Carmel Valley.

Specifically, Route 473 would occur along the Del Mar Heights Road and El Camino Real corridors. The project incorporates a transit stop along the El Camino Real project frontage. Implementation of this planned transit route by SANDAG and MTS and provision of a transit stop along the project frontage would provide transit services along the project site frontage that would be accessible for future on-site residents, employees, and patrons, as well as transit users in the community”

The project would provide one or more shuttle stops along Main Street to provide additional transportation options to connect with activity centers in the surrounding community“

This area desperately needs a transit route, as none currently exists. The development of an integral mixed-use project directly on the transit corridor is a step in the right direction. Without density on proposed transit line, the area is unlikely to provide substantive increases in potential transit riders living within a walkable (1/4-1/2 mile) distance from the home to transit.

Walkability & Cycling –

We are pleased to see the developer attempting to create a pedestrian friendly environment in such an auto-oriented community. While that may pose issues for external walking trips, the plan for pedestrians internally is to be supported for cycling infrastructure and walkable amenities. Quoting from the DEIR,

”Pedestrian circulation would be provided throughout the site by a network of paseos, sidewalks, pathways, plazas, and public spaces (refer to Figure 3-2). These pedestrian facilities would provide convenient connections between the proposed uses within the project site, and also would connect to existing sidewalks along Del Mar Heights Road and El Camino Real.

An internal bicycle route would be provided along Third Avenue, Main Street, First Avenue, and Market Street. This bicycle route would connect to existing Class II bicycle lanes along Del Mar Heights Road and El Camino Real. The proposed bicycle route would allow for connection to an existing paved trail that currently runs through the middle of the business park uses west of the project site. The project also would include on-site bicycle racks to support bicycle circulation.”

Bicycling can be encouraged simply by ensuring bike racks are well it and secure for overnight storage, as well as easy to access from the project entrances.

Smart Growth

12.2
cont.

4 |

From the MOVE Alliance endorsement of One Paseo:
“SANDAG’s recently adopted Regional Transportation Plan includes service to the project by 2030. We anticipate that One Paseo will act as a catalyst for attracting future mixed use to the area, creating the more dense urban infill identified by SANDAG as necessary to reduce greenhouse gas emissions for the region’s Sustainable Communities Strategy.”
-MOVE ALLIANCE Endorsement for *One Paseo*

SANDAG’s Smart Growth Concept Map, updated January 27, 2012, provides a regional perspective on smart growth opportunity areas and identifies the proposed project site as a Town Center smart growth area (SANDAG 2012). The proposed mixed-use village concept is consistent with this designation.

One Paseo is walkable and bike-friendly within its boundaries, is conveniently located within walking distance of recreational, academic and retail amenities, and provides much needed Mixed-Use in a low dense suburban area in order to support future transit service and a GhG reducing ‘Sustainable Communities Strategy’ to accommodate new population growth in the Carmel Valley neighborhood while meeting California’s climate goals.

The north San Diego Region north is in need of compact urban forms. One rational for Move SD to collaborate with MOVE Alliance partners on projects that are more conducive to sustainability on multiple levels is that these compact development projects are very difficult to build due to their complexity.

We do not support the No Project/ Employment Center alternatives to One Paseo as outlined by existing zoning and existing Community Plan. It would nnot result in any of Mixed use benefits, but rather would be more of the typical auto depended job center consisting of surface parking lots and approximately 510,000 sf of corporate office uses (which would create over 10,000 trips as currently zoned) .

In contrast *One Paseo* offers a true Mixed-Use “hub” of retail, work, and living activity designed to be a community center sorely needed in the Carmel Valley Area. This “hub” of activity is predisposed to increase the sustainability factors and reverse the trend toward unsustainable sprawl development that is not conducive to improving transit options in our region.

VMT and TDM

We support the One Paseo Transportation Demand Management (TDM) practices to reduce Vehicle Miles Traveled (VMT):

The TDM element includes shuttle buses, a connection to the Coaster, electric vehicle (EV) charging stations, and proposes a Car-Share program that would enable residents, office and retail workers to utilize various modes of transit. TDM would be integrated throughout *One Paseo* as part of the LEED certification process which includes car sharing, vanpooling/carpooling incentivizing and is included in the Draft EIR.

5 |

“The project would provide one or more shuttle stops along Main Street to provide additional transportation options to connect with activity centers in the surrounding community”

The developer’s commitment to creating a shuttle for the project demonstrates their commitment to transportation demand management solutions in the absence of transit.

HOV lanes exist on I-5 in both directions near this site, incentivizing carpooling options. The project management should coordinate riders to share rides and provide carpooling incentives (like priority carpool parking), to take advantage of the nearby HOV lanes.

Shared Parking:

Move San Diego supports the shared parking plan for One Paseo. Accordingly, the DRAFT EIR states that

“Because the project proposes a mix of land uses, peak activity times for some uses, such as office and cinema, are essentially opposite one another as is their demand for parking. Therefore, shared parking among all of the proposed on-site uses except residential would be provided. Residents of the project would have reserved parking spaces, but all other uses would share parking spaces.” This allows for maximizing the parking for the varied uses.

The number of parking spaces proposed is demonstrative of a neighborhood not served by transit. Carmel Valley residents would be better served with transit moved to this decade, rather than waiting as far off as 2030, to help alleviate traffic by providing a transportation alternative.

Climate Change:

It is good to see that according to the Draft EIR, *One Paseo* will not have a significant impact on air quality or carbon dioxide production under San Diego County's Regional Air Quality Strategy (RAQS) criteria. Development on the urban fringe is the most likely to induce GhG, not smart suburban infill like One Paseo. In addition, One Paseo’s sustainable design aspects such as walkability will encourage internal trips that reduce VMT , therefore reducing greenhouse gas emissions.

Section 5.5.- Pg. 11 states that this *“the project is an infill development that proposes residences, retail, restaurants, and employment uses within the same site and in close proximity to existing infrastructure and development, which could reduce vehicle miles traveled in the region through the provision of employment generating uses closer to residential land uses.”*

Well-designed buildings can promote physical activity by allowing people to walk to various destinations such as work, school and convenient shopping. We can limit our use of fossil fuel by designing high density mixed use areas which will facilitate the efficient placing of public transit.

The City of San Diego is in the process of preparing an update to its Climate Adaptation and Mitigation Plan. There are several recommendations for land use and transportation in that plan

COMMENTS

RESPONSES

6 |

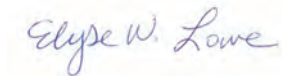
to reduce overall cumulative emissions that are being implemented through the One Paseo project. <http://www.sandiego.gov/environmental-services/pdf/sustainable/land.pdf>

The Draft EIR states that “In January 2011, the project achieved Smart Location and Linkages Prerequisite review approval, the first certification level, from the Green Buildings Certification Institute. LEED®-certified buildings”, which is a sign that the overall vision of the project is based on established sustainability principles. The project is also on track to be LEED-Silver Certified. The project is set to incorporate low water and energy usage buildings, bicycling storage facilities and connections to cycling routes, *one or more shuttle stops*, comprehensive recycling program, which further smart growth and sustainable aspects.

Our region is projected to grow by 1.3 million – most of this is natural growth, not immigration. Whereas the community may complain of impacts from traffic, the reality is its transportation alternatives to the car, and location efficient development that will reduce overall long term traffic impacts, not anything else.

In Carmel Mountain, many have lamented that there lacks any “heart” or “center” to the far-flung community. **One Paseo** offers the chance to change this situation by providing a commercial, working and residential hub for the community and by becoming a catalyst for further sustainable practices.

Sincerely,



Elyse W. Lowe
Executive Director

MOVE SAN DIEGO is the public voice in support of effective and sustainable transportation in the San Diego region. The non-profit organizes and serves a broad collaboration of people and organizations to prioritize, fund, and implement sustainable, healthy, convenient transportation and related land use solutions. Move San Diego raises awareness of the benefits of smart transportation options and how they will result in a more livable and vibrant San Diego.

**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

9 April 2012

To: Ms. Martha Blake
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
One Paseo
Project No. 193036

Dear Ms. Blake:

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

Based on the information provided, we concur with the impact analysis and with the DEIR's mitigation measures for cultural resources.

Thank you for including SDCAS in the public review of this project's environmental documents.

Sincerely,

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

cc: SDCAS President
File

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

13.1 This letter concurs with the results and conclusions of the Draft EIR. As a result, no responses are required.

COMMENTS

RESPONSES

From: [Kathryn Burton](#)
To: [DSD EAS](#)
Subject: One Paseo DEIR Comments/THCPB
Date: Saturday, May 19, 2012 4:27:14 PM

TORREY HILLS COMMUNITY PLANNING BOARD

May 15, 2012

Martha Blake, Environmental Planner,
City of San Diego Development Services Center
1222 First Avenue, MS 501, San Diego, CA 92101
DSDEAS@san Diego.gov

Dear Ms. Blake:

Please accept the following comments for inclusion in the Environmental Impact Report for One Paseo (Project No. 193036/SCH No. 2010051073), a mixed-use project proposed for property located on the Southwest corner of El Camino Real and Del Mar Heights Road in the Carmel Valley community.

The applicant is requesting a General Plan Amendment, Community Plan Amendment, Precise Plan Amendment, Rezone, Vesting Tentative Map, Neighborhood Development Permit, Conditional Use Permit, Street Vacation and Easement Abandonment.

The 23.6 acre site is currently designated for Employment Center uses in the Carmel Valley Community Plan and Industrial Employment in the City of San Diego's General Plan with a maximum square footage of 500,000 sq ft. The project proposes to change this land use designation to create a "community village" encompassing 270,000 square

COMMENTS

RESPONSES

feet of commercial retail space, 557,000 sq ft for office uses, 930,000 sq ft for 608 residential units and 100,000 sq ft a 150 room hotel. The Draft EIR totals these uses at a maximum building area of 1,857,440 square feet with additional structures containing 4,100 parking spaces.

Torrey Hills is connected to Carmel Valley by El Camino Real and shares common facilities.

Traffic

One Paseo will create 26,961 ADTs per day.

Implementation of the proposed project would result in a significant impact on the intersections of Del Mar Heights Road/I-5 ramps and El Camino Real/SR 56 EB on-ramp. The impacts would remain significant after mitigation. Table ES-3.

14.1 An additional 450,000 square feet of commercial retail space is entitled in Carmel Valley/Pacific Highlands Ranch. These entitlements will account for a significant amount of traffic but were not factored in the traffic study of the DEIR.

14.2 The DEIR fails to assess traffic impacts to Carmel Mountain Road as drivers seek a route south and east through Torrey Hills to avoid failed intersections and traffic meters along El Camino Real, SR 56 and I-5. The intersection of El Camino Real and SR56/I-5 will be further burdened by additional traffic from the hotel that is under construction at the site.

14.3 The additional traffic will make it more difficult for Torrey Hills residents to access the shared facilities in Carmel

14.1 Refer to response to comment 10.158.

14.2 As discussed in response to comment 10.163, it is acknowledged that some drivers divert from I-5 and SR-56 through the Carmel Valley community to avoid peak hour congestion on these freeways. However, as discussed in response to comment 5.2, the Originally Proposed Project would not be expected to encourage motorists to divert away from the I-5/Del Mar Heights Road interchange or into Neighborhood Three.

14.3 As discussed in the Final EIR, traffic from the Originally Proposed Project would increase congestion resulting in significant traffic impacts on portions of Del Mar Heights Road, which could adversely affect

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14.3 cont.	Valley.	14.3	residents of Torrey Hills traveling these roadways to obtain goods and services from the Carmel Valley community. Although the Revised Project would reduce the number of trips associated with the proposed development, the volume of development-related trips could still adversely affect Torrey Hills residents travelling Del Mar Heights Road, as discussed in the traffic study.
14.4	Increasing traffic lanes on Del Mar Heights Road, High Bluff and El Camino Real will negatively affect community character and cause Carmel Valley and the entrance to Torrey Hills to look like Mira Mesa Boulevard at I-15.	14.4	As discussed in response to comment 10.10, the proposed development would impact trees and planting within the center median on and along the north side of Del Mar Heights Road. However, the Originally Proposed Project and Revised Project include landscaping to relocate and/or replace affected street trees and shrubs.
14.5	Why is there no public transit in the One Paseo proposal?	14.5	The enhanced TDM Plan, prepared for the Revised Project, proposes shuttle service for the future residents, employees and shopping patrons associated with the proposed development. The shuttle program would be phased in as the project reaches build-out.
14.6	Why did the Alternatives section not include a reduced density/intensity alternative which could still meet the projects goals and objectives?		Initial implementation of the shuttle program would include one or two shuttles running at half-hour intervals during am/pm peak times and over the lunch hour. The shuttle route in the am/pm peak times may generally run from the project site to the Sorrento Valley transit station. The frequency of operation and the route may be re-adjusted from time to time based on market demand for the service.
14.7	Why were the ADTs from the entitled projects in Del Mar Highlands and Pacific Highlands Ranch not included in the traffic study?		The shuttle route during the lunch hour would generally run from the project site to key surrounding employment centers that have elected to help fund the cost of operating the shuttle program. The frequency would be determined based on market demand.
14.8	A new traffic study should be performed which includes the ADTs from the entitled projects in Carmel Valley/Pacific Highlands Ranch. Additionally, the project should be scaled back to a less dense proportion to alleviate traffic impacts.		A shuttle stop may be added to serve children from the proposed development to their designated local public school once the residential portion of the project is built-out and a sufficient market demand exists to serve the children that may reside in the project.
	Public Facilities: Parks, Recreation Centers and Library	14.6	Refer to response to comment 5.6.
	Carmel Valley, Torrey Hills, Del Mar Mesa and Torrey Pines share only one public pool and one public library which are located in Carmel Valley. Torrey Hills shares – and contributed financially to – the library, park and recreation facilities in Carmel Valley.	14.7	As discussed in response to comment 10.158, a new traffic model run was completed for the Revised Project to verify whether the Series 10 Model assigned adequate traffic volumes to the relevant traffic analysis zones to account for the Del Mar Highlands Town Center (see Appendix C.4). As discussed in detail in response to comment 10.158, the impact
14.9	Carmel Valley and environs is deficient in population based parks. The project proponent seeks to add 608 dwelling		

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14.9 cont.	<p>units which equates to 1666 residents.</p> <p>The DEIR acknowledges that the increased population generated by the housing element would result in the need for 4.7 acres of park space; however, the DEIR proposes a financial contribution to the Facilities Benefits Fund in lieu of providing park space.</p>	<p>14.7 conclusions of the Draft EIR are not affected by the additional traffic, cont. as evaluated in Appendix C.4. Thus, the basic impact conclusions and mitigation measures in the Draft EIR relative to the Originally Proposed Project are applicable to the Revised Project.</p>
14.10	<p>The DEIR improperly included Maintenance Assessment District pocket parks in the calculation of "population based" parks. MAD parks are designed for passive use and are funded entirely by the annual property taxes of residents.</p> <p>Why did the DEIR calculate the park land requirement using MAD land?</p> <p>The proposed project would add housing units without the addition of park space. This will increase the pressure on the already overburdened and limited park space not only in Carmel Valley but Torrey Hills as well. Torrey Hills has no public pool and only one park which is heavily used for soccer fields and baseball. The number of ADTs on the street leading to the park is four times what was stipulated in the Torrey Hills Community Plan. The extra residential component without park space will very likely increase traffic and use in Torrey Hills.</p>	<p>14.8 Refer to response to comment 5.6.</p> <p>14.9 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. The FBA fee is not considered mitigation or an in-lieu fee for providing any required parkland.</p> <p>14.10 As discussed in response to comment 80.1, the Recreation Element of the General Plan allows some of the facilities in the MAD to be counted toward fulfilling population-based park standards. Further, as described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. No significant impacts are anticipated for Carmel Valley or neighboring communities, as General Plan standards for population-based parks are met.</p>
14.11	<p>The proposed project would add housing units without the addition of park space. This will increase the pressure on the already overburdened and limited park space not only in Carmel Valley but Torrey Hills as well. Torrey Hills has no public pool and only one park which is heavily used for soccer fields and baseball. The number of ADTs on the street leading to the park is four times what was stipulated in the Torrey Hills Community Plan. The extra residential component without park space will very likely increase traffic and use in Torrey Hills.</p>	<p>14.11 Traffic impacts related to the proposed project are evaluated in Section 5.2 of the Final EIR.</p>
14.12	<p>As there is nearly no land in Carmel Valley, the project proponent should provide 4.7 on-site active use park acres.</p>	<p>14.12 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. Thus, the Originally Proposed Project need not provide on-site active park uses. However, Revised Project includes a 1.1-acre passive recreation area that would be open to the public.</p>

Emergency Services

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14.13 Torrey Hills shares and contributed financially to Carmel Valley's Fire Station 24. One Paseo will create 26,961 additional ADTs per day. El Camino Real is a primary North-South response corridor for Fire Station 24. Traffic will be snarled from Del Mar Heights Road down El Camino Real to Carmel Valley Road. First responders will experience difficulty negotiating the traffic in order to service emergencies in Torrey Hills. The DEIR does not address this issue. See DEIR comment, Stacy Silverwood, Captain, Retired, San Diego Fire Rescue Department.

14.13 Refer to response to comment 8.2.

Torrey Corner, Torrey Hills Shopping Center and Torrey Hills Office Buildings

14.14 Although CEQA does not analyze economic impacts, the THCPB is concerned about economic impacts to Torrey Hills' commercial retail businesses and office buildings.

The commercial retail component of One Paseo consists of 270,000 square feet. Currently, the Del Mar Highlands Shopping Center has entitlements for an additional 150,000 square feet of retail and the future retail component of Pacific Highlands Ranch is 300,000 square feet. How will the additional retail effect the small businesses of Torrey Hills?

14.14 As discussed in response to comment 63.14 and discussed in the Addendum to the RMA included in Appendix B.1 to the Final EIR the demand for retail services would be greater than the supply even when the retail included in the Originally Proposed Project is added to retail development associated with Del Mar Highlands and Pacific Highlands. Thus, the Originally Proposed Project would not discourage construction of planned retail development in the area.

14.15 One Paseo includes 557,000 square feet of office space, 57,000 square feet more than the current entitlement. Currently, there is approximately 850,000 square feet of vacant office space in the Carmel Valley/Del Mar Heights submarket. There is a 20% vacancy rate in Carmel Valley and 16% in Torrey Hills. How will the extra office space impact office space vacancies and businesses in Torrey

14.15 Refer to response to comment 10.62.

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14.15
cont.

Hills?

14.16

One Paseo will overburden the surrounding area with retail uses. As a consequence, there is the future possibility that the unnecessary retail will degrade to uses not consistent with the community plans of the 92130 area, such as “big box” retail.

14.17

The City should conduct an analysis of economic impacts to businesses in Torrey Hills by the One Paseo project.

Conclusion

The One Paseo site is currently approved for 500,000 square feet of employment center uses. This project seeks to increase the square feet to 1,857,440 of retail, residential, office and hotel uses.

14.18

Given the size of this project, it is doubtful that such a huge addition of traffic and retail can be actualized without adverse impacts to Carmel Valley, Torrey Hills and adjacent communities. The project would have fewer impacts at its current approval level and be more consistent with community character.

Thank you for your consideration of our comments.

Sincerely,

Torrey Hills Community Planning Board
Kathryn Burton, Chair

14.16 As discussed in the updated Retail Market Analysis, included as Appendix B.1 of the Final EIR, adequate consumer demand will continue to exist to support retail centers in the area after completion of the proposed development of either the Originally Proposed Project or the Revised Project. It is speculative to assume that proposed on-site retail uses could be redeveloped with “big box” retail establishments, particularly in light of the overall conclusion of the updated Retail Market Analysis. Furthermore, the proposed development would not be considered a “Large Retail Establishment,” pursuant to Section 113.0102 of the San Diego Municipal Code. Any proposed change for a “Large Retail Establishment” on the project site would require approval by the City of San Diego, along with any appropriate CEQA review.

14.17 As indicated in the Retail Market Analysis of the Originally Proposed Project and Revised Project in Appendices B and B.1 of the Final EIR, adequate retail demand is anticipated to exist within a five-mile radius after completion of the development to accommodate existing and anticipated future retail uses. The study area encompasses Torrey Hills.

14.18 The Final EIR concludes that the Originally Proposed Project and Revised Project would both have significant impacts on the Carmel Valley community. However, community character and traffic impacts experienced by Carmel Valley would not be significant in Torrey Hills or other communities. The traffic analysis did not identify any significant traffic impacts in these communities. The neighborhood character impacts would be limited to the viewshed generally adjacent to the project site within the Carmel Valley community. More distant communities would not be within the immediate viewshed of the project and, thus, would not be significantly impacted.

The analysis of the Revised Project and the Reduced Mixed-use Alternative in the Final EIR confirms the commenter’s belief that a reduced project would lessen traffic and neighborhood character impacts in comparison with the Originally Proposed Project.



Torrey Pines Community Planning Board
14151 Boquita Drive, Del Mar, CA 92014
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BOARD MEMBERS: Dennis E. Ridz, Chair, dennisridz@hotmail.com ; Noel Spaid, Vice Chair; Kenneth Jenkins, Treasurer; Bob Shopes, Secretary; Patti Ashton; Richard Caterina; Barbara Cerny; Roy Davis; Michael Foster; Rich Hancock; Rick Jack; Cathy Kenton; Nancy Moon; Norman Ratner, Dee Rich; Michael Yanicelli.

From: Dennis E. Ridz, Chair
Torrey Pines Community Planning Board
14151 Boquita Drive
Del Mar, CA 92014

To: Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
Via email: DSDEAS@sandiego.gov

Date: May 29, 2012

Re: **One Paseo** Project 193036/SCH No. 2010051073

The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the San Diego Development Services Draft Environmental Impact Report (DEIR) for the One Paseo Project) issued March 29, 2012. Pursuant to California Environmental Quality Act (CEQA) guidelines and as a Responsible Agency, we believe it is our obligation to provide feedback, observations, and critical analysis to the Development Services. Our feedback will identify Omissions in the DEIR, Inadequacies in the submission, as well as Errors and Alternatives not considered. The TPCPB reserves the right to amend, under separate cover, this document as new details and research become available up until the end of the comment period ending May 29, 2012 or as part of the administrative record after public comment is closed.

On January 10, 1995 the Council of the City of San Diego adopted the Torrey Pines Community Plan and the certified Environmental Impact Report No. 92-0126. On February 8, 1996, the California Coastal Commission certified the Torrey Pines Community Plan Update and on April 16, 1996, the Council of San Diego accepted and adopted the California Coastal Commission's modifications to the Torrey Pines Community Plan.

The Executive Summary of the Torrey Pines Community Plan (TPCP) states, "the vision of this community plan is to provide the highest possible quality of life for residents and businesses while preserving the community's unique natural environment." Furthermore, the Planning Area is a community "rich in environmentally sensitive resources." The community contains large areas of

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Torrey Pine trees, lagoons, wetlands, and canyons, which in turn provide habitat for several species of unique wildlife.

The TPCPB, as a duly elected agency, is responsible to both its current residents and future generations. Based upon the guiding principles of the Community Plan, the TPCPB members are stewards for the land, air, water, unique flora, and fauna that live within and surround our community. What negatively affects surrounding environments has a ripple effect on our fragile ecological systems.

The proposed One Paseo DEIR provides one No Project/ No Development Alternative, one No project/Development under Existing Plans Alternative, Commercial Only Alternative, Medical Office/Senior Housing Alternative and No Retail Alternative. Under the No Project/Development under Existing Plans Alternative, this alternative **would avoid two significant traffic impacts and significant community character impact**.

Under the Commercial Only Alternative, no residential uses or the hotel would be constructed. Parking would be through surface lots and/or above-grade parking structures. The amount of earthwork would be **greatly reduced**. This alternative would reduce Average Daily Trips (ADT) by around 15 %. Traffic impacts would be lessened but remain at a significant level. Medical Office/Senior Housing Alternative would include 425,000 sf of medical office and 600 senior housing units. This alternative would reduce Average Daily Trips (ADT) by around 12 %. Traffic impacts would be lessened but remain at a significant level.

No Retail Alternative includes the 510,000 sf of office, a 150-room hotel, and 608 multi-family residences. This alternative was developed to reduce project-generated traffic as well as provide a slight reduction in development intensity relative to the proposed project. This alternative would result in a net ADT reduction of around **61 percent**. This alternative would result in potentially **significant traffic impacts** to the same three roadway segments, five intersections, and two freeway ramp meters as the proposed project. This alternative would reduce the Bulk and Scale but the alternative like the proposed project creates a potential inconsistency with lower-scale commercial and residential development proximate to the project site.

Under CEQA Guidelines 15151, a “**good faith effort at full disclosure**” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently **takes account of environmental consequences**.” Development Services has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b). Furthermore, Development Services has a legal duty to consider alternatives and is **not conditioned upon project opponents** demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40). In what manner, has Development Services abided by the requirements of CEQA Guidelines 15151? Where are the **scientific and factual data incorporated within** the One Paseo DEIR?

How can the elected public decision makers and local organizational leaders make a careful judgement on the merits and environmental impacts on a plan that contains little or no information on **adjacent** communities such as Torrey Pines, Pacific Highlands Ranch and the City of Del Mar ?

15a1 The City considers the Draft EIR to be a comprehensive document that represents a good faith disclosure of the environmental impacts associated with the Originally Proposed Project. Similarly, Section 12.9 of the Final EIR is considered a sufficient analysis of the impacts related to the Revised Project. The conclusions drawn in the Final EIR are based on analysis performed in accordance with City standards and procedures applicable to the preparation of EIRs, as defined in the CEQA Guidelines and the City’s own CEQA procedures and CEQA Guidelines. The analysis and supporting technical studies are discussed throughout the Final EIR and contained in appendices. As this comment does not identify any specific areas where the Draft EIR does not meet these standards and procedures, no more detailed response can be offered.

With respect to the City’s obligation to consider alternatives, as acknowledged in this comment, the Draft EIR did contain a range of alternatives to the project. In addition, as discussed in response to comment 5.6, the Final EIR includes two reduced mixed-use alternatives.

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Thanking you in advance for your careful consideration and review of the TPCPB's specific comments, we look forward to your detailed responses to our comments, which are as follows:

I. General Considerations and Comments

A. Torrey Pines Community Plan and its relationship to the One Paseo DEIR

1. Transportation Element
2. Mass Transit Element

B. The City of San Diego General Plan –Mobility Element

C. Omissions and Errors in One Paseo DEIR

1. Parking Strategies effect on Transit Usage
2. Impacts to Arterial Streets within the Torrey Pines Community
3. AB 1358 (Leno) **The Complete Streets Act**
4. California Environmental Quality Act (CEQA) issues
5. Flawed DEIR Document under CEQA Guidelines
6. Compliance with CEQA Section 21081.6
7. Alternatives Not Considered

II Comments on sections of the One Paseo DEIR

A. Cumulative Environmental Impacts

1. Schools –Impact of One Paseo
2. Traffic
 - a. Overview
 - b. Portofino Drive & Del Mar Heights Road I-5 SB on ramp (WB)
 - c. Mango Drive to Portofino Drive
3. Grading
4. Emergency Services
5. Asthma linkage to Freeway Pollution (ultrafine particles)

III Conclusion

I. General Consideration and Comments

A. Torrey Pines Community Plan (TPCP) and its relationship to One Paseo Generated traffic

The Torrey Pines Community Planning Board asserts that the DEIR **is inadequate**, as it has not accurately or properly assessed how this project affects the Torrey Pines Community. In particular, Development Services has **inadequately** documented the many ways in which the traffic generated by this project is in direct conflict with the TPCP as detailed in the following sections. Since both Caltrans I-5 NCC project under SB 468, and SANDAG 2050 RTP/SCS FEIR are an integral component of future local and regional highway/ arterial systems, the broad-brush approach taken by Development Services does not address the known **Direct and Cumulative Impacts, which** are clearly indicated.

Questions:

- How does simply stating that potentially significant intersection impacts “are outside the control of the City.” provide clarity and inform the public of when this issue will be cured?
- What is Development Services (DS) understanding of when the Caltrans Phase Two for I-5 NCC will be started and completed?

15a2 Based on the Final EIR, the significant impacts of the Originally Proposed Project and the Revised Project, with the exception of traffic impacts on distant portions of Via de la Valle and El Camino Real, would be limited to the Carmel Valley community. Thus, no detailed analysis of the communities cited in this comment was warranted.

15a3 Refer to response to comment 15a.2.

15a4 The Draft EIR stated that certain mitigation (not the impacts) is outside the jurisdiction of the City. The statement was intended to inform the public that, although specific roadway improvements could alleviate the impact, their implementation cannot be assured by the City or the applicant because they lack the authority to allow the improvements to be made. This authority rests largely with Caltrans because the

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15a4 improvements must be made to the bridge over I-5 at Del Mar Heights cont. Road, which is within Caltrans jurisdiction. Because of the lack of City control, the Draft EIR is unable to predict when and if the improvements would ultimately be made.

15a5 The I-5 North Coast Corridor (NCC) Project has not yet received final approval. Based on the latest SANDAG fact sheet, the final environmental document is expected by the beginning of 2014 with Coastal Commission review and Permitting expected in 2014.

15a.6	• What is DS rationale for not providing this information?
15a.7	• Why is there no discussion by DS on the Attorney General of California's legal action against SANDAG's 2050 RTP?
15a.8	• What impact would this lawsuit have on the unanswered question of 'outside the control of the City'?
1. Torrey Pines Community Plan – Transportation Element	
Page 43 of the TPCP, states that Torrey Pines Community faces the challenge of planning and developing a transportation system that emphasizes mass transit , without disrupting the community's unique environment and the lifestyle of its residents. On page 45 under Goals, item two. "Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines Community." Item 7, on page 46, is the key to this discussion - "Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeways. " On page 11, under Issues, is the following "The need to reduce auto trips and improve air quality regionally through the implementation of transportation demand management strategies, transit oriented developments and other measures." (Highlighted to place emphasis on critical issues.)	
Questions:	
15a.9	• What mass transit alternatives have been considered that support the Torrey Pines Community Plan and reduce freeway auto trips in our community?
15a.10	• How does Bus Route 473 planned for the year 2030 support TPCP's Transportation Element?
15a.11	• Are the funds for this Bus route assured?
15a.12	The Torrey Pines Community Planning Board asserts that the One Paseo DEIR is in error and has misinterpreted or ignores the intent of the TPCP Transportation Vision. The proposed project is not consistent with the goals of the TPCP. The DEIR project causes further encroachment on residential neighborhoods and amenities. This encroachment will raise noise levels along the I-5 corridor and reduce air quality as a result of increased particulate matter and other by-products of automobile pollutants stuck on I-5 ramps.
Questions:	
15a.13	• Why are no sound or air quality studies included in this DEIR that relate directly to additional traffic generated on I-5 and supporting ramp systems?
15a.14	• Would you not agree that the DEIR is inadequate and misleading without these studies? If not, why not?
2. Torrey Pines Community Plan – Mass Transit Element	
The TPCP is very clear in its goal of supporting Mass Transit whether it is light rail systems, commuter rail, or local bus service.	
Question:	
15a.15	• Would DS agree that allowing single occupant vehicles to use City Street is counterproductive to the much-supported concept of car-pooling?
Questions:	

15a.6 The I-5 NCC project, and its proposed freeway improvements, was not approved when the traffic analysis was prepared. The traffic analysis assumed the existing freeway condition in the near term to ensure a conservative analysis of the impacts of the project. Consistent with the SANDAG RTP, the improvements are assumed to be in place by 2030. Refer to updated information contained in Section 5.1.2 of Final EIR.

15a.7 The comment correctly notes that litigation for the SANDAG 2050 RTP and sustainable communities strategy had initiated shortly before the Draft EIR was circulated for public review. On November 28, 2011, the California Attorney General filed a petition for a writ of mandate to set aside SANDAG's approval of its then newly adopted RTP. The petition primarily alleged that because the 2050 RTP would not result in reductions of GHG emissions but would increase such emissions over the course of its planning horizon, which would be inconsistent with the mandates of California's Global Warming Solutions Act of 2006 (AB32). Thus, the petitioners claim that implementation of the RTP would result in a significant impact with respect to GHGs. The 2050 RTP EIR acknowledged the inconsistency, but did not characterize it as a potentially significant impact. The litigation remained in its earliest stages at the time of the release of the Draft EIR for the Originally Proposed Project, and SANDAG and its member agencies had proceeded with implementation of the 2050 RTP, anticipating that the RTP EIR would withstand legal challenge.

On December 20, 2012, the San Diego Superior Court entered a judgment in favor of the petitioners, invalidating the EIR. However, the effect of the judgment and the ultimate disposition of the RTP and its EIR remains uncertain, as SANDAG has appealed the judgment.

If the RTP EIR is ultimately judged defective and must include mitigation or alternatives to reduce GHG emissions, the precise manner of achieving AB32's 2050 GHG emissions goals remains speculative. However, methods that have proven effective in reducing GHG emissions from the business-as-usual scenario include increased access to public transportation and a greater emphasis on mixed-use, transit-oriented development. In fact, the increased provision of mass transit was an explicit goal of the groups that challenged the RTP EIR. Consequently, although the precise content of the RTP may change, the principles emphasized by the RTP, including the promotion of mixed-use development and the significant expansion of mass transit facilities, would continue to be emphasized and possibly to a greater degree than the RTP in any potential revisions.

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- 15a8 The comment does not specify the impacts to which it refers. However, it is assumed that the comment refers generally to impacts to roadway intersections that are outside the jurisdiction of the City, specifically, cumulative impacts to the Interstate 5 north- and west-bound ramp meters at Del Mar Heights Road, summarized on pages 5.2-74 and -75 of the Draft EIR. As stated on pages 5.2-67 and 70 of the Draft EIR, these intersections are within the jurisdiction of Caltrans. The above-referenced lawsuit concerns SANDAG, not Caltrans or the City. Moreover, the lawsuit would not in any way affect the jurisdiction of municipal and State agencies over their respective infrastructure. Consequently, the eventual outcome of litigation regarding the 2050 RTP would have no effect on the City's lack of jurisdiction to unilaterally approve and implement mitigation on Caltrans-owned and -maintained freeway ramps.
- 15a9 The project is not within the boundaries of the Torrey Pines Community Plan. SANDAG develops RTPs for San Diego County. No mass transit alternatives, other than SANDAG's RTP, have been considered in connection with the Originally Proposed Project. As discussed in response to comment 6.7, the project's TDM Plan includes a shuttle service.
- 15a10 The effect of Bus Route 473 on the Transportation Element of the Torrey Pines Community Plan (TPCP) is outside the purview of the Draft EIR, which is appropriately focused on evaluating potential environmental effects of the proposed development. Such inquiries should be directed to SANDAG.
- 15a11 Refer to response to comment 10.40.
- 15a12 As the proposed development is not located within the boundaries of the Torrey Pines community plan, the project is not subject to the goals, policies, and objectives of the TPCP. The project would not adversely impact the Torrey Pines Community Plan's residential neighborhoods.

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- 15a.13 Due to the already high levels of traffic on the I-5 and supporting ramps, the traffic associated with the Originally Proposed Project would result in minimal noise increases associated with these roadways. I-5 between Del Mar Heights Road and SR-56 is expected to carry approximately 301,247 daily trips in each direction without the project. The project would add 8,853 daily trips in each direction, representing an increase of less than two percent. This increase in traffic would not result in a significant increase in noise. As discussed on page 5.4-13 of the Draft EIR, traffic volumes on a roadway must generally double in order to increase noise by more than 3 dBA, the threshold of significance of the Draft EIR. The same rationale applies to project traffic impacts on freeway ramp noise. Similarly, the increase in traffic would not create CO hot spots or substantially increase regional criteria pollutant emissions.
- 15a.14 The City does not believe the Draft EIR is inadequate in this regard. As discussed in response to comment 15a.13, the anticipated volume of traffic that the project would add to freeways and ramps is substantially below the level at which significant noise impacts would result. Consequently, the impacts of project traffic on noise and air quality associated with I-5 would be less than significant, and the Draft EIR analysis of these impacts is adequate.
- 15a.15 This comment does not raise any issue related to the adequacy of the Draft EIR. Thus, no response is required.

- 15a.16 [] • Will Bus Route 473 connect to rail stations in Sorrento Valley and Solana Beach?
- 15a.17 [] • Why is there no analysis on how much Bus 473 will reduce ADT's for One Paseo?

It is the intention of the TPCPB to further expand comments and critical analysis within Part II.

B. The City of San Diego General Plan –Mobility Element

The City of San Diego General Plan, March 2008, is another key official citywide document that relates directly to the One Paseo DEIR. Under section B. Transit First, starting on page ME-16, the city states that “a primary strategy of the General Plan is to **reduce dependence** on the automobile in order to achieve multiple and inter-related goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, reducing storm water runoff, reducing paved surfaces, and fostering compact development and a more walkable city. Expanding transit services is an essential component of this strategy.” Furthermore, the Regional Transit Vision (RTV), adopted as a part of the 2030 Regional Transportation Plan (RTP), calls for development of a fast, flexible, reliable and convenient transit system.

- 15a.18 [] The TPCPB asserts that the One Paseo DEIR is in error as it has inaccurately and inadequately assessed the degree to which this project fails to support the San Diego General Plan and actually detracts from accomplishing the Plan's stated goals. To more fully assess the compatibility of this project with the City of San Diego General Plan, and SANDAG's 2050 RTP, the Applicant needs to answer the following:

Questions:

- 15a.19 [] • Why does this project seek to encourage automobile travel by not providing more Transit alternatives?
- 15a.20 [] • How does this project decrease local arterial and I-5 ramps air pollution or improve air quality?
- 15a.21 [] • How does this project reduce paved surfaces?
- 15a.22 [] • Why has Development Services and the Kilroy designed this project to encourage the use of single occupant vehicles?
- 15a.23 [] • How does this project support a fast, flexible, reliable, and convenient transit system?
- 15a.24 [] • What assurances have been provided that the MTS Bus Line 473 is funded and will actually happen?

C. Omissions and Errors in One Paseo DEIR

1. Parking Strategies effect on Transit Usage

- 15a.25 [] The One Paseo DEIR omits any serious consideration of the impact that Parking Strategies have on Transit Usage. SANDAG has done considerable research on parking restrictions/policies as an inducement to increase transit usage and transit mode share. Why has Development Services failed to include information from SANDAG's 2010 *Parking Policies for Smart Growth*?

- 15a.26 [] • Why is it not reasonable to work in collaboration with affected communities throughout San Diego County, and develop guidelines for parking availability and pricing for various jurisdictions before presenting the One Paseo project?

- 15a.16 The 2050 RTP does not provide sufficient specificity to know whether Bus Route 473 would connect with the railway stations along the route but such a connection would be beneficial. However, it should be noted that the project applicant TDM Plan includes a shuttle to the Sorrento Valley transit station.

- 15a.17 A 5 percent transit reduction is often assumed for developments planned within a walking distance of 1,500 feet from a transit station. However, no transit reduction was used for the proposed development because Bus Route 473 is not planned to be implemented in the near future.

- 15a.18 Refer to responses to comments 15a.19 through 15a.24.

- 15a.19 As discussed in response to comment 6.7, the Revised Project includes a TDM Plan to reduce reliance on the private automobile by enhancing pedestrian and bicycle movement throughout the project and providing a shuttle service to residents, employees and shopping patrons associated with the development.

- 15a.20 Implementation of the project's TDM Plan would serve to reduce project-related trips on local arterials and I-5. Furthermore, the development would improve air quality by allowing project residents to obtain goods and services without getting into their cars. In addition, the provision of employment opportunities within the project affords the opportunities for employees to live in the immediate vicinity of their places of employment. These features reduce the vehicle miles traveled, thereby resulting in a proportionate reduction in air quality and GHG emissions.

- 15a.21 The proposed development minimizes pavement associated with access, incorporates landscape medians into internal roadways, whenever possible, and includes landscaping in plaza areas. In addition, the development takes advantage of shared parking to reduce the number of parking spaces required to accommodate the anticipated demand for parking.

COMMENTS

RESPONSES

15a22 Refer to response to comment 15a.19.

15a23 As discussed in response to comment 6.7, the Revised Project may include a shuttle service connected to the Sorrento Valley transit station.

15a24 Refer to response to comment 10.40.

15a25 As discussed in response to comment 6.7, the Revised Project includes many of the elements identified in the SANDAG parking policies study which would reduce reliance on the private automobile including enhanced pedestrian and bicycle movement throughout the project and providing a shuttle service to residents, employees and shopping patrons associated with the development. In addition, the mixed-use nature of the project also serves to reduce reliance on the automobile. While these factors would likely reduce the reliance on the private automobile and concomitant need for parking, the project applicant is proposing to include additional parking to avoid the situation which is happening within Del Mar Highlands Town Center where the public has voiced concern at community meetings that there is inadequate parking to meet the center's needs.

15a26 This comment does not raise any issue related to the adequacy of the Draft EIR. Thus, no response is required.

COMMENTS

RESPONSES

- 15a.27 [• How would it not make sense to first initiate regional educational programs regarding the effects of free parking on congestion and mode choice?
- Increased congestion pricing by elevating parking fees is proven to work. The TPCPB asserts that this concept makes sense as SANDAG's 2010 Parking Policies clearly show congestion parking in Other cities and nations does work.
- 15a.28 [**Question:** Please explain why this strategy was disregarded?
- Smart Growth studies, experience across the country, and including SANDAG's 2010 *Trip Generation for Smart Growth* study, have concluded that smart growth development leads to a "reduction in vehicle trip generation and a higher transit, pedestrian and bicycle mode share."
- 15a.29 [**Question:** Why does this DEIR fail to support the SANDAG Smart Growth policies?
- 15a.30 [The One Paseo DEIR has excluded any mention of "form-based building codes" which SANDAG supports. SANDAG was established a regional policy basis for adoption of local form-based codes through its Smart Growth Design Guidelines including Multimodal Street – "describing how to create **streets that balance the needs of all modes of transportation.**"
- Question:** Why has Development Services failed to comment on SANDAG's policy?
- 2. Impacts to Arterial Streets within the Torrey Pines Community**
- Questions:
- 15a.31 [• Since queuing and wait times will increase adjacent to arterial streets west of I-5, why is it not reasonable to conclude that the One Paseo Project will force additional traffic to the major and minor arterial streets in the Torrey Pines Community?
- 15a.32 [• Won't this happen at two different phases of the various One Paseo project:
a. During construction, users will opt for surface streets that would allow them to avoid traffic and avoid unsafe travel conditions. We have seen this occur at Del Mar Heights Road and Portofino Drive for smaller temporary projects/events such as the Fairgrounds traffic, Golf tournament traffic, special events, etc.
b. Upon completion of the project phases, the increased volume of travelers will introduce more traffic to the arterial streets.
- 15a.33 [• Isn't the increased arterial traffic in the Torrey Pines area, strictly a result of the One Paseo project?
- 15a.34 [The increased arterial traffic is not contributed to by the population of Torrey Pines or the City of Del Mar. The populations of Torrey Pines and Del Mar will not substantially increase in the future. These communities are mature in the sense that there is very little developable land remaining.
- Question:** Why should our communities who will not be contributing to the increased traffic conditions be forced to live with the results of more traffic on our arterial streets?
- The One Paseo DEIR omits any consideration of the indirect impacts of arterial traffic for the following reasons:
- 15a.35 [**a. The DEIR does not study or present any facts associated with this "foreseeable impact" caused by additional traffic and associated with the dated infrastructure of the Torrey Pines neighborhood.**
- 15a.36 [**b. The DEIR does not present or analyze any alternative or mitigation measures to help the community understand the indirect traffic impacts of the Project.**

15a.27 This comment does not raise any issue related to the adequacy of the Draft EIR. Thus, no response is required.

15a.28 This comment does not raise any issue related to the adequacy of the Draft EIR. Thus, no response is required.

15a.29 The EIR does not support land use policies. The EIR evaluates the project's consistency with applicable policies and determines environmental effects, if any. In the case of the proposed development, the Final EIR concludes that the mixed-use nature of the project and the emphasis on promoting walking and biking is in keeping with SANDAG's smart growth policies (see page 5.1-10).

15a.30 SANDAG's Smart Growth Design Guidelines are intended to assist the region's jurisdictions with implementation of smart growth concepts. The guidelines are not mandatory as SANDAG does not have local land use and zoning authority. The City implements smart growth concepts primarily through its General Plan, its Land Development Code and also the Street Design Manual. The project proposes a Precise Plan Amendment that includes design guidelines as well as a mixed-use zone new to the Carmel Valley Planned District. The Precise Plan design guidelines and mixed-use zone implement various smart growth concepts and design elements contained in the City's General Plan, as well as SANDAG's Smart Growth Design Guidelines.

The project is also certified by LEED as a Neighborhood Development community. While the only streets being created are internal private drives, the project includes a multi-modal approach, including new pedestrian walkways, bicycle routes, a shuttle program, a bus stop for the planned extension of a rapid transit bus, and a Plan that provides assistance and incentives to reduce single-car occupancy.

The Precise Plan Design Guidelines and the development standards of the mixed-use zone will regulate the form of the proposed development. The Precise Plan also contains a land use plan that ensures a specific mix of uses within the site. Form-based development codes are most useful where the design of a building is of greater importance than the uses that may occur within the building as formed based codes contain inherent use flexibility. Because a specific mix of uses is a central feature of the proposed development, a purely form-based zoning approach is not proposed.

COMMENTS

RESPONSES

15a31 Refer to response to comment 5.2.

15a32 Refer to response to comment 5.2.

15a33 The comment suggests increased arterial traffic in the Torrey Pines area would result from the proposed development. However, the traffic analysis concluded that the proposed development would not result in significant direct or cumulative impacts within the Torrey Pines community. As indicated in Tables 1-25 and 1-26 in the traffic study, Del Mar Heights Road in the Torrey Pines area is projected to operate at acceptable levels of service with the proposed development in the future (Year 2030) condition.

15a34 Trips associated with the proposed development in the Torrey Pines Community represent local residents or businesses utilizing the retail shops, restaurants, offices, and amenities associated with the proposed development.

15a35 As indicated in response to comment 11.3, the traffic study complies with the City's Traffic Impact Study Manual, which defines the scope of a project's study area. As illustrated in Figure 2-3 in the traffic study, the project's traffic study area includes two intersections and two street segments within the Torrey Pines Community.

15a36 The City is unaware of the nature of the indirect traffic, noise, air quality, etc., impacts referenced in this comment. As result, no response can be made.

Since Development Services must comply with CEQA guidelines, as stated above, the following sections of the CEQA guidelines must be addressed:

- Under CEQA 15064, “An indirect physical change is to be considered only if that change is a reasonably **foreseeable impact** which may be caused by the project.”
- Under CEQA Guidelines 15151, a “good faith effort at full disclosure” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Development Services has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b). Furthermore, Development Services has a “legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).”

Questions: (When referring to “the three streets in question”, the following questions are referring to Del Mar Heights Road, Portofino Drive, and Mango Drive)

- Why are the above guidelines not being addressed in this DEIR?
- What are the quantified impacts to ADT and LOS on Del Mar Heights, Portofino, and Mango?
- What levels of ADT or LOS would cause the City Traffic department to upgrade the street “classification” that Portofino, Del Mar Heights and Mango are currently defined as? i.e. Local Street, Sub-Collector Street, Collector Street, Major Street, or Arterial Street?
- If the street classification is upgraded, would this require the City to widen the 3 streets in question?
- If the street classification is upgraded, would this require the City to change the speed limit of the 3 streets in question?
- If the street classification is upgraded, would this require the City upgrade/add traffic signals on the 3 streets in question?
- If the street classification is upgraded, would this require the City to add streetlights, call boxes, or other safety measures at the location of the 3 streets in question?
- Due to extreme downhill grades on these three streets, could these three streets be considered for this type of increased permanent traffic based on the Street Design Standards manual (Table 1)?
- Would the increased traffic impacts to the surface streets west of I-5 force the citizens living along those streets to live in dangerous conditions? This would be the case if the streets are “unfit” for classification upgrades due to downhill slope, width, etc.
- Since there is no shoulder or median at the location of the three streets in question, would the increased traffic, queuing, and congestion on the three streets in question effect the emergency response time?

The Torrey Pines Community needs to understand how our major arterial streets, such as Del Mar Heights Road, Mango Drive, and Portofino Drive will be impacted. In addition, we need to understand how the Applicant’s plans will mitigate these harmful traffic impacts. The following questions need to be answered:

Questions:

- If the Applicant’s proposal does not fully mitigate impacts, will the City of San Diego do so?
- How has Development Services budgeted dollars outside of the One Paseo project to improve traffic for our arterial streets?

15a.37 The analysis contained in the traffic analysis and summarized in the Draft EIR does comply with the CEQA Guidelines to which this comment refers. Indirect physical changes are considered when there is a foreseeable impact in accordance with Section 15064 of the CEQA Guidelines. The analysis of impacts on the three streets referenced in this comment was conducted in accordance with standard City guidelines for preparing traffic studies. Detailed information on the potential impacts of project traffic is provided for a variety of time frames including existing, short-term and long-term conditions, with and without the proposed project, to disclose the traffic impacts related to the proposed development. Lastly, alternatives are considered in Section 12 of the Final EIR including a reduced mixed-use alternative.

15a.38 The comment inquires about the quantified impacts to ADT and LOS on Del Mar Heights Road, Portofino Drive, and Mango Drive. Del Mar Heights Road from Mango Drive to the I-5 southbound ramps is projected to operate at acceptable level of service D, as shown in Table 1-25 of the traffic study. Although not part of the study area, Del Mar Heights Road between Mango Drive and Crest Way was evaluated to determine if significant impacts would occur as a result of the proposed development. This segment is classified and built as a four-lane Major (LOS E capacity of 40,000 ADT), according to the Torrey Pines Community Plan, with an existing ADT of 21,385, which is LOS C. The Revised Project at full buildout would add 716 ADT to this segment and increase the total ADT to 22,101, resulting in LOS C. Since this segment of Del Mar Heights Road would operate at acceptable levels of service with the project, the segment would not be significantly impacted by the proposed development.

COMMENTS

RESPONSES

15a38 Portofino Drive, just south of Del Mar Heights Road, is classified and cont. built as a two-lane collector (LOS E capacity of 8,000 ADT), based on the Torrey Pines Community Plan. Year 2030 without the project is 3,700 resulting in LOS C. Traffic associated with the proposed development (716 ADT) would increase traffic to 4,416 ADT, which represents a LOS C. Since this segment of Portofino Drive would operate at acceptable levels of service with the project, the segment would not be significantly impacted by the proposed development.

Mango Drive, just south of Del Mar Heights Road, is classified and built as a two-lane collector (LOS E capacity of 8,000 ADT), based on the Torrey Pines Community Plan. The year 2030 without Project ADT is 4,000, which is LOS C. Traffic associated with the proposed development (716 ADT) would increase the volume to 4,716 ADT which is LOS C. Since this southern segment of Mango Drive would operate at acceptable levels of service with the project, the segment would not be significantly impacted by the proposed development.

Mango Drive, north of Del Mar Heights Road is classified and built as a two-lane collector with a LOS E capacity of 9,000 ADT. The 9,000 ADT functional capacity was obtained by interpolating between the Collector (no fronting property) and the Collector (commercial/industrial fronting) capacities based on the current number of driveways along this section of Mango Drive. Year 2030 without the project is 7,000 ADT, which is LOS D. The project traffic on this segment (716 ADT) would increase the volume to 7,716 ADT, which represents LOS D. Since this segment would operate at an acceptable level of service with the project, the segment would not be significantly impacted by the proposed development.

15a39 As discussed in response to comment 15a.38, Portofino Drive, Mango Drive and Del Mar Heights Road would operate at LOS D or better with project traffic. Thus, the project was determined not to have a significant impact on these segments.

15a40 The analysis referenced in response to comment 15a.38, levels of service could remain acceptable, the streets would not need to be re-classified and, therefore, widening would not be required due to impacts from the proposed development.

15a41 Refer to response to comment 15a.38.

15a42 Refer to response to comment 15a.38.

COMMENTS

RESPONSES

15a43 Refer to response to comment 15a.38.

15a44 Refer to response to comment 15a.38.

15a45 Refer to response to comment 15a.38.

15a46 As discussed in response to comment 8.2 and on page 5.12-8 of the Final EIR, no physical changes in the environment (e.g., new or expanded fire stations) would be required as a result of development of the proposed project. Thus, the effect of the project on fire and emergency response times need not be discussed in the Final EIR. However, in response to the questions raised in this and other comments regarding response times, the following information is offered.

The project would not adversely affect emergency response times in the area. Due to the low number of project trips expected to travel Portofino and Mango Drives, and the acceptable level of service expected to exist on these roadways, no impacts to emergency access would occur along these two roadways.

Although the proposed project would increase traffic congestion on Del Mar Heights Road, the impact of this congestion on the ability of emergency vehicles to respond to emergencies would not be substantially affected. This conclusion is based on the following factors. First, emergency response vehicles have the right of way, and are exempted from rules of the road in emergency situations. Specifically, upon the approach of an emergency vehicle sounding a siren, the surrounding traffic is required to immediately move the right-hand edge or curb, clear intersections and stop until the emergency vehicle has passed (Vehicle Code 21806). Emergency vehicles also have the ability to override traffic signals along Del Mar Heights Road. If required, drivers of emergency vehicles are trained to utilize center turn lanes or travel in the opposing through lane to pass through congested intersections. The extension of the westbound right-turn lane to the I-5 NB onramp would free up capacity in the eastbound through lanes on Del Mar Heights Road which would increase the maneuverability available for emergency access vehicles. Similarly, the eastbound left-turn pocket on the bridge (turning onto the northbound I-5 on ramp) will be extended, thereby adding stacking capacity and removing cars from the eastbound through lanes on Del Mar Heights Road.

COMMENTS

RESPONSES

15a47 The traffic analysis in the Draft EIR concluded that project traffic would not result in any significant impacts to roadways or intersections within the TPCP. Thus, no mitigation measures are required. With regard to significant impacts to Del Mar Heights Road, mitigation of impacts to below a level of significance is infeasible, and cannot be implemented unilaterally by the applicant or the City.

15a48 In the absence of significant traffic impacts on streets within the TPCP, there is no nexus for allocating money to those streets as a result of project approval. City budgets for general street maintenance or improvements unrelated to the Originally Proposed Project are beyond the scope of this environmental review.

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- How does Development Services and Kilroy plan to aid in the implementation of a mass transit project(s) to ease traffic on our arterial streets?
 - Why is there no analysis or even a mention of One Paseo's traffic impact West of I-5?
 - Does the synergized traffic light system planned for Del Mar Heights road include the traffic signal at **Mango Drive and Crest Way**? If not, why not?
 - Has traffic spillover from I-5 ramp congestion been studied? If not, why not?
 - Has any analysis been done to estimate the impact on **Portofino Drive** of One Paseo traffic generated by congested I-5 SB (WB) ramp both during construction phases and before traffic mitigation can be completed which is outside the control of the City? Can the impact be quantified in "ADT" and "LOS"?
 - Why have no studies been done or included in One Paseo DEIR, which relate to the issue of widening Del Mar Heights Road West of I-5?
 - What levels of ADT or LOS would cause the City Traffic department to upgrade the street "classification" that Portofino, Del Mar Heights and Mango are currently defined as? i.e. Local Street, Sub-Collector Street, Collector Street, Major Street, or Arterial Street?
 - If the street classification is upgraded, would this require the City to widen Del Mar Heights, Portofino Dr., and/or Mango Dr.?
 - If the street classification is upgraded, would this require the City to change the speed limit of Del Mar Heights, Portofino Dr., and/or Mango Dr.?
 - If the street classification is upgraded, would this require the City upgrade/add traffic signals on Del Mar Heights, Portofino Dr., and/or Mango Dr.?
 - If the street classification is upgraded, would this require the City to add streetlights, call boxes, or other safety measures at the location of Del Mar Heights, Portofino Dr., and/or Mango Dr.??
 - Due to extreme downhill grades on these three streets, could Del Mar Heights, Portofino Dr., and/or Mango Dr. be considered for this type of increased permanent traffic based on the Street Design Standards manual (Table 1)?
 - Would the increased traffic impacts to the surface streets west of I-5 force the citizens living along those streets to live in dangerous conditions? This would be the case if the streets are "unfit" for classification upgrades due to downhill slope, width, etc.
 - If deemed necessary by the City to widen DMHR West of I-5, will Kilroy pay its "fair-share"?
 - What is the impact at Del Mar Heights Road west of I-5 due to the fact that the road is only 4 lanes west of I-5 and 6 lanes east of I-5? Is this going to cause a "bottleneck"?
 - What is the impact of queuing at the I-5 south ramp from Del Mar Heights east-bound? This will likely cause Portofino Drive to be used as a shortcut. What is the impact to of this queuing to Portofino in terms of ADT and LOS?

3. AB 1358 (Leno) The Complete Streets Act

This SANDAG 2050 RTP is the first Transportation plan to be brought forth since the passage of California's Complete Streets Act (AB1358). The purpose of AB1358 is to ensure that transportation plans of California communities meet the needs of all users of the roadway including pedestrian, bicyclists, users of public transit, motorists, children, the elderly, and the disabled. More information can be found at www.completestreets.org. Portland, Oregon has taken a similar approach and has seen a 74% increase in bicycle commuting. The AB1358 fact sheet states than "if each resident of a community of 100,000 replaced one car trip with one bike just once a month, it would cut carbon dioxide emission by 3,764 tons per year." The City of San Diego Street Design Manual is shown as one of the Communities Leading the Way. Section 4(E)(3) of the

15a.49 SANDAG is the agency principally responsible for planning and funding mass transit. In the absence of significant traffic impacts on streets within the TPCP, there is no nexus for allocating money to fund mass transit within the TPCP.

15a.50 The traffic study analyzed two segments and two intersections west of the I-5/Del Mar Heights Road interchange, see Figure 2-3 in the traffic study. These segments west of I-5 were Del Mar Heights Road from I-5 southbound ramps to Portofino Drive and Del Mar Heights Road from Portofino Drive to Mango Drive. The two intersections were Del Mar Heights Road at Portofino Drive and Del Mar Heights Road at Mango Drive. Tables 1-25 and 1-26 in the traffic study show that the two segments and two intersections would operate at acceptable levels of service with the proposed development.

15a.51 The proposed development proposes to incorporate ATCS in the early phases as a project feature. The ATCS is planned to include intersections on Del Mar Heights Road from Mango Drive to El Camino Real. This will allow vehicles to stop less frequently and improve efficiency along Del Mar Heights Road. Added signals benefit traffic on Del Mar Heights Road by spreading turns throughout several intersections, shortening turn queues at each intersection, and avoiding a concentration of turns from fewer lanes. ATCS increases speeds, reduces stops, improves safety, reduces energy consumption, and improves air quality. For more information on ATCS proposed by the project, refer to Chapter 15.0 and Appendix P in the traffic study. The traffic study does not rely on the ATCS to mitigate the project's traffic impacts.

15a.52 Table 1-28 in the traffic study includes a ramp meter analysis of delays and queues at freeway ramps within the study area. Ramp meter impacts are identified and proposed mitigation is shown in Table 1-29.

15a.53 Chapter 15.0 in the traffic study discusses traffic during construction phases and the possible routes to/from I-5. Although construction traffic would use the I-5 southbound (westbound) ramp, it is not clear how traffic heading westbound on Del Mar Heights Road would affect traffic on Portofino Drive as no median break exists on Del Mar Heights Road to turn left onto Portofino Drive. As indicated in response to comment 15a.38, the proposed development would not significantly impact Portofino Drive. As discussed in response to comment 5.2, the project would not be expected to cause substantial trip diversion.

COMMENTS

RESPONSES

- 15a54 As indicated in Table 1-25 of the traffic analysis, Del Mar Heights Road west of I-5 would operate at acceptable levels of service in the future (Year 2030) condition with the proposed development. Therefore, widening is not necessary.
- 15a55 Refer to response to comment 15a.39.
- 15a56 Refer to response to comment 15a.39.
- 15a57 Refer to response to comment 15a.41.
- 15a58 Refer to response to comment 15a.42.
- 15a59 Refer to response to comment 15a.42.
- 15a60 Refer to response to comment 15a.44.
- 15a61 Refer to response to comment 15a.45.
- 15a62 Based on the analysis in the traffic study (Table 1-25), Del Mar Heights Road west of I-5 would not be significantly impacted by the project. Therefore, mitigation such as a “fair-share” payment would not be required.
- 15a63 As shown in Table 1-25 of the traffic study, the segment of Del Mar Heights Road between the I-5 southbound ramps and Portofino Drive is projected to operate at an acceptable level of service (LOS D) in the Year 2030 with-Project condition. The majority of project traffic would use the northbound and southbound ramps to the freeway. As a result, project traffic would not cause a bottleneck on Del Mar Heights Road, west of I-5.
- 15a64 Table 5-4 in the traffic analysis shows the Observed Meter Delay and Queue measured in the field. As shown, the I-5 southbound on-ramp in the eastbound direction has a 319-foot queue in the AM peak hour, and 58-foot queue in the PM peak hour. The available storage for the southbound on-ramp is approximately 800 feet, which is adequate storage for the observed queues. In addition, the proposed development would not contribute traffic to the I-5 southbound ramps in the eastbound direction, refer to Figure 3-7 in the traffic study. Based on field observations and the ramp meter analysis and the analysis referenced in response to comment 5.2, the project would not cause motorists to use Portofino Drive as a shortcut because observed queues do not back onto Del Mar Heights Road. Thus, no impacts are anticipated.

TransNet Extension Ordinance requires all of its funded projects to support active transportation if reasonable to do so. Development Services needs to provide detailed guidelines and training to assist local agencies to meet the key strategies of AB1358, which include encouraging physical activity, reduction of greenhouse gases, and cutting short commute trips.

15a.65 The TPCPB asserts that One Paseo directly opposes the purpose of AB1358 within the Torrey Pines and Carmel Valley communities. The One Paseo project will continue to divide Torrey Pines from local shopping and parks within Carmel Valley and Pacific Highlands Ranch due to impactful traffic congestion. Under SB 468, the 8+4 expansion of I-5, coupled with much higher projected local traffic volume will make Del Mar Heights Bridge crossing more hazardous to pedestrians and bicyclists.

Questions:

- 15a.66 • Would Development Services agree that AB1358 is a Common Sense approach to getting people out of their cars?
- 15a.67 • Why has Development Services not provided funding to support and assist local agencies in developing manuals and local safe street design criteria?
- 15a.68 • Please explain, how does One Paseo with its 4,000 plus parking spaces supports AB1358?

4. California Environmental Quality Act (CEQA) issues

Section 21081 of the California Public Resources Code and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project. Evidence outside the DEIR itself is beside the point. Whatever is required to be in the DEIR must be in that **formal report**. What any official might have known from **other writings or oral presentations** cannot supply what is lacking in the report (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, (1994). The applicant has made various statements and provided materials to the public, which is not included in the DEIR. The applicant has promised that they are looking into a transit system other than Bus Route 473.

15a.69 **Question:** Why is this information not included in the DEIR?

Generally speaking, an EIR must identify and analyze certain issues such as **growth-inducing Impact(s)** of the proposed project, **significant Irreversible Environmental changes**, and alternatives to the proposed project.

15a.70 **Question:** Please explain why the growth-inducing impacts are either missing from the DEIR or details are so lacking that an informed decision on their merits cannot be made?

15a.71 "A DEIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, **both from a local and regional perspective**. The description is necessary to understanding of the significant effects of the proposed project. (14 CCR 15125)."

This is one of the salient points **not addressed** by the One Paseo DEIR. Why has the regional perspective been ignored or not articulated in sufficient detail or scope on both short- and long-term impacts and foreseeable environmental impacts?

15a.65 The increased traffic congestion on Del Mar Heights Road between I-5 and High Bluff Drive resulting from both the Originally Proposed Project and Revised Project would extend the time required to travel to and from Carmel Valley from the TPCP area. However, travel during off-peak hours would continue to be relatively unimpeded. Thus, the Originally Proposed Project would not significantly interfere with the goals of AB 1358. As discussed in response to comment 15a.19, the project includes an emphasis on walking and biking in accordance with the goals of the Complete Streets concept.

With respect to concern associated with the proposed improvements to I-5 on pedestrian access, such impacts, if any, would be unrelated to the project. Caltrans' improvements to I-5 will not impair or preclude pedestrian or bicycle access to the Del Mar Heights interchange bridge, nor will the improvements proposed by the Revised Project.

15a.66 Table 5-4 in the traffic analysis shows the Observed Meter Delay and Queue measured in the field. As shown, the I-5 southbound on-ramp in the eastbound direction has a 319-foot queue in the AM peak hour, and 58-foot queue in the PM peak hour. The available storage for the southbound on-ramp is approximately 800 feet, which is adequate storage for the observed queues. In addition, the proposed development would not contribute traffic to the I-5 southbound ramps in the eastbound direction, refer to Figure 3-7 in the traffic study. Based on field observations and the ramp meter analysis and the analysis referenced in response to comment 5.2, the project would not cause motorists to use Portofino Drive as a shortcut because observed queues do not back onto Del Mar Heights Road. Thus, no impacts are anticipated.

15a.67 This comment does not raise any issue related to the adequacy of the Draft EIR. Thus, no response is required.

15a.68 AB 1358 requires local agencies include policies in the Circulation Elements of the General Plans to promote safe use by all users including pedestrians and bicyclists. The Act does not establish any guidelines or recommendations related to parking.

COMMENTS

RESPONSES

15a69 The City agrees that the Draft EIR can only rely on information that is identified in the document and/or incorporated by reference. The CEQA Guidelines do not require EIRs to include all information provided by a project applicant in public meetings, only information relevant to the potential environmental effects of a project. The City is unaware of the other information referenced in this comment.

15a70 Growth inducement is addressed in Section 11 of the Draft EIR.

15a71 The focus of the Draft EIR is a function of each environmental issue which is addressed in the document. In most cases, the analysis is appropriately focused on the surrounding area (e.g., noise, traffic, and visual effect/neighborhood character). However, for other issues (e.g., air quality and GHG emissions), the focus is appropriately regional because the impacts are felt within wider areas such as the San Diego Air Basin. Thus, the discussion of the existing conditions (environmental setting) for each environmental issue is focused on the appropriate study area.

COMMENTS

RESPONSES

Question: Why has the Applicant chosen to ignore regional impacts to the communities of Torrey Pines, Pacific Highlands Ranch, City of Del Mar, and the City of Solana Beach?

"It is vitally important that a DEIR avoid **minimizing the cumulative impacts**. Rather, it must reflect a **conscientious effort** to provide the public agencies and the general public with adequate and relevant detailed information about them. It is critical that the cumulative impact analysis be corrected. It **understates the severity** and significance of cumulative impacts, **impedes meaningful public discussion**, and **skews the decision maker's perspective** concerning the environmental consequences of the project. An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decision makers have in fact fully analyzed and considered the environmental consequences of its actions." Qjai at 431

The One Paseo DEIR understates the severity of the consequences and fails to provide the public with vital information. Throughout the DEIR discussion of Traffic Mitigation, such as Table 5.2-41, the caveat is made that "Direct and cumulative impacts would remain potentially significant following installation of the improvements," **which are outside of the control of the City**". Traffic improvements being 'outside the control of the city' does not preclude an in-depth analysis.

The TPCPB asserts that Development Services and the applicant have failed to live up to their fiduciary responsibility and are impeding meaningful public discussion. Some projects may be 'reasonably foreseeable' even though they may never be built. What matters is whether they appear foreseeable at the time of the DEIR preparation. (City of Antioch v. City Council). The TPCPB would ask that a conscientious effort be made to fully answer the following **Questions:**

- Has the Applicant or DS fully reviewed the FEIR's for Caltrans I-5 NCC, SANDAG 2050 RTP, or 22nd Agricultural District Fairgrounds Master Plan? If not reviewed, why not ?
- Explain how these projects will or should affect the timing of installation of the improvements, **which are outside of the control of the city?**
- Will a detailed timeline be provided that clearly projects the **time gap** between the estimated finish of One Paseo Phase Three and the required installation of improvements outside the control of the City?
- Has the Applicant taken into consideration the State Attorney General's legal action against SANDAG's 2050 RTP? Why not?
- Will the Applicant provide a detailed analysis of the One Paseo's projected 1.9 million sf versus the SANDAG 2050 plan that only considers the inclusion 510,000 sf development of this property? If not, why not?
- Has the Applicant taken into consideration Caltrans I-5/SR-56 Connector project? The DEIR will be issued on May 18th, 2012.
- Has the Applicant taken into consideration that the FEIR I-5 NCC includes the demolition of the Del Mar Heights Bridge to accommodate more lanes? If not, why not?
- Has the Applicant taken into consideration the extensive future build-out at the Del Mar Fairgrounds and Direct Access route into the 22nd AG property? What would be the implications on wait time on the I-5 North bound (WB) metered ramp?

A legally adequate "cumulative impact analysis" is an analysis of a particular project viewed over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand.

15a.72 The Draft EIR did not ignore impacts to surrounding communities. The Draft EIR analyzed significant impacts of the project in any communities which may be affected. For example, the traffic study identified traffic impacts outside the Carmel Valley community along Via de la Valle and El Camino Real.

With respect to cumulative impacts, the Draft EIR contained an extensive list of cumulative projects, and includes a separate discussion of cumulative impacts in Section 6. As the comment does not identify any specific gaps or errors in the cumulative analysis, no detailed response is required.

15a.73 The City disagrees with the assertion that the Draft EIR did not analyze roadway facilities which are considered outside the City's jurisdiction. For example, impacts to the I-5/Del Mar Heights Road interchange are analyzed and mitigation is proposed, even though the interchange is within the jurisdiction of Caltrans rather than the City.

15a.74 As shown in Table 6-1 of the Draft EIR, the City has included, as cumulative projects, the development proposals referenced in this comment; therefore, the project's contribution to cumulative effects has been studied.

15a.75 The RTP and I-5 NCC projects are long-range plans (20 years and more), and the roadway improvements included in those plans are dependent upon the availability of funding. Thus, the City cannot predict when these improvements would occur. The San Diego County Fairgrounds would not involve improvements that would have a direct bearing on the project.

15a.76 The completion of the project will be largely dictated by market conditions, and, thus, cannot be predicted with certainty. Similarly, public infrastructure outside the control of the City, such as that within the jurisdiction of Caltrans, will be installed, if at all, by other government agencies. Therefore, the City cannot estimate the time gap referenced in this comment without speculation.

15a.77 Refer to response to comment 15a.7.

15a.78 The discussion of the No Project: Development Under Existing Plans Alternative provides a comparison of the impacts of the Originally Proposed Project with that which would occur if the property were developed with 510,000 square feet of corporate offices.

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- 15a78 The discussion of the No Project: Employment Center Alternative provides a comparison of the impacts of the Originally Proposed Project with that which would occur if the property were developed with 510,000 square feet of corporate offices.
- 15a79 As indicated on page 12.1 of the Traffic Impact Analysis (Appendix C of the Draft EIR), the traffic study used year 2030 projections taken from the traffic study prepared for the I-5/SR-56 Northbound Connectors. In addition, the traffic study assumed that the northbound connectors would be constructed by the year 2030.
- 15a80 The proposed mitigation measures at the I-5/Del Mar Heights Road Bridge acknowledge the planned demolition and reconfiguration of the bridge.
- 15a81 The Del Mar Fairgrounds Master Plan was included in the analysis as a cumulative project. A new direct access ramp from I-5 into the fairgrounds was not assumed since there is no programmed and funded improvement to construct it. The “near term with project” ramp meter analysis in the traffic study includes the forecasted wait times at the I-5 / Del Mar Heights Road interchange with the Fairgrounds Master Plan Traffic and several other cumulative projects traffic.

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Such an analysis “assesses cumulative damage as a whole greater than the sum of its part.” (*Environmental Protection Information Center v. Johnson*) (1st Dist. 1985).

Question:

- Will the Applicant provide a summary of such individual projects’ expected environmental impacts, with specific reference to additional information, stating where such information is available?
- Will the Applicant provide a reasonable analysis of all of the relevant projects’ cumulative impacts, with an examination of reasonable option for mitigating or avoiding such effects (CEQA 15130(b))?
- The City of San Diego is considered the lead agency under CEQA because it has the principal responsibility for approving the proposed project. The Public Resources Code, Section 21081.6 requires public agencies adopt a reporting or monitoring program to **ensure that mitigation measures** adopted pursuant to CEQA **are implemented**. Both Development Services and the Applicant have stated that the identified improvement would fully mitigate the impacts at various intersections. The improvements “**are outside the control of the City.**”

Questions:

- Is this not a fatal flaw in the DEIR since the lead agency (Development Services) cannot ensure that mitigation measures will be implemented? If not, why not?
- What happens if the Applicants’ “fair-share” mitigation costs prove to be economically infeasible?
- Will the Applicant post bonds or some other type of financial instrument to cover their “fair-share”?
- How does the City intend to fund its associated cost of this One Paseo Project?

5. Flawed DEIR Document under CEQA

Under CEQA Guidelines 15151, a “good faith effort at full disclosure” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Development Services and the applicant have failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b).

The TPCPB asserts that the contents of the One Paseo DEIR are so scattered throughout the massive document that it is impossible to ascertain in which sections and appendices subject matter on an issue can be found. The ‘paper’ copy is incomplete and additional information was released after the March 29th official release date. Even the applicant stated that the tables were “confusing”.

Question:

- Would you agree that the flawed organization of this DEIR document makes it difficult to find information that would provide a “good faith effort at full disclosure”? If not, why not?
- Will you agree that the DEIR must be re-issued?

15a82 The Draft EIR provided a summary of the cumulative projects which are considered (see Table 6-1). This table includes the location and a brief description of each project. In addition, the cumulative effects are discussed in Section 6, and summarized in the Executive Summary of the Draft EIR. Where more detailed information is necessary to analyze cumulative impacts, more detailed information is offered in the Draft EIR and/or technical reports. Such is the case with the traffic analysis where the discussion of each cumulative project in Section 7 of the Traffic Impact Analysis (TIA) provides an estimate of the number of automobile trips associated with each project.

15a83 The Draft EIR contains a comprehensive analysis of cumulative impacts and mitigation measures in Section 6.

15a84 The inability of the City to enforce a mitigation over which it lacks jurisdiction is not a fatal flaw in the EIR. CEQA Guidelines Section 15091(a) specifically allows a lead agency to conclude such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. When making this finding, however, the agency must prepare a Statement of Overriding Considerations to justify approval of the project despite the existence of unmitigated impacts (CEQA Guideline Section 15093). The City Council will consider such a statement if it chooses to approve the project despite significant and unmitigated impacts.

15a85 The traffic mitigation measures (which will become conditions of project approval) require that fair-share contributions be paid prior to the issuance of permits for development which will cause the impacts at issue. Absent payment, such permits would not be issued.

15a86 This comment raises no issues related to the adequacy of the Draft EIR. Thus, no specific response is warranted.

15a87 As the proposed development is a purely private undertaking, the City will not provide any funding for the project.

15a88 The City believes that the Draft EIR is well organized, and that the conclusions are adequately substantiated. In absence of specific citations to support the concern over the organization or factual basis of the Draft EIR, no response can be made.

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- 15a.91 • Will you agree to granting additional time for the public review and response?
- 6. Compliance with CEQA – Section 21081.6**
- The City of San Diego is the lead agency under CEQA and the City Council will be required to certify the final environmental document. The Public Resources Code, **Section 21081.6** requires Development Services to adopt a reporting or monitoring program to ensure that mitigation measures adopted pursuant to CEQA **are implemented**. San Diego’s Development Services clearly states that direct and cumulative impacts would remain potentially significant following the installation of improvements (mitigation measures), which are” **outside the control of the City**”.
- 15a.92 It is clear that the DEIR includes **improperly deferred traffic mitigation**. There is no certainty of mitigation since the funding is uncertain or projected so far into the future that there is no assurance that forecasted projections will become reality.
- Questions:**
- 15a.93 • Would Development Services agree that the DEIR fails to comply with Section 21081.6? If not, would you provide sufficient case law to support your contention?
- 15a.94 • How would Development Services ensure that the mitigation measures would occur?
- 15a.95 • What assurances has the City of San Diego been given from SANDAG and Caltrans that the funding for ” **outside the control of the City**” issue is resolved?
- 15a.96 • If these documents, internal e-mails, or telephone conversations exist, why have they not been provided to the public as part of the DEIR?
- 15a.97 Additionally, the DEIR and Precise Plan Amendment fail to evaluate the impact of the project on **transit system operations**. As a minimum, the DEIR failed to provide a meaning full Transportation Demand Management (TDM) program in consultation with SANDAG, MTS, and NCTD that facilities a **balanced approach to mobility**. The proposed pedestrian routes through One Paseo only address the issue of what happens once commuters park their 4,000 cars. The DEIR has failed to provide a solution to the **ultimate goal of reducing vehicle trips**.
- Questions:**
- 15a.98 • Why are there no other transit system solutions provided to support a robust TDM?
- 15a.99 • If there have been communications between Development Services/ City of San Diego, where are these document?
- 15a.100 Under these circumstances, the City of San Diego cannot ensure that mitigation measures adopted pursuant to CEQA are or can be implemented. A public agency may exercise only those expressed or implied powers provided by law. CEQA does **not limit the lead agency’s obligation to mitigate** the direct or cumulative impacts of a project. The DEIR and PPA fail to consider the possibility of raising funds that would allow Caltrans and SANDAG to complete the mitigation **outside the control of the City**. The California Supreme Court’s decision in *Marina* concluded that more analysis could be done to determine the source of non-legislative funds to offset mitigation.
- Questions:**

- 15a.89 As indicated in the previous response, the City does not believe that the Draft EIR is difficult to read and understand.
- 15a.90 In light of the preceding responses, the City does not believe that the Draft EIR needs to be recirculated. However, as indicated in response to comment 5.6, three new alternatives were recirculated for public comment in October 2103.
- 15a.91 The public review period for the Draft EIR was extended by 15 days.
- 15a.92 The Draft EIR did not defer traffic mitigation. The mitigation measures identified in the Traffic Impact Analysis and Section 5.2 of the Draft EIR are specific, and include trigger points which will assure that they are in place at the appropriate time in the development of the project. These trigger points require installation of improvements concurrent with need. As indicated in Section 12.9 of the Final EIR, the same measures will be applied to the Revised Project although the amount of the fair share contributions will be adjusted to reflect the lower trip generation associated with the Revised Project.
- 15a.93 The City believes that the Draft EIR complies with Section 21081.6 of the Public Resources Code (PRC). As noted in response to comment 15.92, Section 21081.6 requires a lead agency to adopt, as part of approval of a project, an MMRP. As illustrated in the MMRP included in Section 7 of the Final EIR, each mitigation measure for the Revised Project is associated with an identified time of implementation and the responsible party, and is “designed to ensure compliance during project implementation,” consistent with section 21081.6(a)(1). Additionally, each of the mitigation measures proposed is enforceable through permit conditions, such as grading or building permits or certificates of occupancy, or through other measures, consistent with Section 15097(a) of the CEQA Guidelines. Note, however, that the purpose of the MMRP is not to ensure that all impacts of a project are reduced to a less-than-significant level, but to ensure that all identified mitigation measures are actually implemented. See CEQA Guidelines § 15097(a) (“In order to ensure that the mitigation measures and project revision identified in the EIR are implemented.”).

Also, this comment mischaracterizes the issue of deferral of mitigation. “Deferral” of mitigation does not describe mitigation measures that are implemented during the later stages of a project. Rather, the term refers to the practice of formulating precise mitigation measures after

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15a93 certification of a Final EIR for a project, and deferral is permissible as long as certain criteria are met. For example, where a measure includes a commitment to mitigate and provides adequate criteria or performance standards to determine the effectiveness of mitigation, deferring the discussion of the specific manner of mitigation is permissible. See, e.g., *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 793-95 (future development of a water quality plan that included certain elements and would comply with specified performance standards); *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal. App. 3d 1011, 1020-23 (TDM Plan to be formulated in the future, with certain possible features specified in the EIR); *Laurel Hts. Improvement Assn. v. Regents of the Univ. of Calif.*, (1988) 47 Cal. 3d 376, 418 (noise mitigation to be formulated, using performance standards specified in the EIR).

Additionally, the payment of “fair share” fees for future improvements properly constitutes mitigation where the lead agency reasonably expects that funds will actually be used for mitigation. CEQA Guidelines §15030(a)(3); *Save Our Peninsula Comte. v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 140.

In the case of fee programs, a “time-specific schedule” is not required; only a “reasonable plan for mitigation.” *Save Our Peninsula Comte.*, *Supra* 87 Cal. App. 4th at 141.

For the Originally Proposed Project and the Revised Project, traffic mitigation includes payment of fair-share fees for certain programmed improvements. These include the following:

Mitigation Measure 5.2-3, which requires payment of fair-share fees to widen El Camino Real, from Via de la Valle to San Dieguito Road, to a four-lane Major. As stated on pages ES-7 and 5.2-72 of the Draft EIR, this improvement is planned and funded in the City’s Facilities Financing Program as CIP T-12.3. However, because the timing of the construction of these programmed improvements remains uncertain, and the City cannot guarantee completion of those improvements prior to build-out of the Originally Proposed Project or the Revised Project, the impact is conservatively considered significant and unavoidable.

Mitigation Measure 5.2-4, which requires payment of fair share fees to widen Via de la Valle from Andres Drive to El Camino Real (west), as a four-lane Major. As stated on pages ES-8 and 5.2-72 of the Draft EIR, the improvement is planned and funded in the Black Mountain Ranch

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15a93 Public Facilities Financing Plan as Project No. T-32.1. However, because cont. the timing of the construction of these programmed improvements remains uncertain, and the City cannot guarantee completion of those improvements prior to build-out of the Originally Proposed Project or the Revised Project, the impact is conservatively considered significant and unavoidable.

Mitigation Measures 5.2-1.1, 5.2-9, -10, -11, and -12, require payment of fair share fees for various improvements to Caltrans facilities, including the Del Mar Heights Road bridge, SR-56 ramps and I-5 ramps. However, as stated on pages ES-9 and 5.2-73-75 of the Draft EIR, each of these improvements would occur under the jurisdiction of Caltrans, and these measures cannot be implemented without Caltrans' approval. Consequently, although the mitigation measures may be feasible from a physical perspective, the City cannot obtain assurance of their implementation, and the Draft EIR properly considers the impact significant and unavoidable due to this uncertainty.

As stated above, the Draft EIR did not defer development of these mitigation measures. In each case, the Draft EIR identified specific mitigation measures that would, if implemented, reduce or substantially avoid their respective traffic impacts. However, due to uncertainties regarding the timing of implementation or the approval of the agency responsible for implementation (where that agency is not the City), the analysis considers these impacts to remain significant. Nevertheless, in the case of all fair-share fees for which a payment program exists, the applicant still would be required to pay its fair share, irrespective of the determination of the significance of the residual impact.

15a94 Mitigation will be assured through the MMRP adopted with the project approval.

15a95 The City has no such assurances. Consequently, the EIR concludes that the mitigation measures cannot adequately be assured and the associated impact would be unmitigated. The City and applicant have met with Caltrans and SANDAG and continue cooperative efforts to ensure all feasible mitigation.

15a96 As indicated in the previous response, no assurances have been received from SANDAG or Caltrans.

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15a.97 As discussed in response to comment 6.7, the Revised Project includes an enhanced TDM Plan. In addition to enhancements to pedestrian and bicycle access, the TDM Plan includes a shuttle service for the project during am/pm peak hours and lunch hours. Also, the plan calls for the establishment of an on-site TDM Plan coordinator or comparable service provided by SANDAG or another entity. The coordinator will promote alternative forms of transportation by providing marketing and outreach for all TDM Plan programs including presentations to tenants, staff, and community members at large.

15a.98 Refer to response to comment 6.7.

15a.99 This comment is unclear. The Development Services Department is a part of the City of San Diego. Extensive communications regarding this project have occurred within Development Services and with other City departments. If, however, the comment refers to communications between the City, Caltrans and SANDAG, Caltrans and SANDAG submitted comment letters on the Draft EIR and the City has responded to them. Refer to responses to comment letters 4 and 6.

15a.100 The inability of the City to ensure mitigation involving facilities under Caltrans' jurisdiction is predicated on the fact that such improvements cannot be unilaterally approved by the City. Thus, if Caltrans refuses to issue permission for improvements to the Del Mar Heights Road interchange, the improvements could not be implemented. However, as noted in response to comment 15a.95, the City and the applicant continue to confer with Caltrans in an effort to mitigate the project's impacts to Caltrans' facilities.

COMMENTS

RESPONSES

- 15a.101
- 15a.102
- 15a.103
- 15a.104
- What additional funding sources and plans have been explored to resolve the issue of the lead agency's requirement to meet its obligations under CEQA 21081.6?
 - Has 'bridge' loan concept been reviewed as a method to complete the required mitigation measures?
 - Have there been discussions held with SANDAG or Caltrans on how to bridge this funding and timing gap so as to align One Paseo's Phase Three completion with Caltrans I-5 NCC mitigation requirements? If not why not?
 - Has the Applicant considered providing additional loans to bridge this funding and timing gap?

7. Alternatives Not Considered

The National Environmental Policy Act (NEPA), under Title 40 Sec. 1502.14, is very clear on what actions must be taken when preparing a DEIR. "Section 1502.14 is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the **alternatives in comparative form**, thus sharply defining the issues and providing a clear basis for choice among options by the decision makers and the public. In section 1502.16, agencies shall:

(a) Rigorously explore and **objectively evaluate** all reasonable alternatives, and for alternatives, which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) **Include** reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) **Identify the agency's preferred alternative or alternatives**, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives." The One Paseo DEIR has largely avoided addressing these mandatory items under NEPA.

Question:

- 15a.105
- 15a.106
- 15a.107
- 15a.108
- 15a.109
- 15a.110
- 15a.111
- What are Development Services answers to the above items a-f?
 - If Development Services does not believe they need to answer items a-f, then why?
 - Why are there no comparative traffic studies included to indicate what the traffic congestion or Level of Service (LOS) and Average Daily Trips (ADT) would be for each alternative?
 - Why is there no scaled down version of the One Paseo project provided?
 - If other alternatives or scaled down versions were considered, why has that information been excluded?
 - What other similar size mixed -use projects were reviewed?
 - What are the applicants Return on Investment (ROI) for this project to yield a profit?
 - What is the **minimum size** of the mixed-use project to meet Kilroy's projected or corporate ROI and break-even analysis?

15a.101 Refer to response to comment 15a.93.

15a.102 The City has not reviewed a "bridge loan concept" as a method to fund project-related mitigation measures. Funding for mitigation is the responsibility of the applicant.

15a.103 The City and applicant have and continue to coordinate with SANDAG and Caltrans with respect to the mitigation of impacts within Caltrans' right-of-way. These agencies have discussed the appropriate contribution by the applicant to improvements within Caltrans' right-of-way and other potential funding sources, such as contributions from future development projects in the area which would benefit from Caltrans' improvements.

15a.104 The City is unaware of whether the applicant is prepared to provide additional funding for Caltrans improvements. Refer to responses to comments 4.4 and 4.5.

15a.105 The project is not subject to the requirements of NEPA because there is no federal approval required to implement the project. However, CEQA contains similar requirements for evaluating alternatives to a project. Alternatives to the proposed development are discussed in Section 12 of the Final EIR including an evaluation of two mixed-use alternatives. The discussion includes a comparison of the effects of each alternatives with the effects associated with the Originally Proposed Project. Furthermore, the analysis includes a detailed analysis of traffic impacts in response to the importance of this issue to the local community. Similarly, the discussion of visual effects /neighborhood character is emphasized as well.

On the basis of the ability of each alternative to reduce impacts in comparison with the Originally Proposed Project, the Draft EIR

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15a.105 concluded that developing the site as a business park in accordance with the existing land use designation and zoning (No Project: Employment Center Alternative) would be the environmentally superior alternative because it would result in the least impact with respect to traffic (76 percent reduction in daily traffic trips), on-site noise, land use compatibility, construction noise, and paleontological and historical resources. This alternative would also be the environmentally preferred alternative with respect to the Revised Project.

As required by CEQA, the Final EIR evaluates a reasonable range of alternatives including the No Project (No Action) alternative. This discussion includes a discussion of alternatives which were considered but rejected including the basis for rejection.

Lastly, CEQA does not require the identification of mitigation measures for impacts associated with alternatives.

15a.106 Refer to response to comment 15a.105.

15a.107 The discussion of alternatives does quantify the traffic impacts associated with each alternative to provide better basis of comparison with the traffic impacts associated with the project.

15a.108 Two reduced mixed-use alternatives are evaluated in the Final EIR (see Sections 12.9 and 12.10).

15a.109 Refer to response to comment 5.6.

15a.110 A number of projects located throughout the United States were reviewed by the applicant that have similar land use components and mixes as the proposed development. These projects are identified in Exhibit 15a.110-1 below.

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15a.110
cont.

Exhibit 15a.110-1
Comparable Mixed-Use Projects

Project	Location	Acres	Retail	Office	Residential (units)	Cinema	Hotel
Americana at Brand	Glendale, CA	11	350,000	0	350	yes	no
Bay Street	Emeryville, CA	22	400,000		346	16 screen	230 rooms
Bayshore Town Center	Milwaukee	45	950,000	200,000	113		
Belmar	Lakewood, CO	104	1,000,000	800,000	1,300	yes	
Bethesda Row	Bethesda, MD	14	337,000	183,000	180		
City Place	West Palm Beach, FL	72	350,000	300,000	585	20 screens	no
Civita	San Diego, CA	230	900,000	SF included in Retail	4,800		
Easton Town Center	Columbus, OH	34	1,500,000	215,000	500	yes	3 hotels
Kierland Commons	Phoenix, AZ	36	316,000	124,000	84		
Legacy Town Center	Plano, TX	150	500,000	3,500,000	2,400	Angelika	
Market Commons	Claredon, VA	26	346,000	45,000	225	14 screen	
One Scottsdale	Scottsdale, AZ	100	600,000	1,200,000	11,000	yes	yes
Pacific Station	San Diego, CA		38,000	10,500	600		
Park Place	Leawood, KS	30	125,000	85,000	350	AMC 20 screens	2 hotels
Paseo Colorado	Pasadena, CA	11	650,000		400	14 screen	
Peninsula	Hampton, VA	75	850,000	115,000	160		
Pentagon Row	Arlington, VA	18	296,000		500		
Phillips Place	Charlottesville, VA	35	129,000		402	10 screen	125 rooms
Plays Vista	Playa Del Rey, CA	1,087		2,500,000	5,500	yes	
Redmond Town Center	Redmond, WA	120	375,000	600,000			180 room
Reston Town Center	Reston, VA	85	360,000	2,100,000	300		514 room
Rockville Town Square	ROCKVILLE, MD	12	180,000		648		175 room
Santana Row	San Jose, CA	32	638,000		600	20 screen	213 rooms
Southlake Town Square	Southlake, TX	130	700,000	1,800,000	118	yes	2 hotels
Southside Works	Pittsburgh, PA	34	300,000	610,000	100	10 screen	200 room
Suwannee Town Center	Suwannee, GA	40	100,000	87,000	150		
The Domain	Austin, TX	57	750,000	75,000	390		yes
The Gateway	Salt Lake City, UT	20			300		

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15a.110
cont.

Project	Location	Acres	Retail	Office	Residential (units)	Cinema	Hotel
The Greene	Dayton, OH	72	790,000	128,000	205		
The Woodlands	Woodlands, TX	34	400,000	100,000		5 screen	70 room
Victoria Gardens	Rancho Cucamonga, CA	147	615,000		400	yes	
Village at Shirlington	Arlington, VA	27	255,000	300,000	400		
Zona Rosa	Kansas City, KS	90	925,000	97,000	75		

15a.111 This comment raises no issues related to the adequacy of the Draft EIR. Thus, no specific response is warranted.

Furthermore, Development Services and the applicant have a **legal duty** to consider alternatives and this duty is **not conditioned upon project opponents demonstrating that other feasible alternatives exist** (Practice Under CEQA 15.40). The TPCPB asserts that Development Services and the applicant have failed their legal duty to consider other alternatives.

For example, the Union Tribune Mission Valley site is considering adding a 22-story, 198 unit residential tower, a ten-story, 234,415 square foot office building, a parking garage topped by a pool, a fitness center and tennis courts and 6,470 sf of retail on their 12.9-acre site. The TPCPB would like to point-out that retail is only a small fraction of the project but the developer, Douglas Manchester, stated “ the fact that people will not only be able to work there but be able to reside, shop and dine there “. This concept is supported by “rapid transit, because of the trolley being a few hundred yards away.”

Questions:

- Why wasn't a smaller Mixed-Use Development considered? If a scaled down version was rejected, where are the details and why was a smaller project rejected?
- What would be the results in regards to significant and unmitigated direct and /or cumulative impacts of a project designed as follows? Commercial office of 510,000 sf, Professional Office of 10,000 sf, residential housing set at 194 units or approximately 70,000 sf (no 10 story tower), NO 150-room hotel, retail space reduced to 70,000 sq, No Cinema.
- What would be the revised ADT's, LOS, volume, V/C and delta of V/C of this smaller project of approximately 660,000 sf for all intersections studied?
- Would you agree that Development Services and the applicant may not “hide behind its own failure to gather relevant data” (Sundstrom V. County of Mendocino (1988) 202 Cal.App.3d 296, 311.)?

II. Comments on sections of the One Paseo DEIR

A. Cumulative Environmental Impacts of One Paseo

1. Schools –Impact of One Paseo Project

Section 5.12- Project Area and Recreation Facilities/ Recreation

Questions:

- Why was Canyon Crest Academy, a public school of choice, with an attendance of 1,893 students within the San Dieguito Union High School District public facilities not included on the Facilities Chart and Project Area Public Service and Recreational Facilities Map?
- How much does this **omission** change the Average Daily Trip (ADT) calculations?
- Will you provide new ADT numbers?

All students in Carmel Valley are eligible to attend Canyon Crest Academy. Admission is by lottery and only Special Education students are provided bus transportation. Students from Carmel Valley must drive to school on Del Mar Heights Road, El Camino Real, Carmel Country, Interstate 5, or Highway 56, which adds to the morning congestion.

15a.112 The discussion of alternatives in the Final EIR does consider a reasonable range of alternatives including two reduced mixed-use project alternatives now included in the Final EIR. Refer to response to comment 5.6 for more information on the mixed-use alternatives.

15a.113 Refer to response to comment 5.6.

15a.114 As discussed in response to comment 5.6, the Final EIR includes two reduced mixed-use alternatives which would retain the same general mix of land uses as the Originally Proposed Project, but reduce the overall density and intensity in comparison with the Originally Proposed Project. These reductions in density and intensity would result in a proportionate decrease in the impacts related to density and intensity; primarily traffic and visual effect/neighborhood character. The specific alternative proposed in this comment was not analyzed.

The alternatives evaluated in the Draft and Final EIR represent a reasonable range of potentially feasible alternatives that would reduce or avoid the significant and unavoidable impacts of the project, and the alternative suggested here already falls within the range of alternatives evaluated. An EIR need not consider every conceivable alternative or permutation. It must only provide those that are sufficient to allow informed decision making.

15a.115 A reduced mixed-use project alternative is analyzed at Section 12.9 of the Final EIR, including an analysis of traffic impacts in comparison to the Revised Project. An alternative project as described in this comment was not specifically analyzed, for the reasons described in response to comment 15a.114. The Final EIR contains a range of alternatives sufficient to foster informed decision making and public participation.

15a.116 The City does not agree with the commenter's inference that the City or project applicant failed to gather relevant data. As no specific example of insufficient data gathering is given, no more detailed response can be offered.

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15a.117 Canyon Crest Academy has been added to Figure 12-1 of the Final EIR.

15a.118 The travel forecast model used in the traffic analysis is based on land use designations which are defined by local community plans and existing uses as part of the existing conditions. The land use designations are divided into traffic analysis zones (TAZ) which are geographically based. One of the TAZs evaluated in the traffic analysis included the Canyon Crest Academy. As a consequence, the traffic from this school was assumed in the traffic study.

15a.119 Refer to response to comment 15a.118.

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- Questions:**
- 15a.120 Has the One Paseo project accounted for the ADT's generated by **new students** living in the apartment complex?
 - 15a.121 If so, what is One Paseo's 'fair share' towards providing transit for the students?
- Question:** Will Canyon Crest Academy be added to all facilities charts and will traffic considerations of access to school become part of the DEIR?
- 15a.122
- Torrey Pines High School is an open campus, and students leave in large numbers to buy lunch at local establishments.
- Questions:**
- 15a.123 Was this student traffic taken into consideration, especially during lunch period and at close of school?
 - 15a.124 Will this traffic generated ADT's be included in the DEIR?
- The Master Planned Community of North City West, now Carmel Valley, was approved by the San Diego City Council in conjunction with the North City West School Facilities Master Plan. The addition of 160 students, 7-12 grades, and 122 elementary school students grades K-6 in the Solana Beach Elementary District will add an unplanned burden to the respective school districts. Carmel Valley Middle School is presently over the designed capacity.
- 15a.125
- Question:** Will the One Paseo developer assist the SDUHSD and the Solana Beach Elementary District to avert overcrowding which requires at least one new middle school to alleviate this future impact?
- 15a.126
- The project applicant has said that Kilroy will pay developer fees as per Government Code 65996. However, the original developer fees for Carmel Valley were significantly higher than the State fees in order to build the school for the North City West Development. Developer fees were then replaced by CFD's or Mello Roos fees with a change in state law. CFD's are an essential part of the master planned communities of Carmel Valley, Pacific Highlands Ranch, and Torrey Hills. Students from homes that pay Mello Roos fees (CDF's) have priority by state law to attend schools built with CFD money. At present, new students cannot be accommodated at Carmel Valley Middle School.
- Question:** Will the project applicant, Kilroy, pay CDF fees to help build a new middle school or will One Paseo students only have spaces that are not filled with students that pay CFD fees?
- 15a.127
- The CFD priority for students is state law.
- Question:** Will the developer, Kilroy, pay a fair-share that others have already paid which is necessary to build a new middle school in Carmel Valley?
- 15a.128
- Questions:**
- 15a.129 Why is the developer asking for a significant change in the general plan of a master planned community?
 - 15a.130 Why has a housing element been added to a commercially zoned area? How does Carmel Valley qualify for a City of Villages designation?

- 15a.120 Trips associated with school children are factored into the trip generation rates included in the City's Trip Generation Manual and used for the residential component of the project.
- 15a.121 As indicated in response to comment 7.11, the school fees to be paid by the proposed development are intended to mitigate any impacts on the local schools. A separate fee for transporting children to local schools is not required.
- 15a.122 The location of Canyon Crest Academy has been added to Figure 5.12-1 of the Final EIR. As indicated in response to comment 15a.118, traffic from this school was included in the traffic analysis.
- 15a.123 The Torrey Pines High School student traffic was taken into consideration when existing counts were obtained. The lunch period and close of school traffic was accounted for in the daily counts, and evaluated in the street segment analysis of the traffic study.
- 15a.124 The traffic generated by the existing Torrey Pines High School was included in the traffic study as part of the existing baseline conditions.
- 15a.125 As discussed in response to comment 7.11, the Originally Proposed Project will generate students before the completion of a planned new middle school in 2017. Because sufficient capacity does not presently exist at Carmel Valley Middle School to accommodate grades 7 and students from the Originally Proposed Project, those students likely will attend Earl Warren Middle School, where capacity does exist, pending completion of the proposed new middle school. Upon completion of the new middle school, the three schools will have a capacity of 2,500 students to serve a projected enrollment of 2,531. It is expected that the slight exceedance of capacity can be accommodated between the three middle schools. Thus, no facilities beyond those currently planned are anticipated to be required to accommodate the Originally Proposed Project.
- 15a.126 The applicant will be conditioned to pay applicable school fees. Refer to response to comment 7.11 regarding existing and planned school capacity.
- 15a.127 The project is not subject to a CFD and will pay applicable school fees.

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- 15a.128 The applicant is not required to reflect payments made by others through the CFD because, as indicated in response to comment 15a.127, the applicant is not subject to the CFD.
- 15a.129 The objectives of the project applicant with respect to the Originally Proposed Project are described in Section 3.1 of the Draft EIR. These same objectives are applicable to the Revised Project. In general, the project applicant is seeking to create a development that meets the City of Villages strategy of focusing growth into mixed-use activity centers, or villages, connected by transit. However, to achieve this objective, the land use designation in the General Plan and the Carmel Valley Community Plan must be changed. The project site's current General Plan land use designation is Industrial Employment, which allows for a range of office and industrial uses. The project proposes to change the designation to Multiple Use which would allow the proposed mixed-uses. Similarly, the Employment Center designation of the Community Plan does not accommodate mixed-use and must be changed to Community Village.
- 15a.130 A housing component is included in the project to achieve the overall goals envisioned by the City of Villages concept. Inclusion of housing allows people to shop, work, and recreate without having to use their cars. As indicated on page 5.1-10 of the Draft EIR, SANDAG's Smart Growth Concept Map identifies the project site as a Town Center smart growth area. Furthermore, according the Table 1 of the Housing Element of the City's General Plan, adopted in 2013, over 45,000 new residential units will be needed within the City in order to accommodate the Regional Housing Needs Allocation (RHNA) for the SANDAG region through the year 2020.

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- 15a.131 [Why are more than 60,000 people without any transit?
City of Villages development is tied to transit.
Questions:
- 15a.132 [How can a project qualify for City of Villages designation without any transit?
- 15a.133 [Why is no transit proposed for the next 20 years in this area?
- The mitigation for all of the phases of Carmel Valley in EIR's was transit since the 1970's approval of the first neighborhood of Carmel Valley. Each phase of development of Carmel Valley promised transit as mitigation.
Questions:
- 15a.134 [Is the City of San Diego in VIOLATION of CEQA by not implementing TRANSIT for any of the communities of Torrey Pines, Carmel Valley, Pacific Highland's Ranch, Torrey Highlands, and Del Mar Mesa?
- 15a.135 [Is the lack of PUBLIC TRANSIT NOW and the LACK OF NEW TRANSIT concurrent with the building of One Paseo not a violation of state law?
- 15a.136 [**Question:** If public transit is not available for residents, why did the DEIR not consider the impact of the probable elimination of school transportation money from the Governor's Budget and the subsequent elimination of school busing except Special Education students by the San Dieguito Union High School District?
More cars will be on the road delivering students to school.
Questions:
- 15a.137 [• If State transportation funding is discontinued, will the additional ADT's generated by middle school students from the Torrey Pines area and Carmel Valley area using the Interstate 5 ramps Northbound to reach Earl Warren Middle School in Solana Beach, and Carmel Valley residents using local streets to reach Carmel Valley Middle School be considered?
- 15a.138 [• Will Students being driven on local streets to Carmel Valley Middle School who were previously bused in the AM and PM be considered in the EIR if school busing is eliminated?
- Metropolitan Transit cannot provide school specific routes by law. Public transit for the public on Del Mar Heights Road would offer alternatives and, at a minimum, get people to One Paseo without additional clogging of the access road to Torrey Pines High School, Canyon Crest Academy, Earl Warren Middle School, Carmel Valley Middle School, skateboard park, recreation center and library.
- No school busing except Special Education students is presently available to students in the Del Mar and Solana Beach Elementary School Districts.
Question:
- 15a.139 [• Has the DEIR considered the impact on local streets as freeways back up and the few major arteries are clogged at the same time elementary and high school students are going to school?
- 15a.140 [The Carmel Valley community and Torrey Pines community differ from many areas in the City of San Diego with few major arterials and many cul de sacs.
Question:
Was this fact taken into consideration? If not, why not?

- 15a.131 This question is beyond the scope of the project. New transit routes are planned and funded by SANDAG and operated by MTS. As discussed in response to comment 10.40, transit is planned for Carmel Valley in the future.
- 15a.132 As discussed in response to comment 10.40, the City of Villages Strategy in the City's General Plan does not require that regional transit service be immediately available to proposed village developments. The General Plan indicates that future transit service is acceptable as long as the funding is assured. As discussed in response to comment 10.40, the 2050 RTP, the long-range transportation plan for the region, indicates that Bus Route 473, which would serve the Originally Proposed Project, is anticipated to be funded by the year 2030.
- 15a.133 The timing for Bus Route 473 is taken from the 2050 RTP. In general, the timing for transit improvements in the RTP is a function of need and funding. The City cannot speculate on why this bus service isn't proposed until the year 2030, nor is this information relevant to the Draft EIR since the project is not dependent on the bus service, nor does it assume its existence in the prediction of project traffic.
- 15a.134 The City is not in violation of CEQA, as suggested in the comment, because transit would not be provided to the various communities referenced concurrent with the project. As discussed in response to comment 10.40, immediate regional transit service is not required to be consistent with the goals of the General Plan for villages. Additionally, the absence of immediate regional transit service does not constitute a significant impact under CEQA. The traffic study did not assume any project trip reductions from the availability of regional transit.
- 15a.135 The provision of transit concurrently with private local development is not required by the state of California.
- 15a.136 The availability of funding for school transportation is unrelated to the environmental effects of the project. The responsibility for providing transportation for school children resides with the school districts.
- 15a.137 The traffic study does not specifically take into account the number of students which travel to schools by bus. The traffic related to schools is included in the existing traffic counts upon which the analysis was based. Although elimination of bus service could increase the traffic on local roadways, this factor is speculative. In any event, it would have a de minimus effect on traffic unrelated to the proposed development.

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- 15a.138 As discussed in response to comment 15a.137, no consideration of additional traffic from potential discontinuation of school bus service is warranted. Trips to and from schools are accounted for in residential trip generation rates.
- 15a.139 Pursuant to the City of San Diego Traffic Impact Study Manual and SANDAG's Regional Traffic Impact Study Guidelines, local streets are not typically analyzed if the project does not add 50 or more directional peak hour trips to the roadway. For further discussion about the possible diversion of traffic due to future congestion, refer to response to comment 5.2.
- 15a.140 The presence of cul-de-sacs within the community is not a factor because the travel forecast does not distribute project traffic to these streets. Furthermore, the project site is well served by major streets (Del Mar Heights Road and El Camino Real) eliminating the need for project traffic to travel small residential streets.

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15a.141

Question: Funding for schools is addressed in the draft DEIR. The DEIR **incorrectly** states that new funding will come to the Districts from additional students. The Del Mar Union Elementary District, the Solana Beach Elementary District, and the San Dieguito Union High School District are considered Basic Aid Districts. They do not receive new money per student and must fund new teachers and other expenses from the same money they had before the new students arrived.

Question:

- Will the statements in the draft EIR be corrected to accurately reflect the funding mechanism?

School districts in Carmel Valley (formerly North City West) have provided "Facilities in Accordance with Need" to all students generated from housing in Carmel Valley.

Question:

- What is the justification to add a new housing element with significant student generation that cannot presently be accommodated in existing Carmel Valley schools?

15a.142

One Paseo would create a situation in which no new middle school students from One Paseo can be accommodated in Carmel Valley until a new Middle School is built.

Questions:

15a.143

- Why does the DEIR **incorrectly** state the "project- generated students would not overburden school capacity"?

15a.144

- Will the DEIR be changed to accurately reflect a Significant Impact to Schools?

15a.145

Residents or developers have all paid higher developer fees or Mellos Roos fees than One Paseo Applicant is suggesting in the DEIR.

Questions:

15a.146

- Will this inequity be addressed and corrected?

15a.147

- If not what are the applicant's reasons for taking that position? Why is not Kilroy's problem?

15a.148

One Paseo project puts residential housing in a commercial office area. The community was master planned to avoid putting students in the middle of commercial development.

Question: Has a plan been developed for "**Safe Routes to School**" to mitigate for putting students in the middle of a commercial development?

2. Traffic**a. Overview**

The Applicant has claimed that the 'rush hour' represents only one hour in the morning and one hour in the afternoon at which time there is traffic congestions. Furthermore, the Applicant has dismissed our concerns as 'mere apprehension' of a non-technical expert. Under Citizens Association for Sensible Development of Bishop Area v, County of Inyo (1985), "relevant personal observations" are evidence. For example, an adjacent property owner may testify to traffic conditional based upon personal knowledge."

Questions;

15a.141 Insofar as the purpose of the EIR is to assess potential physical effects on the environment from the project, the source of State funding for the operation of schools (such as the payment of teachers and similar operational expenses) is not related to physical impacts from the Originally Proposed Project. The Final EIR will be revised by deleting the reference to State funding based on pupil enrollment.

15a.142 As discussed in responses to comments 7.11 and 9.2, the Originally Proposed Project will generate students before the completion of a planned new middle school in 2017. Because sufficient capacity does not presently exist at Carmel Valley Middle School to accommodate grades 7 and 8 students from the Originally Proposed Project, those students likely will likely attend Earl Warren Middle School, where capacity does exist, pending completion of the proposed new middle school. Upon completion of the new middle school, the three schools will have a capacity of 2,500 students to serve a projected enrollment of 2,531. It is expected that the slight exceedance of capacity can be accommodated between the three middle schools. Thus, no additional school facilities would be required to accommodate the Originally Proposed Project.

15a.143 Refer to response to comment 7.11.

15a.144 The Draft EIR at Section 5.12 concluded that impacts from the project on school facilities are adequately mitigated through the payment of applicable school fees.

15a.145 Existing schools in Carmel Valley were constructed by the respective school districts with funds collected from statutory school fees, North City West School Facilities Master Plan (11/17/81) fees, a Community Facilities Finance District (CFD), and funds provided by the State of California. The project is not subject to a CFD and will pay applicable school fees.

15a.146 This comment suggests that funding for local schools is inequitable, with some residents paying more than others towards the construction of schools. Such policy and legislative issues do not concern physical effects on the environment and are beyond the scope of CEQA and the project EIR. Refer to response to comment 15a.145 regarding the sources of school construction funding.

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- 15a.149
- Would Development Services and the Applicant agree that residents living by, around or traveling on Del Mar Heights Road have made many “relevant personal observations” relating to the fact that the ‘rush hour’ occurs for a longer period of time than an hour?
- 15a.150
- What were the ADT counts during the 7:00 – 9:00 AM and 4:00 to 6:00 PM rush hours?
- 15a.151
- Has the DEIR taken into account the Torrey Pines students leaving the campus for lunch along with local business workers during the 11:30 AM to 1:15 PM lunch break?
- 15a.152
- Has Development Services and the Applicant determined the cumulative traffic impacts on Del Mar Heights Road and I-5 during the San Diego County Fair and the Del Mar Racing Season?

The DEIR reports that several roadway segments and intersections will be severely impacted and that the impacts will NOT be mitigated. The segments are as follows:

- I-5 SB Ramps to I-5 NB Ramps
- I-5 NB Ramp to High Bluff
- Del Mar Heights Road and High Bluff Intersection
- Del Mar Heights Road and El Camino Real Intersection

These areas are of major impact to the Torrey Pine Community due to commuter routes to I-5 freeway at peak hours, morning and afternoon school routes for our children and teens, and various other daily trips from our community to the east side of I-5.

Questions:

- 15a.153
- Since the level of service at the above-mentioned areas is already unacceptable, what will be the cumulative impact in terms of “wait times”?
- 15a.154
- Since the developer is not responsible for all the mitigation that is required for these areas, how can the Torrey Pines community be certain that the mitigation by the City or third parties will be done? What is the timeline for the mitigation that is outside of the control of the developer?
- 15a.155
- What is the environmental air quality impact of the stationary cars that will be impacted by the congestion along Del Mar Heights Road from I-5 to El Camino Real?
- 15a.156
- Has a study been done to include the synchronized traffic signals to the west side of I-5 along Del Mar Heights Road at Mango and Crest Way?
- 15a.157
- What is the environmental air quality impact of the stationary cars that will be impacted by the congestion along the Del Mar Heights Bridge?
- 15a.158
- What are the impacts of the above mentioned areas in the times that are not “peak” traffic hours?
- 15a.159
- Has a study been done that quantifies the negative impacts to response times for police and fire personnel to the Torrey Pines Community during peak hours?
 - What are the impacts to emergency response times to the Torrey Pines community for police and fire emergencies during the peak traffic hours?
 - Bases on the unmitigated impacts to LOS and ADT for Del Mar Heights Road, specifically with the surplus of volume that the road is classified to handle, what will be the necessary scope of improvements to conform the road to be able to handle the new traffic volumes?
 - When will these improvements take place?
 - Will the speed limits change?
 - Will the cargo weight requirements change?
- 15a.160
- By how many square feet of retail space would One Paseo have to be reduced to meet the demand and quantity of ADTs that will be produced without mitigation under the developer’s control. In other words, since the City and Cal Trans do not have a specific
- 15a.161

15a.147 Refer to response to comment 15a.146.

15a.148 “Safe Routes to School” plans are developed for each school, not for each new development which contains residential uses.

15a.149 The City recognizes that local residents have first-hand knowledge of existing traffic flow within the community.

15a.150 Figure 5-3 of the traffic study shows the existing peak hour traffic volumes. Appendix C of the traffic study shows the raw peak period existing traffic counts.

15a.151 Mid-day peaks are considered but not typically analyzed. The AM and PM commuter peaks are analyzed and utilized to determine project impacts at intersections. Mid-day vehicular trips are accounted for in the daily ADT volumes.

15a.152 Traffic studies typically evaluate average weekday conditions rather than special events such as the San Diego County Fair and/or the Del Mar Racing Season. Therefore, Del Mar Heights Road and I-5 were analyzed using average weekday traffic rather than special event traffic that is seasonal.

15a.153 The delays which would occur at local intersections when project traffic is added to cumulative projects are provided in Tables 5.2-28 and 30 of the Final EIR.

15a.154 The applicant is required to mitigate project impacts where feasible to do so. In some instances, the City lacks jurisdiction to unilaterally implement mitigation (e.g., within the Caltrans right-of-way). The intersections of Del Mar Heights Road with El Camino Real and High Bluff Drive are within the jurisdiction of the City and project impacts will be fully mitigated. However, the Del Mar Heights Road/I-5 interchange and the Del Mar Heights Road bridge over I-5 are within Caltrans jurisdiction. Thus, implementation of these improvements cannot be guaranteed.

15a.155 The only potential localized air quality impacts associated with potential idling cars generated by the proposed development are related to the carbon monoxide (CO) hot spots. As noted in the comment, traffic congestion can increase local levels of CO due to idling engines. In anticipation of this concern, the Draft EIR and Appendix G of the Draft EIR conducted a CO hot spot analysis of surrounding streets (including Del Mar Heights Road) to determine whether the additional traffic generated by the

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- 15a.155 project could cause CO levels to exceed state or federal standards. As
cont. discussed on pages 5.5-20 through 5.5-23 of the Draft EIR, the results of this analysis indicated that project traffic would not create any CO hot spots. Thus, the Draft EIR appropriately concluded that project-related traffic would not have any localized air quality impacts. Due to the fact that traffic congestion would not increase over the Originally Proposed Project, the Revised Project would also not have a significant impact on local levels of CO.
- 15a.156 The project applicant proposes to incorporate the ATCS as a project feature. The ATCS is planned to include intersections on Del Mar Heights Road from Mango Drive to El Camino Real. This would allow vehicles to stop less frequently and improve efficiency along Del Mar Heights Road. Added signals benefit traffic on Del Mar Heights Road by spreading turns throughout several intersections, shortening turn queues at each intersection, and avoiding a concentration of turns from fewer lanes. ATCS increases speeds, reduces stops, improves safety, reduces energy consumption, and improves air quality. For more information on ATCS proposed by the proposed development, refer to Section 15 and Appendix P in the traffic study, Appendix C. The traffic study does not rely on the ATCS to mitigate the project's traffic impacts.
- 15a.157 Refer to response to comment 15a.155.
- 15a.158 Off peaks are considered but not typically analyzed. AM and PM commuter peaks are analyzed and utilized to determine project impacts at study intersections.
- 15a.159 Refer to response to comment 8.2.
- 15a.160 Table 1-29 in the traffic study includes a summary of proposed mitigation required as the proposed development is constructed.
- 15a.161 Table 1-26 of the traffic study (Appendix C to the Draft EIR) states that Level of Service E is forecasted at the Del Mar Heights Rd/I-5 northbound ramps intersection in the 2030 analysis without any development of One Paseo. Since this is an unacceptable Level of Service, the City only allows 2 seconds of project induced delay before a significant impact requiring improvements is calculated. Table 1 26 shows that the entire One Paseo project causes an increase of 38.5 seconds of additional delay. An analysis of the Del Mar Heights Road/I-5 northbound ramp intersection indicated that approximately 150 PM peak hour trips could be added to the street

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- 15a.161 cont. schedule for the mitigation of the off ramps and the Del Mar Heights Bridge, or if that schedule is far in the future, what would be the proper amount of square feet to build at One Paseo that could potentially be accommodated if only the mitigation measures required solely by the developer are implemented?
- CEQA Guidelines 15370(b) defines mitigation as “minimizing impacts by limiting the degree or magnitude of the action and its implementation.”
- 15a.162
- 15a.163
- 15a.164
- Did the Applicant really minimize the impact, or could more have been done?
 - How would the Applicant demonstrate that no more could feasibly have been done to reduce cumulative impacts?
 - Were there mitigation measures and actions considered but rejected? If so what other mitigation measure were contemplated?
- b. Portofino Drive & Del Mar Heights Road I-5 SB on ramp (WB)**
- Section 6, page-5, under “Ramp Meters” states: the ramp meter at Del Mar Heights Road/I-5 SB on-ramp (WB) would experience a **delay of 47.61 minutes** during the AM peak period and **29.84 minutes** during the PM peak period under the Long-term Cumulative (Year 2030) with Project conditions (refer to Table 5.2-37).
- 15a.165 It is reasonable to assume that until the mitigation measures are installed, measures which are “**outside of the control of the city**”, Portofino Drive will be used as a by-pass to avoid traffic. Drivers will find **alternative routes** to avoid the congestion. For drivers headed South, the alternative appears to be taking Del Mar Heights Road up to Mango Drive and turning left by Portofino Drive and getting onto I-5 further south. Another alternative is Del Mar Heights Road to Coastal Route 101.
- 15a.166 In the DEIR, Appendix C, Part -2 on page 3-16, is a map that include Portofino Drive. This map indicates that by the final One Paseo phase of the 4,853 Average Daily trips (ADT) on Portofino Drive. This amounts to an **18.6% increase in traffic**. Currently, Portofino Drive is rated at a Capacity of 50,000 vehicles with a volume to capacity (V/C) of 0.72, and ADT of 36,086 and a Level of Service (LOS) of C (Table 5.2-18, page 5.2-24). Long-Term cumulative (Year 2030), Table 5.2-34 on page 5.2-55, indicates ADT will rise to **42,815**, V/C 0.86 and a LOS of **D**. Mitigation Measures are proposed but can do **no good** if they **never happen** or if they occur so far in the distant future to not really provide any congestion relief.
- Questions:**
- 15a.167
- 15a.168
- 15a.169
- 15a.170
- 15a.171
- 15a.172
- Was a traffic study done on Portofino Drive to determine when the maximum number of ADT would occur?
 - Would it be fair to say that the highest traffic volume would occur during evening and morning rush hours?
 - If this study was done what were the results? If no details were available, would you agree that this information is required under CEQA guidelines 15151? Why not?
 - Were the I-5/SR-56 Connector project impacts taken into consideration in determining the LOS, ADT’s and V/C on Portofino Drive? If not, why not?
 - What mitigation measures were studied if any to return Portofino Drive back to a LOS of C?
 - What would be the impact of reducing posted speed from 30 mph to 25 mph?

- 15a.161 system before the delay increase would be 2 seconds at this intersection.
- cont. The 150 peak hour trips equate to approximately 22, 000 SF of retail development that could be built on the site without causing a significant impact.
- 15a.162 The City’s Traffic Impact Study Manual requires that mitigation return an impacted facility to the pre-project state to constitute full mitigation. For example, for impacted intersections, the mitigation will reduce delay by an amount at least as great as added by the project.
- 15a.163 CEQA does not require that the applicant provide traffic improvements in excess of what is required to mitigate the project’s direct and cumulative impacts. Refer to response to comment 15a.162.
- 15a.164 Additional widening of Del Mar Heights Road between High Bluff Drive and the I-5 bridge was originally considered to alleviate congestion but rejected as infeasible due to impacts to and conflicts with existing structures to the north and south of Del Mar Heights Road. However, subsequent conversations with Caltrans have determined that the replacement of the Del Mar Heights Road/I-5 overcrossing as part of the Caltrans I-5/SR-56 North Connector Project could include widening as well as lengthening the bridge. An Advance Planning Study (APS) Design Memorandum, dated September 23, 2010, indicates that the Del Mar Heights Road bridge could be widened to increase capacity while accommodating both pedestrian and bicycle traffic. This improvement would provide the additional width to add a third eastbound lane. This additional lane, combined with other mitigation measures identified in Table 5.2-41 of the Draft EIR, would allow the bridge to operate at an acceptable level of service and fully mitigate project impacts. See Mitigation Measure 5.2-1.1 and response to comment 4.5.
- 15a.165 Refer to response to comment 15a.38.
- 15a.166 The map on page 3-16 of the traffic analysis shows a project traffic volume of 4,853 ADT on Portofino Drive. However, this volume is intended to represent the project traffic on the I-5 freeway between Del Mar Heights Road and SR-56 and not project traffic volume expected on Portofino Drive. On Figure 3 1, the project distribution on I-5 in that same area shows 18 percent of project traffic on the I-5 freeway which equates to 4,853 ADT (26,961 x 0.18). Also on Figure 3-1, only 3 percent of project traffic is shown on Portofino Drive, which equates to 809 ADT. The analysis in this comment is incorrectly based on the project ADT

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15a.166 used, and the incorrectly assumed capacity of 50,000 ADT on Portofino cont. Drive. Furthermore, as discussed in response to comment 15a.38, the proposed development would not be expected to cause traffic to divert to Portofino Drive.

15a.167 The traffic study complies with the City's Traffic Impact Study Manual, which defines the scope of a project's study area. As indicated on Figure 2-3 in the traffic study, the project's traffic study area includes intersections and street segments within the Torrey Pines Community. Although Portofino Drive was not part of the project's traffic study area, the discussion in response to comment 15a.38 concludes that the proposed development would not be expected to adversely impact this roadway.

15a.168 The comment is correct. Traffic volumes are typically highest during the morning and evening commuter "rush hours."

15a.169 Refer to response to comment 15a.38.

15a.170 The traffic study does assume the I-5/SR-56 connector project in the long-term analysis.

15a.171 No mitigation measures were studied on Portofino Drive because the segment is currently operating at acceptable level of service A and the Originally Proposed Project would not impact the segment of Portofino Drive south of Del Mar Heights Road. Therefore, no mitigation is necessary. Refer to response to comment 15a.38.

15a.172 Assuming the comment is related to Portofino Drive, as discussed in response to comment 15a.38, the segment would not be significantly impacted by the proposed development.

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- 15a.173 [• What would be the impact of installation of 'Calming Devices' on Portofino Drive?
- c. **Mango Drive to Portofino Drive**
The increased traffic volume at the ramp meter at Del Mar Height Road/I-5 SB on-ramp (WB) will have similar impacts on the Mango Drive to Portofino Drive. Current existing conditions indicate ADT's are 21,314, V/C 0.47 and LOS of B. The Long-term Cumulative (Year 2030) with Project are ADT's 41,639, V/C 0.93 and LOS D.

Questions:

- 15a.174 [• Was a traffic study done on Mango Drive to Portofino Drive to determine when the maximum number of ADT would occur?
- 15a.175 [• Would it be fair to say that the highest traffic volume would occur during evening and morning rush hours?
- 15a.176 [• If this study was done what were the results? If no details are available, would you agree that this information is required under CEQA guidelines 15151? If you disagree about the need for the study, why?
- 15a.177 [• Were the I-5/SR-56 Connector project impacts taken into consideration in determining the LOS, ADT's and V/C on Mango Drive? If not, why not?
- 15a.178 [• What mitigation measures were studied if any to return Mango Drive to Portofino Drive back to a LOS of B?
- 15a.179 [• Was the future 7-Eleven relocation closer to Del Mar Heights Road taken into consideration along with the possible inclusion of another 'fast food' store in the same parking lot?

3. Grading

Section 3.3.2 Grading and Construction states that 30,400 cubic yards of fill and 528,800 cy of cut will result in a net export of 498,000 cy. "An export soil disposal site has not been identified." "It is estimated that **2,100 cy of soil** could be exported daily." Haul trucks will **likely access site from El Camino Real**. "If the export site is not within the community", then the proposed haul would be I-5 (north or south) by way of Del Mar Heights Road.

- 15a.180 [If the cut material is sand-like, a cubic yard equals 1.3 tons. A heavy-duty triple-axle can carry 15 tons and is side-dump semi-trailer hauls 30 tons. The project estimate of 528,000 cy's would be approximately 687,440 tons. The daily estimate is 2,100 cy or 2,730 tons. Estimate daily number of trucks at triple-axle rate of 15 tons is **182 daily trips**. If the semi-trailer hauler is used then trips would be **91 daily trips**. Development Services has verified that Del Mar Heights Road is rated for a 10-ton truck.

- 15a.181 [The TPCPB asserts that the degree of details is **lacking in order to ascertain** what the cumulative traffic impacts would be on Del Mar Heights Road, El Camino Real, I-5 and SR-56. Development Services needs to answer the following questions, which under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which **intelligently takes account of environmental consequences.**"

15a.173 Refer to response to comment 15a.38.

15a.174 Consistent with the guidelines in the Traffic Impact Study Manual, the portion of Del Mar Heights Road between Mango Drive and Portofino Drive was not part of the study area. Therefore, the segment was not analyzed in the traffic study. However, as shown in response to comment 15a.38, no significant impact would occur as a result of the proposed development.

15a.175 Refer to response to comment 15a.168.

15a.176 Del Mar Heights Road, between Mango Drive and Portofino Drive, were analyzed in both the near-term and long-term time frames. Since LOS D was calculated, no significant impacts would occur.

15a.177 The traffic analysis did assume the I-5/SR-56 connector project in the long-term analysis.

15a.178 No mitigation measures were suggested for Portofino Drive because the segment is currently operating at acceptable level of service B and would not be impacted by the Originally Proposed Project, as demonstrated in response to comment 15a.38.

15a.179 The potential cumulative project referenced in this comment was withdrawn at the City of San Diego by the applicant in June 2013. Therefore, the project was not included in the near-term cumulative analysis.

15a.180 Comment noted. This comment does not address the adequacy of the EIR.

15a.181 The cumulative traffic analysis is based on City standards for the preparation of traffic studies including standard procedures for evaluating cumulative traffic impacts of proposed development projects.

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Baseline details requiring answers

- 15a.182 What is the density and consistency of cut material ?
 15a.183 What is the estimated per ton weight of a cubic yard?
 15a.184 What type of hauling trucks will be used?
 15a.185 What is the capacity in tons of trucks proposed to haul cut material?
 15a.186 Based upon the above answers, how many daily truck trips could we expect to see during each phase of construction?

Baseline details on traffic and roadway construction standards

- 15a.187 What is the local street restrictions on truck size and allowable tons be load?
 15a.188 Are the 15 and 30-ton trucks even allowed to access or travel on Del Mar Heights Road or El Camino Real?
 15a.189 Is there an estimate of how much street damage will occur from the construction site traffic?
 15a.190 Who is responsible for local road replacement? and have adequate funds been set aside if this is the City's responsibility?
 15a.191 What is the applicant's 'fair-share' of street repair/resurfacing?
 15a.192 Has this construction site traffic including soil removable, construction material delivery and construction crew travel to and from the site been included in ADT?

4. Emergency Services

a. Fire Protection and Emergency Medical Services

Section 2.0, page 2.5, states "for the initial response of fire suppression recourse within **four** minutes an effective fire force within **eight minutes**." The General Plan calls for a response time of five minutes (one min Ute chute + four minute travel) **90 percent of the time** for the first-in engine or emergency vehicle, and a response time of 9 minutes (one minute chute + eight minute travel) **90 percent of the time** for full alarm and advanced life-support services. A paramedic is on each engine of truck at all times. The City's ambulance standard is 12 minutes.

- 15a.193 Section 5.12.1, Existing Conditions – **Fire and Emergency Medical Services**, is mostly a rehash of data from 2.5. Due to the very poor organization of the One Paseo DEIR, the TPCPB was not able to find comments on the direct or cumulative impact of the One Paseo project on **Fire Protection and Emergency Medical Services**.

Questions:

- 15a.194 • Would you agree that the One Paseo DEIR is in **noncompliance** with the information-disclosure provisions of CEQA and that relevant information has not been provided to the public, which constitutes an abuse of **discretion under PRC 21005**? Would you please explain in detail why, you believe the One Paseo DEIR complies with PRC 21005?
 15a.195 • Would you agree that Development Services and the applicant has not prepared a legally sufficient DEIR for the One Paseo project, which may have a significant environmental impact (PRC 21151) ?
 15a.196 • Have the direct and indirect impacts of traffic congestion at each Phase of the project, been studied to determine the critical fire protection and emergency medical response time?
 15a.197 • If studied, why has this critical response time information not been included in the One Paseo DEIR?

15a.182 Comment noted. This comment does not address the adequacy of the EIR.

15a.183 A cubic yard of material weighs about one (1) ton.

15a.184 It is anticipated that excavated material would be hauled in dump trucks.

15a.185 It is anticipated the dump trucks used to export excavated material can hold 10 cubic yards.

15a.186 As discussed in the Construction Traffic Analysis (Appendix O of the TIA included as Appendix C of the Draft EIR), an estimated 420 haul truck trips as well as 25 materials truck trips would be generated on a daily basis during construction of Phase One. Daily haul truck trips during Phases Two and Three are estimated at 108 and 129, respectively. Daily materials truck trips are estimated to be 25 during both Phases 1 and 3.

15a.187 The size and weight of project construction traffic will be limited to those allowed per City of San Diego requirements. Del Mar Heights Road, between El Camino Real and I-5, is designated as part of the Extralegal Load Network Corridor for the state, which requires select freeways, highways, and prime arterials to be designed to accommodate oversized trucks.

15a.188 City and State requirements regulate the weight of trucks to correspond with the roadway types to minimize the physical effects of trucks on roadways. In order to assure that the project applicant will be responsible for repairing damage which would be caused by construction traffic, the City of San Diego conditions land development permits with the following requirement: "Where in the course of development of private property, public facilities are damaged or removed, the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607."

15a.189 No specific estimate relative to the amount of damage, if any, resulting from construction trucks related to the proposed development is possible at this time. However, as discussed in response to comment 15.188, damage which would result from the construction phase would be repaired by the project applicant at the project applicant's expense.

15a.190 Refer to response to comment 15.188.

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15a.191 As discussed in response to comment 15.188, the project applicant is fully responsible for repairing damage to local roadways which would be related to construction of the proposed development.

15a.192 Construction traffic is calculated separately and added to the estimated ADT for project traffic when construction occurs after various phases of the project have been completed.

15a.193 Fire and emergency services are discussed in Section 2 of the Draft EIR and further discussed in response to comment 8.2. The City believes it has complied with CEQA requirements in this regard.

15a.194 The City disputes the comment's contention that the organization of the Draft EIR prevents the reader from finding information regarding potential direct and cumulative fire protection and emergency medical services impacts. The comment correctly notes that information provided in Sections 5.12.1 and 2.5 of the Draft EIR both describe existing conditions regarding fire and emergency medical services. However, the comment does not state why the information provided is insufficient for the analysis. Both discussions provide information regarding the nearest fire stations, average response times, and the ratio of emergency service personnel for every 1,000 residents, and each of these factors serves as a measure of the adequacy of such services.

Additionally, to the extent the comment implies that the discussion of fire and emergency services is formatted differently from other sections of the Draft EIR, the City disputes that characterization. As with other environmental issue areas of the Draft EIR, Section 5.12.1 describes the existing conditions, and Section 5.12.2 the impacts. As stated on pages 5.12-5 and -6 of the Draft EIR, the impact discussion, as with all others, leads with a list of impact issues, describes thresholds of significance to address those issues, and provides the impact analysis.

The impact discussion for fire and emergency medical services occurs on page 5.12-6 of the Draft EIR. The conclusion of the discussion on that page states that "project impacts to community fire protection services would be less than significant." This conclusion is reiterated on page 5.12-8 of the Draft EIR, also under a subheading for fire and emergency medical services.

Consistent with City EIR formatting, cumulative discussions are provided in a separate chapter from the project-specific impacts. The cumulative impact discussion for public services and recreation, which includes fire

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15a.194and emergency medical services, occurs on page 6-11 of the Draft EIR.
cont. As stated on that page, “the fire and police facilities would be adequate to service the needs of the Carmel Valley community.”

Given the clear discussion and conclusions of the Draft EIR, summarized above, the Draft EIR is consistent with PRC section 21005 regarding the provision of adequate, relevant information.

15a.195As discussed in detail in responses to comments 15a.192, 15a.193 and 15a.194, the Draft EIR concluded, on the basis of the information provided in that document, that the Originally Proposed Project would have a less-than-significant project and cumulative impact on fire and emergency medical services, consistent with CEQA. The comment does not provide evidence that the information provided in the Draft EIR is incorrect, incomplete, or inconsistent with the determinations provided therein.

15a.196Each phase of the project and its impact on local circulation has been studied. See Final EIR Section 5.2.

15a.197As discussed in response to comment 8.2, response times are not analyzed in an EIR because they do not represent a physical change in the environment unless new facilities would have be constructed to meet the need generated by a project. In the case of the proposed development, the demand for emergency services can be met with the existing facilities. Thus, no discussion need be included in the Final EIR for the proposed development. It is also noted that traffic associated with all phases of the proposed development is considered in the TIA for both the Originally Proposed Project and Revised Project.

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- 15a.198 [• Has Development Services and the applicant ascertained, if civil or criminal actions could be brought forth by injured parties if response times for **Fire Protection and Emergency Medical Services** do not comply with published standards and are due to unmitigated traffic congestion?
- 15a.199 [• Have you determined what the return trip response time would be to Fire Station 24 would be from the extreme corners of the Fire District?
- 15a.200 [• Will the Applicant or the City of San Diego build a new Fire Station (in the vacant city lot) on Del Mar Heights Road(WB) to provide Emergency fire and Para-medical protection until such time as the traffic mitigation measures are installed? In other words, are no longer considered 'outside the control of the City'.

5. Asthma linkage to Freeway Pollution (ultrafine particles)

A July 5, 2010 article (UPI), states that "brief exposure to ultrafine pollution particles near a Los Angeles freeway can boost the allergic inflammation that makes asthma worse." Dr. Andre Nel, of the David Geffen School of Medicine at the University of California, Los Angeles said, "ultrafine particles are primarily from vehicular emissions and are found in highest concentration along freeways." This study was published in the American Journal of Physiology – Lung Cellular and Molecular Physiology. This study showed that "ultrafine pollution particles may play an important role in triggering additional pathways of inflammation that heighten the disease" (asthma).

Environmental health researchers from University of Southern California and the California Air Resources Board have found during hours before sunrise, freeway air pollution extends as far as **1.5 miles from the freeway**. This June 10, 2009 article by Sarah Anderson, entitled Air pollution from freeway extends further than previously thought, highlights a joint research study along Interstate 10 in Santa Monica. "**This distance is 10 times greater than previously measured**" and "has significant exposure implications".

Caltrans has recognized for years that areas located near I-5 and other major freeways are considered more sensitive to adverse effects from air pollution. These locations are commonly term **sensitive receptors** and they include hospitals, schools, day care centers, nursing homes, and parks/playgrounds. Sensitive receptors in proximity to localized CO sources, toxic air contaminants, or odors are of particular concern. Sensitive Receptors, indicates 32 schools and 40 Preschools within the envelope of the I-5 NCC project. The Del Mar Hills Elementary is listed as 431 feet from I-5. The Del Mar Hills playground and play fields are next to the Caltrans sound wall and may be even closer.

- 15a.201 [The TPCPB asserts that the DEIR has not adequately researched or considered the long-term impact to school children's health regarding asthma and ultrafine particles due to this project. The know increase in traffic delays at the I-5 ramps will expose the school children to more of the ultrafine particles. Medical and scientific research clearly indicates a causal relationship between freeway air pollution and childhood diseases such as asthma.

Questions:

- 15a.202 [• What are the health implications of increased air pollution at the Del Mar Hill Academy and its playing field during the various Phases of the project?

15a.198 Any analysis of any potential legal liability of the City in connection with any aspect of its operations is both speculative, as such scenarios are necessarily fact-specific and fact-driven and outside the scope of this EIR because potential liability does not constitute a physical environmental effect.

15a.199 Refer to response to comment 8.2.

15a.200 As the project would not significantly impact the ability of existing fire services to meet the needs of the community with the project, no new fire station is required.

15a.201 Information on ultra-fine particles (UFPs) is limited at this time, and is an area of on-going active research at CARB and other universities. The existing state of knowledge does not yet support the derivation of reliable UFP emission models that account for the particulate growth and accumulation phases. Dispersion modeling of UFPs would also require additional information on the rate of UFP coagulation and absorption so that concentrations can be calculated. Given the lack of information to quantify emissions, dispersion, exposure, and health response to exposure, UFP emissions could not be quantified from the proposed development or traffic delays at the I-5 ramps and any analysis of the impact of UFP emissions would be speculative. Also, it is important to

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- 15a.203 [Does Development Services and the Applicant agree with these medical and scientific findings? If not, why?
- 15a.204 [Is Applicant willing to establish a baseline medical study of the Del Mar Hills Academy school population?
- 15a.205 [Is the Applicant willing to located sensitive receptor equipment to monitor scientific data collected by this monitors? If not, why not?

III. CONCLUSION

The Torrey Pines Community Planning Board requests that Development Services and the Applicant respond to the comments contained in this document as required by CEQA. At this point-in-time, the Torrey Pines Commuuty Planning Board cannot support any of the Build Alternatives as proposed by Development Services and Kilroy, the applicant. The TPCPB **has voted to only support the 'No Project/Development under Existing Alternative' option**. Per these plans, the site would be developed with Employment Center uses. Buildout under the existing zoning would allow for approximately 510,000 sf of corporate uses. It is our belief that for the City of San Diego to remain a world class city, we all need to learn that it takes more than cars to effectively take advantage of what the city offers its residents throughout our metropolitan region and county. San Diego will not remain world class if the City and developers fail to provide preferential funding for Rapid mass transit over supporting projects that only support single ridership.

Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Development Services and the applicant have failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, the applicant has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB is optimistic that even a cursory review by Development Services and the applicant of the countless concerns raised by the TPCPB and other regional agencies will prompt a halt to this DEIR. Development Services and the applicant should consider revising its DEIR and re-issue this document. Development Services and the applicant have not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

Thank you for your consideration of these comments and concerns.

Best regards,

Dennis E. Ridz, Chair TPCPB

A special thanks to Co-authors and Editors
Co-authors Dee Rich, Bob Shopes, Michael Yanicelli, Richard Canteria
Editors Patti Ashton, Nancy Moon

15a.201 note that UFP is not a regulated pollutant under the Clean Air Act and cont. no thresholds are established for its analysis. Furthermore, the project's daily trip contribution to traffic volumes on I-5 in the vicinity of Del Mar Heights Road would not exceed 10,000 trips, which would represent an increase of less than two percent of the approximately 600,000 trips a day expected on I-5 by the year 2030.

15a.202 Refer to response to comment 15a.201.

15a.203 As discussed in response to comment 15a.155, the quantitative emissions analysis provided in the Draft EIR concluded that the Originally Proposed Project would not represent or contribute to a significant air quality impact or health risk to surrounding development. As the traffic generated under the Revised Project would be less than analyzed for the Originally Proposed Project, it is concluded that the Revised Project would also not have a significant air quality or health risk impact. Further, as discussed in the response to comment 15.201, analysis of UFPs would be speculative, given the lack of information required for such an analysis.

15a.204 As discussed in response to comment 15a.201, the proposed development would not result in significant air quality or health impacts to schools, no specific evaluation of this school is required. Moreover, a baseline study of the school would not provide information that would inform the public and decision-makers of the probable environmental consequences of approving the proposed development, nor could it reliably provide information about the project-specific or cumulative contribution of project emissions.

15a.205 In light of the conclusion that neither the Originally Proposed Project nor the Revised Project would not result in significant localized air quality or health impacts, air quality monitoring is not warranted.



Torrey Pines Community Planning Board
14151 Boquita Drive, Del Mar, CA 92014
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BOARD MEMBERS: Dennis E. Ridz, Chair, dennisridz@hotmail.com ; Noel Spaid, Vice Chair; Kenneth Jenkins, Treasurer; Bob Shopes, Secretary; Patti Ashton; Richard Caterina; Barbara Cerny; Roy Davis; Michael Foster; Rich Hancock; Rick Jack; Cathy Kenton; Nancy Moon; Norman Ratner, Dee Rich; Michael Yanicelli.

From: Dennis E. Ridz, Chair
Torrey Pines Community Planning Board
14151 Boquita Drive
Del Mar, CA 92014

To: Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
Via email: DSDEAS@sanidiego.gov

Date: May 29, 2012

Re: Carmel Valley Employment Center, unit Two - **One Paseo** A Main Street Project for Carmel Valley 193036

The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the San Diego Development Services – Carmel Valley Precise Plan Amendment (PPA) for the One Paseo Project issued March 29, 2012. As a Responsible Agency, we believe it is our obligation to provide feedback, observations, and critical analysis to Development Services and the Carmel Valley Community Planning Board. Our feedback will identify Omissions in the PPA, Inadequacies in the submission, as well as Errors and Alternatives that should have been considered. The TPCPB reserves the right to amend, under separate cover, this document as new details and research become available up until the end of the comment period ending May 29, 2012 or as part of the administrative record after public comment is closed.

The Executive Summary of the Torrey Pines Community Plan (TPCP) states, “the vision of this community plan is to provide the highest possible quality of life for residents and businesses while preserving the community’s unique natural environment. The TPCPB, as a duly elected agency, is responsible to both its current residents and future generations. Based upon the guiding principles of the Community Plan, the TPCPB members are stewards for the land, air, water, unique flora, and fauna that live within and surround our community. What negatively **affects surrounding environments** has a ripple effect on our fragile ecological systems.

It is the contention of the TPCPB that the Carmel Valley Precise Plan Amendment has far-reaching negative impacts on our community and the adjacent region that cannot be mitigated.

Furthermore, the Precise Plan fails to address or recognize that Carmel Valley public facilities, and safety services also serves the Torrey Pines Community. Carmel Valley is a critical provider of police, fire, and emergency services to other adjacent communities and their citizens. The Precise Plan Amendment fails to recognize the inter-relationship. The Torrey Pines community is impacted directly and cumulatively by One Paseo. The TPCPB hopes to direct the attention of the Carmel Valley Planning Board and resident of Carmel Valley and other interested parties to some of the key issues in the Precise Plan that raise objections, concerns, or are not adequately addressed.

The City of Villages Strategy

The City of San Diego General plan states “The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to **an improved regional transit system**.” The City of Villages strategy considers the village site should include the capacity for growth, existing and future public facilities, **transportation options, community character, and environmental** constraints.

- The Precise Plan fails to improve the **regional transit system** as One Paseo encourages the use of automobile traffic by providing over 4,000 parking spaces.

Transportation and Land Use Planning

The City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. On page 48 of the Precise Plan Amendment, “A primary strategy of the General Plan is to **reduce dependence on the automobile** in order to achieve multiple and inter-related goals including increasing mobility, preserving and enhancing neighborhood character, “. The SANDAG 2050 Regional Transportation Plan includes a peak hour rapid bus route 473, which links Oceanside to UTC via Highway 101 Coastal Communities and Carmel Valley.

- The Precise Plan encourages traffic that requires mitigation measures that are not assured and are outside the control of the City.

Transportation Demand Management (TDM) calls for “a strategy designed to reduce traffic impacts by limiting traffic during the morning and evening peak hours”. TDM seeks to shift commuters to transportation **modes other than cars**.

- The Precise Plan’s comment on SANDAG’s rapid bus route 473, has avoided informing the public that this route is not planned until the year 2030 or later and is not funded. It is a poor substitute for a modern rapid transit option.
- The Precise Plan fails to support the TDM strategy of reducing traffic impacts but adds over 24,000 thousand Average Daily Trips (ADT) to the near-by arterial flow.
- The Precise Plan fails to mention that even with some mitigation measures; the final impact on traffic is outside of the control of the City.

Chapter 6, Public Facilities, Services and Safety, states, “One Paseo shall not burden existing public facilities and services within Carmel Valley.” A major stated goal is “New development will not burden existing infrastructure; adequate improvements are currently available and/or will be provided to serve the mixed-use project;”

- The Precise Plan fails to mention that Fire Station 24 and the North Western Police station supply critical emergency services to the Torrey Pines residents and motorists traveling along I-5.

Park and Recreation Facilities

The PPA claims that the City of San Diego operates 13 **population-based parks** within a 1.5 radius of the precise plan amendment area. There are no supporting facts to back-up this assertion. It appears that some of the parks were created by private funding sources referred to as Maintenance Assessment Districts (MAD). The two closest parks are joint-use with a school district and Carmel Valley Recreation Center. Other school parks are closed during school hours of operation due to safety issues. The PPA fails to resolve the critical need for more parks but simply allowing the Applicant to pay into a Facility Benefit Assessment fund. The PPA should clearly articulate where a park could be located within Carmel Valley and whether the FBA would be sufficient to purchase land.

CEQA COMPLIANCE

15b.1

The City of San Diego is the lead agency under CEQA and the City Council will be required to certify the final environmental document. The Public Resources Code, Section 21081.6 requires Development Services to adopt a reporting or monitoring program to ensure that mitigation measures adopted pursuant to CEQA are implemented. San Diego's Development Services clearly states that direct and cumulative impacts would remain potentially significant following the installation of improvements (mitigation measures), which are "**outside the control of the City**".

It is clear that the DEIR includes **improperly deferred traffic mitigation**. There is no certainty of mitigation since the funding is uncertain or projected so far into the future that there is no assurance that forecasted projection will become reality.

15b.2

Additionally, the DEIR and Precise Plan Amendment fail to evaluate the impact of the project on **transit system operations**. As a minimum, the PPA failed to provide a meaning full Transportation Demand Management (TDM) program in consultation with SANDAG, MTS, and NCTD that facilities a **balanced approach to mobility**. The proposed pedestrian routes through One Paseo only address the issue of what happens once commuters park their 4,000 cars. The PPA has failed to provide a solution to the **ultimate goal of reducing vehicle trips**.

15b.3

Under these circumstances, the City of San Diego cannot ensure that mitigation measures adopted pursuant to CEQA are or can be implemented. A public agency may exercise only those expressed or implied powers provided by law. CEQA does not limit the lead agency's obligation to mitigate the direct or cumulative impacts of a project. The DEIR and PPA fail to consider the possibility of raising funds that would allow Caltrans and SANDAG to complete the mitigation **outside the control of the City**. The California Supreme Court's decision in *Marina* concluded that more analysis could be done to determine the source of non-legislative funds to offset mitigation.

Unintended Consequences

The real unintended consequence of allowing the Precise Plan Amendment to move forward is the legal precedent established for future mixed-use development within Carmel Valley. How could you deny a future request by Del Mar Highlands Town Center to expand vertically from its current 278,291 square feet to a much larger vertical footprint? Once you accept that the Bulk and Scale of One Paseo is allowable, you open up the urbanization of Carmel Valley.

15b.1 Refer to response to comment 15a.92.

15b.2 Refer to response to comment 15a.97.

15b.3 Refer to response to comment 15a.100.

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Development Services and the Applicant do not need to live with the unmitigated traffic consequences, requirement for a new middle school, lack of park and recreational space, or the failure to plan for a modern and balanced transit system.

Conclusion

While we commend the PPA for offering to bring a “heart to Carmel Valley” the TPCPB believes that Carmel Valley already has a “heart” that the PPA ignores. Development Unit 9, 168 acres immediately to the east of the proposed zoning area, has been zoned as a “Town Center” since 1986. Hundreds of millions of dollars, both public and private, have gone into “mixed-use” development of retail space, high-density housing, and many public facilities, including schools, a library and a recreation center. The PPA makes scant attempt to integrate its’ proposed village with the existing adjacent Carmel Valley designated Town Center.

The TPCPB believes that a multi-use project of the scale that the proposed zoning change would allow, up to 1,900,000 s.f. with approximately 4,100 parking spaces, is simply too large and will have too many unmitigated negative consequences. The TPCPB urges that the zoning of the Carmel Valley Employment Center Unit 2 remains as an Employment Center and that it be restricted to fulfilling its original purpose of providing 510,000 s.f. of commercial space.

Dennis Ridz, Chair

Bob Shopes, Secretary



EVERY THANK YOU EARNED.

Scott A. Jones
Chairman

Keith Jones
Managing Principal

John Baumgardner
Vice Chairman & CEO

Steve Burton
President

Founding Member of the
National Parking Association

our mission

By valuing our employees, listening to our clients, and operating under the ideals of moral integrity, quality, and accountability, we will lead the parking industry in service and financial results for our clients.

May 17, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

Thank you for the opportunity to comment on the City's Draft Environmental Impact Report for One Paseo in Carmel Valley.

By way of background, ACE Parking operates several sites in the community of Carmel Valley and has a keen interest in its health and vitality. As President of ACE Parking I am personally involved with the operation of almost every key project of ours as I have been for the past 20 plus years. In addition I have made Carmel Valley my home for over 16 years. I have taken the time to review and understand the traffic, circulation and parking plans for One Paseo. What I found from the independent traffic and parking analyses has me convinced that this is a smart project and one that is well designed to meet the needs and demands of a growing community.

For instance, the mixed-use model of One Paseo allows for shared parking which balances the parking supply of different land uses (such as office and retail) with the parking demand for those uses across all hours of the day and week. Shared parking in a project like One Paseo is a great benefit over a single land-use because for instance, when retail, restaurants and entertainment venues are at their busiest on evenings and weekends, there is the additional bonus of parking being available from the office parking supply to accommodate the peak parking demand that the retail and restaurants generate at these times. At the recommendation of an independent parking consultant, One Paseo is designed to provide 4,089 total parking spaces, thus the shared parking study concludes that even at its maximum demand period there will still be parking spaces available. It is also important to note that residential has its own secured parking area that is separated at all times from the other uses. Residential parking is the only use that does not share its parking with the other elements within the project.

The overall availability, security and supply of parking has a direct impact on a visitor's experience and willingness to become a repeat customer; plus parking design and supply is critical to a successful marketing and leasing efforts for the project. It should also be noted that every parking structure within One Paseo can

16.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

16.2 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

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RESPONSES



be accessed from the perimeter streets without the need to cross the Main Street of the project to access parking. This allows flexibility and control of the activities on Main Street without it becoming an auto dominated environment.

All of these parking elements are in the best interest of the developer and a key to the project's success. From what I have reviewed, and based on my own expertise, I believe visitors, and the community alike will find what they need at One Paseo. I believe that the project in its totality offers an exciting opportunity to serve as the Heart of Carmel Valley.

Thank you.

Sincerely,

Steve Burton
President, ACE Parking
Carmel Valley Resident

CC: Councilwoman Sherri Lightner via sherrilightner@sandiego.gov
Frisco White, Chair, Carmel Valley Planning Group via white@wwarch.com

16.3 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Howard Aksen](#)
To: [DSD EAS](#)
Subject: One Paseo, Project 193036
Date: Wednesday, May 23, 2012 12:47:50 PM

Dear San Diego Planners:

The more I learn about the plans for One Paseo the more concerned I am. Based on what I read in the newspaper, the size of this development could become a real nightmare for Carmel Valley residents. Why not keep the original density the property was zoned for when originally approved.

Adding multistory hotels, office buildings, and condominiums to this piece of land will make Carmel Valley look like a section of downtown San Diego. We are a suburban area where the traffic is already a problem in terms of population density. If we need more stores for shopping then one or two could be part of the planned original development. It does not make sense to turn this land into a mini UTC.

I hope the city planners will review this proposed development very thoughtfully and decide to maintain the character of Carmel Valley as it presently is. I see nothing that can be done by the developer to mitigate traffic if the land is used to build this enormous development. Thank you.

H. S. Aksen
12673 Intermezzo Way
San Diego, CA 92130
(858) 509-9360
aksen@san.rr.com

- 17.1 The project objectives outlined in Section 3, Project Description, of the EIR, cannot be achieved under the current planning and zoning designations.
- 17.2 The Final EIR, in Section 5.3.3, recognizes that the construction of the Originally Proposed Project and the Revised Project would result in significant impacts to the neighborhood character of the area. In addition, the Final EIR acknowledges that the Originally Proposed Project and the Revised Project would have an adverse impact on traffic in the area.
- 17.3 The City will consider many factors while reviewing the proposed development including the effect on the neighborhood character. In regards to traffic impacts, the project includes measures to reduce its impacts. However, as discussed in the response to comment 17.2, some traffic impacts would remain significant with either the Originally Proposed Project or the Revised Project.

COMMENTS

RESPONSES

May 19, 2012

Ms. Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Kilroy Main Street – Project 193036

Dear Ms. Blake:

Thank you for the opportunity to comment on the One Paseo project proposed in Carmel Valley. The current land use designation and zoning allows for office buildings, primarily as a single-use employment center. This auto-oriented land use designation was adopted prior to the adoption of public policies at the state, regional, and city levels to address greenhouse gas emissions and sustainable community strategies.

Specifically, One Paseo's proposal for a mixed-use district that provides residential, commercial, and entertainment uses, while still retaining its function as a business employment center, interspersed with public plazas and spaces, is the type of combination of uses that the City of San Diego's General Plan, referred to as the "City of Villages" plan envisioned. The City of Villages concept is an idea that can apply to all of San Diego's communities, including suburban communities, to create destinations and "hearts" for each community where people can congregate and interact in a walkable environment and can undertake multiple needs – work, personal errands, shopping, dining, entertainment, even reside – without having to drive separately for each need. The proposed Community Village designation is appropriate.

At a regional level, the villages of various scales help organize the regional transit system to provide many San Diegans options for how to get about. I'm glad to see that Kilroy and SANDAG have identified a convenient location for Rapid Bus service to connect to the planned regional transit system that someday has the capacity to be enhanced if demand for service grows.

18.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

18.2 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

18.3 Kilroy has taken advice provided during the review process to open up the site to better connect and relate with the surrounding community and streets, providing views into the center and making pedestrian and bicycle linkages to surrounding blocks. The plan connects the community to the plazas and walkways incorporated into One Paseo. It incorporates an internal bicycle route that connects to existing bicycle lanes on Del Mar Heights Road and El Camino Real. The landscape and streetscape architecture is designed to complement existing landscape palates, and the architecture provides variety and changing scale and height internally and to some degree externally so that ultimately, over decades, One Paseo and the surrounding properties, as they evolve, will read like an integrated and eclectic district, not a “project,” in the best tradition of community and city building.

18.4 Regarding the DEIR traffic findings, while the DEIR identifies traffic impacts, and discounts trip-generation for mixed-use, the discount rates used are rather old and not well documented. More recent research by cities that have implemented mixed-use development of this scale and SANDAG’s research for its “Activity-Based” transportation model that it is developing may lead to greater discounts. It is not clear why the retail components, especially the lifestyle community center, would generate many out-bound trips during AM peak hours when most stores are closed at that time. Also, retail has different peak day and hour characteristics than office, evenings and weekends, compared to the weekday working hours of office uses. This allows a mixture of land uses to use the same transportation and roadway lanes more efficiently – the same lanes are used at different times by different uses. This is one of the advantages of a mixed-use plan. The DEIR would benefit from a greater discussion and evaluation of these factors.

18.5 Regarding the visual impact, any change and development of an empty lot is going to have a visual impact that is difficult to mitigate. While the DEIR must identify this impact, the policy question is if the visual change is a detriment or an improvement. Since this question is subjective, the policy discussion and testimony at the hearings will bear this out. Looking at the artist’s renderings particularly along Del Mar Heights Road, the question of the architecture facing externally should be clarified. The draft Plan Amendment’s Chapter Four – Design Guidelines has good policies related to variety of scale, massing, and materials, and the illustrative photographs used in the chapter demonstrate these policies. However, the DEIR Artist’s renderings along Del Mar Heights Road (Figures 5.3-10 and 11) show rather uniform massing and architecture. Although the Artists’ Renderings were done for different purposes, the externally facing building design guidelines should be clarified, perhaps warranting a sub-section in Chapter 4.

18.3 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

18.4 The comment correctly notes the conservative nature of the mixed-use trip generation discount used in the traffic analysis. A MXD (mixed land use) model was run by SANDAG for the proposed development, and the results show the trip reduction for internal capture for this project would be 14 percent. Moreover, the different peaking characteristics of the different uses in the project would distribute traffic across a larger portion of the day. However, the traffic report was analyzed using more conservative assumptions, including a mixed-use trip reduction of 10 percent for the residential, 3 percent for the office, and a reduction equal to the sum of the residential and office reductions for the retail uses, based on the mixed-use reductions allowed by the City of San Diego Traffic Impact Study Manual, July 1998.

18.5 The Final EIR acknowledges that the project would have a significant neighborhood character impact.

COMMENTS

RESPONSES

18.6

In the end, this type of mixed-use, pedestrian-oriented, transit-served development is essential to manage growth while protecting the region's open spaces and habitats from potential sprawl as witnessed in other parts of Southern California. Villages will become the focal destination points for connecting communities and neighborhoods. The mixture of uses and their differing peak-hour traffic demands uses the City's infrastructure more efficiently. Good architecture and public spaces will create identity and character. All of these attributes, together, will create lasting value.

Thank you again for the opportunity to comment.

Sincerely,



William Anderson, FAICP
911 Barr Avenue
San Diego, CA 92103

18.6 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: jneff001@san.rr.com
To: [DSD EAS](#)
Subject: One paseo, project 193036
Date: Wednesday, May 30, 2012 10:35:47 AM

19.1 ☐ Please stop this project! Sent by Enhanced Email for Android

19.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the One Paseo Project. I understand that the Environmental Impact Report identifies certain project impacts. However, I firmly believe that the project's benefits would outweigh the identified impacts.

The project would positively impact our community in many ways. For example, it would help the local economy by increasing employment opportunities in Carmel Valley. One Paseo would also bring new specialty stores like a Trader Joes to the area. Most importantly, it would enhance the community character by providing a true "heart" for Carmel Valley.

Thank you.

Sincerely,



3819 Creststone Pl.
San Diego, CA 92130

20.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: jfaassen@san.rr.com
To: [DSD EAS](#)
Subject: Project No. 193036/SCH No. 2010051073
Date: Tuesday, May 29, 2012 9:21:38 PM

As a long time resident of Carmel Valley I write today to express my strongest possible objection to the requested change to the existing zoning around the One Paseo project.
 While Kilroy attempts to spin this project as "Main Street" for Carmel Valley, a believe a much more accurate description would be "Pain Street" for Carmel Valley.

Kilroy can no longer distort the truth and deceive the community with its misleading statements with the DEIR out in the open - the executive summary goes to the crux of the community's issue: "the proposed project would result in significant direct and/or cumulative impacts to transportation/circulation/parking, visual effects and neighborhood character, noise, paleontological resources, biological resources, health and safety, and historical resources." Furthermore, it states that THE SIGNIFICANT IMPACTS to transportation/circulation/parking and visual effects and neighborhood character CANNOT BE REDUCED BY THE PROPOSED MITIGATION MEASURES." What is disconcerting is in spite of these revelations Kilroy's blatant attempt to steamroll the existing zoning rules is still being given serious consideration, to the detriment of the citizens of the area, and in what to me is total contempt of the City's established guidelines.

Being the numbers and visual type I did find a kind of perverse pleasure in perusing the 400+ pages of the traffic section of the DEIR. The multitude of before and after data is quite amazing, but one particular comparison kind of "brought it home for me". Most of us in the community have had the experience of waiting in line on Del Mar Heights to get on the 5 - well if One Paseo isn't scaled back it's clear Carmel Valley has not seen anything yet when it comes to backups.

My specific comments with regard to just one item of many in the DEIR: Table 5-4, EXISTING Ramp Meter Analysis, Most Restrictive Meter Rate, Del Mar Heights Rd. to Southbound I 5 AM: 6.20 minute delay; 1,102 feet "Queue"
 Table 6-12, EXISTING + PROJECT(BUILD-OUT) Ramp Meter Analysis, Most

21.1 This comment reiterates conclusions already contained in the Draft EIR and expresses the commenter's opposition to the project. Thus, no response is required.

21.2 This comment reiterates conclusions already contained in the Draft EIR and expresses the commenter's opposition to the project. Thus, no response is required.

COMMENTS

RESPONSES

21.2
cont.

Restrictive Meter Rate, Del Mar Heights Rd.
to Southbound I 5 AM: 13.53 minute delay; 2,407 feet "Queue"
WOW - an extra 7 1/2 minutes in line every morning (2 1/2 hours/month) and
an additional 1,300 FEET OF CARS BACKED UP ALONG DEL MAR HEIGHTS
ROAD! Visualize for a moment - that is about 4 1/2 football fields of cars.
Thanks but I think I'll pass on an additional 2 million square feet on a parcel
zoned for 500,000.

21.3

An extremely important issue that I did not see addressed at all in the DEIR:

How will the additional traffic and congestion impact emergency response times
from Station # 24 for local residents both on the east side and the west side of I
5? I pity the heart attack victim in need of immediate medical attention after
Kilroy's project, as currently requested, is finished turning Del Mar Heights road
into North County's largest parking lot.

21.3 Refer to response to comment 8.2.

COMMENTS

RESPONSES

From: [Arivett, Pam](#)
To: [DSD EAS; Mezo, Renee; Lightner, Councilmember Sherri; white@wwarch.com;](#)
cc: [Marsal, Kalle; Daniel Goldstein; Rebecca Speer; Ruth Stewart; Margaret Kawasaki; Margaret Kawasaki, SFR; Margaret Kawasaki; James Knox;](#)
Subject: I AM OPPOSED! ONE PASEO, Project #193036/SCH No. 2010051073
Date: Monday, April 02, 2012 11:32:08 AM

22.1 ☐ Do not let this happen!

From: Marsal, Kalle
Sent: Monday, April 02, 2012 11:23 AM
To: Marsal, Kalle
Subject: FW: Our Carmel Valley community
Importance: Low

to Carmel Valley based colleagues:

Not everyone is aware of the proposed development on the property located on Del Mar Heights Rd. and El Camino. With its One Paseo/Main Street project, Kilroy Realty has proposed the largest density increase ever considered in Carmel Valley's +30-year history. The project will create significant traffic and infrastructure impacts to our community.

While One Paseo is promoting the fun "Main Street" and retail concept, this is less than 15% of the proposed development. In fact, the plans call for:

a 10 story office building, a 10 story residential apartments building to house over 600 additional families in the area, a 150 room multi-story hotel, as well as the retail space.

This would completely change the look and feel of the area. The City has prepared an environmental impact report. The following are just a few of the other impacts this would have:

- 2 new traffic signals on Del Mar Heights Road between High Bluff and El Camino, increasing travel time and wait time
- 4 times the estimated traffic generation for the area and drastically increased traffic congestion during peak hours on I-5, Del Mar Heights, El Camino Real and High Bluff
- 1,852,580 square feet of development on a site originally zoned for 500,000 square feet

You can learn more at www.WhatPriceMainstreet.com

22.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

It is vital that as many community members as possible make their concerns and opposition to this huge expansion heard. Please send an email to the following four people so that we can try and preserve our community (A sample email is included below).

In the subject line of the email list the Project Name and Number: ONE PASEO, Project #193036/SCH No. 2010051073

DSDEAS@sandiego.gov - Environmental Planner, City of San Diego
rmezo@sandiego.gov - Renee Mezo, Project Planner
sherrilighner@sandiego.gov - Sherri Lightner, City Councilmember
white@wwarch.com - Frisco White, Chair of Community Planning Board

Also, please forward this original email to neighbors and friends in our community so they too can email the city.

SAMPLE EMAIL:

Dear :

I am very concerned about the current One Paseo Plan.

The Environmental Impact report concludes that the project would result in significant transportation/ circulation/and parking issues. The area is already congested and experiencing traffic issues and a project of this size far exceeds what the area is designed to handle. The additional traffic, congestion, parking issues would significantly impact the community and could not be mitigated due to space constraints. This is extremely troubling.

Further, this would irreparably destroy the visual effects and nature of the neighborhood. Its current character would be forever ruined and changed by a project with several massive buildings far greater than the 2 story buildings currently in the area. The project will have so much greater scale, density and traffic generation than what would be allowed by the existing entitlement or Community Plan, and the project is considerably more dense than any mixed-use project, existing or planned, in similar planned communities in greater San Diego.

I am seriously concerned that Carmel Valley's existing community character and its Community Plan will be destroyed if the proposed One Paseo/Main Street project gets approved.

From: Name
Address:
Date:

COMMENTS

RESPONSES

Martha Blake, Environmental Planner

City of San Diego Development Services Center

1222 First Ave, MS 501

San Diego, CA 92101

Dear Ms. Blake,

I am writing to express my opposition to the One Paseo project in Carmel Valley, as currently planned. In my opinion, the developers are trying to cram way too much into a relatively small area. Traffic on Del Mar Heights Road and El Camino Real, which is already congested, would be unbearable with the planned dense development. I would be supportive of a more modest plan that is more appropriate for our community, but not the existing Kilroy Realty project.

Sincerely,



Gil Armour

13377 Gelbourne Place

San Diego, CA 92130

- 23.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 23.2 Section 5.2.2 and 12.9 of the Final EIR acknowledge that the traffic generated by the Originally Proposed Project and the Revised Project would result in significant impacts to local street segments and intersections, including a portion of Del Mar Heights Road. Specific road improvements are identified as mitigation measures, which would reduce many of these impacts to below a level of significance.
- 23.3 The project applicant has revised the Originally Proposed Project to reduce the size of the project. Refer to Section 12.9 of the Final EIR for information regarding the Revised Project. As discussed in response to comment 5.6 and Section 12.9 in the Final EIR, the impacts of the Revised Project would be less than the Originally Proposed Project. The primary effect of the Revised Project would be a reduction in the traffic and neighborhood character impacts associated with the Originally Proposed Project but other reductions in impacts related to air quality, GHG and noise would also occur. Although reduced, the traffic and neighborhood character of the Revised Project would remain significant and not mitigated.

COMMENTS

RESPONSES

From: [Glenn Arnold](#)
To: [DSD EAS](#);
cc: [Mezo, Renee](#); [Lightner, Councilmember Sherri](#); white@wwarch.com;
Subject: One Paseo
Date: Tuesday, May 29, 2012 10:51:00 AM

Dear Ms.Blake,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the One Paseo Project. I understand that the Environmental Impact Report identifies certain project impacts. However, I firmly believe that the project's benefits would outweigh the identified impacts.

The project would positively impact our community in many ways. For example, it would help the local economy by increasing employment opportunities in Carmel Valley. One Paseo would also bring new specialty stores like a Trader Joes to the area. Most importantly, it would enhance the community character by providing a true "heart" for Carmel Valley.

Thank you.
Sincerely,



Glenn Arnold
12780 Sandy Crest Court
San Diego, CA 92130

Glenn Arnold, SIOR
Sr. Managing Director
Industrial Division

Cassidy Turley San Diego
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
T 858.546.5455 F 858.630.6320
Glenn.Arnold@cassidyturley.com www.cassidyturley.com/sandiego

CA Lic # 01383140

24.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

(25)

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
RE: Project No. 193036/SCH No. 2010051073

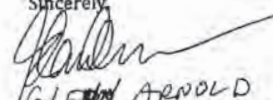
Dear Ms. Blake,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the One Paseo Project. I understand that the Environmental Impact Report identifies certain project impacts. However, I firmly believe that the project's benefits would outweigh the identified impacts.

The project would positively impact our community in many ways. For example, it would help the local economy by increasing employment opportunities in Carmel Valley. One Paseo would also bring new specialty stores like a Trader Joes to the area. Most importantly, it would enhance the community character by providing a true "heart" for Carmel Valley.

Thank you.

Sincerely,


GLEN ARNOLD
12760 Sanky Crest Ct
San Diego CA 92130

25.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

ASR

LANDSCAPE ARCHITECTURE

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Project No. 193036 / SCH No. 2010051073

Dear Ms. Blake:

I am sending this letter on behalf of ASR Landscape Architecture, San Diego-Del Mar in support of Kilroy Realty's proposed One Paseo project in Carmel Valley. Our business is located in San Diego and we have worked on projects in the Carmel Valley community close to the project site. I understand that the City recently released its comprehensive EIR for the Project which we have reviewed.

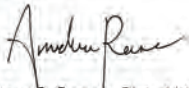
Currently, it seems as if Carmel Valley has a wonderful residential component to the community, but is missing a gathering spot or a pedestrian friendly town center for its residents and visitors. Carmel Valley needs a place to hold farmer's markets and community events. It also needs cafes where people can meet and a place that provides opportunities for family-oriented gatherings.

Many of our colleagues and friends who live in Carmel Valley spend their weekends in Del Mar or Encinitas where their public needs are being met. The lack of a Main Street type location takes revenue away from both the City of San Diego and the Carmel Valley community.

This piece of land in the heart of Carmel Valley is a perfect place to implement a mixed use, smart growth, community village type project especially when compared to the development alternative of a high rise commercial building surrounded by a sea of parking. One Paseo's plan is smart, at an appropriate scale, benefits the community while enhancing Carmel Valley's community character.

We support this project and hope to see it built soon.

Sincerely,



Andrew S. Reese, RLA 4643
President
ASR Landscape Architecture

CC Renee Meeo
Frisco White
Sherri Lightner
Mel Millstein

Landscape Architecture | Urban Planning | Urban Design

10000 La Jolla Village Drive, Suite 100, San Diego, CA 92121 | Tel: 619-991-8199 | www.asrllc.com

26.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Janet Assi
4598 Da Vinci St.
San Diego, CA 92130

Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Blake:

I am enthusiastic about the prospect of building One Paseo here in Carmel Valley. With the Draft Environmental Impact Report out for public comment, residents have an important opportunity to weigh in on the project proposal in the context of its potential impacts. It's my opinion that the benefits One Paseo would offer are far more significant than any of the impacts mentioned in the Draft EIR.

This project would be a truly unique addition to the Carmel Valley community – and I believe that is a very good thing. Our community as it currently exists has no real center, no focal point that encourages neighbors to come together in shared public spaces. One Paseo would function as the “community village center” for Carmel Valley, by providing ample open space, lots of different shops and restaurants, family entertainment options, office and residential space, and plenty of attractive walking paths to connect it all. Of course, a “community village center” would be, by its very nature, different than the other development surrounding the property currently. I don't see this as a problem, because I think that One Paseo would be perfectly compatible with the neighboring land uses. In fact, the project has been designed so that it will blend with adjacent development – proposed condos opposite existing residences, for example, and proposed office space built near neighboring offices to the west. I appreciate this kind of careful attention to detail.

This is a project that residents would enjoy fully. It would help to keep more business in Carmel Valley, while strengthening the feeling of community here as well. I believe this is a project that deserves approval.

Sincerely,


Janet Assi

27.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [ARNOLD W. AYAP](#)
To: [DSD EAS;](#)
Subject: One Paseo 193036/SCH No. 2
Date: Thursday, May 10, 2012 10:21:40 AM

28.1 I would propose that the project be revamped and we would like to have a parkland project entertaining the community with a garden, lake, and museum that would enrich our lives.

Arnold Ayap & Audrey Amaral
3586 Seahorn Circle
San Diego, CA 92130

28.1 Discussion of a park project as an alternative is not required to be addressed because it would not achieve most of the basic objectives of the Originally Proposed Project.

COMMENTS

RESPONSES

Virginia (Ginny) Barnes
13306 Landfair Road
San Diego, CA 92130

May 24, 2012

Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Comments on the Draft Environmental Report for One
Paseo, Project No. 193036, SCH No. 2010051073

Dear Ms. Blake,

I am a 28 year resident of the Del Mar Highlands Neighborhood which is located in Carmel Valley Development Unit Three. I have concerns about the **proposed** One Paseo project as shown in the Draft Environmental Impact Report (DEIR) referenced above.

I include excerpts from the **Carmel Valley Development Unit Three Precise Plan (amended by the City of San Diego: March 17, 1992) (CVDUTPP)** and attached referenced pages of both the DEIR and CVDUTPP. (Excerpts are shown in italics.) The Del Mar Highlands Neighborhood Three is directly north of the **proposed** One Paseo project. I have reviewed the DEIR for the project and have specific concerns regarding the Traffic impacts, the Land Use impacts and the Visual Quality impacts to my neighborhood. Based on information taken from both the CVDUTPP and the proposed One Paseo DEIR it remains unclear as to why a project of this magnitude would neglect to analyze impacts to a neighborhood that has an adopted **Precise Plan**. **Why was there no Precise Plan amendment for Neighborhood Three prepared as a part of the required submittals by the applicant?**

DEIR Figure 14-9 shows the intersection of Del Mar Heights Road and High Bluff Drive with two (2) left turn lanes onto High Bluff from Eastbound Del Mar Heights Road. As you can see **NO ANALYSIS** was done for the traffic ADT Volumes and their impacts to the north section of High Bluff Drive. **Why was this area not analyzed? If the proposed development requires an increase in turn lanes from Del Mar Heights Road into the residential neighborhood then the impacts to the residential neighborhood should be identified and analyzed!**

The DEIR shows the narrowing of the center median on High Bluff to accommodate two lanes of traffic from eastbound Del Mar Heights Road to northbound High Bluff Drive. **Why is the change to the intersection required? What traffic study was prepared to analyze the increased volume of traffic into Carmel Valley Development Unit Three at that intersection?**

Based on the CVDUTPP (Section 3.2 Unit Street System), Neighborhood Three “contains only collector and local streets. Through traffic is discouraged by locating the arterial streets at the perimeter of the precise plan area and by the design of the collector road system.” The distance between the intersections of Del Mar Heights Road/High Bluff and El Camino Real/Half Mile is virtually the same whether you drive through Neighborhood Three or remain on Del Mar Heights Road to El Camino Real; turning north to Half Mile Drive. The primary difference is that driving through the neighborhood along High Bluff to Half Mile has only one (1) stop sign. The route along Del Mar

29.1 Refer to response to comment 10.164.

29.2 The existing traffic volume on High Bluff Drive, just north of Del Mar Heights Road, is 7,050. (capacity of 10,000 ADT on this roadway), representing LOS C. The Originally Proposed Project was projected to add 808 ADT on High Bluff Drive. When project traffic (808 ADT) is added to 7,050 ADT, the total traffic is 7,858 ADT. (See Traffic Study Appendix A volumes.) This results in LOS D. The Revised Project is expected to generate roughly 11 percent fewer trips to this segment. Thus, this segment would not be impacted as the segment would be expected to continue to operate at an acceptable LOS D. Further, the proposed mitigation of adding a second eastbound to northbound left-turn lane onto High Bluff Drive from Del Mar Heights Road would maximize the efficiency of this signalized intersection and would also provide additional storage so that vehicles turning left would not block eastbound through traffic on Del Mar Heights Road.

COMMENTS

RESPONSES

29.3 As shown on Figure 14-9 of the traffic report, the center median on High Bluff Drive to the north would be narrowed to accommodate the eastbound to northbound dual left turns from Del Mar Heights Road. As discussed in response to comment 5.2, the proposed project is not expected to significantly increase traffic within Neighborhood Three. The proposed mitigation minimizes the time required per cycle to serve the left turns, thus mitigating the project's impact at the intersection.

COMMENTS

RESPONSES

Heights Road turning left onto El Camino Real then north to Half Mile will have a total of four (4) traffic signals. Information presented by Kilroy at the Carmel Valley Regional Issues Sub-Committee Meeting identified the traffic between the intersections of Del Mar Heights Road/High Bluff and Del Mar Heights Road/El Camino Real as an “unmitigated level of traffic at peak times”. **Given that the distance is virtually the same, what analysis was used to determine the “stage or trigger” that traffic will divert onto High Bluff Drive from Del Mar Heights Road to avoid the additional traffic signals and traffic congestion since the additional turn lane into Neighborhood Three is expected to get the traffic off of Del Mar Heights Road faster?**

Based on the CVDUTPP (Section 3.6 Street Sections) the “neighborhood entrance sections are designed to accommodate relatively high volumes of traffic”, meeting the needs of Neighborhood Three; which is completely built out. Currently it seems that quite a bit of traffic enters the neighborhood through the High Bluff entrance only to immediately leave the neighborhood through either Quarter Mile Drive or Half Mile Drive; in other words “passing through”. **What analysis was done to determine what portion of traffic coming into Neighborhood Three at the High Bluff entrance from eastbound Del Mar Heights Road would be (1) residents of Neighborhood Three; (2) passing through; or (3) those going to the school and/or park?**

The DEIR shows the Long-term Cumulative (Year 2030) With Project ADT Volumes for **proposed** One Paseo. (DEIR Figure 5.2-8) There are no Project ADT Volumes indicated for High Bluff Drive in Neighborhood Three. **Why is there no analysis reported in the DEIR when clearly Neighborhood Three will have impacts? What are the Long-term Cumulative (Year 2030) With Project ADT Volumes for the following?**
High Bluff Drive - between Del Mar Heights Road and Long Run Drive
High Bluff Drive - between Long Run Drive and Half Mile Drive
Long Run Drive - between High Bluff Drive and Quarter Mile Drive
Wyndhaven Drive - Between Quarter Mile Drive and Half Mile Drive

The CVDUTPP (Section 2.6 Open Space) describes Open Space in Neighborhood Three. Table 3 identifies Open Space Preservation and Maintenance. Item #3 in this table defines the type of Open Space: “Perimeter road, including neighborhood entrances, neighborhood/community slopes, and medians.” The **proposed** One Paseo project includes the widening of High Bluff Drive which would then reduce the designated Open Space at the entrance. As clearly shown on Figure 9, the entrance into Neighborhood Three from Del Mar Heights Road is identified as *designated “developed” open space*. **Why is a proposed development allowed to widen High Bluff Drive at our “neighborhood entrance” and reduce designated Open Space? What analysis was done to show how the Open Space loss impacts to the Carmel Valley Development Unit Three Neighborhood? How will this loss be mitigated?**

The CVDUTPP (Section 4.7a Perimeter Arterial Streets) defines the primary entrances to the Neighborhood. **How will the proposed One Paseo project mitigate the impacts on the loss of the “parkway effectutilizing extensive landscaping of medians”? What landscape plan would meet the Neighborhood Three plan if the center median only provides for a 4’ planter area? How does a 4’ planter provide for a “broad open character and to create a sense of spaciousness”? How does the applicant intend to mitigate the loss of “extensive landscaping of medians”?**

The CVDUTPP (Section 4.7b Neighborhood Entrances) defines Neighborhood Entrances and states that they “provide an entry and exit experience for those entering and leaving the neighborhood.” **With the additional traffic directed into the entrance on High Bluff Drive how will the**

29.4 Refer to response to comment 5.2.

29.5 A breakdown of traffic entering Neighborhood Three is not required since, as discussed in response to comment 5.2, a substantial increase in traffic due to the project is not expected within neighborhood 3.

29.6 As discussed in responses to comments 29.2 through 29.5, the segment of High Bluff Drive just north of Del Mar Heights Road would not be significantly impacted by the project. The Long-Term Cumulative (Year 2030) with-Project ADT volumes for High Bluff Drive, Long Run Drive, and Wyndhaven Drive are provided in Appendix A of the traffic study. The Year 2030 with-Revised-Project scenario volume for High Bluff Drive between Del Mar Heights Road and Long Run Drive would be 7,858 ADT. The volume on High Bluff Drive between Long Run Drive and Half Mile would be 3,800 ADT for Year 2030 with-Revised-Project scenario. Long Run Drive between High Bluff Drive and Quarter Mile would carry 600 ADT and Wyndhaven Drive between Quarter Mile and Half Mile would carry 1,500 ADT in Year 2030 with-Revised-Project. These volumes represent an acceptable level of service and do not affect the conclusions of the analysis.

29.7 With respect to the widening of Del Mar Heights Road, the Draft EIR (pages 5.3-17 and 18) indicated that some landscaping would be removed to accommodate the widening. This same degree of widening would be required with the Revised Project. As the open space impacts on the north side of Del Mar Heights Road are not considered significant for either the Originally Proposed Project or the Revised Project. No mitigation is required.

29.8 As discussed in response to comment 10.10, street trees and shrubs in the median and along the north side of Del Mar Heights Road would be affected by the Originally Proposed Project and the Revised Project, as further discussed in response to comment 10.10 and Section 5.3 of

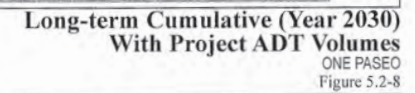
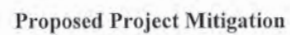
COMMENTS

RESPONSES

- 29.9 cont. **“experience” be compatible with existing conditions?**
- 29.10 The existing width of the street median on High Bluff Drive was “*considered in entrance design*” in the CVDUTPP (Section 4.7b Neighborhood Entrances). **Proposed** changes to the High Bluff intersection are described in the DEIR traffic appendix, which is included in the file “Apps_Part_2.pdf”. This shows that the center median on High Bluff will be reduced to a width of 8’ which would reduce the center median to a 4’ wide planting area with plant material setback for maintenance. **Why is the proposed One Paseo Development allowed to impact Neighborhood Three by changing the character of the entrance into Neighborhood Three on High Bluff? How does the applicant intend to mitigate the impacts to Visual Quality when the existing median is reduced by the proposed One Paseo project?**
- 29.11 Currently High Bluff Drive at Del Mar Heights Road is wide enough for both vehicles and bicycles to compatibly enter our residential neighborhood. The CVDUTPP (Section 3.3b Bicycle Circulation) identifies circulation as: “*A neighborhood bikeway system for Unit Three is depicted in Figure 12. This system provides internal bicycle circulation, while linking the neighborhood to the community bike route network and community activity centers.*” **How will the loss of “Bicycle Circulation” be mitigated when widening High Bluff Drive to accommodate two turn lanes into the Neighborhood?**
- 29.12 The High Bluff Drive entrance described in the CVDUTPP (Section 3.3b Bicycle Circulation and 3.3c Pedestrian Movement) is one of the “two important neighborhood entrances. The applicant proposes to reduce the center median resulting in a loss of landscape. **How will the applicant mitigate this change in Visual Quality?**
- 29.13 The CVDUTPP (Section 4.7a Perimeter Arterial Streets) states that “*noise impacts resulting from projected traffic volumes along Del Mar Heights Road and El Camino Real should be mitigated to acceptable levels*”. **What analysis was used to estimate noise created by the increase in traffic? What analysis was used to estimate noise levels created by the additional traffic along (1) Del Mar Heights Road and (2) El Camino Real?**
- I want to emphasize that based on information taken from both the CVDUTPP and the proposed One Paseo DEIR it remains unclear as to why a project of this magnitude would neglect to analyze impacts to a neighborhood that has an adopted Precise Plan and why no amendment to the CVDUTPP is required.
- Sincerely,
- Virginia (Ginny) Barnes
Carmel Valley, San Diego
- cc: Councilwoman Sherri Lightner
Bernie Turgeon, Senior Planner
Chairman Frisco White, Carmel Valley Community Planning Board

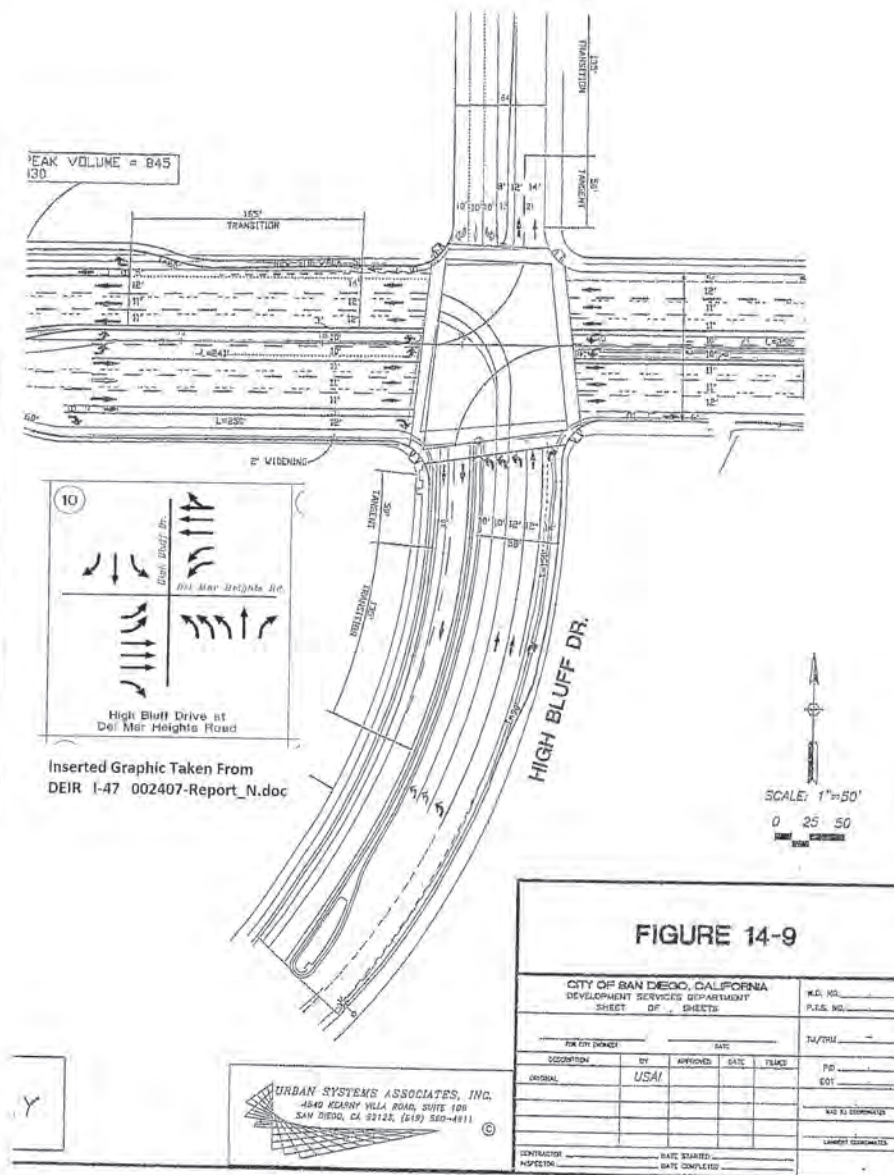
- 29.8 the Final EIR. The affected landscaping associated with the Originally Proposed Project and the Revised Project would replace the affected street trees.
- 29.9 As noted in Section 5.2 and Section 12.9 of the Final EIR, the Originally Proposed Project and the Revised Project would affect the “experience” of motorists by increasing traffic congestion at the intersection of Del Mar Heights Road and High Bluff Drive. In addition, intersection improvements, which would be required of the development, would expand the lane configuration of the intersection by adding additional turn lanes. However, while these improvements would increase the amount of pavement associated with the intersection, they would not constitute a significant change in the appearance of the intersection. In addition, the Revised Project includes additional landscaped open space at the intersection of Del Mar Heights Road and High Bluff Drive and along the north side between the I-5 NB on-ramp and High Bluff Drive.
- 29.10 Refer responses to comments 10.10 and 29.9.
- 29.11 As discussed in responses to comments 29.2 through 29.6, widening High Bluff Drive to the north of Del Mar Heights Road to accommodate two receiving lanes would not eliminate the Class II bike lane. High Bluff Drive, to the north of Del Mar Heights Road, would continue to accommodate both vehicles and bicycles with the proposed improvements.
- 29.12 Refer responses to comments 10.10 and 29.9.
- 29.13 As outlined on page 3-1 of the One Paseo Acoustical Report, modeling of the outdoor noise environment was accomplished using Computer Aided Noise Abatement (CADNA) Ver. 3.6 software. CADNA traffic noise prediction is based on the data and methodology used in the Federal Highway Administration Traffic Noise Model (TNM) version 2.5. Traffic Noise Model version 2.5 was utilized to estimate the noise created by the project-related traffic increases. The TNM model was developed by the Federal Highway Administration, and is the required and accepted model for transportation impact planning by state, federal and all local municipal agencies. The results of this analysis are discussed on pages 5.4-14 and 5.4-15 of the Draft EIR, which concluded that the addition of project traffic to El Camino Real and Del Mar Heights Road would not result in a significant increase in traffic noise experienced by development along those roadways.

RESPONSES



COMMENTS

RESPONSES



CARMEL VALLEY DEVELOPMENT UNIT THREE PRECISE PLAN

Adopted by the City of San Diego:
November 24, 1981
Amended by the City of San Diego:
March 17, 1992

Prepared by:
Project Design Consultants
701 "B" Street, Suite 800
San Diego, CA 92101
(619) 235-6471

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[280-02]

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2.6 Open Space

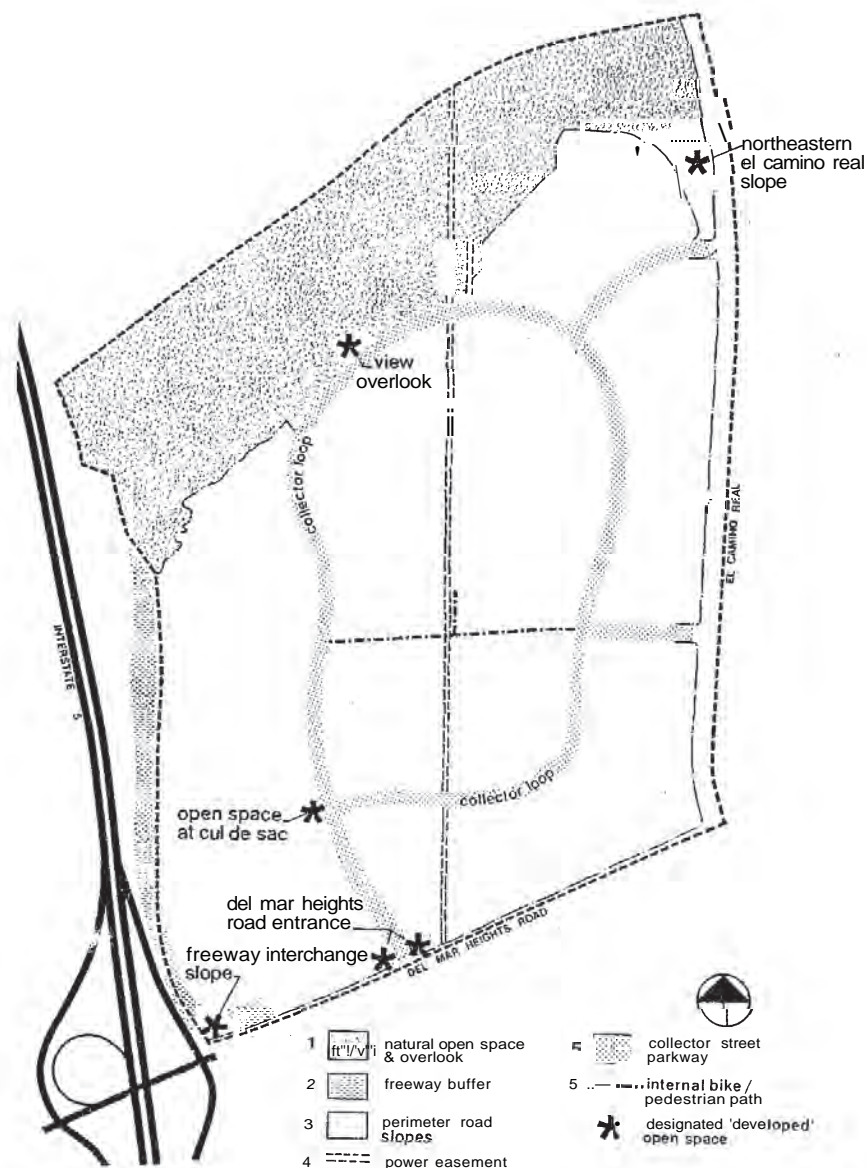
A substantial portion of the precise plan area is reserved as open space. Figure 9 shows a number of neighborhood-level open spaces. These areas aesthetically and **functionally** benefit the entire precise plan area, not just a particular project. In addition, most open space areas are visible to the community from roadways and surrounding development units. The freeway buffer and natural open space preserve also benefit surrounding areas and are designated open space areas in the Carmel Valley Community Plan.

There are several kinds of **neighborhood/community** open space designated (exclusive of park and school areas):

- Natural open space to be retained in its native state.
- "Developed" open space areas to be landscaped and maintained, including the freeway interchange slope, the Del Mar Heights Road entrance, the northern El Camino Real slope, the public view overlook to the north, and the cul-de-sac open space area west of the school.
- Other landscaped areas, including the freeway buffer, parkways, internal bike/pedestrian path, and major slopes with community and/or neighborhood visibility.
- Power easement to retain access by the utility company for maintenance purposes.

Table 3 summarizes the options available for the preservation and maintenance of these open spaces.

In addition to neighborhood-level open spaces, there are open spaces located within projects. Most of these take the form of slope banks in residential projects. For single-family detached projects, the open space areas will be lotted out, with an open space easement overlay on major slope areas. Open spaces within attached projects will be maintained by the homeowners associations or project owners.



OPEN SPACE

9

COMMENTS

RESPONSES

Table 3

NEIGHBORHOOD OPEN SPACE PRESERVATION AND MAINTENANCE

Figure 10 Reference	Type of Open Space	Preservation Options	Maintenance Options
1	Natural open space pre-serve and public view overlook.	Fee ownership by City	Community open space maintenance district.
2	Freeway buffer	Ownership by Caltrans and landscaping by developer. Common area of attached residential project under open space easement. Fee ownership by City.	Caltrans. Neighborhood homeowner association. Community open space maintenance district.
3	Perimeter road, including neighborhood entrances, neighborhood/ community slopes, and medians.	Common area of attached residential projects under open space easement. For northeastern El Camino Real slope, fee ownership by City. Medians within dedicated street rights-of-way .	Project open space with homeowner association fees . Community open space maintenance district. Neighborhood homeowner association.
4	Power easement	San Diego Gas & Electric Company easement .	San Diego Gas & Electric Company. Underlying project homeowner association, school district, and maintenance district for natural open space.
5	Collector loop parkway, including right-of-way, and major slopes and areas with neighborhood/ community visibility.	Dedicated street right-of-way. Open space easement. Ownership by neighborhood homeowner association.	Community open space maintenance district. Neighborhood homeowner association.
6	East-west internal bike/ pedestrian path along school and park.	Park ownership by City. School path owned by school district or in open space easement on school property.	City operating budget for park.
*	Designated "developed"	See appropriate category above	

Chapter 3 CIRCULATION ELEMENT

The Carmel Valley **Community** Plan proposes networks of streets, transit routes, and bike and pedestrian ways to meet the circulation needs of the community. This chapter ~~describes~~ the circulation systems providing access within Development Unit Three, as well as the connections to community-wide networks.

3.1 Community-Wide Street Systems

According to the Carmel Valley Community Plan, the community street system consists of a hierarchy of **arterial, major, collector, and local streets**, as shown in Figure 10. This system accesses Interstate 5 at two existing interchanges, Carmel Valley Road and Del Mar Heights Road. The freeway provides regional access from Carmel Valley to the San Diego metropolitan area.

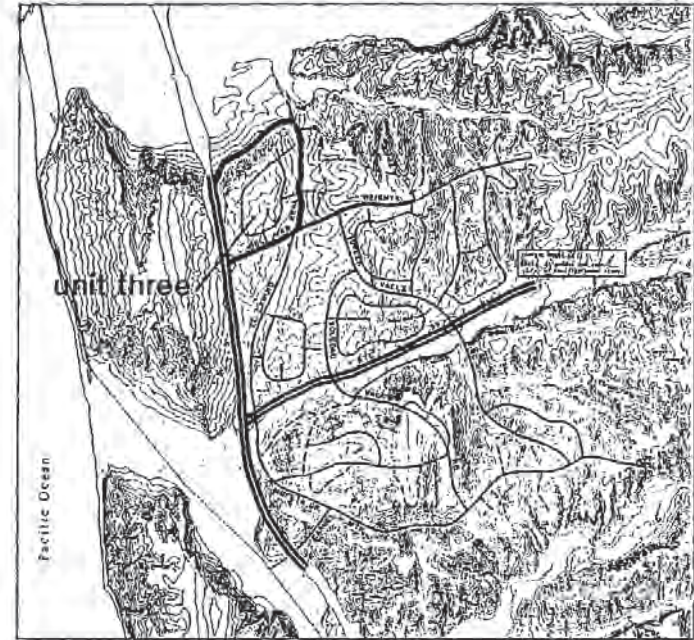
At the present time, the community street system is under study. The proposals outlined in the remainder of this section may be revised, pending the recommendations of the community-wide study.

Development Unit Three is bounded by two important streets: Del Mar Heights Road, designated as a six-lane primary arterial, and El Camino Real, planned as a four-lane primary arterial. These roads will provide vehicular access from the neighborhood to the larger community. Also, community bicycle and pedestrian paths are proposed paralleling these arterial streets and tying into the neighborhood bicycle and pedestrian routes. Signals are required at the Del Mar Heights Road neighborhood entrance (across from the Unit Two Employment Center) and the El Camino Real neighborhood/commercial center entrance, as well as at the intersection of Del Mar Heights Road and El Camino Real.

Del Mar Heights Road has the additional role of linking Unit Three to Interstate 5 and the community of Del Mar. The Del Mar Heights Road interchange with Interstate 5 was designed and constructed to accommodate future expansion. A second bridge and ramp **modifications** will increase the capacity of the interchange to handle Carmel Valley traffic.

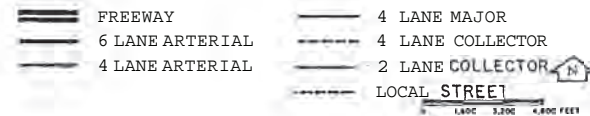
In order to ensure adequate access for Unit Three residents, the following improvements to the community circulation system must be completed as traffic warrants:

- Del Mar Heights Road improved from the freeway interchange to El Camino Real at full width, as described in Section 3.6 and Figure 14.
- Signalization of the neighborhood entrance on Del Mar Heights Road.
- Improvement of the Del Mar Heights Road/Interstate 5 interchange to accommodate projected traffic.



CARMEL VALLEY

PROPOSED STREET SYSTEM



COMMUNITY STREET SYSTEM

COMMENTS

- El Camino Real realigned and improved to full width, as described in Section 3.6 and Figure 14, from Del Mar Heights Road to the northern Unit Three entrance, plus a temporary connection to the existing roadway to north. A temporary route must be provided during construction. Vacation of the right-of-way no longer needed for El Camino Real as realigned should be **undertaken**.
- Signalization of the neighborhood/commercial entrance on El Camino Real.
- Realignment and signalization of the intersection of Del Mar Heights Road and El Camino Real.

RESPONSES

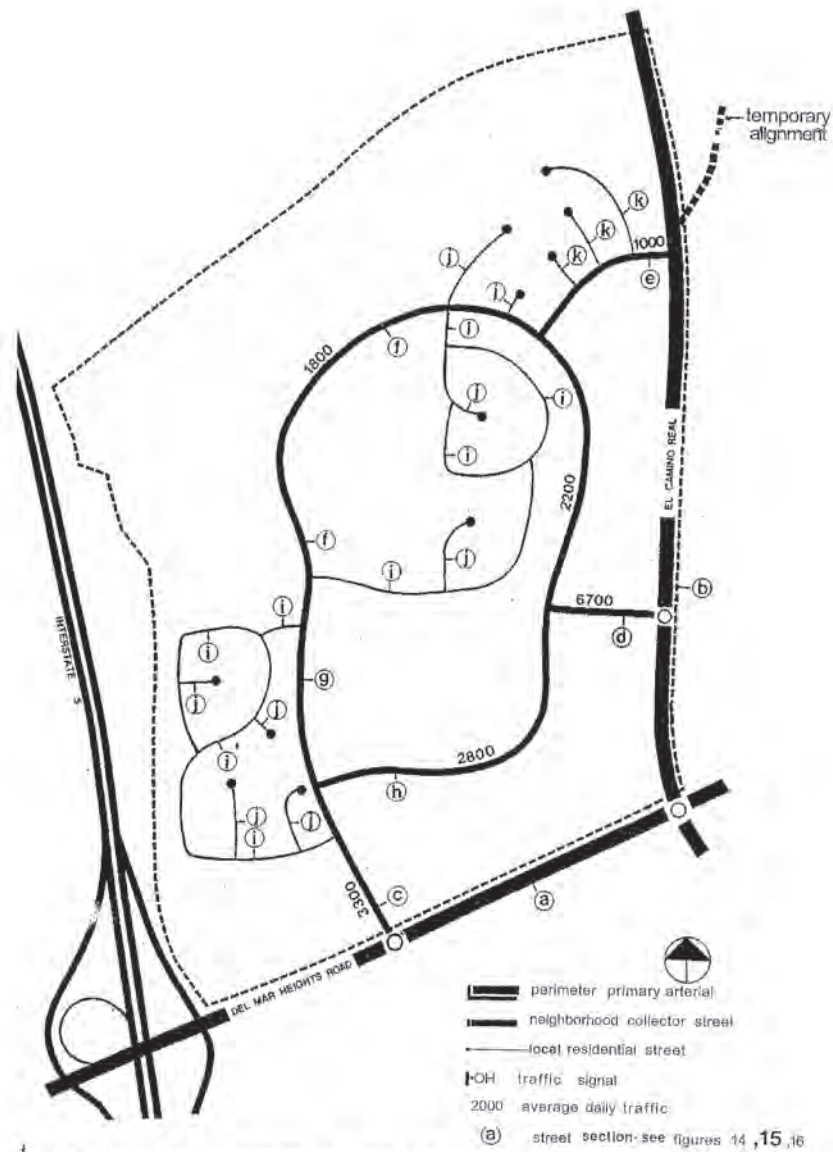
3.2 Unit Street System

The proposed street system within Unit Three is depicted in Figure 11. This system consists of the street classifications below:

- A collector street system, including an internal loop and three connections to the perimeter arterial streets.
- Local streets to access detached residential projects, including conventional streets and cul-de-sacs.
- Project streets (not shown) to access attached residential projects, anticipated to be privately maintained.

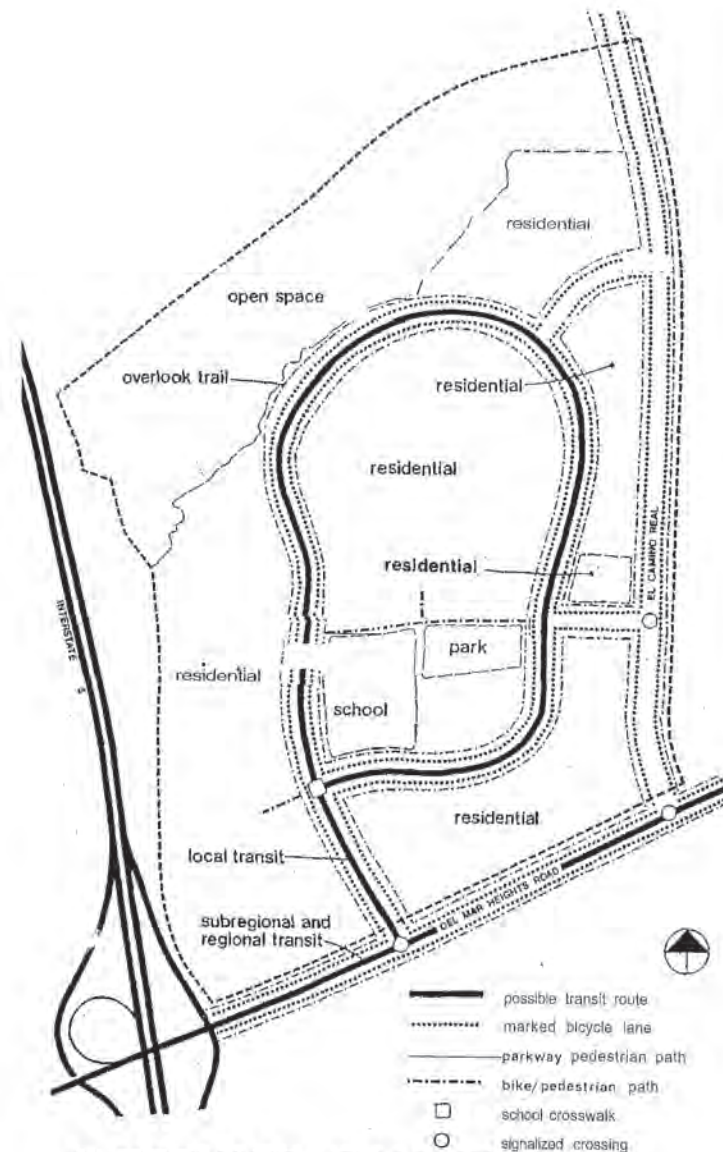
This unit street system is designed in conformance with the Carmel Valley Community Plan, as follows:

- The neighborhood contains only collector and local streets. Through traffic is discouraged by locating the arterial streets at the perimeter of the precise plan area and by the design of the collector road system.
- A two-lane collector loop provides access within the neighborhood and has three links to the primary arterials bounding the property.
- Only collector streets intersect with the perimeter primary arterials; local streets feed into the collector system, not the arterials. Neighborhood access is restricted to three neighborhood entrances.
- Individual residential lots receive access from local streets or private project streets, not from collector streets.
- The neighborhood facilities (school and park) are provided access from the collector streets.
- The collector street system functionally links the various land uses within the neighborhood while being aesthetically integrated into the overall Unit Three design (see Section 4.8).
- All streets will meet the City's geometric and cross-section standards for the designated street classification (see Section 3.6).



UNIT STREET SYSTEM

11



ALTERNATE TRANSPORT

12

3.3 Alternative Transportation Modes

The Carmel Valley Community Plan stresses the importance of transportation alternatives to the private automobile, including public transit, bicycle travel, and pedestrian movement. Complete transit, bikeway, and pathway systems are proposed for the community. The automobile, transit, bicycle, and pedestrian facilities are to be developed in an integrated network, providing a "balanced transportation system" assuring mobility and access to all parts of the community. Under the community plan objectives, the Unit Three precise plan must provide adequate internal transit, bicycle, and pedestrian alternatives tied into the community circulation network.

3.3a Transit

Unit Three is located northwest of the Carmel Valley town center. A transportation terminal is proposed in the community plan at or adjacent to the town center. Regional and subregional transit in the form of buses is expected to travel on Del Mar Heights Road from the freeway, past Unit Three, to the transportation terminal.

Aside from its proximity to the town center terminal via motorized, pedestrian, and bicycle linkages, Unit Three may be provided local transit service. The neighborhood collector streets can accommodate local buses, **dial-a-ride**, and/or **para-transit**. Any permanent stops required should be sited along the loop. One possible transit routing within Unit Three is shown in Figure 12; other routings are possible.

3.3b Bicycle Circulation

A neighborhood bikeway system for Unit Three is depicted in Figure 12. This system provides internal bicycle circulation, while linking the neighborhood to the community bike route network and community activity centers.

The neighborhood system includes the following bicycle facilities:

- Marked bicycle lanes within the roadbed of the collector streets, including linkages to the community bike routes along Del Mar Heights Road and El Camino Real.
- A combined internal bicycle/pedestrian path north of the school and park, linking the neighborhood facilities.

- Bicycle movement within the roadway of local streets and private roads, providing access to residents (not shown).
- Traffic signals and crossings at the two important neighborhood entrances, where the neighborhood and community bikeways tie together.
- Bicycle parking facilities as described in Section 3.5 below.

3.3c Pedestrian Movement

A pedestrian path network for Unit Three is proposed as shown in Figure 12. This system of paths for walking and jogging links the various residential projects and neighborhood facilities within the precise plan area. In addition, ties are provided to the community-wide pathway network.

The neighborhood path system incorporates the following elements:

- Sidewalks within the collector system along the roadway, including ties to the community pedestrian paths along Del Mar Heights Road and El Camino Real.
- A combined internal bicycle/pedestrian path north of the school and park, linking the neighborhood facilities.
- Standard sidewalks along local residential streets and pathways within attached housing projects (not shown).
- Traffic signals and crossings at the two important neighborhood entrances.
- Special accessways connecting pedestrian paths, as shown in Figure 12.
- Special school crosswalk(s) outlined with standard yellow painted lines in accordance with the Manual of Uniform Traffic Control Devices, and located to the satisfaction of the City Traffic Engineer.

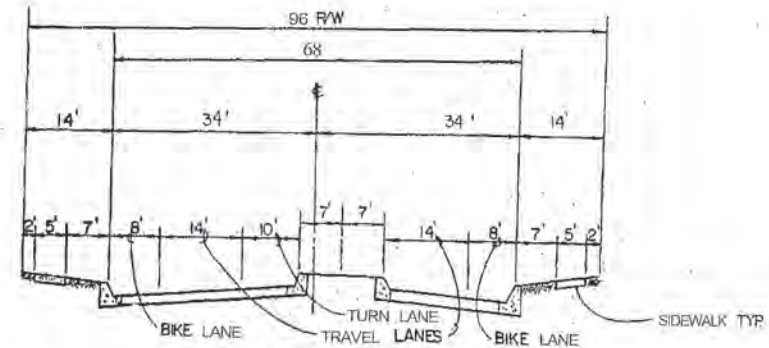
3.6 Street Sections

Typical street sections for the perimeter arterials of Del Mar Heights Road and El Gamino Real are shown in Figure 14. Both roads will be improved to full width, providing travel lanes and a landscaped median. Bicycle travel is accommodated in a marked lane next to the curb, while pedestrians are provided a sidewalk parallel to the roadway. Design treatment of these arterials is addressed in Section 4.7.

Figure 15 illustrates street sections for the collector street system within Unit Three. Sections "c" through "e" show the engineering design of the three neighborhood entrances into the precise plan area, while Sections "f" through "h" depict typical conditions along the interior loop. For the locations of the sections, see Figure 11.

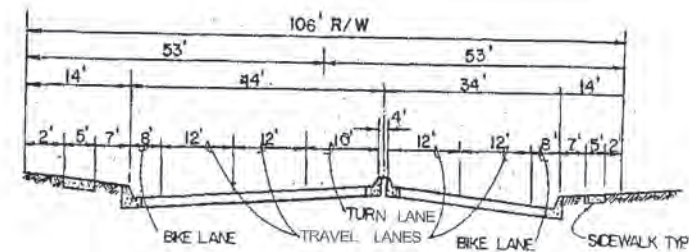
The neighborhood entrance sections are designed to accommodate relatively high volumes of traffic, permitting turning movements as required. The interior loop sections provide for two travel lanes, one in each direction. All the collector sections include bicycle lanes next to the curb, with no parking permitted. Pedestrian paths are provided within the right-of-way on both sides of the road, but in variable locations depending on the design situation. For a discussion of the design treatment of the collector system as a parkway, see Section 4.8.

Figure 16 depicts typical local street sections within detached residential areas. Three types are shown: a residential street, a residential cul-de-sac, and a single-loaded residential street serving theater lots. Sidewalks are provided as needed next to the curb.



section c

del mar heights road entrance



section d

quarter mile drive

note for location of sections, see figure 11

COLLECTOR LOOP SECTIONS

15a

4.5 Landscape Design

The landscape guidelines for Unit Three are based on the following objectives:

- Create an identifiable neighborhood, while complementing the Carmel Valley community as a whole.
- Enhance good views and screen undesirable views from residential projects.
- Employ the conservation ethic in precise plan projects and facilities.
- Stabilize and beautify project and neighborhood/community slopes.

This section proscribes general guidelines for landscape design and maintenance. In Sections 4.7 through 4.12, more detailed information is provided concerning landscaping on a case-by-case basis. Open space maintenance is addressed in Section 2.6 of the Land Use Element.

The entire neighborhood should be developed in a compatible plant material palette. Primary trees are proposed for particular public uses and areas, to create a sense of cohesion and continuity. The Recommended Tree List is provided in Table 4.

All landscape recommendations are conceptual in nature and are subject to refinement and modification during the development plan/subdivision map stages. Detailed landscaping plans will accompany plans for each residential project and neighborhood facility.

4.5a Plant Selection

All plants should be in accordance with the California State Department of Agriculture's regulations for nursery inspections, rules, and grading. All plants should have a habitat of growth normal to that species and should be sound, healthy, vigorous, and free of insect infestations, plant diseases, and objectionable disfigurements. They should have normally well-developed branch systems and vigorous and fibrous root systems which are not root or pot bound.

The size of plants will correspond with that normally expected for the species and varieties of commercially available nursery stock. All plants should be adaptable to the climatic conditions of the area in which they are planted.

4.7 Community Interface

The design approach to the interface between Unit Three and the surrounding community is based on the following objectives:

- Visually and physically buffer residential development from traffic impacts.
- Design the perimeter of the neighborhood to contribute to the overall aesthetic effect of the community, yet be compatible with the neighborhood.
- Provide identifiable neighborhood entrances into Unit Three from the perimeter streets.

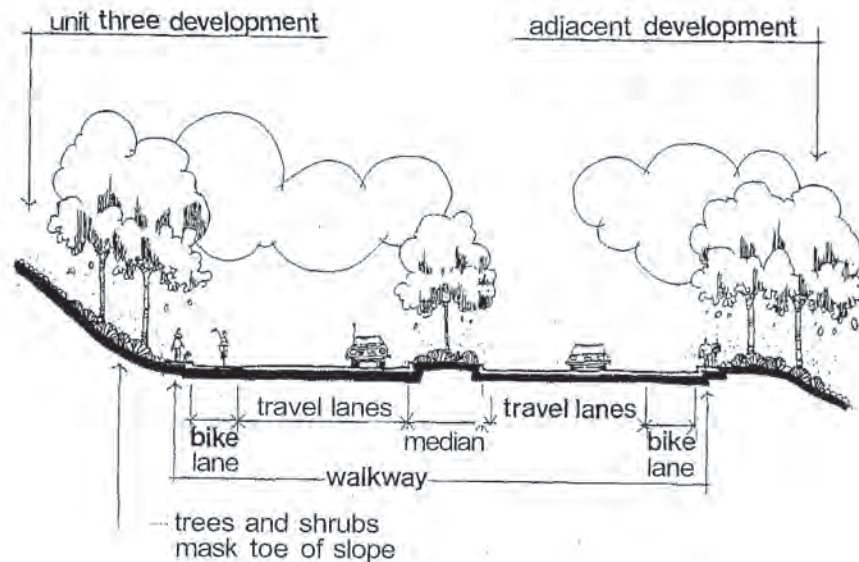
The overall interface concept calls for careful treatment of the transitions between the precise plan area and the perimeter streets and freeway. These transitions consist of slope banks, edges and fences at the tops of slopes, and, in the case of the perimeter arterial streets, street rights-of-way, medians, and neighborhood entrances.

4.7a Perimeter Arterial Streets

The rights-of-way and adjacent slopes for Del Mar Heights Road and El Camino Real should receive a design treatment similar to that of other community-oriented streets. Design treatments should be coordinated with the interior of Unit Three and with the Employment Center and the residential development unit to the east. Design solutions should visually edit out traffic and mitigate traffic noise to the extent feasible.

A parkway effect is desired, utilizing extensive landscaping of medians, sidewalk areas, slopes, and edges at the tops of slopes. A pleasing aesthetic experience should be provided to motorists, transit passengers, bicyclists, and pedestrians as they move along the arterial streets and paths. In addition, the design of the perimeter roadways should support the parkway character created in the interior of the Unit Three plan area.

Figure 20 illustrates the design treatment of perimeter streets. Adjacent projects should be coordinated with the arterial parkways to maintain visual continuity. A meandering natural look of tree placement is desired. Shrubs should be massed at the toe of the slopes along the parkway to mask transitional grading areas. Tree placement on slopes should favor the toe and middle areas of slopes. Plant materials in



TYPICAL ARTERIAL TREATMENT

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-69-

project areas along the top edges of slopes should frame or mask views from and to the residential areas as appropriate. Suggested primary trees are as follows:

Medians: Large-scale deciduous trees such as Platanus acerifolia (London Plane Tree) or Liquidambar styraciflua (Sweet Gum).

Parkway: Large-scale evergreen trees such as Pinus torreyana (Torrey Pine), Pinus eldarica (Mondell Pine), or Pinus halepensis (Aleppo Pine).

Other trees may be selected from the Recommended Tree List (Table 4). Landscaping of project edges should be adapted to the perimeter arterial treatment.

Pedestrians are provided a walkway along both sides of the parkways. Enriched paving is encouraged for pedestrian walks. Wheelchair ramps and other provisions for handicapped persons should be provided as required by the State of California and/or City or County of San Diego. Transit stops should be integrated into the pedestrian walks and include attractive seating, signing, and lighting. Bikeways are integral with the streets.

All furnishings, including signs, benches, fences, and lighting fixtures, should be selected or designed and constructed according to the design and safety standards of the City of San Diego. Repetition in material, color, and motifs or styles is desirable, to create a sense of continuity. Any fencing along the tops of slopes should be homogenous for the length of the slope.

Noise impacts resulting from projected traffic volumes along Del Mar Heights Road and El Camino Real should be mitigated to acceptable levels for residential and commercial uses. A noise analysis will determine the need for mitigation measures for individual development projects, as part of the environmental review process. Possible measures may include:

- Elevating development above the arterials, as is proposed.
- Providing a berm, a solid wall, or a combination berm and wall along the tops of slopes.
- Building only one-story structures next to the arterial or structurally insulating the upper floors of two- and three-story structures adjacent to the arterial.

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- Designating a buffer zone between the arterial and any structures to attenuate noise.

4.7b Neighborhood Entrances

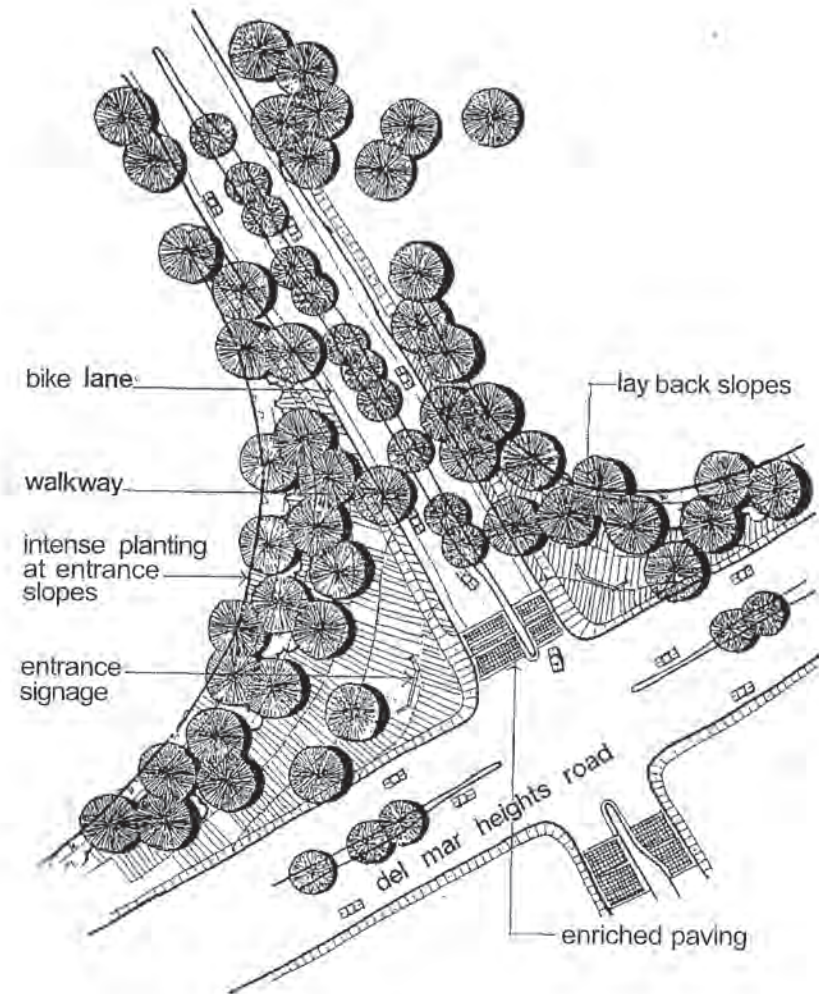
There are two entrances to the Unit Three neighborhood: the primary entrance from Del Mar Heights Road and the northern El Camino Real entrance. These entrances serve several functions:

- Provide an aesthetic and functional transition between the community arterials and the collector street parkway.
- Provide neighborhood identification along the arterials.
- Provide an entry and exit experience for those entering and leaving the neighborhood.

As illustrated in Figure 21, the entrances should reflect the parkway character intended for the arterial and collector street system. A deep setback of lawn should be provided. Tree groves should be held back a significant distance from entry corners to emphasize a broad open character and to create a sense of **spaciousness**. Similarly, buildings should be held back from the edges of the tops of slopes in order to retain the open entry feeling. There should be continuity between the landscaping at the **entrances** and the treatment in the arterial and neighborhood parkways. Like the parkways, the primary tree should be a large-scale evergreen tree such as *Pinus torreyana* (Torrey Pine), *Pinus eldarica* (Mondell Pine), or *Pinus halepensis* (Aleppo Pine). Other approved trees may be selected from the Recommended Tree List (Table 4).

While set back from the entrances by turning pockets, the street medians should be considered in entrance design. The primary tree for the street medians should be a large-scale deciduous tree such as *Platanus acerifolia* (London Plane Tree) or *Liquidambar styraciflua* (Sweet Gum). Other approved trees may be selected from the Recommended Tree List (Table 4).

Signage should be designed to fit into the landscape theme of rolling slopes and tree groves. Signs should be limited in overall height and be front-lighted using a wash effect. The entrance illumination should be coordinated to provide a hierarchy of light quality and intensity. Emphasis should be placed on areas of high vehicular and



NEIGHBORHOOD ENTRANCE

21

pedestrian activity through increased light intensity at those areas. A gradual reduction of light intensity between major areas of activity should provide the desired modulation of light without sacrificing safety and utility.

Pedestrian paths will be provided on both sides of the street and should be integrated into the entrance treatment. Sidewalks may be of enriched texture or color to aid in creating the desired parklike effect. Wheelchair ramps and other provisions for handicapped persons should be provided as required by the State of California and/or the City or County of San Diego.

4.7c Freeway Buffer

The freeway buffer along the western side of the precise plan area serves several purposes:

- Beautifies an existing slope visible to motorists along Interstate 5 and residents in Del Mar Heights.
- Provides visual editing of the westward views and noise buffering for residences along the freeway.
- Contributes to creating an attractive community entrance at the Del Mar Heights Road interchange.

As shown in Figure 22, a landscaping program for the freeway embankment is proposed. A refined native look is desired for this area, with tree groves producing a natural meandering effect. The slopes should be intensely planted in tree groves and shrub massing. Trees at the tops of the slopes should frame or screen views as appropriate from Unit Three residential areas.

At the southwest corner of the precise plan area, the proposed slope is laid back and contoured to produce an open entry effect. A berm at the top of the slope will provide a noise and visual buffer for the adjacent attached residential area. Landscaping should be continuous with the embankment paralleling the freeway. The slope should be intensely planted in tree groves and shrub massing.

The primary tree for the freeway area should be a large-scale evergreen tree such as *Pinus torreyana* (Torrey Pine), *Pinus eldarica* (Mondell Pine), or *Pinus halepensis* (Aleppo Pine). This ensures some continuity with the Del Mar Heights Road parkway. Additional trees may be selected from the Recommended Tree List (Table 4).

Noise impacts resulting from projected traffic volumes along Interstate 5 and the Interstate 5/Del Mar Heights Road interchange should be mitigated to acceptable residential levels. A noise analysis will determine the need for mitigation measures for individual development projects, as part of the environmental review process. Possible measures may include:

- Elevating development above the freeway, as is proposed.
- Providing a berm, a solid wall, or a combination berm and wall along the tops of slopes.
- Building only one-story units next to the freeway or structurally insulating the upper floors of two- and three-story units adjacent to the freeway.
- Designating a buffer zone between the freeway and any dwelling units to attenuate noise.

4.7d Northeastern Slope

A major slope is proposed along the northern portion of El Camino Real, below the detached residential theater lots. This slope area is a designated "developed" open space as described in Section 2.6. A 4:1 gradient and contoured grading are proposed, blending into the natural terrain to the north. Treatment of the northeastern slope is illustrated in Figure 23.

A natural appearance is desired in this open space area. The landscaping should provide a transition between the developed areas and the natural open space preserve. Hydro-seeding is proposed, and a native mix of shrubs and ground covers is recommended. Specific Landscape Site Component Standards for Subzones should be consulted for requirements and plant spacing and size on slope areas.

The primary tree for the slopes should be a large-scale open-headed evergreen tree such as *Eucalyptus cladocalyx* (Sugar Gum) or *Eucalyptus sideroxylon* (Red Ironbark). Other suggested trees are listed in the Recommended Tree List (Table 4). All tree planting should preserve views from the theater lots.

4.8 Collector Street Parkway

The design approach to the collector streetscape within Unit Three is based on the following objectives:

- Create an enjoyable streetscape for those traveling the collector parkway.
- Develop identifiable entrances into each residential project and neighborhood facility.
- Provide for efficient and safe automobile, bicycle, and pedestrian travel within the parkway.
- Complement adjacent projects and facilities both functionally and aesthetically.

A parkway concept is **proposed**, which provides for multi-modal travel within an attractively designed street right-of-way. Internal and external views are provided along the length of the parkway. For parkway street sections, see Figure 15.

4.8a Parkway Design Treatment

A parkway effect should be developed within the collector street right-of-way, supplemented by landscaping in adjacent projects and facilities. The internal collector loop is planned to gently meander through the neighborhood, with three connections to the neighborhood entrances. A parklike appearance should be experienced continuously along the collectors by coordinating landscaping and other design features along the entire **right-of-way**. "T" intersections where collector connections from the neighborhood entrances meet the interior collector loop should provide pleasant vistas for those traveling in the neighborhood.

Figures 24 and 25 exemplify several conditions along the parkways. Pedestrian walkways should parallel the roadway at the neighborhood entrances, along neighborhood facilities, and next to major slopes. The sidewalk may abut the curb along the school site because of City standards or school district requirements. In other locations, valuable walkways within the right-of-way may be provided if feasible. Walkways may be textured or colored to reinforce the "parklike" character of the parkway. Any transit stops should be integrated into the pedestrian walks. Marked bikeways are integral with the street.

The entire area between street curb and the project setback line should be landscaped except for vehicle access

COMMENTS

RESPONSES

Virginia (Ginny) Barnes
13306 Landfair Road
San Diego, CA 92130

May 24, 2012

Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Comments on the Draft Environmental Report for One
Paseo, Project No. 193036, SCH No. 2010051073

Dear Ms. Blake,

I have been an active volunteer for the City of San Diego's Park and Recreation Department for over 22 years primarily with the Carmel Valley Park and Recreation Council. I have also served the City as a Member of the Park and Recreation Board for eleven years. As a founding member of the Recreation Council along with my Park Board experience I am very familiar with the parks in the Community of Carmel Valley. I have had the privilege of serving on the design team for almost every park in our community. I have also been a very active park user as my husband & I have two children who participated in sports and activities in the community.

My participation in the local Recreation Council gives me insight regarding the inadequacy of the parks in Carmel Valley. I submit the following comments on the analysis of the Recreation Element contained in the Draft Environmental Impact Report (DEIR) for One Paseo.

1: It appears that the parks analysis of the current conditions in Carmel Valley is factually incorrect, and that Carmel Valley actually has a shortage of population-based park land.

This project, by City Standard and acknowledged in the DEIR on page 5.12-7, generates the need for 4.7 acres of useable park land:

...According to the forecasted density factor, the 608 units would generate approximately 1,666 residents. At the General Plan standard of 2.8 acres per 1,000 residents, buildout of the proposed residential component of the project (608 units) would generate the need for approximately 4.7 acres of useable park land.

Although, this should refer to, "4.7 acres of useable *population-based* park land."

The acreage requirement for population-based parks is a minimum standard, and this acreage must be public and available for active use. Open space, such as the cited landscaped street frontages, sidewalks, hotel patios, or private pools, do not count as meeting the recreational needs of population-based parks. Similarly, public or private streets available for biking, and private areas available only to residents or patrons do not count.

On page 5.12-7, the DEIR notes that, "the project would provide approximately 7.6 acres of useable open space areas within the project site to serve on-site residents, employees, and patrons." If this 7.6 acres is really only available to "on-site residents, employees, and patrons", then none of it would

30.1 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks.

30.2 As discussed in response to comment 5.6 and Section 12.9 in the Final EIR, the amount of open space within the proposed development would increase to 10.7 acres with the Revised Project. Of this open space, 6.6 acres would be useable and includes a 1-1 acre passive recreation

COMMENTS

RESPONSES

30.2 cont. 30.3	<p>qualify as population-based park land. Additionally, while the project includes recreational uses, the proposed land use zone of CVPD-MC does not allow for recreational uses.</p>	30.2 cont.	<p>area in Block C. Consistent with the comment, none of the proposed usable open space would be counted as population-based parkland. As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks.</p>
30.3	<p>The discussion of the Urban Design Element in the DEIR (page 5.1-83) concludes that Carmel Valley has a surplus of park space:</p>	30.3	<p>Recreation is allowed as an accessory use to the mixed-use development in the proposed zone.</p>
30.4	<p>Based on General Plan standards for population-based parks, the project would create a need for approximately 4.7 acres of useable park land based on General Plan standards to serve the proposed population. At buildout, the Carmel Valley community will have a surplus of approximately 4.8 acres of useable population-based parks. Consequently, adequate parks exist to serve the project. The project will be conditioned to pay applicable Facility Benefit Assessment (FBA) to fund its park obligations.</p> <p>It is unclear from the DEIR where this “surplus of approximately 4.8 acres of useable population-based parks” number came from, as there is no analysis of the total population-based park land within the Carmel Valley Community Boundaries. The only discussion of park space in the DEIR is the map of Project Area Public Service and Recreational Facilities, Figure 5.12-1, and the table of Project Area Recreational Facilities, Table 5.12-2. On page 5.12-3, the DEIR states:</p> <p>Parks and recreational facilities located within a 1.5-mile radius of the project site are shown in Table 5.12-2, <i>Project Area Recreational Facilities</i>, and Figure 5.12-1. The City of San Diego operates 13 population-based parks within this vicinity.</p> <p>However, of these 13 parks referenced, only 5 are considered population-based parks.</p> <p>The DEIR shows the need for 4.7 additional acres of useable population-based park land but comes to the conclusion that the community has a surplus of approximately 4.8 acres of useable population-based parks. The 4.8 acre surplus is never explained, but should be readily verifiable by looking at the current population-based park acreage and comparing it to the acreage required by the current population.</p>	30.4	<p>As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. An inventory of population-based parks in the community is included in Table 5.12-3 of the Final EIR.</p>
30.5	<p>The DEIR uses 36,000 residents as the current population of Carmel Valley (from SANDAG, 2010.) Given the standard of 2.8 acres per 1000 residents, there should be a requirement of $36 \times 2.8 = 100.8$ acres of population-based park land in Carmel Valley.</p>	30.5	<p>This comment raises no issues regarding the adequacy of the Draft EIR. Therefore, no response is required.</p>
30.6	<p>2: Given the lack of available undeveloped land in Carmel Valley, the applicant must meet its population-based park obligation through on-site improvement of 4.7 acres of active use park land.</p> <p>Carmel Valley has a shortage of active use park space. The parks in the community are not adequate to support all user groups, and new users are routinely turned away due to the lack of available local active use parks. Similarly, there are no “excess” fields, so shutting down areas for maintenance causes displacement and hardship for existing user groups.</p> <p>The General Plan notes on page SF-22 that, “It is difficult to acquire parklands in already-developed communities due to the cost of land and the desire to avoid displacement of existing land uses.” This is the case in Carmel Valley, where no land is available for new parks. Even if we had unlimited funds, there is no location within the community to site a new park, other than on this undeveloped site. And yet, the DEIR has One Paseo meeting its park requirements through payment of FBA funds rather than</p>	30.6	<p>As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks.</p>

COMMENTS

RESPONSES

meeting the requirement for the 4.7 acres of land.

Even though this is not mandated, given the lack of available land, the applicant must provide its park requirement on site, adding a 4.7 acre park to their development, even if it means reducing other uses in the project.

I believe that not providing additional population-based park space as part of the project is a significant impact to the community, and if the applicant does not fulfill their requirement through on-site park land, it becomes a significant, unmitigable impact to Carmel Valley. There is no other location to site this park land within the community now or in the future.

It should be noted that ***the applicant's proposed zone of CVPD-MC (based on CC-5-5), does not allow recreational uses.*** The DEIR states that One Paseo will provide for recreational uses that include “public outdoor spaces for both active and passive recreational use”.

3: In light of #1 and #2, above, a Facilities Financing Plan update must be done concurrent with the community plan amendment as required by policy LU-D.2 in the Land Use and Community Planning Element of the General Plan.

When looking at new development, the General Plan's Public Facilities, Services and Safety Element notes on page PF-9 that the City should “Evaluate and update financing plans when community plans are updated.” Similarly, LU-D.2 says, Require an amendment to the public facilities financing plan concurrently with an amendment to the General Plan and community plan when a proposal results in a demand for public facilities that is different from the adopted community plan and public facilities financing plan.

Sincerely,

Ginny Barnes

Ginny Barnes

cc: Councilwoman Sherri Lightner
Bernie Turgeon, Senior Planner
Stacey LoMedico, Director, Park & Recreation Department
Chairman Frisco White, Carmel Valley Community Planning Board

30.7 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. Therefore, there is no need or requirement to provide population-based parkland on the project site. Nevertheless, as discussed in response to comment 63.169, the project includes 2.6 acres of recreation areas which would be available to the public including a 1.1-acre recreation area and a 0.4-acre children's play area located in the northwest corner of the proposed development.

30.8 Recreation is allowed as an accessory use to the mixed-use development in the proposed zone.

30.9 As described in responses to comments 63.168 through 63.170, the City considers payment of FBA fees to ensure that no significant impacts to parkland would occur. FBA fees are used for acquisition of parkland or intensification of recreational uses at existing parks that will expand use of those parks. Therefore, there is no need or requirement to update the Carmel Valley Facilities Financing Plan as a part of the project approval process.

NO to One Paseo!

I am opposed to the proposed One Paseo project in Carmel Valley. Please submit my comments to the City of San Diego on my behalf.

☒ DENSITY is too much for Carmel Valley

☒ TRAFFIC will overwhelm Carmel Valley and neighboring communities

☒ BUILDING HEIGHTS do not match community character

☒ DOES NOT COMPLY with community plans

COMMENTS:

PROTECT OUR COMMUNITY PLAN.
PLEASE FOLLOW THE LEAD OF THE
TPPC, AND DO NOT ALLOW
THIS DEVELOPEMENT PLAN TO
MOVE FORWARD. THANK YOU!
Greg

Name (Please print clearly)

Gregory Beckham

Address

14153 RECUERDO DR.

City

DEL MAR

State

CA

Zip

92014

Phone

858 481 9805

mail

GR.Beckham@gmail.com

Signature

Gregory Beckham

31.1 The Final EIR acknowledges in Section 5.2.2 that the traffic generated by the Originally Proposed Project would result in significant impacts to local street segments and intersections and identifies mitigation measures that would reduce many of the aforementioned impacts to below a level of significance. As noted in Section 12.9 of the Final EIR, the traffic impacts of the Revised Project would be reduced from those of the Originally Proposed Project. The Final EIR also recognizes that the development of the Originally Proposed Project would result in significant impacts to the neighborhood character, despite project design strategies proposed to minimize the apparent height and mass of the structures. The Final EIR also concludes that the Revised Project would have a significant impact on neighborhood character despite the reductions in building bulk and scale that are associated with the Revised Project.

31.2 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Judy Belletti](#)
To: [DSD EAS](#)
Subject: 193036
Date: Thursday, May 24, 2012 1:18:21 PM

32.1 It's hard for me to imagine how I, as an individual homeowner in Carmel Valley, will benefit by the One Paseo project as it is currently proposed. It has become predominately an office complex. How do I benefit by that? And I find this very ironic because there is currently so much office space available for lease in Carmel Valley; virtually every block of El Camino Real sports a sign advertising office space for lease.

32.2 There are also many condos proposed. There are four and five stories of condos over one level of retail shops. This I also find ironic because foreclosures in this neighborhood continue to keep prices stagnant, or worse. In other words, there are so many existing homes on the market in Carmel Valley that common sense would dictate the postponement of new home construction.

32.3 When One Paseo was initially pitched in our neighborhood my husband and I supported the idea. We envisioned it as something like Liberty Station with lots of park space, no tall buildings, and a nod given to local architectural mores. We were for the idea of more restaurants, more movie theaters, and again, more parks.

What we have now, however, is a proposal for an office complex with condos and hotels thrown in for good measure. What are we going to get more of? Restaurants, no. Movies, no. Parks, no. We'll get more traffic, more congestion, and vertical density.

32.4 I vote "no" on the One Paseo project as currently proposed.

Respectfully,

Judy Carr Belletti

12539 El Camino Real, Unit B

San Diego, CA 92130

858-792-2895

32.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

32.2 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

32.3 The Final EIR acknowledges in Sections 5.2.2 and 12.9 that the traffic generated by the Originally Proposed Project and the Revised Project would result in significant impacts to local street segments and intersections, and identifies mitigation measures that would reduce many of the aforementioned impacts to below a level of significance. The Final EIR also recognizes that the construction of the Originally Proposed Project or the Revised Project would result in significant impacts to the neighborhood character, despite project design strategies proposed to minimize the apparent height and mass of the structures. However, it should be noted that the Revised Project includes a 1.1-acre area for passive recreation area and a 0.4-acre children's play area which would be available to the public.

32.4 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Brad Bennett
3652 Caminito Carmel Landing
San Diego, CA 92130

May 27, 2012

Ms. Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

As a two decade North City West/Carmel Valley resident, I support the proposed One Paseo project as it is a necessity. The developer has worked with the community to create a project that would really benefit Carmel Valley residents. The Community should appreciate, Kilroy Realty, as they have the financial means and quality integrity to make the project a success from start to finish in a planned mixed use project for all to enjoy.

In saying that the last large parcel of land in CV would be ideally suited for soccer fields/YMCA for our youth, however, not a realistic expectation and the site development needs one common planned out design/build and believe Kilroy Realty will insure One Paseo meets all and exceeds expectations.

For these reasons and many others, I hope to see One Paseo developed soon so one day construction will be complete and well planned.

Thank you for your consideration.

Brad Bennett
858-414-0006

33.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Tracy Bennett](#)
To: [DSD EAS](#)
Subject: One Paseo project #193036/sch no. 2
Date: Monday, May 07, 2012 9:30:53 PM

Re: One Paseo project #193036/sch no. 2

As a Carmel Valley resident it can take me up to 15 minutes to get from Lansale (near Torrey Pines High School) to the 5 freeway during rush hours. I can't imagine how One Paseo would jam up the roads even further, unless you installed giant bridges. The idea of off site parking and buses could work, but I don't think that is what the developers had in mind. Please scale down the project as much as possible.

Tracy Bennett

34.1 As discussed in response to comment 6.7, the enhanced TDM Plan proposed by the project applicant would provide shuttle service for the residents, employees, and shopping patrons associated with the Originally Proposed Project. Offsite parking would not reduce project impacts because the project includes sufficient parking for the proposed uses.

With respect to the request to reduce the scale of the project, it should be noted that the project applicant is now pursuing the Revised Project which would achieve the commenter's request.

COMMENTS

RESPONSES

From: [Gil Berkovich](#)
To: [DSD EAS:](#)
Subject: Re: Project 193036/SCH No 2010051073
Date: Sunday, May 27, 2012 11:28:27 AM

Martha,

My name is Gil Berkovich. I reside at 5814 Brittany Forrest Lane, San Diego, CA 92130 in Carmel Valley.

I wanted to convey my support for the One Paseo Project. I know as an environmental planner you have the tough job of weighing the various and often opposing desires and needs of a community. I appreciate having investors willing to take the huge risks and associated brain damage of developing a project like One Paseo. We need projects like these to keep our economy alive. We need them so our children are not forced to move to other cities and states, because our community no longer offers them the job opportunities that were offered their parents.

Thanks for taking my views into account.
 Sincerely,
 Gil Berkovich

35.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Grant Berman](#)
To: [DSD EAS; Mezo, Renee; Lightner, Councilmember Sherri; white@wwarch.com;](#)
Subject: ONE PASEO, Project #193036/SCH No. 2010051073
Date: Monday, April 16, 2012 1:58:28 PM

Good Afternoon

- 36.1 ☐ Please put a stop to a project of this size, it will ruin this community.
Have you tried to get tot he Freeway from El Camino Real on any day at
36.2 ☐ around 5.30, there is huge traffic congestion.
One does not need to Environmental Impact assessments to work this
out ...it is common sense.
- 36.3 ☐ You are being hoodwinked by this developer as to their true intention,
how can the scale of the project have increased as much as it has and still
be considered a viable project.
- 36.4 ☐ I will move out of the community if this project goes ahead, because all
you are doing is turning Carmel Valley into one "BIG BOX STORE"
- 36.5 ☐ Please Make the correct Decision for this community
Don't get sold that this will produce jobs for the community...it won't
Most of the jobs will be filled by folks out of the community

Truly yours

GRANT BERMAN

- 36.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 36.2 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 36.3 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 36.4 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 36.5 The ability of the proposed development to create jobs is not an issue required to be addressed under CEQA. A separate report regarding the economic effects of the project has been submitted to the City by the applicant.

COMMENTS

RESPONSES

From: [Brooke Beros](#)
To: [DSD EAS](#)
Subject: One Paseo #193036
Date: Saturday, March 31, 2012 2:44:09 PM

To whom it may concern:

I am a home owner at 13916 Mira Montana Dr., which is within the city of San Diego boundaries. I have reviewed the CEQA impact report, and I wish to voice my disapproval of the proposed One Paseo with over 1,000,000 sq. feet of planned development. My concerns are two-fold: (1) the traffic on Del Mar Heights road is already atrocious due to the Torrey Pines High School Traffic and the traffic generated by office buildings and Del Mar Highlands shopping center. While I understand that development of this property is likely to occur at some point, my opposition is largely based on the nearly doubling of square footage to be permitted.

Whatever the use determined, twice as much traffic will be generated.

The mitigation possibilities presented will have a minimal ability to reduce the traffic issues. However, I believe that with any type of development, even one within the existing use regulations, these mitigation techniques should be put into effect.

Second, we have experienced a rash of robberies and burglaries in our Del Mar Heights neighborhood in the last year. Though the last series has been ended because they apprehended the suspects, just last week another house in our neighborhood was robbed while occupants were at home. The more public traffic we generate in their area, the more people will become familiar with the ins and outs of local residential neighborhood, and crimes in these areas will continue to increase.

Accordingly, no increase in the square footage to be developed should be permitted. I question whether retail should be permitted at all for this reason.

We live in a family neighborhood that is relatively safe and pleasant. We ask that you do not destroy our daily enjoyment and use of facilities east of the 5 by allowing the development of any square footage beyond the initial square footage allotment that was provided for in the original development plans.

Best Regards,
Brooke Beros

37.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

37.2 The traffic analysis prepared for the Final EIR acknowledges that the Originally Proposed Project or the Revised Project would have a significant impact on some of the surrounding roadways and intersections. The City will require the project applicant to implement mitigation measures which would mitigate most of the traffic impacts within Carmel Valley.

37.3 The project applicant will be required to implement all feasible traffic mitigation measures identified in the Draft EIR.

37.4 The project is not expected to adversely affect local law enforcement.

37.5 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

Comments on One Paseo DEIR (Project No. 193036)

From: Marcia Blackmon, 3816 Fallon Circle, San Diego, CA 92130, (858) 350-5942 (MarciaBlackmon@aol.com)

May 29, 2012

To: Martha Blake, Environmental Planner
City of San Diego Development Services Center

1. NOISE

1a. Exterior Noise (from One Paseo)

The DEIR mentions occasional public amplification noise due to public events in the plazas. In addition, if One Paseo restaurants were allowed to generate outdoor noise from patios, or to play loud music and promote a party atmosphere in the late evening (as does the Burlap restaurant recently added to the Del Mar Highlands Town Center), such exterior noise would impact the heretofore-quiet residential neighborhood immediately north of One Paseo (Del Mar Highlands) and would be incompatible with the neighborhood character. Although installing double-paned windows in these homes could mitigate noise heard inside the homes, this mitigation would not only be expensive, but also not mitigate noise heard outside, in residential yards and patios. *What noise-generating activities would be allowed or prohibited at One Paseo, and at what times of day? How would exterior noise be mitigated so that it does not reach the surrounding homes?*

1b. Traffic Noise (from Del Mar Heights Road)

The project's additional two traffic signals would disrupt traffic flow along Del Mar Heights Road and create additional noise, as cars brake for red lights and for cars in turning lanes, then start up again and accelerate when the light turns green. This additional noise is incompatible with the neighborhood character. As stated above, although installing double-paned windows in nearby homes could mitigate noise heard inside the homes, this mitigation would not only be expensive, but also not mitigate noise heard outside, in residential yards and patios. *Has this additional traffic noise impact been evaluated? If not, why not? If so, what are the impacts and what mitigation is proposed?*

1c. Noise Impacts Are Due to Change in Land Use

Note that any late-evening noise—both exterior noise from One Paseo and additional traffic noise on Del Mar Heights Road—would be an impact that is due entirely to the change in land use proposed by the developer, because the current use (commercial office space) would not generate late-evening noise and traffic and so is compatible with the neighborhood character.

2. SHADOW AND VIEW

As shown in Figure 5.3-13 (Shadow Study) and noted in the DEIR text, for two hours in the morning during the winter, ten patios directly north of One Paseo (across Del Mar Heights Road, in Del Mar Highlands) would be shadowed by One Paseo. The shadows would fall from the southern part of One Paseo (where the tallest buildings are), northward across One Paseo, and across Del Mar Heights Road as well, and reach all the way into the residential area. These shadows would not only be a visual impact, but also decrease available sunlight at homes where owners install solar energy panels, as southward is their best orientation.

38.1 The Acoustical Report (page 5-7) in Appendix F to the Draft EIR, as well as the accompanying discussion in the Draft EIR (page 5.4-10) acknowledge that restaurant and entertainment activities associated with the project could significantly impact sensitive noise receptors (e.g., residential) within the Originally Proposed Project. Activities associated with these types of uses would generally consist of people waiting outside the facilities and, possibly, music, and would occur throughout the day and evening. However, evening activities would have the greatest potential to cause noise impacts, due to the lower noise levels allowed by the City's Noise Ordinance during nighttime hours. As discussed in response to comment 63.125, surrounding noise receptors would not be impacted by this form of noise related to the Originally Proposed Project. Given that the exact nature and location of restaurant and entertainment uses have not been determined as yet, no specific discussion was included in the Draft EIR. Rather, the analysis in the Acoustical Report and the Draft EIR relied on a worst-case analysis to cover potential impacts from these types of uses. In addition, the Draft EIR identified specific mitigation measures (Mitigation Measures 5.4-1 through 5.4-3) to ensure that significant impacts from these uses do not occur. These measures accomplish this goal in three ways. First, they list specific noise attenuation techniques which have been demonstrated to be effective in reducing this form of noise. Second, the measures establish specific performance standards which determine the noise levels which must be achieved by these measures to avoid significant impacts by conflicting with the City's Noise Ordinance. And, third, the measures call for a follow up study to confirm that the measures implemented have achieved the intended noise reductions and to develop any additional measures, if necessary.

38.2 The addition of project traffic to Del Mar Heights Road has been taken into account in the noise contours illustrated on Figure 5.4-6 through 10 of the Draft EIR. As discussed on pages 5.4-14 and 5.4-15, project traffic would add to the traffic noise generated by Del Mar Heights Road but the increase would not be significant (less than 3 dBA).

With respect to the effect of traffic signals, traffic noise is at its loudest when traffic is at full speed. Slower traffic speeds actually reduce overall

COMMENTS

RESPONSES

- 38.2 traffic noise levels. Furthermore, as discussed in response to comment cont. 11.1, the Draft EIR concluded that additional traffic contributed to local roadways, including Del Mar Heights Road, would not significantly increase traffic noise along this roadway.
- 38.3 As discussed in response to comment 11.1, project-related traffic would not create noise that exceeds the threshold of significance (3 dBA) and, therefore, would not significantly increase traffic noise with respect to sensitive uses along those roadways. Also, as discussed in response to comment 63.125, stationary noise sources related to the project would not significantly impact surrounding development. Because stationary and traffic-related noise associated with the project would not result in significant noise impacts to surrounding uses, such noise impacts would not adversely impact neighborhood character.
- 38.4 As noted in the comment, the Draft EIR did evaluate shading impacts on surrounding areas. The analysis acknowledges that approximately 10 patios associated with offsite residential development to the north would be shaded for several hours. The analysis appropriately concludes that this would not constitute a significant impact because: “(1) many of these patio areas are currently shaded by trees; (2) shading within the patios due to the project would occur in the morning during the winter months when weather conditions are most inclement in San Diego; and (3) the patio areas would remain useable.” As the building heights along Del Mar Heights Road associated with the Revised Project would be lower than the Originally Proposed Project, the shading impacts would not exceed those of the Originally Proposed Project, and would be reduced in some areas.

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38.5	<p>Views to the south from many homes in Del Mar Highlands would be nothing but a fortress of multi-story buildings in an area where the highest nearby buildings are four stories. The suburban character of this Carmel Valley neighborhood (established 25 years ago), would be destroyed.</p>	38.5	<p>Views to the south from residences to the north would change with the proposed development. However, comparable visual impacts would have occurred with the office development allowed under the current land use designation. Furthermore, it should be noted that the Revised Project would reduce the visual impacts for the Originally Proposed Project with respect to the Originally Proposed Project, and would be reduced in some areas.</p>
38.6	<p>3. TREES</p> <p>3a. Removal of Trees along Del Mar Heights Road</p> <p>The developer plans to remove all mature trees along the southern side of Del Mar Heights Road, the highly traveled gateway to Carmel Valley. This would be a terrible visual loss to the neighborhood, and diminish the suburban character. <i>Would trees also be removed from the northern side of the roadway? If so, how many, where, and why?</i></p>	38.6	<p>As discussed in response to comment 10.10 and on pages 5.3-16 through 18 of the Final EIR, the Proposed Project and the Revised Project would impact landscaping on-site as well as off-site along Del Mar Heights Road. An estimated 19 trees would be removed along the north side of Del Mar Heights Road. As discussed in response to comment 10.10 and Section 3.0 of the Final EIR, the project applicant intends to include street trees in the landscaping within areas disturbed along the north side of Del Mar Heights Road and within the greenbelts along Del Mar Heights Road to compensate for the loss of trees. The Originally Proposed Project and Revised Project both would retain existing Torrey Pine trees on-site.</p>
38.7	<p>3b. Saving Trees along Del Mar Heights Road</p> <p>The sacrifice of any trees along this road would be an unmitigable visual impact on the neighborhood's suburban character, and would forever change the roadway character from a relatively scenic thoroughfare to a wide highway of unrelieved pavement. <i>Why can't at least a good portion of the trees slated for removal be saved, and incorporated into the developer's plan for One Paseo? For instance, could project space be used to create an inside frontage road, leaving a tree-lined grassy median between it and Del Mar Heights Road?</i> Such a frontage road could provide the necessary turnout lanes for cars entering One Paseo.</p>	38.7	<p>As depicted in the landscape plan included as Figure 3.3a - g and Figure 3.5 of the Final EIR, both the Originally Proposed Project and Revised Project include an extensive landscaping program along Del Mar Heights Road which includes a green belt with street trees separating the proposed development from Del Mar Heights Road. This would adequately compensate for the removal of trees.</p>
38.8	<p>4. PARKS AND RECREATION</p> <p>4a. Parkland for the Community</p> <p>The developer plans to pay a fee to the City in lieu of providing parkland as part of the development. This is patently unfair; the Carmel Valley populace doesn't have enough parkland now, and this property is a rare opportunity to locate a much-needed park for a children's playground and youth sports teams. <i>Will this fee go into general City park funds? Or will it be spent at a specific park facility? If so, which facility, and why?</i></p>	38.8	<p>Refer to responses to comments 63.168 through 63.170, which address the adequacy of parks to serve the Carmel Valley community with development of the Revised Project. Payment of FBA fees is not mitigation or an in-lieu fee to compensate for a deficiency in population-based parks resulting from development of the Originally Proposed Project or Revised Project. Also, the collected FBA fee would only be used within Carmel Valley, rather than becoming part of a generalized City park fund. All or a portion of FBA funds collected from the Revised Project (an estimated \$13.7 million) can be used for park purposes in Carmel Valley.</p>
38.9	<p>4b. Parkland for One Paseo</p> <p>While the developer claims that One Paseo has plazas for relaxation, and there would be grassy setbacks around its perimeter, these areas are not suitable for children to play in. <i>Why is there no play or recreational area for the children who would reside in the 600+ condominium in One Paseo?</i></p>	38.9	<p>As discussed in response to comment 5.6 and in Section 12.9 of the Final EIR, the amount of open space within the proposed development would increase to 10.7 acres with the Revised Project. Of this open space, 6.6 acres would be useable and includes a 1.1-acre passive recreation area in Block C. Open space would include greenbelts, plazas, paseos,</p>
38.10	<p>5. SCHOOLS</p> <p>With 600+ condominiums, One Paseo would have resident children and so impact the local public schools. The DEIR has only a cursory mention of potential school impacts; it lists several elementary schools nearby, but does not even identify which school(s) would receive students from One Paseo.</p> <p>The DEIR states that One Paseo would not adversely impact these schools because the schools would be compensated with State attendance-based funds. But the DEIR gives no details as to the capacity of the schools and whether they could absorb more students without expanding their facilities. The developer needs to do its homework here. <i>How many children are expected to reside in One Paseo? What schools would they attend, and how many would attend each? How would these new students affect the capacity of each of the schools?</i></p>		

COMMENTS

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38.9 gardens, pocket parks, amphitheaters, and public facilities and services.
cont. In addition to the multi-purpose amenity, the amount of open space in the northwest corner of the project would be increased with the elimination of the hotel.

Refer to responses to comments 63.168 through 63.170, which addresses the adequacy of parks to serve the Carmel Valley community with development of Revised Project.

38.10 Information regarding the number of school-aged children generated by the project as well as school enrollment and capacity information is presented in response to comment 7.11.

COMMENTS

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6. “COMMUNITY” VS. “NEIGHBORHOOD”

Throughout the DEIR, the developer claims that One Paseo will benefit the “community,” although often admitting that One Paseo will adversely impact the “immediate area”—i.e., the surrounding neighborhood.

The distinctions between the character of a “community” and that of a “neighborhood” are important ones, and should be maintained when considering increasing density and changing land uses. The community of Carmel Valley is much larger and varied in nature than is the neighborhood around One Paseo, which is low-density and low-rise residential, one-to-two-story retail, and office buildings that are generally placed discreetly away from homes, both out of sight and off Del Mar Heights Road. Many land uses that are good for the Carmel Valley community as a whole would be damaging to the neighborhood around the One Paseo property—in particular, high-density development (with square footage of almost four times the currently entitled amount) would have irreparable and permanent adverse on the neighborhood.

6a. Density and Traffic

Currently, Del Mar Heights Road (the main entry roadway into Carmel Valley from I-5) has a signal light at High Bluff Drive and another one at El Camino Real; these two lights are less than 1,500 feet apart. Yet the developer proposes to add two signal lights in between them, supposedly to mitigate the additional traffic from the project. On the bridge over I-5 and between I-5 and High Bluff, the roadway is already operating at LOS D; with the project, the LOS would be E on the I-5 bridge and F between I-5 and High Bluff. The additional traffic from the proposed One Paseo project—1.8 million square feet of buildout plus parking for more than 4,000 cars—would degrade the traffic flow to gridlock.

The density of the project can be justified only by drawing shoppers and workers from miles away—yet the roadway network was not designed to, and clearly cannot accommodate, these thousands of additional vehicles. Keeping Del Mar Heights Road drivable is not just a convenience for the immediate neighborhood—it is vital to the tens of thousands of Carmel Valley residents who drive in and out on this road daily. *What community benefits of the One Paseo project could possibly outweigh traffic gridlock along this roadway?*

6b. High-Rise Buildings

The three high-rise buildings proposed to be packed into One Paseo—two 10-story buildings and one 8-story building—are totally at odds with the character of the immediate surroundings, as are the proposed four- and five-story condominiums and the proposed five-story hotel. The highest existing buildings in the area are four stories.

The retail property immediately east (across El Camino Real) is low-rise, with generous setbacks and surface parking; it doesn’t visually conflict with the neighborhood. The quiet residential property immediately north (across Del Mar Heights Road) is also low-rise and low-density, with its condominiums spaced out among greenbelts along gently curving roadways with mature trees and generous amounts of landscaping.

Yet One Paseo would intrude its massive blocks of high-rise buildings immediately adjacent to both these low-density areas—a fortress overshadowing and overpowering the

38.11 The Final EIR concurs with the comment that the Originally Proposed Project and the Revised Project would have a significant neighborhood character impact.

38.12 The Final EIR acknowledges the fact that the Originally Proposed Project and the Revised Project would have a significant impact on traffic flow along portions of Del Mar Heights Road.

38.13 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would have a significant impact on traffic flow in the surrounding community. However, weighing the benefits of the development against the impact on traffic is outside the purview of an EIR. The City Council will make this determination when it considers the project.

38.14 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would have a significant impact on the neighborhood character due to the proposed bulk and scale. However, weighing the benefits of the development against the impact on neighborhood character is outside the purview of an EIR. The City Council will make this determination when it considers the project.

COMMENTS

RESPONSES

38.14 cont.	<p>neighboring uses. The character of One Paseo is high-density downtown, with narrow passageways squeezed between its towering buildings. The effect of One Paseo would be a shocking visual blight, both to the neighborhood shoppers and residents, and to motorists driving by.</p> <p>The project does not have, nor could it have, any visual buffer that would soften or mute its presence. <i>What benefits to the neighborhood could One Paseo give to the nearby residential and retail neighborhoods that would offset the sacrifice of their suburban neighborhood character?</i></p>	
38.15	<p>7. RIGHTS</p> <p>The developer that has proposed the One Paseo project certainly has the right to develop the property. However, the thousands of people who live, shop, and work in Carmel Valley do so because of its suburban character, and they also have rights. They all rely upon the City and its comprehensive planning requirements to ensure that this community remains as it was planned, that existing neighborhoods do not have urban-scale development and inner-city traffic congestion forced on them. They rightly expect that the City's planning promises will be kept, and that further development will conform to the current development standards. Carmel Valley residents have the right to preserve their community's character, which should not be sacrificed to enrich the developer.</p> <p>The developer asks for amendments to the Precise Plan, the General Plan, and many other planning restrictions. <i>Why should the City grant this developer special exemptions that totally ignore and destroy the years of comprehensive planning that the City undertook to ensure the area's suburban character and its transportation viability?</i></p>	38.15 The City Council is responsible for determining whether the zoning and planning changes proposed as part of the project are appropriate.
38.16	<p>8. PROJECT OBJECTIVES</p> <p>The developer has created a set of project "objectives" that match its own financial goals—to maximize development of the property no matter what the cost to the existing neighborhood and community residents—then uses those objectives to declare the project alternatives unfeasible because they don't meet these objectives. This ploy is blatantly transparent and self-serving.</p> <p>The DEIR states that the No Project/Development Under Existing Plans Alternative is the environmentally best alternative (except for keeping the site undeveloped), and that the traffic it would generate would be 76% less than the proposed One Paseo. In addition, this alternative would maintain the suburban community character and minimize adverse visual impacts. Yet the developer declares that this alternative would not meet the project's (i.e., developer's) objectives and so rejects it. These premises are false.</p>	38.16 The City Council will consider the Final EIR, including project alternatives, and is vested with the discretion to accept or reject the proposal based upon the evidence presented. The applicant has proposed a project which differs considerably from the existing land use regulations, and the Final EIR concludes that the existing land use regulations do not fulfill most of the project's basic objectives.
38.17	<p>The developer claims to have based the One Paseo plan on the needs and desires of the community, and to have sought and responded to input from community members as to how best to develop its property. But who says that the community wants more retail, a boutique hotel, and 600 high-density, high-rise condominiums, as well as more square footage of office space than currently planned—other than the developer? <i>How and when did the developer meet with members of the Carmel Valley public, how many people provided their opinions on this project, and what were those opinions?</i></p>	38.17 This comment raises no issues relative to the adequacy of the EIR. Thus, no response is required.

COMMENTS

RESPONSES

39.1 ☐ **From:** [Gavin Bogart](#)
To: [DSD EAS;](#)
Subject: YES to One Paseo
Date: Wednesday, May 30, 2012 4:41:03 PM

Thanks,

Gavin Bogart
Carmel Valley Resident

Sent from my iPhone

39.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: JaniceAm@aol.com
To: [DSD EAS](#)
Subject: One Paseo
Date: Tuesday, May 29, 2012 1:05:05 PM

Hello:

I am a resident of Carmel Valley and wish to state my strong objections to One Paseo. Please listen to residents like me who will be adversely impacted by this project. It's too dense, will cause traffic nightmares on already congested roads, will overcrowd the area, and the proposed eight and ten story buildings are unsightly. This project is not in keeping with the community character of Carmel Valley. Please this once, let the residents, not the developers who build this stuff and don't have to live with it, be heard.

Thank you,

Janice Bowles

40.1 The Final EIR acknowledges in Sections 5.2.2 and 12.9, that the traffic generated by the Originally Proposed Project and the Revised Project would result in significant impacts to local street segments and intersections and identifies mitigation measures that would reduce many of the aforementioned impacts to below a level of significance. The Final EIR also recognizes that the construction of the Originally Proposed Project or the Revised Project would result in significant impacts to the neighborhood character, despite project design strategies proposed to minimize the apparent height and mass of the structures.

COMMENTS

RESPONSES

From: [David J. Bozek](#)
To: [DSD EAS](#)
Subject: Comments on Project Name: ONE PASEO Project No. 193036/
SCH No. 2010051073
Date: Friday, May 04, 2012 12:19:01 PM

The email is sent in reference to the following:

General Project Information:

- **Project Name: ONE PASEO**
- **Project No. 193036/SCH No. 2010051073**
- **Community Plan Area: Carmel Valley**
- **Council District: 1 (Lightner)**

These comments are in reference to the proposed development project "Kilroy Main Street - Project 193036". Kilroy refers to this development as "One Paseo".

I have some specific points I wish to make that I believe will help to enlighten you all when it comes to your judging whether or not Kilroy's current plan for the development is to be approved.

I live in the Carmel Valley area at the Pell Place condo complex (approx. 1/2 mile from the proposed development site). Kilroy Realty attended a recent Home Owners Association meeting at our complex and briefed us on their plans. They should be commended for their efforts to reach out to the community and gain our support.

Overall, I think this is a good plan to develop and add value to the area.

My concerns are more based upon the current design of the proposed development plan.

I am very concerned about the estimate of the number of parking spaces that are needed to support the businesses and residential units in the area. This very frequently is a factor where most developers fall short in their estimates. The developer has based their assumptions of required parking spaces upon the concept of "dual use" parking. Their assumption is that the parking spaces will be primarily used during the day by the businesses (primarily office towers in this case), and then used in the

41.1 The Shared Parking Model upon which the parking for the Originally Proposed Project and Revised Project is based is considered appropriate. As explained on pages 24 and 25 of the shared parking analysis (Appendix D), the model was developed in association with the International Council of Shopping Centers, and is based on observations (not assumptions) of parking conditions associated with suburban office parks. Thus, the parking ratios used for both versions of the proposed development are based on observed demand in similar developments.

41.1 The table in Attachment B of the shared parking analysis compares the ratios and factors used within the Shared Parking Model and the City's Land Development Code (LDC). In most, though not all cases, the LDC ratios and factors are higher than those included in the Shared Parking Model.

The Del Mar Highlands Town Center is not an appropriate basis of comparison for parking because it lacks the mixed-use character that allows for reliance on the concept of shared parking. The center consists entirely of commercial (retail and restaurant uses); there is no significant office space nor are there residential units with which the commercial establishments can share parking.

With respect to the concern that office parking will interfere with the availability of parking for retail uses between the hours of 4:00 pm and 7:00 pm, the observations incorporated in the model demonstrate, as shown in the second page of Table 2-5 in Attachment B of the shared parking analysis, that the parking demand for office employees between 5:00 pm and 6:00 pm is 50 percent of the peak parking demand (which occurs at 10:00 am, 11:00 am and 2:00 pm); the parking demand for office visitors between 5:00 pm and 6:00 pm is 10 percent of the peak parking demand (which occurs at 10:00 am and 2:00 pm). These percentages drop to 25 percent and 5 percent, respectively, from 6:00 pm to 7:00 pm.

The peak demand for parking at either version of the proposed development is largely dictated by the amount of office space, the demand for which peaks at 11:00 am on weekdays. Further, as shown in Table H1 (page 6) of the shared parking analysis, the model projects that the supply of parking provided for either version of the proposed development overall would exceed the demand. This is due primarily to the supply of parking serving the office component of the project exceeding the projected demand for office parking.

In Table 10, on page 23 of the shared parking analysis, a scenario is discussed in which the demand for office parking is assumed to be 14 percent greater than the parking demand assumed in the model. In this scenario, the amount of parking to be supplied exceeds the higher parking demand projection. During peak hours, the supply available for office parking is projected to exceed the demand by 15 percent to 20 percent for the Originally Proposed Project and by 10 percent to 15 percent for the Revised Project. As a result, when the demand for retail/restaurant parking peaks, there is an abundance of office parking projected to accommodate the demand for non-office commercial spaces such as retail, restaurant and theater.

41.1 With respect to the concern that the available parking supply assumes that residential parking will be available during normal work hours, the shared parking analysis for the Originally Proposed Project conservatively assumed that only the 133 residential guest parking spaces, 10.7 percent of the combined residential and residential guest parking spaces, would be available for shared use. Because the Revised Project contains the same number of residential units as the Originally Proposed Project, the same 133 residential guest spaces, again 10.7 percent of the combined residential and residential guest parking, would be available for shared use under the Revised Project. In response to the City's comment, as illustrated in the Exhibits 41.1-1 and 41.1-2, the peak parking demand models for the Originally Proposed Project and the Revised Project, respectively. Both tables show a total of:

- 1,116 residential spaces reserved at all times;
- 133 guest spaces for the residential units in the Stand Alone Peak by Land Use Column; and
- 27 spaces projected to be needed to accommodate residential guest parking demand at the peak hour for the site.

Exhibit 41.1-1
Originally Proposed Project - Peak Parking Demand

	Quantity	Base Rate ^A	Units	Weekday							Demand December
				Stand Alone	Month Adj	Fri Hr Adj	Non Captive Drive Ratio	December			
				Peak By Land Use					200 PM	Daytime	Daytime
Retail	135,000	2.90	/ksf GLA	392	100%	100%	95%	100%	372		
Employee		0.70		95	100%	100%	100%	100%	95		
Food - Fine Casual Dining	33,000	15.25	/ksf GLA	503	100%	65%	95%	100%	311		
Employee		2.75		91	100%	90%	100%	100%	82		
Food - Quick Serve	22,000	12.75	/ksf GLA	281	100%	90%	35%	100%	88		
Employee		2.25		50	100%	95%	100%	100%	48		
Food Uses - Total	55,000	14.25	/ksf GLA	784	Blended Rate				399		
Employee		2.56	/ksf GLA	141	Blended Rate				130		
Specialty Grocery	30,000	3.5	/ksf GLA	105	95%	63%	90%	100%	57		
Employee		0.6	0	18	100%	95%	100%	100%	17		
Cinema	1,200	0.19	/seat	228	23%	55%	95%	100%	27		
Employee		0.01		12	50%	60%	100%	100%	4		
Hotel-Business	150	1.00	/room	150	67%	60%	100%	66%	40		
Employee	150	0.25	/room	38	100%	100%	100%	100%	38		
Office >500,000 sq ft	557,440	0.20	/ksf GFA	111	100%	100%	100%	100%	111		
Employee		2.60		1,449	100%	100%	100%	100%	1,449		
Specialty Grocery	30,000	3.50	/ksf GLA	105	95%	63%	90%	100%	57		
Employee		0.60		18	100%	95%	100%	100%	17		
Residential Block A - Guests	190	0.15	/unit	29	100%	20%	100%	100%	6		
Block A Residents		1.51		287	100%	100%	100%	100%	287		
Residential Block B - Guests	185	0.24	/unit	45	100%	20%	100%	100%	9		
Block B Residents		1.96		363	100%	100%	100%	100%	363		
Residential Block C - Guests	233	0.25	/unit	59	100%	20%	100%	100%	12		
Block C Residents		2.00		466	100%	100%	100%	100%	466		
Total Residential - Guests	608	0.22	/unit ^B	133	100%	20%	100%	100%	27		
Total Residents	608	1.84	/unit ^B	1,116	100%	100%	100%	100%	1,116		
Total Parking Spaces Peak Parking Demand										3,882	

^A Shared Parking, Urban Land Institute, Second Edition, 2005

^B Shared Parking, Urban Land Institute, Second Edition, 2005. Demand ratios are independent of bedrooms as data was collected from numerous multifamily and sites and result in a blended ratio for a mix of unit sizes.

41.1
cont.

Exhibit 41.1-2
Revised Project – Peak Parking Demand

	Weekday			Weekday					Demand December
	Quantity	Base Rate ^A	Units	Stand Alone Peak By Land Use	Month Adj ^B	Hr Adj	Non Captive Drive Ratio	Daytime Daytime	2:00 PM
Retail	118,875	2.90	kssf GLA	345	100%	100%	95%	100%	328
Employee		0.70		83	100%	100%	100%	100%	83
Food - Fine Casual Dining	29,775	15.25	kssf GLA	454	100%	65%	95%	100%	280
Employee		2.75		82	100%	90%	100%	100%	74
Food - Quick Serve	19,850	12.75	kssf GLA	253	100%	90%	35%	100%	79
Employee		2.25		45	100%	95%	100%	100%	43
Food Uses - Total	49,625	14.25	kssf GLA	707	Blended Rate				359
Employee		2.56	kssf GLA	127	Blended Rate				117
Specialty Grocery	30,000	3.5	kssf GLA	105	95%	63%	90%	100%	57
Employee		0.6	0	18	100%	95%	100%	100%	17
Cinema	1,200	0.19	/seat	228	23%	55%	95%	100%	27
Employee		0.01		12	50%	60%	100%	100%	4
Office 100k to 500k sq ft	492,840	0.20	kssf GFA	99	100%	100%	100%	100%	99
Employee		2.61		1,286	100%	100%	100%	100%	1,286
Specialty Grocery	30,000	3.50	kssf GLA	105	95%	63%	90%	100%	57
Employee		0.60		18	100%	95%	100%	100%	17
Residential Block A - Guests	190	0.15	/unit	29	100%	20%	100%	100%	6
Block A Residents		1.51		287	100%	100%	100%	100%	287
Residential Block B - Guests	185	0.24	/unit	45	100%	20%	100%	100%	9
Block B Residents		1.96		363	100%	100%	100%	100%	363
Residential Block C - Guests	233	0.25	/unit	59	100%	20%	100%	100%	12
Block C Residents		2.00		466	100%	100%	100%	100%	466
Total Residential - Guests	608	0.22	/unit ^B	133	100%	20%	100%	100%	27
Total Residents	608	1.84	/unit ^B	1,116	100%	100%	100%	100%	1,116
Total Parking Spaces Peak Parking Demand:									3,520

^A Shared Parking, Urban Land Institute, Second Edition, 2005

^B Shared Parking, Urban Land Institute, Second Edition, 2005. Demand ratios are independent of bedroom as data was collected from numerous multifamily and sizes and result in a blended ratio for a mix of unit sizes.

In either case, none of the spaces for residents' cars were assumed to be available for shared use, since residents would have their own reserved spaces that are separate from the parking for the other uses. During the peak parking demand at project build out (2:00 pm December weekday), the demand for residential guest spaces under the Originally Proposed Project was projected to be 27 spaces (refer to Table 5 in the shared parking analysis). Once again, these numbers do not change in the case of the Revised Project because the number of residential units remains unchanged.

Exhibits 41.1-1 and 41.1-2 demonstrate the peak parking demand projection for the Originally Proposed Project and the Revised are consistent in both.

However, it is also projected that there would be a surplus of 207 spaces during the peak parking demand for the Originally Proposed Project and 168 spaces for the Revised Project (see Exhibit 41.1-3).

41.1
cont.

Exhibit 41.1-3
Comparison of Parking Surpluses –Originally Proposed Project and Revised Project

Phase I	Originally Proposed Project	Revised Project	Difference
Office gfa	557,440	492,840	(64,600)
Total commercial gla	100,650	100,354	(296)
Retail gla	75,488	75,266	(222)
Restaurant gla	25,162	25,088	(74)
Cinema (seats)	-	400	400
Planned Parking Supply (spaces)	2,230	2,198	(32)
Projected Demand (spaces) at Peak	2,063	1,896	(167)
Projected Parking Surplus	167	302	135
Build out	Originally Proposed Project	Revised Project	Difference
Office gfa	557,440	492,840	(64,600)
Total commercial gla	220,000	198,500	(21,500)
Retail non-Grocery gla	135,000	118,875	(16,125)
Restaurant gla	55,000	49,625	(5,375)
Grocery Store gla	30,000	30,000	-
Cinema (seats)	1,200	1,200	-
Residential (units)	608	608	-
Planned Parking Supply (spaces)	4,089	3,688	(401)
Projected Demand at Peak	3,882	3,520	(362)
Projected Parking Surplus	207	168	(39)

Therefore, the 207 surplus spaces, combined with the projected demand for 27 residential guest spaces, represent more than 20 percent of the residential parking supply of 1,116 spaces for the Originally Proposed Project. The 168 surplus spaces for the Revised Project, combined with the projected demand for 27 residential guest spaces, total 195 spaces. These 195 spaces represent 17.5 percent of the residential parking supply of 1,116 spaces for the Revised Project.

The model also projects that the peak demand for residential guest parking would be 10:00 pm on a June weekend; as noted earlier residential guest parking demand is projected to be 133 spaces at that time under both the Originally Proposed Project and the Revised Project. During this time,

41.1 the model projects that there would be additional parking capacity of cont. 1,757 spaces that could also be used for residential guest parking in the case of the Originally Proposed Project and 1,540 spaces in the case of the Revised Project.

Exhibits 41.1-4 and 41.1.-5 illustrate the parking supply surplus available to accommodate peak residential guest parking demand for the Originally Proposed Project and the Revised Project.

Exhibit 41.1-4
Originally Proposed Project - Surplus During Residential Guest Parking Peak

Estimated Peak Hour Parking Demand On Weekend							
	Jun	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Community Shopping Center (<400 ksf)	67%	219	189	146	102	44	-
Employee	80%	69	65	56	39	13	-
Food - Fine/Casual Dining	95%	457	481	433	433	433	240
Employee	100%	99	99	99	99	84	50
Food - Quick Serve	95%	100	63	38	25	13	6
Employee	100%	40	26	18	13	9	9
Cineplex Weekdays	82%	194	143	243	243	194	122
Employee	100%	12	12	12	12	8	6
Hotel-Business	100%	78	83	88	99	104	104
Employee	100%	15	15	15	12	12	8
Specialty Grocery	95%	42	20	17	3	1	-
Employee	95%	9	7	6	3	1	1
Residential Block A - Guests	100%	29	29	29	29	23	15
Block A Residents	100%	287	287	287	287	287	287
Residential Block B - Guests	100%	45	45	45	45	36	23
Block B Residents	100%	363	363	363	363	363	363
Residential Block C - Guests	100%	59	59	59	59	47	30
Block C Residents	100%	466	466	466	466	466	466
TOTAL DEMAND		2,583	2,552	2,420	2,332	2,138	1,730
Total Supply Original Project:					4089	spaces	
Total Surplus @ June evening residential guest peak:					1,757	spaces	

COMMENTS

RESPONSES

evening by persons who are frequenting the retail/storefront businesses in the area. This assumption is not totally true. Many people in this area have two cars, and there are also a number of households where only one partner works full time, which still leaves a car at home during the day. This phenomena can easily be confirmed by seeing the pattern of parking space utilization at the Del Mar Highlands Shopping Center, which is directly across the street from the proposed Kilroy development.

The dual-use assumption for parking has other drawbacks. It is based upon a simplistic model whereby everyone who works at the office buildings during the day all vacate their spaces at about 5:00, before persons that will visit the development (residential, and retail/storefront) will arrive after work. This is simply not true. Many office workers do not vacate their office parking spaces right at 5:00.

Also, the 4:00-7:00 time frame is the period of highest utilization of parking since many retail stores see much of their highest traffic during this time. This can be witnessed every weekday at the Del Mar Highlands shopping center. It is absolutely packed during this time period (the upper-level parking in particular). There is simply not enough parking and many times the upper lot is completely full, and there are easily a dozen or more cars continually cruising the lot waiting for a spot to open!

Now imagine a parking scenario where the number of spaces is based upon a great number of these being used by office workers, and assuming that they all leave right at 5:00. Now the situation is even worse, since people that are still at work (in the office towers) are still occupying spaces when the retail crowd starts to arrive at 4:00. This will be a nightmare scenario.

Another parking issue is the concept of having "small car" spaces. Frankly I am surprised that this scenario is embraced (and allowed to be used in developments) anywhere in our area. I don't know how many spaces that Kilroy may be assigning are "small car" spaces, but I don't think this should be allowed. (Actually I don't think this approach should be used anywhere within San Diego, but sadly it's too late for many developments).

The overall layout of the planned development also causes me some concern. The plan provides for three types of spaces to be provided; office spaces (which use relatively high multi-story buildings), retail areas (mostly at ground level), and residential (which are multi-story but

41.1
cont.

Exhibit 41.1-5
Revised Project - Surplus During Residential Guest Parking Peak

Estimated Peak Hour Parking Demand On Weekend

	Jun	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Community Shopping Center (<400 ks)	67%	192	167	128	90	38	-
Employee	80%	61	57	49	34	11	-
Food - Fine/Casual Dining	95%	412	434	390	390	390	217
Employee	100%	89	89	89	89	76	45
Food - Quick Serve	95%	90	57	34	23	11	6
Employee	100%	36	24	16	12	8	8
Cineplex Weekdays	82%	194	243	243	243	194	122
Employee	100%	12	12	12	12	8	6
Specialty Grocery	95%	42	20	17	3	1	-
Employee	95%	9	7	6	3	1	1
Residential Block A - Guests	100%	29	29	29	29	23	15
Block A Residents	100%	287	287	287	287	287	287
Residential Block B - Guests	100%	45	45	45	45	36	23
Block B Residents	100%	363	363	363	363	363	363
Residential Block C - Guests	100%	59	59	59	59	47	30
Block C Residents	100%	466	466	466	466	466	466
TOTAL DEMAND		2,386	2,359	2,233	2,148	1,960	1,589
Total Supply Original Project:					3,688	spaces	
Total Surplus @ June evening residential guest peak:					1,540	spaces	

41.2 The City does not currently allow compact stalls. The City's parking code (San Diego Municipal Code Chapter 14, Article 2, Division 5, Table 142-05J) requires a parking space dimension of 8 feet, 3 inches x 18 feet for retail sales and eating and drinking establishments and 8 feet x 18 feet for all other uses. The Originally Proposed Project and Revised Project would provide stalls with a dimension of 8 feet, 6 inches x 18 feet, which are wider than required by the City. All structured parking stalls will meet this dimension. The stalls are 8 feet, 6 inches x 18 feet to provide better level of service for the patrons. The same size stalls will be used in surface lots. For structured parking, the bays are typically 30 feet x 31 feet, 6 inches. This grid dimension allows three, 8 feet, 6 inches x 18 feet stalls with 1 foot, 3 inches increased dimension to the face of columns.

COMMENTS

RESPONSES

- 41.3 cont. nowhere near as high as the office space towers). I actually believe that the office towers should NOT be placed on the east side but instead should be on the west side of the development.
- If you look at the other buildings and developments in the area, you will see that the current plan for One Paseo is "backwards". The west side of the proposed development area is now primarily populated with office buildings. In fact I believe everything west of this area within Carmel Valley is office buildings. The east side of the new development faces a more commercial/residential area. So, Kilroy's currently proposed arrangement is "backwards".
- 41.4 Plus, if I recall the current plans correctly, the proposed office towers which are planned for the east side are on the order of 6-8 stories high. These will be along the side where El Camino Real is. To have towers of this height right alongside of El Camino Real will appear rather obtrusive and lessen the appeal and current aesthetic of the El Camino Real corridor.
- 41.5 Kilroy makes their case for the current layout based upon the topography of the land. The land is more elevated on the west side, and lower on the east side. Kilroy asserts that by placing the office towers on the east side, this helps to sort of "level out" the roof lines across the development. I really do not think this is a valid argument. The visual impression that the new development has upon the El Camino Real corridor is far more important than leveling rooflines!
- The east side (facing El Camino Real) is where the lower-height buildings should be.
- 41.6 Also the side of these buildings facing El Camino Real should be designed in a manner which is similar to and compliments the other retail and residential spaces in the area. We certainly do not want that side of the development to look like the rear side of most commercial spaces (loading docks, trash bins, etc.)!
- In closing, I hope these points will assist you in working with Kilroy to improve the plans for this development, and ultimately allow you all to make better informed decisions when it comes to final approval or rejection of the project.
- Thank You,
DJB
- David J. Bozek
dbozek@davidbozek.com
760-791-6980

- 41.3 As discussed in Section 5.3 of the Draft EIR, the proposed on-site uses would mirror the existing surrounding uses. Specifically, the proposed residences would be located on the northern side of the project site across the street from existing multi-family residences, the proposed commercial office uses would be located in the southern portion of the site adjacent to existing office uses, and proposed retail uses would be located in the eastern portion of the site and along Main Street adjacent to the shopping center across El Camino Real.
- 41.4 The Draft EIR acknowledges that the buildings along El Camino Real associated with the Originally Proposed Project would be taller than the existing building associated with the Del Mar Highlands Town Center shopping center. This same condition would exist with the Revised Project but the height differential would be reduced by the fact that the building at the intersection of El Camino Real and Del Mar Heights Road would be up to 60 feet lower than the building associated with the Originally Proposed Project.
- 41.5 The relationship of the proposed building to the topography on- and off-site is a subjective consideration. Nevertheless, the Final EIR acknowledges that the proposed development would result in a significant impact with respect to neighborhood character with either the Originally Proposed Project or the Revised Project.
- 41.6 The eastern elevation of the proposed office buildings facing El Camino Real would not include loading docks, trash enclosures, or other similar service and operation facilities. A conceptual photo simulation of the office buildings is illustrated in Figure 5.3-8 of the Draft EIR; however, note that this picture is a conceptual representation of the buildings, which is primarily intended to portray bulk and scale of the buildings. As indicated in the note on the top of this EIR figure, the buildings do not show a specific architectural design. However, the proposed Precise Plan Amendment includes design guidelines for buildings, which address architectural treatments and location of service and operation facilities.

COMMENTS

RESPONSES

From: [Dalia Jacobs-Brandt](#)
To: [DSD EAS:](#)
Subject: RE: Project No. 193036/SCH No. 2010051073
Date: Friday, May 25, 2012 3:17:54 PM

Ms. Martha Blake

Environmental Planner

City of San Diego Development Services Center

1222 First Avenue, MS 501

San Diego, CA 92101

RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I am writing to you today to comment on the Draft Environmental Impact Report (DEIR) for the One Paseo project.

As a resident of Carmel Valley, I feel strongly that the project would maintain and enhance the balance of our community. It would provide residents and employees in the area with a much-needed place to gather, dine and shop. Additionally, in keeping with smart growth policies it provides housing along a planned transit route. Overall, I feel that this project would enhance the community character of Carmel Valley and give it a real "heart."

Just as importantly, the DEIR shows that our retail choices in Carmel Valley will be greatly enhanced by the new amenities offered at One Paseo but still provide for a robust retail environment in and around our local areas. That the project will not have a negative impact on our existing retail is one of the aspects of the project

42.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

42.1
cont. and of the EIR findings that I find important.

Sincerely,

Dalia Jacobs Brandt

13390 Tiverton Rd.

San Diego, CA 92130

[\(619\) 743-3075](tel:6197433075)

COMMENTS

RESPONSES

Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Blake,

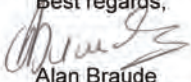
I would like to express my vigorous support for the One Paseo project and comment on the associated Draft Environmental Impact Report, which I feel provides a clear and thorough examination of the project's potential environmental impacts. I'm writing today to express my continued support for the development. For many reasons, I think it would be a smart decision for Carmel Valley to embrace. This is a project I've looked to with interest for some time now, and it seems to me that the benefits Carmel Valley would gain from the project are much greater than any of the potential impacts that have been identified.

The development would offer our community numerous economic benefits, from the creation of more than 1,700 permanent new jobs to a significant increase in local tax revenue that would come as new shops and restaurants are able to draw business in. These benefits would be most welcome at a time when our economy is still in fragile shape and our tax base compromised as a result.

Of course, it's the development itself that would be the critical asset for residents here. I appreciate the mixed-use, smart-growth concept that informed the project's design, and I think it's important to bring together complementary uses to maintain a certain balance within the community and help reduce traffic by cutting the need for residents to use a car while attending various everyday needs. With this project, multiple needs can be met in a single, walkable space with a single car trip. The developers have done an exceptional job ensuring that all the development's components would blend in well and complement surrounding neighborhoods.

For all of these reasons, I support the plans for One Paseo, and I hope to see it approved soon.

Best regards,


Alan Braude
13387 Wyngate Point
San Diego, CA 92130-1346

43.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [d.brendel](#)
To: [DSD EAS](#)
Subject: FW: One Paseo, Project 193036 - NO VOTE
Date: Tuesday, May 22, 2012 7:13:10 PM

To Whom It May Concern:

This project is too massive and will reduce the quality of life in my community. At first when I received the brochure from Kilroy Realty is sounded like it would enhance our community; but upon further review it will only have significant negative impacts. Too many people in a small area with no new schools, or roads, or parks, and large structures that are way too high. These structures belong in downtown... not in Carmel Valley.

Denise Brendel
 4667 Cypress Glen Place
 San Diego CA 92130

44.1 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would have a significant impact on neighborhood character as well as local traffic. However, the Final EIR concludes that the project will not adversely impact community parks. Impacts on local schools would be avoided through the payment of statutory school fees.



Ms. Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

As a local resident, I wholeheartedly support the proposed One Paseo project. The developers have worked with the community to create a project that would really benefit Carmel Valley residents. By providing a central place where residents can gather to shop, eat or relax, One Paseo would perform a critical function that has otherwise been lacking in the community. Even when it comes to managing basic errands, local options are disappointing; Del Mar Highlands is far too crowded and does not provide sufficient parking. We would all benefit from a site that is more carefully designed, better integrated, and aesthetically appealing.

I know that the Draft EIR for the project has been issued, which represents an important step in One Paseo's approval process. I understand that the law requires the Draft EIR to evaluate the project's environmental impacts. I would like to address the project's many benefits. It's hard to put a price on the value of a "heart" for Carmel Valley that would come from the development of a new Main Street. Therefore, I believe that any one of the benefits of One Paseo would outweigh the significant impacts identified in the Draft EIR.

For these reasons and many others, I hope to see One Paseo developed soon.

Yours truly,

Willie Briscoe
President
Hope Leadership Foundation
5270 Eastgate Mall
San Diego 92121
858.909.0889

Home:
13487 Tiverton Rd
San Diego, CA 92130
760.613.4511

Today's Hope for Tomorrow's Leaders
HOPE LEADERSHIP FOUNDATION

45.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Christina](#)
To: [DSD EAS](#)
Subject: project 193036
Date: Thursday, May 10, 2012 10:17:36 AM

46.1 After giving much deliberation to the Carmel Valley project, One Paseo Town Center, I have concluded I am opposed to such a large project. Every time I go across the street to Ralph's, or try to get on to the I-5 mornings or late afternoon, I am convinced that more overly large developments will only deter people from considering Carmel Valley as a desirable place to live. I no longer am able to pop by on the spur of the moment to Ralph's, Rubio's or any of the fine stores I once frequented. The hassle of parking and the traffic congestion in and out have made it user unfriendly. I think the Del Mar Highlands Town Center and the new enlarged Flower Hill can provide what the residents need without adding yet another larger, competing shopping extravaganza.

I moved to Del Mar Highlands 14 years ago because it was a livable and convenient location. I no longer feel that way. If I were now looking for a place to plant my roots, I would look elsewhere.

Let's keep Carmel Valley a town where we can shop locally and easily...that's the key word...and not a place to avoid because of massive congestion.

Thank you for listening. Christina Brown Cambria Community, Del Mar Highlands

46.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Kimberly Bruch](#)
To: [DSD EAS](#)
cc: [Kimberly Bruch](#)
Subject: Project number 193036
Date: Thursday, May 03, 2012 3:52:34 PM

Please consider my opinion. See below.

Regards,
Kim Bruch
City of San Diego Taxpayer

----- Forwarded Message -----

From: Kimberly Bruch <kimbruch@yahoo.com>
To: "JerrySanders@saniego.gov" <JerrySanders@saniego.gov>
Cc: Kimberly Bruch <kimbruch@yahoo.com>
Sent: Thursday, May 3, 2012 6:32 AM
Subject: One Paseo

Dear Mayor Sanders,

Have you seen the movie "The Lorax"? Well, I feel that my community is about to become Thneedville. Please help us do something about this!

Yesterday I called your office to vocalize my opinion regarding the proposed One Paseo (Carmel Valley) as it directly impacts me. I live on Del Mar Heights Road and pay property taxes so I appreciate you listening to me as a San Diego taxpayer.

I oppose the current plan and would like to express that I agree with the attached idea on page three of the attached document (farinsky.pdf).

Like most San Diego taxpayers in this community, I don't have endless hours to personally research this issue. Nor do I have endless dollars to hire a PR firm (like Mr. Kilroy) and donate thousands of dollars to voting City Councilmembers (donations.pdf) to "fight" this montrosity of a development, which will increase traffic to unacceptable levels - impacting public safety, education, and air quality.

At any rate, I thank you for listening and am hopeful that there is something that we can do (as taxpaying citizens of San Diego) to encourage Mr. Kilroy to downsize his development to something more reasonable.

Regards,
Kim Bruch
858-336-0053

47.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Steve](#)
To: [DSD EAS:](#)
Subject: In Opposition to One Paseo, Project 193036
Date: Tuesday, May 29, 2012 6:37:22 PM

Ms. Martha Blake,

- 48.1 ☐ I am opposed to the proposed ONE PASEO in Carmel Valley.
- 48.2 ☐ I am concerned about the Density of the project and the building heights do not match our community character.
- 48.3 ☐ We already have a problem with traffic in that area at times. This project would result in traffic overwhelming Carmel Valley and neighboring communities.
- 48.4 ☐ I believe that One Paseo does not comply with community plans.

Thank you for your consideration.

Sincerely,

Steve Bunis

3860 Fallon Circle
 San Diego CA 92130

--

"If you don't move, then where you are
 is where you will always be"

- 48.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 48.2 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would result in a significant impact on neighborhood character.
- 48.3 The Final EIR acknowledges that the Originally Proposed Project or the Revised Project would result in a significant impact on local traffic circulation.
- 48.4 The project's consistency with the community plan is addressed in Final EIR Section 5.1. As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Leo Burke](#)
To: [DSD EAS](#)
Subject: One Paseo
Date: Thursday, May 24, 2012 8:57:34 PM

49.1 The scope of the One Paseo project is overwhelming and marketing push of the project, as a community gathering place, is aggressive and deceiving. There will be no room for community, may be enough for the community that is going to work and live there. The Promenade is way too small and the the project is way too big for Carmel Valley and out of Carmel Valley character.

49.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Tracy Spalding Burstein](#)
To: [DSD EAS](#)
Subject: One Paseo, Project 193036
Date: Friday, May 25, 2012 7:30:18 AM

Dear Committee Members,

I am writing to ask you to reject the One Paseo Project (Project 193036).

I am a mother, a homeowner and a resident of Carmel Valley, living within a mile of the proposed One Paseo development. This project is being inappropriately rushed through the City approval process, without "meaningful public review" from the community.

Here are my concerns

- The development is extremely big, comprising a shopping area equal in square footage to the current Del Mar Highlands Shopping Center (270,000 sf); 608 housing units (twice the size of the nearby Pell Place, which has 316 units); office space of 536,000 sf (twice the square footage of Del Mar Highlands). The buildings will be 8 and 10 stories tall when the nearby buildings are 3 or 4 stories.

- No impact report on the schools has been prepared. This development will massively increase the amount of traffic on Del Mar Heights, where Torrey Pines High School is located and nearby streets including Townsgate Drive, where Solana Pacific Elementary School is located.

- One Paseo includes no parks or sports fields. Our sports facilities here are already overstretched (try to find parking at the Carmel Valley Recreation Center on a Saturday during the soccer season).

- The increased concentration of stores and offices will likely lead to an increase in begging at street corners in Carmel Valley (as can be seen in La Jolla). This is very dangerous because it disrupts traffic flow and makes drivers behave unpredictably; also it will lead to parents being unwilling to allow their high-school age children to walk around Carmel Valley. We can expect to see an increase in homeless people camping in nearby Torrey Pines State Reserve, making that area more dangerous for hikers and increasing the fire risk.

As a citizen and resident of the area, I realize that more homes, businesses and offices will come to Carmel Valley, however I consider this

50.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

50.2 This comment raises no issues regarding the adequacy of the Draft EIR. Therefore, no response is required. Nonetheless, contrary to the comment, there have been numerous opportunities for "meaningful public review" of the proposed development, in accordance with the City's project review and entitlement process. Public input is an essential purpose of the City's environmental review process, and occurs at several points in the environmental review process. The first opportunity occurs during the 30-day Notice of Preparation (NOP) period and public scoping meeting which is held during the NOP period. The NOP for the proposed development, dated May 25, 2010, was prepared by the City of San Diego and a public scoping meeting was held on June 9, 2010 to solicit input on the scope of the Draft EIR. The NOP and NOP comment letters are contained in Appendix A of the Draft EIR. The public review period of the Draft EIR offers a second opportunity for public input. The Draft EIR for One Paseo extended from March 29, 2012 to May 29, 2012, which included an additional 15-day extension beyond the required 45-day public review period. During this period, over 300 comment letters were received, which are included (along with required responses) in the Final EIR.

In addition to the required City environmental review process, the project applicant has met with Community Planning Group Members, City of San Diego staff, and community members numerous times. As of March 2012, there have been over 27 meetings open to the public. Additionally, over 20,000 mailers concerning the proposed mixed-use development has been sent since the project was first presented to the general public over four years ago.

50.3 As discussed in response to comment 7.11, the project's impact on local schools would be mitigated through the payment of school fees. With regard to the project's effects on traffic, see Final EIR Section 5.2.

COMMENTS

RESPONSES

50.6
cont.

development is inappropriate due to its size and density.

50.7

I ask that the committee reject the One Paseo development as currently planned, and suggest a smaller development that will include parks and recreation facilities. No proposal should be approved without an impact study on local schools.

Yours faithfully,
Tracy Burstein

--

Tracy Burstein
4168 Sturgeon Court,
San Diego CA 92130
bursteinfam@gmail.com
(858) 481 1693

50.4 Refer to responses to comments 63.168 through 63.170 and 11.5.

Also discussed in response to comment 5.6 and Section 12.9 of the Final EIR, the amount of open space within the proposed development would increase to 10.7 acres with the Revised Project. Of this open space, 6.6 acres would be useable and includes a 1.1-acre passive recreation area amenity in Block C. Open space would include greenbelts, plazas, paseos, gardens, pocket parks, amphitheaters, and public facilities and services. In addition to the multi-purpose amenity, the amount of open space in the northwest corner of the project would be increased with the elimination of the hotel.

50.5 There is no evidence that development of the subject property would increase the number of people asking for money along Del Mar Heights Road, or lead to an increase in the homeless population in Torrey Pines State Park.

50.6 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

50.7 As discussed in responses to comment 7.11, the project's impact on local schools would be mitigated through the payment of school fees. Furthermore, as concluded in the Draft EIR, park facilities are not expected to be adversely affected by the Originally Proposed Project or the Revised Project.

COMMENTS

RESPONSES

From: [Eva Cahen](#)
To: [DSD EAS](#)
Subject: (Carmel Valley) One Paseo / Project No. 193036
Date: Sunday, April 01, 2012 10:06:15 AM

51.1 [As a Del Mar resident, I am completely opposed to this project. The increased traffic and inflow of people will change the fabric of this community, create traffic problems and have a negative impact on the quiet residential lifestyle we chose when we purchased our homes. I am opposed to this project.

Eva Cahen
 13982 Mercado Drive
 Del Mar, CA 92014
 858 350 9112

51.1 The Draft EIR, in Sections 5.2.2, and 12.9 of the Final EIR acknowledge that the traffic generated by the Originally Proposed Project as well as the Revised Project would result in significant impacts to local street segments and intersections. Specific road improvements are identified in the as mitigation measures. These mitigation measures would reduce many of these impacts to below a level of significance; however, other traffic impacts of the Originally Proposed Project as well as the Revised Project would remain significant. As this comment reiterates information and conclusions already contained in the Draft EIR, it does not raise any specific issues with respect to the adequacy of the Draft EIR.

COMMENTS

RESPONSES

From: lcarlson@delmar@cs.com
To: [DSD EAS](#)
Subject: One Paseo, Project 193036
Date: Tuesday, May 22, 2012 1:31:46 PM

- 52.1 Please put a STOP to this Carmel Valley Project. It is not necessary and there are already empty store fronts in the Del Mar Highlands and Carmel Piazza shopping centers. Also, including housing in the project will have a huge impact on the Del Mar Union School District, specifically Del Mar Heights Elementary School and Del Mar Hills Elementary School. It could also have a huge impact on San Dieguito High School District, which includes Carmel Valley Middle School and Torrey Pines High School. Our area already has enough grocery stores as well as quality restaurants. An additional shopping center is not necessary!!!!!!

Lynn Carlson
 3521 Caminito Carmel Landing
 San Diego, CA 92130

- 52.1 The commenter's opposition to the project is noted. However, there is no evidence to suggest that the Originally Proposed Project or the Revised Project would increase the vacancies within nearby shopping centers. As discussed in the updated Retail Market Analysis included as Appendix B.1 of the Final EIR, adequate consumer demand will continue to exist to support retail centers in the area after completion of the proposed development with either the Originally Proposed Project or the Revised Project.
- 52.2 As discussed in response to comment 7.11, the project's impact on local schools would be mitigated through the payment of school fees.
- 52.3 As discussed in the updated Retail Market Analysis included as Appendix B.1 of the Final EIR, adequate consumer demand will continue to exist to support retail centers in the area after completion of the proposed development with either the Originally Proposed Project or the Revised Project.

COMMENTS

RESPONSES

From: casinodf@aol.com
To: [DSD EAS;](#)
Subject: Project Number (193036)
Date: Sunday, May 13, 2012 10:39:44 AM

RE:
 Project Name: One Paseo
 Project Number: 193036/SCH NO. 2010051073
 Community Plan Area: Carmel Valley
 Council District: 1 (Lightner)

Please add to DEIR Report:

- 53.1 I have been a resident in Carmel Valley for 17 years'. Please do not let this development of One Paseo happen to our community. This is a monstrosity. It is too large for this small area. It is already busy and crowded enough with the improvements to the Ralph's shopping center (there is nowhere to park even when you go into this Center now and many residents have complained about Burlap and the noise, drunk crowds and traffic) and all of these commercial buildings on El Camino Real already make it impossible to drive and go to the market at Von's or Ralph's during the week. Now, on the weekends, it will be even more impossible to enjoy what we pay for as homeowner's in Carmel Valley. We don't want our community like other Beach Cities South of here. Please don't let this happen to Del Mar as well.
- 53.2
- 53.3 One Paseo has an 8 story and 10 story commercial building? 8 and 10 stories? A hotel? And more retail? More residents? This area was developed as a beach community next to Del Mar, not a metropolis. More transient people coming and going, more crime, more traffic. Kilroy also built those horrible unattractive buildings on Valley Center Drive so you can't see the hills any longer. Kilroy has ruined the environment in Carmel Valley. Kilroy are obviously not environmentally friendly nor a Green Developer. They don't care. One Paseo will ruin our environment. Our property values are bad enough now and they will suffer more as a result of this development-who will want to live here. We did not sign-up for the development of a large City next to a Beach Community. We signed-up to live next to a Beach Community. This development was not the intent for this Community. None of this was communicated to us as homeowner's here prior to purchasing our homes.
- 53.4
- 53.5
- 53.6 And, the Broker's signs are already installed on One Paseo before anything has been approved?
- The environmental impact would be:
- 53.7
- Increased traffic and destruction and damage to the infrastructure in Carmel Valley.
 - Increased crime
 - Lack of Police force and Fire engine response due to the increase in demand and people
 - Elimination of wild life and habitats in the area
 - "Green" space will be eliminated

- 53.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.
- 53.2 The Final EIR acknowledges that the traffic generated by the Originally Proposed Project and the Revised Project would result in significant impacts to local street segments and intersections. Specific road improvements are identified as mitigation measures. As discussed in the Final EIR, these mitigation measures would reduce many of these impacts to below a level of significance; however, other traffic impacts of the proposed development would remain significant. As this comment reiterates information and conclusions already contained in the Draft EIR, it does not raise any specific issues with respect to the adequacy of the Draft EIR.
- 53.3 There is no evidence to support the claim that crime and homelessness would increase as a result of either the Originally Proposed Project or the Revised Project.
- 53.4 As discussed in response to comment 10.13, evaluating a project's impact on property values is not within the purview of CEQA and need not be evaluated in an EIR.
- 53.5 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project requires an amendment to the existing community plan and would be a departure from the business-industrial park uses currently designated for the site. Since the proposed development type was not anticipated at the time many surrounding residents purchased their homes, there would have been no way for them to have known of the current project. The Final EIR and the associated public hearing process are specifically intended to assure that surrounding residents are

COMMENTS

RESPONSES

53.7
cont.

- Beautification of Carmel Valley will be compromised or eliminated
- Del Mar and Torrey State Beaches will be impossible for the residents to enjoy that pay to be here via mortgages and property taxes-as a result, more homeowners will move-out perhaps to other County's.

Thank you,
Denise Casino
Camino Villas II

53.5 aware of the proposed changes and have the opportunity to provide input before action is taken on the proposal.

53.6 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

53.7 The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would result in significant impacts with respect to traffic and neighborhood character. However, there is no evidence to support the contention that the project would result in a significant increase in crime. As discussed in response to comment 8.2, development of the property is not anticipated to have a significant impact on emergency response services. As the property is currently graded, no impacts would occur with respect to loss of green space or wildlife. As discussed in response to comment 10.13, evaluating a project's impact on property values is not within the purview of CEQA and need not be evaluated in an EIR.

COMMERCIAL REAL ESTATE SERVICES

**Michael W. Moser**

4365 Executive Drive, Suite 1600

San Diego, CA 92121-2127

Broker Lic. DD409987

Retail Properties

T 858646 4721

F 858646 4711

May 15, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake

I am sending this letter on behalf of CBRE in support of Kilroy Realty's proposed *One Paseo* Project in Carmel Valley. First, I would like to commend the City of San Diego on its comprehensive Draft EIR for this Project. Second, as a real estate professional, I am writing because I am uniquely qualified to comment on the use mix and location of this Project. Based on the information provided to the public in the DEIR and throughout Kilroy's extensive community relations campaign I feel that this project as designed will bring much needed retail services to this area and most importantly, a community gathering spot which is missing currently.

Carmel Valley needs a place that can be identified as its town center or "heart" where people can stroll, meet and gather for entertainment and dining. The area is underserved for retail services, but the key is that this project is designed as an enhancement to the area. Many current area residents are now driving to other areas to shop and this only creates more traffic as they traverse out of the local area north to Encinitas or Solana beach.

Kilroy has done an excellent job creating a project that is a great fit for the area. Something that promotes ideal growth with a mix of retail, employment and living spaces. It is the model we should be striving to support.

We strongly support the One Paseo Project and believe it is a great plan for the area. We encourage the City to approve the One Paseo Project.

Sincerely,

CBRE, Inc.

Michael W. Moser
Senior Vice President
858-646-4721

54.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Blake,

I firmly support the development of One Paseo as it is currently proposed. I have lived in the area for almost five years now, and it's been enough time for me to really appreciate what a welcome improvement One Paseo would be to Carmel Valley.

In addition to a diverse array of new retail and restaurant options, One Paseo would offer a great space for residents to go out and enjoy what makes this community great. Whether that means grabbing lunch on a weekday or dinner and a movie on the weekend, One Paseo should satisfy the need for better options, closer to home.

Some people seem concerned about the potential impact of the development on our roads. I think that these concerns are somewhat overblown, especially since the developers have committed millions of dollars toward mitigating existing as well as potential issues. That includes streetlight synchronization and other street level improvements. Plus, the development's central location along a planned bus route should actually encourage people to utilize public transit. Still, I think it's even more important to keep in mind what we'd be gaining by approving this development. When you look at it from that view, it's easy to see that the benefits of One Paseo far outnumber any of the potential negatives identified in the Draft Environmental Impact Review.

I hope to see One Paseo progress toward approval.

Best regards,



Nate Cervantes
4261 Cordobes Cove
San Diego, CA 92130

55.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Sukla Chattopadhyay](#)
To: [DSD EAS](#)
Subject: one paseo
Date: Thursday, May 24, 2012 12:56:56 PM
Attachments: [image002.png](#)

Dear Ms. Blake,

We live in Tynebourne Circle and we are very concerned about one paseo project. I went to a meeting about a year ago upon invitation from Kilroy Realty and wrote in my comment to them how much I oppose it. They destroyed a nice greenery that we had and going to build a complex that will totally change the current look of the neighborhood making it a congested city like new York etc. We did not invest in house to live in that kind of neighborhood with tall buildings, parking garages and too many stores and eateries. We bought our home to enjoy bed room community and beauty surrounding it. Traffic already is bad enough every morning with so many town houses and condos built in recent years. Just to get into freeway is a hassle. Just imagine what it will be like if Kilroy is successful in pursuing their plan.

Gradually all trees from Carmel Valley is gone with no park where we can go, sit and enjoy. We already have Delmar Highland shopping center with lots of eateries and fine stores including 2 grocery stores. They are not crowded means people don't require more stores, eateries or theaters. Office places are still vacant. Why do we need to build more office places, condos and eateries etc? Why do we have to destroy a nice community? Why do we have to suffocate ourselves with traffic, noise and other things? Why we have to turn a beautiful place to a congested city?

My husband and I stringly oppose one paseo development. Hope you will take action to stop it and dedicate the area for making a beautiful park that we of all ages can enjoy in Carmel Valley.

Thank you,

Sukla

Sukla Chattopadhyay, Ph.D.
Senior Scientist
AltheaDx
858-224-7200 ext 318



56.1 No development has yet occurred at the site. As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

56.2 Refer to response to comment 5.6.

56.3 However, it should also be noted that the Revised Project includes a 1.1-acre passive recreation area and 0.4-acre children's play area that would be available to the community.

56.4 As discussed in the updated Retail Market Analysis included as Appendix B.1 of the Final EIR, adequate consumer demand will continue to exist to support retail centers in the area after completion of the proposed development under either the Originally Proposed Project or the Revised Project.

56.5 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Collins, Pat @ San Diego Central](#)
To: [DSD EAS](#)
Subject: One Paseo
Date: Tuesday, May 29, 2012 4:29:50 PM

Ms. Martha Blake
 Environmental Planner
 City of San Diego Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101
 RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the One Paseo Project. I understand that the Environmental Impact Report identifies certain project impacts. However, as a Carmel Valley resident I firmly believe that the project's benefits would outweigh the identified impacts.

The project would positively impact our community in many ways. For example, it would help the local economy by increasing employment opportunities in Carmel Valley. One Paseo would also bring new specialty stores like a Trader Joes to the area. Most importantly, it would enhance the community character by providing a true "heart" for Carmel Valley.

Thank you.
 Sincerely,

Pat Collins
 12606 Monterey Cypress Way
 San Diego CA 92130

57.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Jmpn Jim](#)
To: [DSD EAS:](#)
Subject: Comments on One Paseo
Date: Tuesday, May 29, 2012 4:43:07 PM
Attachments: [header.htm](#)
[header.htm](#)

To whom it may concern,

I have been a resident of Carmel Valley since 2001. Starting as a renter at The Club, then buying a condo in Elysian and now owning a home behind Torrey Pines HS.

I have reviewed the plans for One Paseo in Carmel Valley and feel that, as designed, it is out of place. It is too large a development for this area and will greatly change the neighborhood we have come to know and love. I am very much looking forward to a new development in that space, but one that better fits the community.

One Paseo is not what north county is meant to be. Please do not let the project be approved as is.

Thank you for your consideration.

Sincerely,
 James & Natasha Conley

13405 Marcasel Place
 San Diego, CA 92130
 (858-663-0277)

58.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required. The Final EIR acknowledges that the Originally Proposed Project and the Revised Project would have a significant neighborhood character impact.

COMMENTS

RESPONSES

From: [Bruce Cunningham](#)
To: [DSD EAS](#)
Subject: One Paseo 193036/SCH No.2
Date: Monday, May 07, 2012 3:42:00 PM

May 7, 2012

To Whom It May Concern:

We are writing in strong opposition to the proposed creation of One Paseo, particularly the high density of apartments and office buildings. We already have significant unoccupied office space in the community, and a large number of added apartments will have a major impact on the community.

Most important, the automobile traffic that this project will add to the community will be overwhelming and clog up an already congested traffic pattern. Those of us who live off of Del Mar Heights Road must travel on this street, El Camino Real and the I5/I805 corridor. The traffic on all of these is currently very high especially at rush hour, and all of these streets/highways are significantly affected by the One Paseo project. There is no simple solution; major expansion of all of these thruways would be required and that might not be enough. For example, new highway construction stopped the gridlock at the I5/I805 merge. However that congestion simply moved to the Via DeLa Valle and Lomas Santa Fe exits.

We have focused on the added traffic that this project adds to the community. We suspect there will also be a serious impact on the schools. Our local schools have excellent reputations and it would be a shame if this project added to the classroom size to the point that it reduced the effectiveness of the teachers.

One argument in favor of this project is that it will add new jobs, but there is no evidence that those jobs will be given to local residents. In fact it is likely that the jobs will go to people who commute from relatively long distances and further congest the traffic pattern--especially at rush hour.

We are in favor of limited projects that add new businesses and opportunities to our community, but this project has too many negative issues to the point that it will damage the community and not improve it.

Cordially,
Bruce and Katrina Cunningham

59.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

59.2 The Final EIR acknowledges that the Originally Proposed Project and Revised Project would have a significant traffic impact.

59.3 The payment of school fees avoids a significant impact on schools. Refer to response to comment 7.11.

59.4 This comment accurately reflects the fact that the jobs created by the proposed development would benefit the region but not necessarily the community. However, the Draft EIR did not assume that the jobs would be filled by community residents.

59.5 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES



DALZELL GROUP
REAL ESTATE

May 15, 2012

Ms. Martha Blake
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I am sending this letter on behalf of Dalzell Group Real Estate in support of Kilroy Realty's proposed *One Paseo* Project in Carmel Valley. We understand that the City is currently accepting comments regarding the Project and the adequacy of its environmental review. As real estate professionals, we feel that we are uniquely qualified to comment on the Project's many positive attributes. We feel that these may benefits will outweigh the Project's impacts.

We cannot express enough the need for additional lifestyle amenities and resources in Carmel Valley. The opportunity for morning, noon and evening restaurants, parks, entertainment and shopping options will help create a "destination place" and "heart" for the residents of Carmel Valley.

The walkability and connectedness of the proposed plan will make Carmel Valley a better place to live. In addition, we feel that the carefully planned project will enhance the community character of Carmel Valley.

We fully endorse the *One Paseo* project.

Sincerely,

Ryan Dalzell
Dalzell Group Real Estate
16236 San Dieguito Road
Rancho Santa Fe, CA 92067

cc: Sherri Lightner
Renee Meza
Mel Millstein
Frisco White

60.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Mark Daniels](#)
To: [DSD EAS; Mezo, Renee; Lightner, Councilmember Sherri; white@wwarch.com](#);
Subject: One Paseo- Project No. 193036/SCH No. 2010051073
Date: Sunday, April 01, 2012 9:30:54 AM

Dear Environmental Planners and Council members:

I share the views of those who have voiced significant concerns regarding the One Paseo project plans and details specified in the draft EIR that is on the City of San Diego website.

As a resident of the Del Mar/Carmel Valley area for over 35 years, I am NOT opposed to change, however, I am opposed to the significant transformation that the current plans will bring to this suburban community.

Specifically, the massive buildings that would tower over all current developments and the impact on traffic makes this project far exceed what the area is designed to handle. I am seriously concerned that Carmel Valley's existing community character and its Community Plan will be destroyed if the proposed One Paseo/Main Street project gets approved.

From: Mark Daniels
Address: 13628 Landfair Rd., San Diego, CA 92130

Date: March 31, 2012

61.1 The Final EIR concludes that the Originally Proposed Project and the Revised Project would have a significant neighborhood character impact.

COMMENTS

RESPONSES

From: [Penny Davis](#)
To: [DSD EAS:](#)
Subject: Project Name: ONE PASEO Project No. 193036
Date: Monday, April 16, 2012 11:55:06 AM

CARMEL VALLEYS FUTURE NIGHT MARE:

62.1 I am greatly opposed to the project because of the traffic, the density and the scale. This project does not belong in Carmel Valley.

62.2 If we would ever have to evacuate due to an emergency we would never be able to enter or exit Del Mar Heights Road, including the

police, the fire department, or an ambulance. The safety of Carmel Valley is in jeopardy.

Sincerely, Penny Davis
 3615 Seahorn Circle
 San Diego, Ca 92130

62.1 As this comment does not raise any issues with respect to the adequacy of the Draft EIR, no specific response is required.

62.2 Refer to response to comment 8.2, the project would not adversely affect emergency response times in the area.