

COMMENTS

RESPONSES



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July 17, 2012

Via Email

Mayor Jerry Sanders and
Members of the City Council
City of San Diego
City Administration Building
202 "C" Street
San Diego, California 92101
jerrysanders@sandiego.gov
cityclerk@sandiego.gov

Re: One Paseo Draft EIR

Dear Mayor Sanders and Members of the City Council:

On behalf of Cleveland National Forest Foundation ("CNFF"), we have reviewed the draft environmental impact report ("EIR") for One Paseo, a massive mixed-use development project consisting of almost two million square feet of retail, office, residential and open space uses. If this Project were proposed in an urban area with convenient access to transit service, it would be considered "smart growth." Yet because the Carmel Valley currently has no access to convenient transit and because transit service is not contemplated to serve the Project until at least 2035, it is decidedly not a "smart growth" project.

Moreover, One Paseo would exacerbate already excessive levels of traffic congestion on local and regional streets, intersections, freeways and freeway ramps. Yet, rather than mitigate the Project's significant traffic impacts by contributing to transit service in the area or implementing transportation demand management measures, the Project simply proposes road and intersection projects to "mitigate" traffic impacts. It also ignores recommendations of SANDAG's Independent Transit Planning Review Services Report (May 2006) and SANDAG's RTP/SCS which recognize the importance of regulating the amount of parking to discourage travel by automobile.

Perhaps most important, the DEIR rejects without sufficient basis an off-site alternative. As discussed below, One Paseo is simply the wrong project for the Carmel Valley because it lacks a public transit network that would allow Project occupants to travel without an automobile. Alternative sites exist, within urban areas that are currently served by adequate public transportation. Such alternative locations, possibly even redevelopment sites, would minimize and possibly eliminate altogether the Project's significant transportation impacts.

- 326.1 As discussed in responses to comments 4.1 and 10.40, the proposed project is considered consistent with the City of Villages Strategy, which embraces the principles of smart growth. The project site is identified as having a moderate "Village Propensity" (see Figure LU-1 of the General Plan). As also discussed in response to comment 10.40, transit is planned to serve the area by the year 2030. Furthermore, as indicated in response to comment 10.38, the project site is specifically identified in SANDAG's RCP as a "Town Center" smart growth opportunity area.
- 326.2 The Final EIR acknowledges that implementation of the proposed project would result in significant impacts to traffic; some of which may not be reduced to below a level of significance because timely implementation of identified mitigation measures cannot be assured by the applicant since they are under the control of Caltrans. (See response to comment 4.3 for a discussion of project traffic impacts.)

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326.3 As discussed in response to comment 6.7, the project applicant is proposing a TDM Plan which would include a variety of strategies to reduce project traffic including providing a shuttle. Initial implementation of the shuttle program would include one to two shuttles running at half-hour intervals during am/pm peak times and over the lunch hour. The shuttle would provide service to the Sorrento Valley Coaster station. The TDM Plan would be implemented in addition to the roadway improvements required by Mitigation Measures 5.2-1 through 12.

326.4 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, and include sidewalks and bicycle lanes throughout the project and a shuttle service for residents, employees and shopping patrons associated with the development. The mixed-use nature of the project also reduces reliance on the automobile.

326.5 As discussed in response to comment 63.5, the Draft EIR appropriately concludes that there are no other sites in the project area (i.e., Carmel Valley) that are suitable for the project. Carmel Valley is essentially built out, and there are no other vacant parcels in Carmel Valley similar in size to the project site (23.6 acres) that could support the mix and density of proposed land uses within the development. Even if a potential site existed within the Carmel Valley community, locating the proposed project at that location would likely result in similar impacts related to neighborhood character and traffic.

With respect to the other “potential” locations in the City of San Diego, acquisition of other sites in a timely manner by the project applicant is not considered feasible. The ability for an applicant to acquire an offsite location in a timely manner is a well-recognized consideration in evaluating the feasibility of an off-site alternative (Goleta II, supra, 52 Cal.3d at p.575).

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Project Description

The Project entails a mixed-use development encompassing 1,857,440 gross square feet ("sf") consisting of approximately 270,000 sf of commercial retail, approximately 557,440 sf of commercial office, approximately 100,000 sf consisting of a 150-room hotel, and approximately 930,000 sf consisting of 608 multi-family residential units. 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. *See* DEIR Table 3-1.

326.6 Although the DEIR asserts that the Project is intended to promote sustainable development principles and smart growth (at 12-1), the document never mentions the possibility of meeting travel demand via public transit. In fact, the Project Objectives simply assert that the Project is intended to provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities. *Id.* By offering convenient access to major roads and freeways and by offering an abundance of free parking, One Paseo will greatly facilitate auto-based travel. While the DEIR mentions that transit will ultimately service the Carmel Valley, this transit is not even contemplated to be built until 2035. Moreover, because funding becomes more speculative with each passing year, transit service to Carmel Valley may never be implemented.

Transportation Impacts

The DEIR Fails to Adequately Analyze and Mitigate the Project's Transportation Impacts.

326.7 One Paseo would generate 26,961 average daily vehicle trips, with 1,538 trips in the AM peak period and 2,932 trips in the PM peak period. DEIR at 5.2-11. Yet, the Project could actually generate far more traffic than the DEIR discloses since the DEIR consultants discounted the trip generation rates to take into account the mixed-use development. One Paseo is an entirely auto-based development. No evidence exists that residents and visitors will not drive between each of the uses in the development, especially because the Project includes ample, free parking. Abundant, free parking encourages motorists to drive rather than walk between destinations. Consequently, the DEIR should not have discounted the Project's trip generation estimates.

326.8 Because One Paseo is entirely auto-based, it comes as no surprise that the Project would result in numerous significant impacts to roadway/arterial segments, intersections, freeway ramps and freeway segments. Yet mitigation for the Project's transportation impacts is 100 percent auto-based. It is important to recognize that the only way transit will come to fruition in the region is to discourage auto-based travel and invest in public transit infrastructure. Despite this fact, the DEIR does not require the applicant to make any contribution (e.g. pro-rata share) to transit agencies such as MTS. Nor does the DEIR propose any type of shuttle or dial-a-ride transit service that could take Project occupants to the COASTER line, bus or light-rail stations.

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326.6 The project is designed to take advantage of the bus rapid transit which is planned in the area by the year 2030. In the meantime, as discussed in response to comment 6.7, the project does include a shuttle that would provide access to the Sorrento Valley Coaster station until such time as public bus service is available.

326.7 As discussed in response to comment 10.40, the traffic impact analysis for the project did not assume any reduction in project-generated traffic to account for the anticipated availability of bus service to the site. The only reductions applied related to the documented trip savings associated with mixed-use projects, in which project residents and workers would be able to take advantage of restaurant and shopping opportunities without relying on their cars. The traffic impact analysis also accounted for the potential for some residents to work in the proposed commercial uses on the site.

The appropriateness of including trip reductions for mixed-use projects is discussed on pages 3-3 and 3-4 of the TIA in Appendix C to the Draft EIR. As described there, the 6% reduction used in the traffic analysis is conservative in comparison to the observed trip generation of existing mixed-use developments.

326.8 As discussed in response to comment 6.7, the project applicant is proposing a TDM Plan that includes a private shuttle that would provide service to the Sorrento Valley Coaster station until planned public bus service is available to the project site.

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The DEIR Fails to Adequately Analyze or Mitigate the Project's Impact on Transit Service.

326.9 The DEIR concludes that the Project would not negatively impact alternative transportation modes. This is incorrect. By constructing this auto-based Project, and by adding over 4000 parking spaces, the Project does nothing to support public transportation.

326.10 SANDAG's 2050 RTP/SCS identifies the Project site as being located within the "Urban Area Transit Strategy" ("UATS") study area." See RTP/SCS at Figure TA 7.1. According to SANDAG, "[t]he overarching goal of the UATS is to create a world-class transit system for the San Diego region in 2050, with the aim of significantly increasing the attractiveness of transit, walking, and biking in the most urbanized areas of the region." *Id.* at TA7-6. Moreover, SANDAG views the UATS as offering the greatest potential for transit to succeed in the region. Indeed, this is the very same location where SANDAG has determined that investments in transit would be the most effective. *Id.* at 7-5. By constructing an enormous auto-based land use development in the midst of the UATS area, the Project will severely undermine the transit strategy goal and vision of the San Diego region's SCS.

326.11 The DEIR errs further when it states that no transit serves the area. Contrary to this assertion, commuter rail service is provided on the COASTER, which travels 41 miles between Oceanside and downtown San Diego on track shared with AMTRAK and freight services. COASTER service is provided by 35 vehicles to eight stations along the route. Ridership on the COASTER averages approximately 5,000 daily passengers. *Id.* at TA 7-8. While there is no COASTER station within immediate proximity to the One Paseo site, Project occupants would likely choose to ride the COASTER, especially if they had a convenient option to access the COASTER station. Certainly, the applicant could implement a shuttle service or initiate a dial-a-ride service that allowed Project occupants to access the transit that is available in the Project vicinity.

326.12 Moreover, by adding highway capacity, the Project's so-called mitigation measures further perpetuate auto-based travel and sprawling land use patterns. Thus, the Project will not just impact public transit over the short term; it will result in long term impacts making attempts to support the region's long-term transit goals almost impossible to achieve.

The DEIR Authorizes An Excessive Amount of Parking.

As explained in SANDAG's Independent Transit Planning Review Services report, there is an inverse relationship between the amount of transit patronage and the amount of supplied parking. ITPRS ES-8. Free off-street parking is a significant subsidy and encouragement to travel by car rather than by transit. *Id.*, at 2-22. The ITPRS report recommends that agencies should institute parking maximums instead of minimums in their zoning ordinances. *Id.*, at ES-9. SANDAG's 2050 RTP/SCS similarly recognizes that abundant and inexpensive parking is a deterrent to transit use. RTP/SCS at TA 7-14. Indeed SANDAG supports the implementation of parking maximums as a strategy to achieve it's multi-modal

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326.9 The project would support alternative transportation by providing the critical mass needed to encourage implementation of the future route and maximize the benefits of the planned extension of transit service in the region. Transit service is most successful when it serves a concentrated population. Consequently, the project is anticipated to support the future implementation of bus route 473.

Also, the project would provide bicycle parking spaces and pedestrian connections to neighboring uses, both of which reduce the need for automobile use. Further, the mixed-use nature of the project would decrease automobile use for convenience trips and commutes by project residents and workers. I

326.10 As discussed in the response to comments 326.7 and 326.9, the more concentrated nature of the planned development, as well as the proposed mix of uses, will encourage and facilitate extension of planned bus service to the site. Moreover, the project includes several design features that reduce reliance on the automobile, including provision of private shuttle service.

326.11 As discussed in response to comment 6.7, the project applicant is proposing a private shuttle which would include access to the Sorrento Valley Coaster station until planned public bus service is available to the proposed project.

326.12 The roadway improvements which will be made conditions of the project would not increase "highway" capacity in the area. Improvements to the highway system would be limited to widening of the on- and off-ramps from I-5 to Del Mar Heights Road. These modifications are designed to reduce traffic congestion on Del Mar Heights Road but would not increase the capacity of I-5.

In addition, the project includes a private shuttle system that would provide a connection between the project and nearby transit to allow residents and employees to take advantage of transit opportunities in the short-term until planned bus service is available. In fact, as indicated

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goals and support a robust transit network. RTP/SCS at TA7-77, 78. The ITPRS report and SANDAG's RTP/SCS further recommend that parking be unbundled from the purchase/tenant costs. ITPRS report, at 2-22 and RTP/SCS at TA7-77 and 78.

326.13 The DEIR concludes that the Project will result in no significant parking impacts because it would exceed the calculated minimum of 3,881 spaces needed for project buildout. DEIR at 5.2-77. However, these requirements are based on parking minimums, not parking maximums as recommended by the ITPRS report. Moreover, based on the recommendation to "unbundle" parking spaces, the City should require the applicant to sell and rent parking spaces separately from residential units and commercial office space. We were not able to find any such requirement for One Paseo.

326.14 In sum, the Project's proposed parking will oversupply parking and reduce incentives by One Paseo residents and workers to walk, bicycle or take public transit.

Alternatives

In addition to the DEIR's two No Project Alternatives, the document analyzes three alternatives to the Project: The No Retail Alternative, Commercial Only Alternative, and the Medical Office/Senior Housing Alternative. Each of these build alternatives would generate substantial traffic volumes and, therefore, like the Project itself, would have significant traffic impacts. DEIR at 12-9; 12-15, 12-19 and 12-24. An EIR's alternatives discussion must focus on alternatives that avoid or substantially lessen significant effects of the project. Guidelines § 15126.6(b); *Citizens of Goleta Valley v. Board of Supervisors* 52 Cal.3d 553, 556 (1990) (EIR must consider alternatives that offer "substantial environmental advantages.").

326.15 The Draft EIR considered but rejected an alternative that would certainly minimize, or possibly completely avoid, creating significant traffic impacts. It rejected an alternative location simply because no other vacant approximately 23.6-acre site exists in the area that is suitable for the Project. *Id.* at 12-2. Certainly, other sites exist for a large mixed-use project. There is no reason why One Paseo could not be developed within an existing urban area that already contains sufficient transit infrastructure or even transit that is proposed to be implemented within the next few years. The DEIR is remiss in its failure to consider other locations, including potential redevelopment opportunities.

326.16 The City of San Diego's General Plan contemplates a City of Villages strategy. This strategy is to focus growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and *linked to the regional transit system*. See City of San Diego General Plan Land Use and Community Planning Element at LU-6 (emphasis added). The General Plan makes clear that a significant number of transit corridors exist within the City that provide valuable new housing opportunities with fewer impacts to the regional freeway system because of their available transit service. *Id.* at LU-7. The EIR must examine locations along existing transit corridors for this mixed use project, consistent with the intent of the City's General Plan.

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326.12 in the response to comment 326.9, the project will help justify and cont. encourage implementation of bus route 473 by providing a concentrated population to take advantage of transit opportunities.

326.13 The project includes a shared parking program that provides adequate parking for the uses proposed while avoiding over-parking that could potentially reduce future transit demand. As described on pages 5.2-77 and 78 of the Final EIR, the impact analysis properly concluded, based on the provision of parking according to accepted ratios and the different and complementary peak parking demands of the different uses proposed, that no significant impact associated with parking would occur. Based on this conclusion, no mitigation for parking impacts is required or warranted.

326.14 As discussed in response to comment 6.7, the project includes a comprehensive TDM Plan that would include a number of features to encourage people to use forms of transportation other than the private automobile. Refer to responses to comments 326.13 and 326.14 for discussions of project parking impacts and the lack of a requirement for mitigation.

326.15 Refer to response to comment 63.5.

326.16 As discussed in responses to comments 4.1 and 10.40, the proposed project is consistent with the City of Villages Strategy which embraces the principles of smart growth. As also discussed in response to comment 10.40, transit is planned to serve the area by the year 2030. Furthermore, as indicated in response to comment 10.38, the project site is specifically identified in SANDAG's RCP as a "Town Center" smart growth opportunity area.

As discussed in response to comment 326.5, the Draft EIR contained an analysis of potential offsite alternatives and determined that none were feasible.

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Because One Paseo has no access to existing convenient public transit service, this is simply the wrong location for this massive auto-dependent project. Unless the City becomes a leader in sustainable land use, the vision of SANDAG's 2050 RTP/SCS has no chance to succeed.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

Attachment: SANDAG, Independent Transit Planning Review Services Report

CC:

Sherri Lightner, City Council member District 1
Mel Millstein, Council Representative District 1
Frisco White, Chair, Carmel Valley Planning Board
Bernard Turgeon, Senior Planner City San Diego
Renee Mezo, Project Planner, City of San Diego
Duncan McFetrdige, CNFF

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Members

Joe Kellejian, Chair
Councilmember, Solana Beach
 (Representing **North County Coastal**)

Jim Madaffer, Vice Chair
Councilmember, City of San Diego

Mickey Cafagna
Mayor, Poway
 (Representing **North County Inland**)

Jack Dale
Councilmember, Santee
 (Representing **East County**)

Jerry Rindone
Councilmember, Chula Vista
 (Representing **South Bay**)

Ron Roberts
Supervisor, County of San Diego

Bob Emery
Metropolitan Transit System

Jack Feller, *Chair*
North San Diego County Transit Development Board

Mary Teresa Sessom
San Diego County Regional Airport Authority

Alternates

Jerome Stocks
Councilmember, Encinitas
 (Representing **North County Coastal**)

Scott Peters
Councilmember, City of San Diego

Dick Murphy
Mayor, City of San Diego

Judy Ritter
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Art Madrid
Councilmember, La Mesa
 (Representing **East County**)

Phil Monroe
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 (Representing **South Bay**)

Pam Slater-Price/Dianne Jacob
Supervisor, County of San Diego

Leon Williams, *Chair*
Metropolitan Transit System

Judy Ritter
North San Diego County Transit Development Board

Xema Jacobsen
San Diego County Regional Airport Authority

Advisory Members

Pedro Orso-Delgado
District Director, District 11
California Department of Transportation

Gary L. Gallegos
Executive Director, SANDAG



TRANSPORTATION COMMITTEE AGENDA

Friday, February 18, 2005

9 a.m. – 12 Noon

SANDAG Board Room

401 B Street, 7th Floor

San Diego, CA 92101-4231

AGENDA HIGHLIGHTS

- **TRANSIT OPERATING REVENUE ESTIMATES AND ALLOCATIONS**
- **CAPITAL IMPROVEMENT PROGRAM**
- **INDEPENDENT TRANSIT PLANNING REVIEW**

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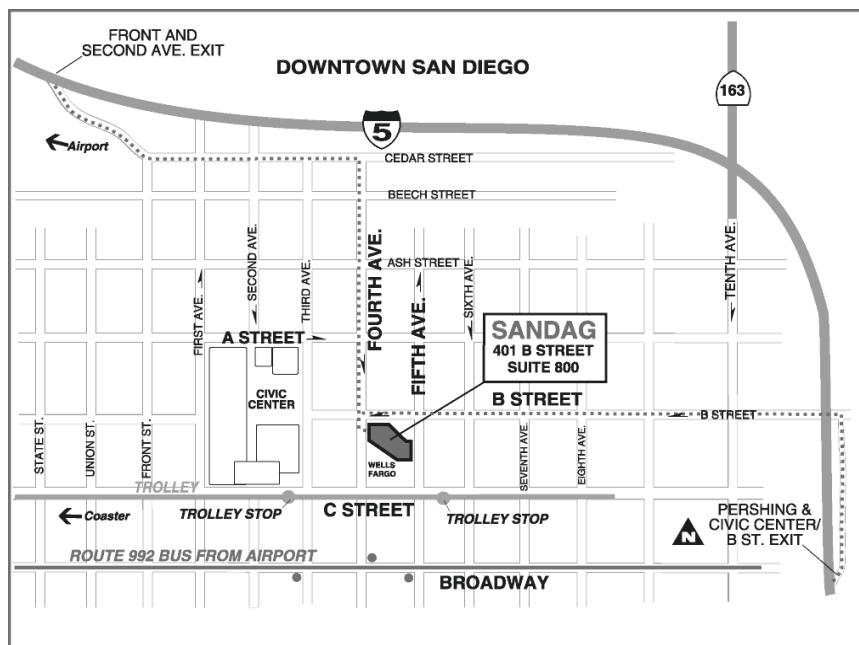


Welcome to SANDAG. Members of the public may speak to the Transportation Committee on any item at the time the Committee is considering the item. Please complete a Speaker's Slip which is located in the rear of the room and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Transportation Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG's Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than 12 p.m., two working days prior to the Transportation Committee meeting.

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TRANSPORTATION COMMITTEE

Friday, February 18, 2005

ITEM #**RECOMMENDATION**

- + 1. APPROVAL OF FEBRUARY 4, 2005 MEETING MINUTES

APPROVE

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Members of the public will have the opportunity to address the Transportation Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a "Request to Speak" form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

CONSENT ITEMS

- + 3. TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIM AMENDMENT FOR CITY OF CHULA VISTA (SOOKYUNG KIM)

APPROVE

The City of Chula Vista has requested an amendment to a TDA claim to use \$63,500 from its unallocated TDA reserve to establish an operator performance-based retention incentive program. The Metropolitan Transit System (MTS) Board, at its January 27, 2005, meeting approved amending its TDA claim to reflect the request from the City of Chula Vista. The Transportation Committee is asked to approve the claim amendment.

CHAIR'S REPORTSINFORMATION/
POSSIBLE ACTION

4. VERBAL REPORT ON THE MTS COMPREHENSIVE OPERATIONAL ANALYSIS (COA) BLUE RIBBON COMMITTEE ACTIVITIES (Chairman Joe Kellejian)
5. VERBAL REPORT ON THE MTS COA TECHNICAL COMMITTEE ACTIVITIES (Toni Bates)

REPORTS

- + 6. TRANSIT OPERATING REVENUE ESTIMATES AND ALLOCATIONS (Sookyung Kim)

RECOMMEND

By March 1 of each year, SANDAG provides operating revenue estimates and allocations to the transit operators and to local agencies for the non-motorized program. The Transportation Committee is asked to recommend that the Board of Directors adopt the FY 2006 Apportionments and approve the revenue projections for FY 2007 to FY 2010 at its February 25, 2005 meeting.

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+ 7. CAPITAL IMPROVEMENT PROGRAM (Kim York)

APPROVE

The Metropolitan Transit System and the North San Diego County Transit Development Board have developed their Capital Improvement Programs (CIP) for FY 2006, which forms the basis for the Federal Transit Administration Section 5307 Urbanized Area formula fund grant, the Section 5309 Rail Modernization formula fund grant, and the RTIP amendment for the CIP projects. The Transportation Committee is asked to forward a recommendation to the SANDAG Board to approve the CIP for the San Diego region and submit the associated grants and program amendments.

+ 8. INDEPENDENT TRANSIT PLANNING REVIEW (Toni Bates)

APPROVE

The *TransNet* extension includes funding for a number of light rail transit (LRT) and bus rapid transit (BRT) projects that are identified in the Regional Transportation Plan (RTP). The ballot measure included a commitment to conduct an Independent Transit Planning Review of the RTP and *TransNet* projects implementing strategy to help determine the most effective and cost efficient transit service and infrastructure plan for the region. The Transportation Committee is asked to approve the proposed study approach and preliminary scope of work for conducting the Independent Transit Planning Review. The Review would consist of a two-faceted approach that includes a consultant study and an oversight Peer Review Panel.

9. UPCOMING MEETINGS

INFORMATION

The next two Transportation Committee meetings are scheduled for Friday, March 4, 2005, and Friday, March 18, 2005.

10. ADJOURNMENT

+ next to an agenda item indicates an attachment

San Diego Association of Governments

TRANSPORTATION COMMITTEE

February 18, 2005

AGENDA ITEM NO.: **1****Action Requested: APPROVE****TRANSPORTATION COMMITTEE DISCUSSION AND ACTIONS
MEETING OF FEBRUARY 4, 2005**

The meeting of the Transportation Committee was called to order by Chair Joe Kellejian (North County Coastal) at 9:02 a.m. See the attached attendance sheet for Transportation Committee member attendance.

1. APPROVAL OF MEETING MINUTES

Eric Pahlke, Chief Deputy Executive Director, noted that the draft minutes included in the agenda package referred to another document related to the joint Transportation Committee/Regional Planning Committee, and that information was inadvertently omitted. A revised set of minutes was distributed at the meeting.

Action: Upon a motion by Councilmember Jim Madaffer (City of San Diego) and a second by Councilmember Bob Emery (Metropolitan Transit System [MTS]), the Transportation Committee approved the revised minutes from the January 21, 2005, meeting.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Chuck Lungerhausen, a member of the public, solicited donations for the Multiple Sclerosis Walk on April 9-10. The "water walking" team of which he is a part will occur on Saturday, April 2 at Frog's Club One in Spring Valley. He invited all to observe the water activities on that date. He thanked Transportation Committee members for their past support. Harrah's Rincon Casino matched all donations last year, and he hoped they will do the same this year.

Chair Kellejian encouraged the Transportation Committee members to donate to this cause.

REPORTS**3. IMPACT OF RECENT WINTER STORMS ON THE COASTAL RAIL CORRIDOR AND STATUS OF RESTORING INTERCITY AND COMMUTER RAIL SERVICE (INFORMATION)**

Linda Culp, Senior Planner, provided a report on the damage from recent storms caused along the 351 miles of the coastal rail corridor from San Diego to San Luis Obispo. She stated that the impacts to service include: temporary slow orders in San Diego County, temporary shutdowns in Orange County, no service to Ventura and Santa Barbara during

January 11 – February 8, and no service between Los Angeles and San Luis Obispo during January 11 –February 28.

Ms. Culp pointed out that this corridor is the second busiest corridor nationwide, with seven million annual passengers. She mentioned that the Coaster accounts for one lane of traffic at the Interstate 5/Interstate 805 (I-5/I-805) merge during the morning peak hour.

Supervisor Pam Slater-Price (County of San Diego) asked how many passengers are on the first busiest corridor. *Ms. Culp replied that the busiest corridor is the Northeast Corridor with about 12 million annual passengers on AMTRAK.*

Ms. Culp summarized that there were more than 30 landslides on the corridor, thousands of railroad ties will need to be repaired, and repairs are expected through June. She emphasized the high level of cooperation that has been exhibited between all of the rail operators including coordinated efforts to restore service. She commented that there is a possibility of receiving federal funds to help with the repairs.

Chair Kellejian asked from what federal source such funds would be found. *Ms. Culp responded that it would be from weather-related disaster funds. Staff is investigating to determine whether rail repairs would be eligible for these funds.*

Chair Kellejian mentioned that the Los Angeles–San Diego–San Luis Obispo Rail Corridor Agency (LOSSAN) will be meeting next week, and it can take action to apply for those emergency funds.

Councilmember Madaffer said that this points out the fragility of the line. He said that there have been discussions about moving the line away from the coastal zone, and asked if there has been an analysis of any preventable maintenance situations. *Karen King, NCTD Executive Director, agreed that it is a fragile infrastructure that we have the responsibility of protecting and updating. They have identified areas that need to be updated, and they conduct an inspection on a regular basis from Orange County to San Diego. There is a project to stabilize the Del Mar Bluffs that is being implemented in stages. This is the area of greatest risk.*

Supervisor Slater-Price asked about relocating the track, noting that the track historically was not directly adjacent to the coast. *Ms. King responded that the California High-Speed Rail Authority and Caltrans jointly conducted a study to look at the possibility of relocating the rail line from Los Angeles to San Diego to make improvements. The primary obstacle to relocation is that trains cannot pull the grades necessary for the terrain, and it would take significant structures or tunneling to move the railroad inland.*

Councilmember Madaffer suggested that planning for the possibility of moving the rail line inland should be commenced and staff should work with the federal government on funding. *Ms. King said that there is not enough money coming into the state from the federal government. This is a common problem with railroads all over the country. Most of the financial resources go to the Northeast Corridor. We need to get sufficient dollars and bring them into California.*

Ms. Culp mentioned that MOBILITY 2030 does call out improvements for this corridor and for future funds. It will be a team effort to work on a solution to this problem. She added that the state has been a good provider of rail funds in the past. This corridor is a priority in our long-range transportation plan.

Councilmember Madaffer commented that this is a classic example that our region needs to be working with the folks in Washington, D.C., to make a strong case to spend the money now because the coast will continue to erode. The next big storm could cause more miles of track to be damaged. He suggested that this be added to our long-term legislative agenda.

Supervisor Slater-Price said that historically the train fell into the sea twice, so this possibility is not out of the question. The original rail line did not follow the coastal route and was rerouted to provide service to the coastal communities. She suggested that staff investigate the original alignment location.

Mayor Kellejian mentioned that this line has been in place since 1881.

Ms. King said that a portion of the line was located farther inland and then was moved to the coast due to the difficulty of operating inland. It was primarily freight service at that time.

Supervisor Slater-Price said that Colonel Fletcher moved the line closer to the coast to promote development.

Councilmember Jack Dale (East County) stated that money for highways was transferred for retrofitting bridges. He asked if this opens us up to another source of money for rail.

Mayor Kellejian said that part of our budget problem is that we are still retrofitting bridges, and that is a topic of conversation throughout the state. In talking with the Caltrans Director, he said that bridge retrofitting is a primary issue, and it is driving our current transportation budget problems. He thinks there still are two bridges to retrofit, and it is a multibillion dollar undertaking.

Action: This report was presented for information.

4. TRANSIT SERVICE PLANNING AND PUBLIC HEARING PROCESS (DISCUSSION/POSSIBLE ACTION)

Mayor Kellejian stated that a revised Proposed Regional Transit Service Planning and Implementation Process sheet was distributed. The first section is related to new service, the next section is for regionally significant service, and the third section is for minor service.

Toni Bates, Division Director of Transit Planning, reported that the Board adopted Policy No. 018, Regional Transit Service Planning that defines the role of the two transit agencies and SANDAG including a process for conducting public hearings. The Transportation Committee conducted a public hearing recently, and at that meeting the Committee expressed a desire to streamline the public hearing process and to place public hearings

with the transit agencies. Based on that direction, staff developed a proposal for revising Policy No. 018 to reflect a shift in responsibilities related to public hearings.

Ms. Bates said that staff has worked on this process with the public transit agencies. Step 1 is establishing the policy framework by developing the Regional Short-Range Transit Plan (RSRTP). This is where SANDAG and the transit agencies establish a service planning framework and guidelines including: goals and objectives, needs and deficiencies, parameters and performance standards, and a regional consistency checklist. In Step 2, SANDAG and the transit agencies develop service proposals to address the needs and deficiencies. Most of these will be new service proposals and major revisions to the existing system. The Transportation Committee would conduct a public hearing on the RSRTP, not the specific services. In Step 3, the transit agencies develop their budgets. Step 4 is where service implementation begins. This is where activities have shifted from SANDAG to the transit agencies.

Ms. Bates said that staff believes this process addresses the concern of the Transportation Committee by focusing its efforts on policy oversight and leaving the details of transit service implementation to the transit agencies.

Mayor Kellejian thanked the transit agencies for their valuable input on this plan, and for staff's time and effort. He said that it is important that we have consistency in our responsibilities with Senate Bill (SB) 1703.

Jack Limber, General Counsel, stated that under SB 1703 the short-term operational planning for transit services was transferred from the transit boards to SANDAG, but it also included that local route planning and financial planning would continue to be the responsibility of the transit agencies. We have tried to define those roles in this process and to make it clear that the route planning and public hearing functions will be at the transit agencies, and the guidelines from the Regional SRTP and monitoring will be at SANDAG. This is consistent with the two roles of the two groups of entities.

Paul Jablonski, MTS Chief Operating Officer, confirmed their agreement with these changes to the policy for a couple of basic reasons: they recognize that there is more than one kind of service change, and they improve efficiency.

Ms. King noted that to be consistent with SB 1703, the third column should say "local" in addition to "minor" changes. Staff agreed to make that change.

Councilmember Jerry Rindone (South County) asked for a legal opinion on the differing roles between SANDAG and the transit agencies. He supported the recommendation on the regional transit service planning process. It was his understanding that public hearings for service changes would occur at the transit agencies, and there is no appeal to SANDAG. Mr. Limber clarified that the only way a change would come back to the SANDAG Transportation Committee is that if a change arose as a result of that transit agency public hearing different than that being proposed and that change has a potentially significant regional impact. Then it would be brought back to SANDAG staff and conceivably to this committee, but that would be a highly unlikely occurrence.

Chair Kellejian asked if it would come to the Transportation Committee if the change would have a regional or budget significance. Mr. Limber said it could come to the Transportation Committee for either one of those reasons. He noted that seldom has a new service proposal been materially changed at a public hearing.

Councilmember Emery reiterated that a public hearing would not be precluded for a local but significant item that might arise. It might be important enough to have a hearing at the transit agency. Mr. Limber said the change would be locally significant and up to the transit agencies.

Councilmember Monroe said that there are two results from a public hearing: a very different result from a proposed service change or we approve the service change that was suggested.

Leon Williams, MTS Chair, clarified that there would be no public hearings on service at SANDAG. Mr. Limber agreed that was correct.

Councilmember Ritter asked about an appeal process. Mr. Limber said there would not be an appeal. A service proposal might be amended if the transit agency wants to do something significantly different from the original proposal. In that case, the service proposal might come to SANDAG staff to ensure consistency with the RSRT.

Action: Upon a motion by Councilmember Madaffer and a second by Councilmember Emery, the Transportation Committee directed staff to amend the short-range transit service planning process contained in SANDAG Policy No. 18, Regional Transit Service Planning, and bring it back to the Transportation Committee and Board for adoption.

5. TRANSPORTATION PROGRAM FUNDING UPDATE (INFORMATION/POSSIBLE ACTION)

Jose Nuncio, Senior Engineer/Programming Manager, provided information about the FY 2005/06 proposed state budget including the suspension of Proposition 42 funds (\$1.3 billion). This suspension is to be treated as a loan. The FY 2003/04 to FY 2005/2006 suspensions equal \$3.4 billion. The \$3.4 billion is to be repaid over 15 years, starting in FY 2007/2008. The proposed budget is silent on FY 2006/2007 suspensions. There will be a constitutional firewall of the Proposition 42 funds starting in FY 2007/2008. He added that the Indian gaming bond revenues assumed for FY 2004/2005 are now being assumed to occur in FY 2005/2006.

Mr. Nuncio noted that over half of the 2004 State Transportation Improvement Program (STIP) funding was to come from Proposition 42 revenues. He said that none of our projects were included for Grant Anticipation Revenue Vehicle (GARVEE) bonding. The California Transportation Commission (CTC) is not proceeding on any GARVEE bonding because the state lacks matching funds.

Mr. Nuncio reviewed the potential regional funding impacts of \$389.5 million, the amount of money at risk for projects under construction (\$125 million), and those projects under construction or in operation including the Sprinter, the I-5/I-805 "merge," the I-15 Managed

Lanes, the East Village Access Improvements, MTS bus acquisition, the Oceanside Transit Center parking, and the Rideshare program.

Mr. Nuncio also reviewed the amount of funds at risk for projects that are ready to go or for right-of-way acquisition within the next 18 months, which totals \$264 million. Those projects include the State Route (SR) 905 freeway, SR 52 freeway, I-15 Bus Rapid Transit, I-5/Lomas Santa Fe Interchange, NCTD Bus Acquisition, Mid-Coast Light Rail Transit (LRT) Environmental and Design, and Caltrans Operational and Rehabilitation projects.

The overall economic impacts to the region are \$400 million, with job losses of 9,000, lost income of \$291 million, and a local tax loss of about \$40 million.

Mr. Nuncio provided possible funding options such as advancing future *TransNet* for eligible projects under a reimbursement agreement with the CTC, advancing future *TransNet* funds to provide the match for the GARVEE process (subject to CTC changing its policy language, and reconsidering SR 905 and SR 52 for GARVEE funding), and investigating a financing mechanism for Regional Surface Transportation Program/Congestion Mitigation and Air Quality (RSTP/CMAQ)-backed local bonds and funds via the Transportation Infrastructure Finance and Innovation Act, or TIFIA (a federal credit mechanism to facilitate projects).

Mr. Nuncio went over the upcoming state deadlines. The next steps are to continue monitoring the impact of state budget negotiations on local transportation projects, and prepare programming and reallocation proposals pending the outcome of those negotiations.

Chair Kellejian mentioned that last week he moderated a special legislative briefing in Sacramento convened by Senator Denise Ducheny. There was a combination of industry, business leaders, and government representatives, and the subject matters were: budget impacts on San Diego County, homeland security, housing, and transportation. He provided the transportation briefing and primarily presented the information that was just reviewed. The result was the desire to convene a special transportation workshop in the future for members of the State Legislature to take on these issues.

Mayor Cafagna asked about the payback protection for advancing funds out of *TransNet* dollars. He asked if we need to set up a discussion of this option and the ramifications of it. Mr. Pahlke agreed that staff could develop an analysis of this option and its ramifications and report back to the Committee. He noted that some of the projects on the "at risk" list are the *TransNet* Early Action projects that the Board adopted last week. Another project at risk is the Sprinter, and NCTD is using CMAQ funds to backfill the state funds.

Pedro Orso-Delgado, Caltrans District 11 Director, stated that there was a meeting of the statewide directors recently in San Diego. They reviewed the issue of using sales tax measure funds such as *TransNet* as a temporary measure given the state transportation budget shortfalls. The response was that Caltrans is probably going to work on setting up a process for sales tax measure revenues, and enter into Assembly Bill (AB) 3090 agreements with regional and local agencies. Projects having regional significance will fare better than local projects. From that point, we could move forward as a way of keeping this entire transportation infrastructure program moving.

Chair Kellejian asked Mr. Orso-Delgado to explain the AB 3090 program. He said that we want assurance we will get our money repaid. Mr. Orso-Delgado explained that AB 3090 is a funding mechanism where the local agency fronts money to the state. Imperial County recently went through this process for one of its interchange projects. One condition is that there needs to be a revenue stream to ensure the money is coming in, then the state would repay from future STIP monies.

Chair Kellejian agreed that some criteria needs to be developed and projects prioritized for this type of funding mechanism throughout the State of California.

Councilmember Feller said that he read in a recent news article about Governor Schwarzenegger having a surprise in store for us in a couple of weeks. He asked if anyone else had heard about that. Mr. Nuncio said it was his understanding that the Governor's proposal will have to do with proposed legislation to allow greater public/private partnerships to be implemented. Another significant action is that it is the CTC's policy that matching funds for GARVEE bonds have to come out of the STIP. What we are proposing is using local funds to match the GARVEE federal funds. It appears the CTC is becoming more receptive to this idea.

Chair Kellejian stated that the Caltrans Director is very receptive to public/private partnerships.

Councilmember Madaffer commented that the citizens of our county are being shortchanged. About 75 percent of funds coming into the county are subject to the whims of the state budget. He said that we could be acting to alleviate traffic congestion, but are hamstrung by the state's budget situation. At some point, this organization ought to look at any and all options available from a legal and legislative standpoint to prevent transportation dollars from being diverted. We should explore the legal options against the State of California. He suggested that we get with other self-help counties to band together against the state.

Councilmember Scott Peters (City of San Diego) said it is reasonable to question whether we can loan the *TransNet* money to the state and get it paid back. We earmarked an awful lot of projects. What are the implications for the *TransNet* program of projects. He asked if we decide to depart from that program, what would be the criteria to make the decision about where the money is spent.

Chair Kellejian said that we have a Regional Transportation Plan (RTP) in place (MOBILITY 2030). Mr. Pahlke stated that as part of the current and future *TransNet*, we have a plan of finance that lays out the financial situation for projects that were included in those plans. We will be updating the *TransNet* plan of finance, including refining the funding estimates that will reflect the current delay, what that means to project schedules and funding, what *TransNet* funds could be advanced under the AB 3090 mechanism, and guaranteed paybacks. We are working to set up the *TransNet* Independent Taxpayer Oversight Committee, and will work through it and this Committee on these issues.

Councilmember Peters said that if we change the *TransNet* spending plans, we will have to choose between projects.

Mr. Pahlke noted that the RTP update will be conducted during this next year.

Supervisor Slater-Price said that the problem is that we supported passage of Proposition 42 that contained the funding loophole. Because of that, we don't have legal recourse. If the Governor declares a state of emergency, then the money can be diverted. We should not support any proposals containing that loophole.

Supervisor Slater-Price mentioned an interesting article in the North County Times, where the Governor is now saying that transportation is a major focus for his term and he is interested in private/public partnerships. That means toll roads in partnership with the government. This is not an unreasonable proposal. We need to review this proposal and look at the possibility, including how much is required to build projects, and how to divide this cost between private and public interests, and then set an appropriate sunset date with a reasonable set-aside for maintenance purposes. However, she cautioned that the freeway toll cost should not continue to escalate and we should avoid double taxation.

MTS Chair Williams asked about the status of the MTS bus acquisition project. Mr. Nuncio replied that the CTC has given authorization to spend those monies, but those funds have not been reimbursed to the local agency. He added that for the MTS bus acquisition there was a \$10 million advance granted to MTS.

Mr. Pahlke stated that we will figure out a way not to stop construction or bus acquisitions.

Public comments:

Robert Hoffman, representing SMART, said that he now understands the rationale behind SANDAG activities; transportation projects are just a mechanism for taking care of job losses.

Chuck Lungerhausen, a member of the public, commented that with the state continuing to take transportation funds, he hoped the electorate would receive an explanation as to why some transportation projects are not finished in a timely fashion and why traffic seems to get worse. Public transportation is part of our infrastructure and its operation and continuation to update our transit vehicles should be funded by some kind of tax from a consistent source. These one-time grant agreements are not the way to fund a budget. One-third of a half-cent sales tax does not do the job either. Continually increasing transit fares means that you run the risk of losing tourist dollars. Other areas have a better tax support for their public transportation system than San Diego. We are in competition with other cities for tourist dollars as a result.

Action: The report was presented for information.

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6. UPCOMING MEETINGS

The next meetings of the Transportation Committee are scheduled for February 18, 2005 and March 4, 2005.

7. ADJOURNMENT

Chair Kellejian adjourned the meeting at 10:37 a.m.

Attachment: Attendance Sheet

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**CONFIRMED ATTENDANCE
SANDAG TRANSPORTATION COMMITTEE MEETING
FEBRUARY 4, 2005**

GEOGRAPHICAL AREA/ ORGANIZATION	JURISDICTION	NAME	MEMBER/ ALTERNATE	ATTENDING	COMMENTS
North County Coastal	City of Solana Beach	Joe Kellejian (Chair)	Member	Yes	
	City of Encinitas	Jerome Stocks	Alternate	Yes	
North County Inland	City of Poway	Mickey Cafagna	Member	Yes	
	City of San Marcos	Corky Smith	Alternate	Yes	
East County	City of Santee	Jack Dale	Member	Yes	
	City of Santee	Hal Ryan	Alternate	No	
South County	City of Chula Vista	Jerry Rindone	Member	Yes	
	City of Coronado	Phil Monroe	Alternate	Yes	
City of San Diego	----	Jim Madaffer	Member	Yes	
	----	Scott Peters	Alternate	Yes	
		Dick Murphy	Alternate	No	
County of San Diego	----	Ron Roberts	Member	Yes	
	----	Pam Slater-Price	Alternate	Yes	
	----	Dianne Jacob	Alternate	No	
Metropolitan Transit Development Board	City of Poway	Bob Emery	Member	Yes	
	MTDB	Leon Williams	Alternate	Yes	
North County Transit Development Board	City of Oceanside	Jack Feller	Member	Yes	
	City of Vista	Judy Ritter	Alternate	Yes	
	City of Del Mar	Dave Druker	Alternate	No	
San Diego County Regional Airport Authority	City of Lemon Grove	Mary Sessom	Member	Yes	
	Governor's Appointee	Xema Jacobson	Alternate	Yes	
ADVISORY/LIAISON Caltrans	----	Pedro Orso-Delgado	Member	Yes	
	---	Bill Figge	Alternate	No	

SANDAG Transportation Committee

February 18, 2005 - Agenda Item #1 (Approve)

San Diego Association of Governments

TRANSPORTATION COMMITTEE

February 18, 2005

AGENDA ITEM NO.: **3****Action Requested: APPROVE**

TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIM AMENDMENT FOR CITY OF CHULA VISTA

Introduction

The Metropolitan Transit System (MTS) submits one TDA claim per year on behalf of all operators in its service area. One of the operators, the City of Chula Vista, has requested an amendment to the Claim 253 to use \$63,500 from its unallocated TDA reserve to establish an operator performance-based retention incentive program. The MTS Board, at its January 27, 2005, meeting approved amending its TDA claim to reflect the request from the City of Chula Vista.

Recommendation

It is recommended that the Transportation Committee approve the amendment to MTS Claim 253 for the City of Chula Vista to allocate funds to establish a performance-based incentive program.

Discussion

Effective FY 2002, MTS submits one consolidated TDA claim on behalf of all operators in its service area. An agreement reached between MTS and the cities that previously received TDA funds, stipulates that any unused TDA balances held by the jurisdictions would be available for eligible TDA projects. The City Council of Chula Vista approved a plan to reward bus operators and maintenance staff for providing top quality service and demonstrating safe and dependable work ethic. To that end, the City established a three-year performance-based incentive program. The requested \$63,500 TDA claim amendment would fund the incentive program in FY 2005. The funding for years FY 2006 and 2007 would be part of the regular MTS budget process.

Staffs of both MTS and SANDAG have determined that this incentive program is an eligible use of TDA funds.

RENEE WASMUND
Director of Finance

Key Staff Contact: Sookyung Kim, (619) 699-6909; skl@sandag.org

San Diego Association of Governments

TRANSPORTATION COMMITTEE

February 18, 2005

AGENDA ITEM NO.: **6****Action Requested: RECOMMEND**

TRANSIT OPERATING REVENUE ESTIMATES AND ALLOCATIONS

Introduction

The transit operators within the SANDAG region receive various federal, state, and local revenues to support both ongoing operations and major capital projects. While Federal Transit Administration (FTA) funds comprise the main funding source for capital improvements, these federal formula funds are also used for operating purposes (i.e., for activities qualifying as “preventive maintenance” including maintenance of vehicles, equipment, and facilities).

State and local revenues provide funding for continued operations of transit services as well as match for federal capital funds. SANDAG is responsible for the apportionment of these funds to the transit operators and to the local agencies for the non-motorized program. This report provides the apportionments for FY 2006 and projection of revenues for Fiscal Years 2007 to FY 2010 for each fund type.

For FY 2006, the San Diego County Auditor provided the apportionment of regional Transportation Development Act (TDA) revenues, the State Controller’s Office published estimates of State Transit Assistance (STA), and the FTA published the annual apportionments for federal formula funds in the Federal Register. *TransNet* estimates are based on actual sales tax receipts to date for the program escalated by growth projected in the region’s Demographic and Economic Forecasting Model (DEFM). The FY 2007 to FY 2010 estimates of TDA, STA, and *TransNet* reflect a range from a modest, steady increase of 3 percent on the low end to a growth from 4.4 to 5.0 percent on the high range based on DEFM. For the federal formula funds, we estimated an annual increase of 2.4 percent based on the most recent annual increase in the overall federal formula funds. These estimates are shown in Tables 1 to 4.

Recommendation

The Transportation Committee is requested to recommend that the SANDAG Board at its February 25, 2005, meeting:

1. adopt the FY 2006 Apportionments; and
2. approve the revenue projections for FY 2007 to FY 2010

Discussion

Each year, as the transit agencies undertake their budget development processes, SANDAG provides the estimates of regional transit funding under TDA, STA, the FTA Urbanized Area Formula Program (Section 5307), the FTA Fixed Guideway Modernization Program (Section 5309 Rail Mod), and

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TransNet sales tax. By law, TDA and *TransNet* funds are allocated based on the most recently available population estimates (January 2004, Department of Finance). STA funds are allocated by population and qualifying revenues as reported by the transit agencies in their annual State Controller's Report. There is no adopted policy for allocating the FTA Section 5307 funds; however, in practice, these funds have been divided by a historical formula agreed to by the Metropolitan Transit System (MTS) and the North San Diego County Transit Development Board (NCTD). MTS was the sole recipient of FTA Section 5309 Rail Mod funds until FY 2003. Beginning in FY 2004, the Coaster commuter rail became eligible for these funds, and NCTD began receiving a portion of these funds.

Transportation Development Act (TDA)

The TDA is the major subsidy source that supports the region's public transit operators and non-motorized transportation projects. The TDA comes from 1/4 percent of state sales tax assessed in the region. SANDAG, as the Regional Transportation Planning Agency (RTPA), is responsible for the apportionment of TDA funds each year in conformance with legislative priorities. The transit operators submit their annual TDA claims based on the SANDAG apportionments and in compliance with SANDAG's TDA Administration Policy.

The County Auditor has estimated that \$116 million of TDA funds will be available for FY 2006. This equates to a 7.5 percent increase from FY 2005. This increase is greater than the actual projected growth in sales tax receipts, because it includes higher than expected receipts in FY 2005 in addition to the projected growth rate of 4.5 percent from FY 2005 to FY 2006. The County's projection is consistent with the 4.8 percent growth projected from FY 2004 to FY 2005 based on the first six months. The County has retained the additional funds received in FY 2005 that exceed the original apportionment to rebuild depleted reserves. Since the reserves fell from a high of \$16.3 million in FY 2001 to a low of \$2.5 million in FY 2003, we do not assume any release of TDA reserves in these projections. The apportionments for FY 2006 determine the amount of funds available to each agency to claim. SANDAG is required to notify prospective claimants of the apportionments by March 1, necessitating action by the Board this month.

The legislative priorities established by state law include certain categories for which TDA funds are taken "off the top." For FY 2006, these include the apportionment and allocation to SANDAG for various planning, programming, and administrative related expenses, funding of bicycle and pedestrian facilities, and support of community transit services. In addition, the County Auditor receives an allocation based on estimates of its costs to administer the TDA program. The remaining apportionment, along with prior year carryover funds are available to claim. Prior year carryover funds are those apportionments that have not yet been claimed by the operators.

The remaining TDA apportionments are divided among the two transit service areas, the NCTD area and the MTS area, on the basis of population. SB 1703 transferred certain functions previously performed by NCTD and MTS to SANDAG as the consolidated agency. SB 1703 required that all local, state, federal, and other funding available to carry out the responsibilities of the consolidated agency shall be deemed to be funding of the consolidated agency. Accordingly, TDA apportionments reflect the transfer of local match to the federal formula funds for the capital projects transitioned to SANDAG. An additional apportionment to SANDAG covers those indirect administrative functions that are not directly funded by projects. Table 1 shows the breakdown of revenues available for each agency. As the first full year as the consolidated agency, FY 2005 was

the first year in which the various transfers occurred. For information and comparison purposes, the projection of FY 2005 (approved by the Board of Directors on February 27, 2004) is included in this table along side the apportionment for FY 2006 and projections for FY 2007 to FY 2010.

State Transit Assistance (STA)

The State Transit Assistance program (SB 620, as amended) is derived from the Public Transportation Account (PTA) and provides a second source of operating and capital funding for transit operators. Half of the funds in the PTA support state programs including the State Transportation Improvement Program (STIP). The remaining PTA balance goes to the STA program. Within STA, 25 percent is allocated to regional entities according to a population formula, and 25 percent to regional entities to be allocated in turn to individual operators proportionately based on a revenue formula. The State Controller is required to issue estimates of funds to be allocated to each regional entity by January 10 of each year. The STA also outlines specific requirements and eligibilities that each transit operator must meet in order to receive STA funds. Table 2 shows the apportionment for FY 2006 and the projected revenues from FY 2007 to FY 2010. Historically, trends in STA revenues have proved rather volatile with revenues ranging from a 69 percent increase from FY 2001 to FY 2002 to 33 percent decrease in FY 2003. Fortunately for FY 2006, the State Controller estimates a 33 percent increase (\$8.6 million for the region) from last year.

TransNet

In 1987, the voters of San Diego County approved the *TransNet* program - a half-cent sales tax to finance major transportation projects in the region. The funding is distributed in equal thirds among highway, transit, and local street and road projects. The one-third of *TransNet* sales tax revenues dedicated for transit purposes is allocated by population to MTS and NCTD.

By vote of the SANDAG Board of Directors in June 2003, the maximum available for non-rail capital purposes, such as transit operations or bus rapid transit construction, formerly limited to 20 percent of the total transit share of *TransNet* annual revenues, was increased to 40 percent. Hence, no less than 60 percent of the annual *TransNet* revenues must be used for specific rail-related capital improvements. Using the actual sales receipts to date, the estimated FY 2005 *TransNet* revenues for transit is \$74.3 million, a 6 percent increase from FY 2004. This increase is greater than the projection from last year (4.2 percent) because of the higher than expected receipts this year. The FY 2006 estimate of \$77.7 million is consistent with the DEFM model projection of 4.5 percent growth.

With the current *TransNet* program scheduled to expire in 2008, the voters approved an extension to *TransNet* in November 2004. The distribution of revenues under the extension of *TransNet* differs from the original measure. After deducting costs associated with administration, the Independent Taxpayer Oversight Committee (ITOC), and the bicycle/pedestrian program, beginning in FY 2009, the *TransNet* program is divided into Major Corridor Projects (42.4 percent), New Bus Rapid Transit/Rail Operations (8.1 percent), Local System Improvements (33 percent), and Transit System Improvements (16.5 percent) from which the transit revenues are derived. Within the transit share, services provided pursuant to Americans with Disabilities Act (ADA) and subsidies for seniors have specific earmarks (2.5 percent and 3.25 percent, respectively). The remaining revenues can be used for operating or miscellaneous capital purposes.

Since the division of revenues differs between the original *TransNet* measure and the *TransNet* extension, the allocations of those revenues for transit purposes differ as well. Table 3, showing the distribution of the final years of the original measure (through FY 2008), starts with the entire one-third of the *TransNet* revenues for transit and breaks this amount down by operator and by capital versus operations purposes. Table 3a, dealing with transit's 16.5 percent share of the *TransNet* extension, sets aside funding for ADA and senior service and assumes that the transit agencies' shares for operations and operating capital will remain consistent with the levels funded under the current *TransNet* program. This equates to 13.33 percent of the total *TransNet* revenues. The remaining 3.17 percent of the 16.5 percent total revenues available for transit operating purposes are assumed to be set aside for discretionary use for regional transit priorities as adopted by the SANDAG Board of Directors as part of the Regional Short Range Transit Plan (SRTP).

As previously noted, the SANDAG Board of Directors voted in June 2003 to increase the maximum available to the transit operators for operations and non-rail capital projects from 20 percent to 40 percent for the last five years of the original *TransNet* program. This was in response to the former Metropolitan Transit Development Board's (MTDB's) request to program not only increased revenues for operations, but to provide \$14 million in *TransNet* funding to advance specified Bus Rapid Transit (BRT) Projects to implementation-ready stages, in anticipation of new revenues either through the extension of the *TransNet* measure or from federal or state discretionary funds.

Responsibility to implement those BRT projects now rests with SANDAG, and the extension of *TransNet* through the year 2047 has become a reality. It is now assumed that the BRT projects identified as priorities by the MTD Board of Directors in its action of May 2, 2003, will be implemented as part of the extended *TransNet* program. The expenditures from the original *TransNet* measure for these projects are now estimated to be less than \$4 million. Table 3 shows that the entire 40 percent share available from FY 2006 through FY 2008 may be used for operations, and that an additional \$5.5 million not previously used for either BRT or operations through FY 2005 may be claimed on a one-time basis for either operations or capital purposes. NCTD also has additional operating capacity (\$21.2 million), which NCTD has elected to use for the Sprinter rail service.

Federal Transit Administration Programs (Section 5307 & 5309)

49 USC Section 5307 provides for transit capital and operating assistance in urbanized areas and for transportation-related planning. For areas with populations of 200,000 and more such as San Diego County, the formula is based on a combination of bus/vanpool revenue vehicle miles, bus/vanpool passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles as well as population and population density. Eligible activities under this program include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities; construction of maintenance and passenger facilities; capital investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some ADA complementary paratransit service, while recorded as operating expenditures, are considered capital costs for purposes of eligibility.

Capital projects to modernize or improve fixed guideway systems are eligible for funding under the 49 USC Section 5309 Fixed Guideway Modernization program. Projects include, but are not limited

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to, the purchase and rehabilitation of rolling stock, track, line equipment, and structures, signals and communications, power equipment and substations, passenger stations and terminals, security equipment and systems, maintenance facilities and equipment, operational support equipment (including computer hardware and software), and system extensions. Preventive maintenance also is an eligible cost.

After deducting funds for SANDAG regional planning and the vanpool program, Section 5307 funds have historically been allocated 70 percent for MTS and 30 percent for NCTD. Based on discussion with both MTS and NCTD, the same formula was used to allocate the 5309 Rail Mod funds. (SANDAG does not receive funds from the Rail Mod program.) These revenues were used to develop the FY 2006 Capital Improvement Program ([CIP], Agenda Item No. 7). Under SB 1703, SANDAG is responsible for reviewing the current allocation methodology for formula-based funds to maximize the efficient use of these funds on a regional basis while maintaining equitable distribution for the transit operators. SANDAG continues to pursue an equitable methodology for allocating future growth in these funds based on regional priorities, keeping in mind the need for both MTS and NCTD to maintain a continued, predictable revenue source.

Table 4 shows the federal formula program appropriations for FY 2006 and projections for FY 2007 to FY 2010. The current process provides that SANDAG serve as the only grantee for the MTS area. SANDAG will transfer federal formula funds to MTS for preventive maintenance and planning with the remaining funding to be retained by SANDAG for completion of MTS capital projects (the capital projects are those already approved by the MTS Board). NCTD identified one capital project to be transferred to SANDAG. However, the transfer of future capital projects (FY 2007 to FY 2010) remains to be decided.

RENEE WASMUND
Director of Finance

Attachments

Key Staff Contract: Sookyoung Kim, (619) 699-6909; ski@sandag.org

COMMENTS

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Attachment

Table 1
Transportation Development Act Apportionments
(in \$000s)

	FY 2005 Projected ¹	FY 2006	FY 2007		FY 2008		FY 2009		FY 2010		Total (2006 to 2010)	
			High	Low	High	Low	High	Low	High	Low	High	Low
Total Apportionment ²	\$108,000	\$116,160	\$121,301	\$119,645	\$127,073	\$123,234	\$133,340	\$126,931	\$139,988	\$130,739	\$637,862	\$616,709
Less County Auditor Expenses (PUC 99233.1)	(\$39)	(\$40)	(\$41)	(\$41)	(\$42)	(\$42)	(\$43)	(\$43)	(\$44)	(\$44)	(\$210)	(\$210)
Less SANDAG Expenses (PUC 99233.1)	(\$400)	(\$430)	(\$569)	(\$569)	(\$474)	(\$474)	(\$497)	(\$497)	(\$654)	(\$654)	(\$2,625)	(\$2,625)
Less 3% Planning Funds (PUC 99233.2)	(\$3,227)	(\$3,471)	(\$3,621)	(\$3,571)	(\$3,797)	(\$3,682)	(\$3,984)	(\$3,792)	(\$4,179)	(\$3,901)	(\$19,051)	(\$18,416)
Less 2% Bicycle/Pedestrian Funds (PUC 99233.3)	(\$2,087)	(\$2,244)	(\$2,341)	(\$2,309)	(\$2,455)	(\$2,381)	(\$2,576)	(\$2,452)	(\$2,702)	(\$2,523)	(\$12,320)	(\$11,909)
Less MTS 10% Fund (MTS Share [PUC 99233.5])	(\$4,780)	(\$5,118)	(\$5,336)	(\$5,263)	(\$5,599)	(\$5,429)	(\$5,875)	(\$5,591)	(\$6,159)	(\$5,749)	(\$28,087)	(\$27,149)
Less MTS 10% Fund (SANDAG Share [PUC 99233.5]) ³	(\$2,560)	(\$2,753)	(\$2,875)	(\$2,836)	(\$3,012)	(\$2,921)	(\$3,161)	(\$3,009)	(\$3,318)	(\$3,099)	(\$15,120)	(\$14,618)
Less 5% Community Transit Service (PUC 99233.7)	(\$4,745)	(\$5,105)	(\$5,326)	(\$5,253)	(\$5,585)	(\$5,415)	(\$5,860)	(\$5,577)	(\$6,147)	(\$5,738)	(\$28,022)	(\$27,080)
Subtotal	\$90,162	\$96,998	\$101,191	\$99,802	\$106,109	\$102,891	\$111,343	\$105,920	\$116,785	\$109,030	\$532,427	\$514,692
Total Available for MTS ⁴ :	\$62,755	\$67,301	\$70,211	\$69,247	\$73,623	\$71,390	\$77,254	\$73,526	\$81,030	\$75,650	\$369,419	\$357,113
Less Regional Planning/Capital Projects ⁵	(\$4,849)	(\$4,752)	(\$4,961)	(\$4,894)	(\$5,199)	(\$5,041)	(\$5,454)	(\$5,192)	(\$5,726)	(\$5,348)	(\$26,091)	(\$25,227)
Total MTS 10% Fund	\$7,340	\$7,871	\$8,212	\$8,099	\$8,611	\$8,350	\$9,036	\$8,600	\$9,477	\$8,848	\$43,207	\$41,768
Less Transferred Functions ⁶	(\$2,560)	(\$2,753)	(\$2,875)	(\$2,836)	(\$3,012)	(\$2,921)	(\$3,161)	(\$3,009)	(\$3,318)	(\$3,099)	(\$15,120)	(\$14,618)
Total Community Transit Service ⁷	\$3,212	\$3,581	\$3,736	\$3,684	\$3,917	\$3,798	\$4,111	\$3,912	\$4,311	\$4,025	\$19,656	\$19,001
Subtotal	\$65,998	\$71,248	\$74,322	\$73,300	\$77,940	\$75,576	\$81,786	\$77,837	\$85,774	\$80,076	\$391,071	\$378,037
Prior Year Carryover	\$1,111	\$280	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$280	\$280
Total Available to Claim	\$67,109	\$71,528	\$74,322	\$73,300	\$77,940	\$75,576	\$81,786	\$77,837	\$85,774	\$80,076	\$391,351	\$378,317
Total Available for NCTD ⁴ :	\$27,407	\$29,697	\$30,981	\$30,556	\$32,487	\$31,501	\$34,089	\$32,444	\$35,755	\$33,981	\$163,009	\$157,579
Less Regional Planning/Capital Projects ⁸	(\$651)	(\$278)	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	(\$278)	(\$278)
Less Transferred Functions ⁹	(\$405)	(\$523)	(\$546)	(\$539)	(\$572)	(\$555)	(\$600)	(\$572)	(\$630)	(\$589)	(\$2,872)	(\$2,777)
Total Community Transit Service ⁷	\$1,339	\$1,422	\$1,484	\$1,463	\$1,556	\$1,509	\$1,632	\$1,554	\$1,712	\$1,598	\$7,806	\$7,546
Subtotal	\$27,690	\$30,318	\$31,918	\$31,480	\$33,470	\$32,455	\$35,121	\$33,426	\$36,837	\$34,391	\$167,664	\$162,070
Prior Year Carryover	\$12,456	\$12,861	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$12,861	\$12,861
Total Available to Claim	\$40,146	\$43,179	\$31,918	\$31,480	\$33,470	\$32,455	\$35,121	\$33,426	\$36,837	\$34,391	\$167,664	\$162,070
Total Available for SANDAG:												
Regional Planning/Capital Projects ⁵	\$5,500	\$5,030	\$4,961	\$4,894	\$5,199	\$5,041	\$5,454	\$5,192	\$5,726	\$5,348	\$26,369	\$25,505
Transferred Functions ¹	\$2,965	\$3,277	\$3,421	\$3,375	\$3,584	\$3,476	\$3,761	\$3,580	\$3,949	\$3,688	\$17,992	\$17,395
Total Community Transit Service ²	\$95	\$102	\$107	\$105	\$112	\$108	\$117	\$112	\$123	\$115	\$560	\$542
SANDAG Expenses	\$400	\$430	\$569	\$569	\$474	\$474	\$497	\$497	\$654	\$654	\$2,625	\$2,625
3% Planning Funds	\$3,227	\$3,471	\$3,621	\$3,571	\$3,797	\$3,682	\$3,984	\$3,792	\$4,179	\$3,901	\$19,051	\$18,416
Total Available to Claim	\$12,187	\$12,309	\$12,679	\$12,514	\$13,166	\$12,781	\$13,813	\$13,173	\$14,631	\$13,706	\$66,598	\$64,484

¹Apportionment approved by the Board 2/27/04, shown here for comparison purposes only.

²FY 2006 Apportionments are based on the County Auditor. The estimates for the outyears (FY 2007 to FY 2010) are based on growth rate in retail sales as forecasted by the SANDAG Demographic and Economic Forecasting Model (DEEM) and excludes interest and prior year excess funds. DEEM serves as the 'high' revenue scenario (between 4.4% to 5.0% growth) while the 'low' revenue scenario is fixed.

³Based on FY 2005 increased by TDA apportionment growth of 7.5%. These costs are subject to change as the agencies continue to negotiate.

⁴Apportionment distribution is based on the population estimates published by the California Department of Finance (DOF) estimates as of January 2004.

⁵Local match for regional planning and capital projects

Note: The increase in SANDAG Administration cost in FY 2007 and FY 2010 is due to costs associated with the triennial performance audit.

COMMENTS

RESPONSES

Table 2
State Transit Assistance (STA) Fund Estimates
(in \$000s)

	FY 2006	FY 2007		FY 2008		FY 2009		FY 2010		TOTAL	
		High	Low	High	Low	High	Low	High	Low	High	Low
Regional Discretionary Funds											
North County Transit District	1,423	1,486	1,466	1,557	1,510	1,634	1,555	1,715	1,602	7,815	7,556
Metropolitan Transit System	4,301	4,492	4,431	4,706	4,563	4,938	4,700	5,184	4,841	23,621	22,837
Subtotal Discretionary	5,725	5,978	5,896	6,262	6,073	6,571	6,255	6,899	6,443	31,435	30,393
Operator Formula Funds											
North County Transit District	612	639	631	670	649	703	669	738	689	3,361	3,250
Chula Vista Transit	68	71	70	75	72	78	75	82	77	375	362
City of La Mesa	1	1	1	1	1	1	1	1	1	5	5
MTS Contract Services	467	487	481	510	495	536	510	562	525	2,562	2,477
City of National City	33	34	34	36	35	38	36	40	37	180	174
San Diego Transit Corp.	880	919	906	962	933	1,010	961	1,060	990	4,830	4,670
San Diego Trolley Inc.	823	860	848	900	873	945	899	992	926	4,520	4,370
Subtotal Formula	2,884	3,011	2,970	3,155	3,059	3,310	3,151	3,475	3,246	15,835	15,310
Regional Total	8,608	8,989	8,867	9,417	9,133	9,881	9,406	10,374	9,689	47,270	45,703
Statewide Total	137,155	143,225	141,269	150,040	145,507	157,439	149,872	165,289	154,369	753,148	728,172

Notes:

(1) FY 2006 estimate provided by the State Controller (1/14/05)

(2) FY 2006 Apportionments are based on the County Auditor. The estimates for the outyears (FY 2007 to FY 2010) are based on growth rate in retail sales as forecasted by the SANDAG Demographic and Economic Forecasting Model (DEFM) and excludes interest and prior year excess funds. DEFM serves as the 'high' revenue scenario (between 4.4% to 5.0% growth) while the 'low' revenue scenario is fixed at 3.0% growth. However, it should be noted that actual allocations for the past five years have fluctuated dramatically.

(3) Overall STA growth rate is based on forecasts of sales tax revenues generated from gasoline and diesel fuel sales.

COMMENTS

RESPONSES

Table 3
TransNet Revenue Forecasts - Transit Program FY 2006 to 2008
(in \$000s)

	FY 2006	FY 2007		FY 2008		TOTAL	
		High	Low	High	Low	High	Low
1/3 TransNet Available For Transit Purposes:	\$77,704	\$81,158	\$78,880	\$85,035	\$81,256	\$243,896	\$237,8
Less 1% for Senior and Disabled Services	(\$777)	(\$812)	(\$789)	(\$850)	(\$813)	(\$2,439)	(\$2,3
Less Independent Transit Planning Review	(\$300)	N/A	N/A	N/A	N/A	(\$300)	(\$3
Subtotal	\$76,626	\$80,346	\$78,091	\$84,185	\$80,443	\$241,157	\$235,11
Total Available for MTS Projects and Services ¹ :	\$54,846	\$57,508	\$55,894	\$60,255	\$57,578	\$172,609	\$168,3
Minimum 60% for Rail Capital Projects	\$32,907	\$34,505	\$33,536	\$36,153	\$34,547	\$103,565	\$100,9
Estimated Debt Service	(\$22,385)	(\$22,125)	(\$22,125)	(\$18,439)	(\$18,439)	(\$62,949)	(\$62,9
<i>Net Minimum Available for Capital Projects</i>	<i>\$10,522</i>	<i>\$12,380</i>	<i>\$11,411</i>	<i>\$17,714</i>	<i>\$16,108</i>	<i>\$40,616</i>	<i>\$38,04</i>
Maximum 40% Available for Non-Rail Capital and Service Improvements	\$21,938	\$23,003	\$22,357	\$24,102	\$23,031	\$69,043	\$67,3
Less BRT Transfer to SANDAG ²	(\$126)	(\$89)	(\$89)	(\$628)	(\$628)	(\$843)	(\$8
<i>Net Available for Non-Rail Capital and Service Improvements</i>	<i>\$21,812</i>	<i>\$22,914</i>	<i>\$22,268</i>	<i>\$23,474</i>	<i>\$22,403</i>	<i>\$68,200</i>	<i>\$66,41</i>
Additional Available for Operations ³	\$5,536	N/A	N/A	N/A	N/A	\$5,536	\$5,5
Maximum Available for ADA Services ¹	\$556	\$581	\$565	\$609	\$582	\$1,746	\$1,7
Total Available for NCTD Projects and Services ¹ :	\$21,781	\$22,838	\$22,197	\$23,929	\$22,866	\$68,548	\$66,8
Minimum 60% for Rail Capital Projects	\$13,069	\$13,703	\$13,318	\$14,358	\$13,720	\$41,129	\$40,1
Estimated Debt Service	(\$9,903)	(\$9,170)	(\$9,170)	(\$7,636)	(\$7,636)	(\$26,709)	(\$26,7
<i>Net Minimum Available for Capital Projects</i>	<i>\$3,166</i>	<i>\$4,533</i>	<i>\$4,148</i>	<i>\$6,722</i>	<i>\$6,084</i>	<i>\$14,420</i>	<i>\$13,31</i>
<i>Maximum 40% Available for Non-Rail Capital and Service Improvements</i>	<i>\$8,712</i>	<i>\$9,135</i>	<i>\$8,879</i>	<i>\$9,572</i>	<i>\$9,146</i>	<i>\$27,419</i>	<i>\$26,71</i>
Additional Available for Operations/Sprinter ³	\$21,190	N/A	N/A	N/A	N/A	\$21,190	\$21,1
Maximum Available for ADA Services ¹	\$221	\$231	\$224	\$242	\$231	\$694	\$69
BRT Transfer ²	\$126	\$89	\$89	\$628	\$628	\$843	\$8

¹Distribution based on the Department of Finance (DOF) population estimates for January 2004

²The implementation of Bus Rapid Transit (BRT) is part of the transfer from MTS to SANDAG. These projects are eligible under the operating portion of the TransNet program consistent with MTS Board action of May 2003 to fund BRT projects.

COMMENTS

RESPONSES

Table 3a
TransNet Revenue Forecasts - Transit Program FY 2009 to 2010
 (in \$000s)

	FY 2009		FY 2010		TOTAL	
	High	Low	High	Low	High	Low
Total Available For Transit Purposes ¹ :	\$43,399	\$40,712	\$45,564	\$41,933	\$88,963	\$82,645
Less 2.5% for ADA-related Services	(\$1,085)	(\$1,018)	(\$1,139)	(\$1,048)	(\$2,224)	(\$2,066)
Less 3.25% for Senior Services ³	(\$1,410)	(\$1,323)	(\$1,481)	(\$1,363)	(\$2,891)	(\$2,686)
Subtotal	\$40,904	\$38,371	\$42,944	\$39,522	\$83,848	\$77,893
MTS Projects And Services ² :						
Maximum Available for Pass Programs/Transit Operations/Miscellaneous Capital Projects	\$25,095	\$23,488	\$26,288	\$24,193	\$51,383	\$47,681
Maximum Available for ADA Services	\$777	\$728	\$815	\$750	\$1,592	\$1,479
NCTD Projects And Services ² :						
Maximum Available for Pass Programs/Transit Operations/Miscellaneous Capital Projects	\$9,966	\$9,328	\$10,440	\$9,608	\$20,406	\$18,936
Maximum Available for ADA Services	\$308	\$289	\$324	\$298	\$632	\$587
Regional Discretionary ³	\$5,842	\$5,555	\$6,217	\$5,721	\$12,059	\$11,276

¹After deducting off-the-top for administration, Independent Taxpayer Oversight Committee (ITOC), and bicycle/pedestrian program, the Transit System Improvements share is 16.5% of net available. These funds are available for operations and miscellaneous capital projects. All major regional capital projects are funded from a separate share of the program.

²After providing for the consistent revenue stream, the remaining excess revenues are set aside for regional priorities as determined through the Regional SRTP adopted by the SANDAG Board.

³Although not specified in the *TransNet* Extension Ordinance, distribution is based on population (same as original *TransNet*) in order to provide consistent level of revenues to MTS and NCTD so that at minimum, the current level of transit service can continue.

Notes:

(1) Estimates for FY 2009 and FY 2010 are based on growth rate in taxable retail sales as forecasted by DEFM and excludes interest and prior year excess funds. DEFM serves as the 'high' revenue scenario (4.9% and 5.0% growth respectively) while the 'low revenue scenario is fixed 3.0% growth.

(2) This table is based on the 2004 Proposition A Extension: San Diego Transportation Improvement Program and Expenditure Plan.

COMMENTS

RESPONSES

Table 4
Federal Transit Administration (FTA) Fund Estimates
(in \$000s)

	FY 2006			FY 2007			FY 2008			FY 2009			FY 2010			TOTAL		
	Apportion- ment	Capital Projects	Transferred Planning	Apportion- ment	Capital Projects	Transferred Planning	Apportion- ment	Capital Projects	Transferred Planning	Apportion- ment	Capital Projects	Transferred Planning	Apportion- ment	Capital Projects	Transferred Planning	Apportion- ment	Capital Projects	Transferred Planning
Section 5307 Formula Funds																		
MTS	\$32,977	(\$13,046)	(\$560)	\$33,744	(\$13,359)	(\$578)	\$34,554	(\$13,680)	(\$587)	\$35,384	(\$14,008)	(\$601)	\$36,233	(\$14,344)	(\$616)	\$172,891	(\$68,437)	(\$2,938)
NCID ¹	\$14,061	(\$1,072)		\$14,462	TBD		\$14,809	TBD		\$15,164	TBD		\$15,528	TBD		\$74,025	TBD	
SANDAG (Planning/Vanpool Program)	\$2,000			\$2,009			\$2,057			\$2,106			\$2,157			\$10,328		
SANDAG (Capital Projects)	\$14,118		\$560	\$13,359		\$578	\$13,680		\$587	\$14,008		\$601	\$14,344		\$616	\$68,437		\$2,938
Total	\$49,038	\$0	\$0	\$50,215	\$0	\$0	\$51,420	\$0	\$0	\$52,654	\$0	\$0	\$53,918	\$0	\$0	\$257,244	\$0	\$0
Section 5309 Rail Mod Funds																		
MTS ²	\$7,750	(\$4,037)	N/A	\$8,960	(\$4,133)	N/A	\$9,175	(\$4,233)	N/A	\$9,396	(\$4,334)	N/A	\$9,621	(\$4,438)	N/A	\$44,903	(\$21,175)	N/A
NCID ^{1,3}	\$4,750	\$0	N/A	\$3,840	TBD	N/A	\$2,932	TBD	N/A	\$4,027	TBD	N/A	\$4,123	TBD	N/A	\$20,673	TBD	N/A
SANDAG (Capital Projects)	\$4,037	N/A		\$4,133	N/A		\$4,233	N/A		\$4,334	N/A		\$4,438	N/A		\$21,175		N/A
Total	\$12,507	\$0	N/A	\$12,801	\$0	N/A	\$13,108	\$0	N/A	\$13,422	\$0	N/A	\$13,744	\$0	N/A	\$65,576	\$0	N/A

¹Future transfer of capital projects and associated costs have not yet been determined for FY 2007 to FY 2010. These figures will be updated once an agreement is reached.
²FY 2006 Rail Mod funds includes the transfer of \$1M from MTS to NCID which was deferred from FY 2005 per agreement.
Notes:
(1) FY 2006 funds are based on actual apportionments.
(2) Without a new transportation bill, the estimates for the outyears (FY 2007 to FY 2010) are based on 2.4% increase from FY 2005 to FY 2006. A "low" scenario was not done as the proposed amount is assumed to be fixed at the FY 2006 level.
(3) Formula funds are allocated between MTS and NCID based on a historical formula (MTS - 70%, NCID - 30%) after deducting 4% off the top (from 5307) for regional planning and the vanpool program.

San Diego Association of Governments

TRANSPORTATION COMMITTEE

February 18, 2005

AGENDA ITEM NO.: **7****Action Requested: APPROVE**

CAPITAL IMPROVEMENT PROGRAM

Introduction

The Metropolitan Transit System (MTS) and the North San Diego County Transit Development Board (NCTD) have developed their Capital Improvement Programs (CIPs) for FY 2006. The CIPs will form the basis for updating the Regional Transportation Improvement Program (RTIP), and based on the CIPs, SANDAG will apply for the Federal Transit Administration's (FTA's) Section 5307 Urbanized Area formula funds and the Section 5309 Rail Modernization funds for all MTS projects and for those NCTD major capital projects for which SANDAG is the implementing agency. NCTD will continue as grantee for its baseline capital projects and those major projects being retained by NCTD as well as preventive maintenance and other operating assistance.

The MTS Board of Directors approved its CIP on January 27, 2005, and the proposed SANDAG Board action reflects the MTS Board action with one exception--the CIP under consideration by SANDAG reflects the proposed transfer of \$700,000 from MTS FY 2006 Regional Miscellaneous Operating Capital to SANDAG for planning studies in accordance with SB 1703. The Transportation Committee recommendation for approval of the CIP, including this transferred amount, would be subject to final approval by the MTS Board of Directors on February 24, 2004. The NCTD CIP is scheduled to be presented to the NCTD Board for approval on February 17, 2005, with final NCTD Board approval in June 2005 in conjunction with the annual Operating Budget.

MTS and NCTD undertook very similar project selection processes based on established criteria and involving the active participation of sponsoring agencies and/or departments. The draft CIP project listings are attached (Attachments 1 and 2) for the Transportation Committee's approval in anticipation of final approval by the SANDAG Board on February 25, 2005.

Recommendation

The Transportation Committee is asked to forward a recommendation to the SANDAG Board of Directors to approve:

1. the FY 2006 Capital Improvement Program (CIP) for the San Diego region (MTS and NCTD) including, subject to MTS Board approval on February 24, 2004, the transfer of funds from MTS to SANDAG for planning studies;
2. the submittal of federal Sections 5307 and 5309 applications for the San Diego Region (MTS and NCTD) (shown in Attachments 1 and 2 respectively);
3. the transfer of \$11,483,000 from the indicated MTS projects to the MTS FY 2006 CIP; and

4. the amendment of the Regional Transportation Improvement Program (RTIP) in accordance with the FY 2006 CIP recommendation.

Discussion***FTA Section 5307 and Section 5309 Funds***

These FTA formula programs are the primary sources of funding for transit operational and replacement capital projects in the region. The funds can be used generally to provide 80 percent of the cost of capital projects and the cost of preventive maintenance activities (considered to be operating costs). The ratio increases to 83 percent for the "clean-fuel" buses and vehicles meeting the Americans with Disabilities Act (ADA) requirements.

The Section 5307 Urbanized Area formula program is a block grant program in which each urbanized area over 50,000 in population receives financial assistance to provide public transit. The formula for determining each metropolitan area's share of funds is based on an urbanized area's population, population density, levels of existing fixed guideway service, and levels of existing bus service and ridership. The Section 5307 program is designed to meet routine capital needs for urbanized areas such as San Diego County. Section 5307 formula funds may not be used for operating assistance. However, the Transportation Equity Act for the 21st Century (TEA 21) expanded the definition of capital to include preventive maintenance thereby, in effect, mitigating the lack of operating assistance.

The Fixed Guideway Modernization program (also known as Rail Mod) is one of three categories of funding under the Section 5309 Capital Investment Program, which also includes the Bus Capital and Fixed Guideway New Starts programs. Unlike the Section 5309 Bus Capital and Fixed Guideway New Starts programs, the Rail Mod program is apportioned by formula. The Bus Capital and Fixed Guideway New Starts programs are designed to assist in meeting extraordinary capital needs and are awarded generally at the discretion of the U.S. Congress. Section 5309 Rail Mod funds are allocated to rail systems that have been in operation for at least seven years. Eligible projects include the modernization of existing fixed guideway systems, including rolling stock. Through FY 2003, MTDB was the sole recipient of Rail Mod funds for San Diego County. Beginning in FY 2004, NCTD's Coaster service completed its seventh year of operations making NCTD an eligible recipient for these funds. Like the Section 5307 funds, the Rail Mod funds may be used for preventive maintenance costs as well as for rail capital.

Traditionally, SANDAG has apportioned the formula funds between MTDB and NCTD based on agreed to distribution with MTDB receiving approximately 70 percent, and NCTD receiving approximately 30 percent of the Section 5307 funds after the off-the-top funds are programmed for SANDAG planning and the regional vanpool program. While this is the approach that has been agreed to by the transit agencies and applied in recent years, SANDAG has not adopted a formal policy for dividing the federal capital funds for the region.

MTS FY 2006 CIP

The allocation for the MTS Section 5307 program is \$32,976,000. This would be matched with local funds of \$8,244,000, which means that this program would provide an estimated \$41,221,000 to fund FY 2006 capital projects.

For FY 2006, the Section 5309 Rail Mod funds allocated to MTS are \$8,750,000. A total of \$1 million of this allocation will be transferred to NCTD in accordance with the agreement made by the two agencies. The remaining Section 5309 program funds of \$7,750,000 would be matched with local funds of \$1,938,000, which means that this program would provide an estimated \$9,688,000 to fund FY 2006 capital projects.

The total of these two revenue sources is \$50.9 million. In addition, \$11.5 million would be transferred from current projects to the MTS FY 2006 CIP, bringing the total recommendation to \$62.4 million. This would result in the receipt of \$29.5 million in preventive maintenance (FY 2005 operating) and planning funds for MTS operations, and \$32.9 million in capital funds.

Development of the MTS FY 2006 CIP

The CIP process began in July 2004 with the call for projects. Five meetings of the Capital Projects Review Committee (CPRC) were held to review the project list and to develop a CIP recommendation for FY 2006. In accordance with the Capital Projects Selection Process, the CPRC is comprised of staff members representing each of the MTS operators: Chula Vista Transit (CVT), MTS, National City Transit (NCT), San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). Each CPRC member was responsible for submitting the capital requests for their agency and the cities it serves. The CPRC reviewed and approved, by consensus, the prioritization of those capital requests. Attachment 1 shows the recommended FY 2006 CIP, and Attachment 3 provides descriptions of the recommended projects for the MTS area.

The recommended CIP assumes \$29 million for preventive maintenance, \$3.9 million for debt service related to the Regional Transit Management System (1094000), and \$4.5 million for the debt service related to Automated Fare Technology (1145700). In addition, \$500,000 is set aside for MTS planning studies: these projects fund the day-to-day activities of the MTS planning staff, such as service planning/monitoring and short-range transit planning, and have customarily been funded by Federal Section 5307 funds. The remaining projects all compete for the balance of available funding after the preventive maintenance, debt service, and planning studies have been taken into consideration.

The capital project list in Attachment 1 represents the five-year, unconstrained need for the MTS operators. Each MTS agency submitted its capital project requests in priority order. The lists were consolidated for review by the CPRC to ensure that operationally critical projects were funded. The CPRC reviewed the projects in the context of their impact on operations and determined the most critical projects to fund this year. The remaining projects were deferred; however, it is recognized that the continued deferral of some projects could have negative impacts on system infrastructure in future years.

Transfer of Existing Project Funding

The FY 2006 capital project needs were more than three times the available funding remaining for those projects after funding preventive maintenance and debt service. Prior to finalizing the recommendation, all previously budgeted capital projects were reviewed to identify certain projects that may have been delayed or completed under budget to be sure that deserving new projects do not go unfunded while prior year capital programming remain tied up and unused. As a result of

For FY 2006, the Section 5309 Rail Mod funds allocated to MTS are \$8,750,000. A total of \$1 million of this allocation will be transferred to NCTD in accordance with the agreement made by the two agencies. The remaining Section 5309 program funds of \$7,750,000 would be matched with local funds of \$1,938,000, which means that this program would provide an estimated \$9,688,000 to fund FY 2006 capital projects.

The total of these two revenue sources is \$50.9 million. In addition, \$11.5 million would be transferred from current projects to the MTS FY 2006 CIP, bringing the total recommendation to \$62.4 million. This would result in the receipt of \$29.5 million in preventive maintenance (FY 2005 operating) and planning funds for MTS operations, and \$32.9 million in capital funds.

Development of the MTS FY 2006 CIP

The CIP process began in July 2004 with the call for projects. Five meetings of the Capital Projects Review Committee (CPRC) were held to review the project list and to develop a CIP recommendation for FY 2006. In accordance with the Capital Projects Selection Process, the CPRC is comprised of staff members representing each of the MTS operators: Chula Vista Transit (CVT), MTS, National City Transit (NCT), San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). Each CPRC member was responsible for submitting the capital requests for their agency and the cities it serves. The CPRC reviewed and approved, by consensus, the prioritization of those capital requests. Attachment 1 shows the recommended FY 2006 CIP, and Attachment 3 provides descriptions of the recommended projects for the MTS area.

The recommended CIP assumes \$29 million for preventive maintenance, \$3.9 million for debt service related to the Regional Transit Management System (1094000), and \$4.5 million for the debt service related to Automated Fare Technology (1145700). In addition, \$500,000 is set aside for MTS planning studies: these projects fund the day-to-day activities of the MTS planning staff, such as service planning/monitoring and short-range transit planning, and have customarily been funded by Federal Section 5307 funds. The remaining projects all compete for the balance of available funding after the preventive maintenance, debt service, and planning studies have been taken into consideration.

The capital project list in Attachment 1 represents the five-year, unconstrained need for the MTS operators. Each MTS agency submitted its capital project requests in priority order. The lists were consolidated for review by the CPRC to ensure that operationally critical projects were funded. The CPRC reviewed the projects in the context of their impact on operations and determined the most critical projects to fund this year. The remaining projects were deferred; however, it is recognized that the continued deferral of some projects could have negative impacts on system infrastructure in future years.

Transfer of Existing Project Funding

The FY 2006 capital project needs were more than three times the available funding remaining for those projects after funding preventive maintenance and debt service. Prior to finalizing the recommendation, all previously budgeted capital projects were reviewed to identify certain projects that may have been delayed or completed under budget to be sure that deserving new projects do not go unfunded while prior year capital programming remain tied up and unused. As a result of

COMMENTS

RESPONSES

develop new funding sources for this purpose. Continuing to rely on formula funds for these large capital projects at the expenses of operational-type capital replacements is not an option.

Local Match

The local match for these projects will come from the pooled transit finances for the MTS region. While it is likely that the actual funds used would be Transportation Development Act (TDA) funds, final decisions on the matching source would be made during the FY 2006 budget development process.

NCTD FY 2006 CIP

After deducting NCTD's required contribution for the regional fare technology project off the top, the allocation for NCTD's Section 5307 program is \$14,061,000. This would be matched with local funds of \$3,515,000, which means that this program would provide an estimated \$17,577,000 to fund FY 2006 capital projects.

For FY 2006, the Section 5309 funds allocated to NCTD are \$3,750,000. As stated above, an additional \$1 million will be transferred from MTS to NCTD in accordance with a funds transfer agreement made previously by the two agencies. The total Section 5309 program funds of \$4,750,000 would be matched with local funds of \$1,188,000, which means that this program would provide an estimated \$5,938,000 to fund FY 2006 capital projects.

The total of these two revenue sources and the related local match is \$23.5 million. In addition, \$1.4 million in federal earmarks and other miscellaneous capital funding sources will be used for NCTD's FY 2006 CIP, bringing the total recommendation to \$24.9 million. This would result in the receipt of \$11 million in preventive maintenance and other operating assistance (FY 2005 operating) funds for NCTD operations, and \$13.9 million in capital funds.

Development of the NCTD FY 2006 CIP

Each year NCTD prepares a five-year CIP, which is a multiyear plan of capital projects for facility construction, capital improvements, and capital acquisitions, along with estimated costs and proposed funding. The proposed CIP, covering the five-year period from FY 2006 to FY 2010, which has been prepared and reviewed by NCTD staff, is summarized in Attachment 2. This summary is a constrained plan and does not include the multitude of capital projects for which funding was not available.

The proposed CIP FY 2006 to FY 2010 is based on staff preliminary estimates of funding levels for fiscal years 2007 - 2010. Staff may recommend minor modifications to the proposed CIP based on the final revenue estimates. As part of the annual CIP development process, NCTD completed a rating and ranking process for all of its capital projects. If funding for the CIP is not sufficient to fully fund the proposed program, projects would be funded on a priority basis, based upon their final ranking. If funding exceeds the estimated levels, priority projects that did not receive all funding requested could receive additional funding. As noted previously, NCTD had numerous other capital projects needs which have not been included in the proposed CIP because of funding constraints. The projects which are shown in Attachment 2 are those that ranked highest and were deemed most critical to NCTD's operations based on the established evaluation criteria.

COMMENTS

RESPONSES

NCTD's proposed CIP is scheduled for formal NCTD Board approval in June 2005 in conjunction with the annual Operating Budget, following a 30-day public comment period and public hearing.

NCTD's CIP assumes \$56.4 million for preventive maintenance and other operating assistance for the next five years. Capital projects related to the SPRINTER were treated as a priority in FY 2007 and FY 2008 to support the opening of the SPRINTER Rail Project.

NCTD's unfunded capital program also includes several major capital projects on the horizon over the next five years, including bus replacements, rail bridge and infrastructure replacements, and station/transit center projects. As is true of its baseline capital program, NCTD's major project capital needs for the future also far exceed the projected availability of federal formula funds.

Long-Term Capital Needs

As presented to the Transportation Committee on January 21, 2005, both MTS and NCTD have significant capital maintenance needs for the infrastructure of their transit systems. The projected funding necessary to adequately maintain these systems far exceeds any amount that could be received from the federal formula program. It is imperative that we aggressively seek other sources of funding for these purposes. Long-term effects of how aging infrastructure may impact a transit service agency include:

- Impacts on safety and service reliability
- Reduced operating speeds
- Increases in maintenance intervals and level of effort
- Increased staffing and equipment
- Regulatory compliance impacts: Federal Railroad Administration (FRA), California Public Utilities Commission (CPUC), Federal Transit Administration, and California Highway Patrol (CHP)
- Loss of ridership

Regional Transportation Improvement Program (RTIP)

Every two years, SANDAG must develop and adopt an RTIP, as required by state and federal laws. The RTIP is a multi-year funding program of proposed major highway, arterial, transit, and bikeway projects, including the *TransNet* Program of Projects. In order to apply for federal grants, all projects funded with federal funds, including the projects identified in the CIP, must be included in an approved RTIP. With the Transportation Committee recommendation and the subsequent Board approval of the CIP, the Board concurrently approves to amend these projects into the next amendment to the 2004 RTIP.

RENEE WASMUND
Director of Finance

Key Staff Contact: Kimberly York, (619) 699.6902; kyo@sandag.org

Attachments

Projects recommended for federal formula funds in FY 06
Safety/Security projects that may be eligible for special funding
Other projects recommended for funding but not on a priority list

MITS CONSTRAINED C/P

PROJECT										Grant	FY 06	FY 07	FY 08	FY 09	FY 10	NOTES						
Federal Formula Program Funding Estimate																						
Preventive Maintenance																						
A	(29,000.0)																(29,000.0)	(29,000.0)	(29,000.0)	(29,000.0)	(29,000.0)	
B	(3,843.0)																(3,843.0)	(3,803.0)	(3,100.0)	0.0	0.0	
C	(4,413.0)																(4,413.0)	(3,304.0)	0.0	0.0	0.0	
Transfer																						
Funding can only be used for MILE Transfer to \$300 Shop Mods and \$119 to CTC (preferential to keep it all in Shop Mods)																						
Various																						
Transfer to T1421																						
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COMMENTS

RESPONSES

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Ref #	Agency	Priority	Project Number	PROJECT	TOTAL BUDGET	FY 05	FY 06	FY 07	FY 08	FY 09	FY10	NOTES
1	OTHER			Planning Studies	300.0	0.0	300.0	0.0	0.0	0.0	0.0	0.0 This item is a placeholder based on the funding for planning studies for MTB and AC in FY 05.
2	CVT	1		Planning Studies - SANJAG	0.0	0.0	300.0	0.0	0.0	0.0	0.0	
3	CVT	1		CVT Major Bus Stop Parkways	0.0	0.0	4.0	0.0	0.0	0.0	0.0	
4	Bayview	1		Bayview Bus Stop Parkways	81.0	0.0	75.0	0.0	30.0	30.0	30.0	
5	CVT	1	111100	San Jose Mission Station (San Jose)	200.0	190.0	50.0	0.0	0.0	0.0	0.0	
6	MTS	1	109400	High-Speed Rail Station (San Jose)	753.5	195.0	195.0	0.0	75.0	195.0	78.5	Transfer \$24.6 from 10955
7	Aggravia	1		MTS STC Capital Costs of Conducing	1,300.0	0.0	260.0	0.0	260.0	260.0	260.0	Transfer \$24.6 from 10955
8	STC	1	104900	MTS STC Capital Costs of Conducing	2,200.0	2,200.0	400.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
9	STC	1	114100	Caltrans Improvement - Phase II	2,370.0	1,370.0	1,000.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
10	STC	2	109500	MTS STC Capital Costs of Conducing	4,200.0	3,200.0	997.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
11	MTS	2	109600	MTS STC Capital Costs of Conducing	4,978.0	1,078.0	3,900.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
12	Aggravia	2		MTS Operations Station (MTS)	1,000.0	0.0	100.0	0.0	200.0	200.0	200.0	0.0 STC project related to support of STC
13	STC	2	110010	San Jose Mission Station (San Jose)	875.0	300.0	575.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
14	STC	2	109700	MTS STC Capital Costs of Conducing	4,200.0	3,200.0	997.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
15	STC	3	114200	San Jose Mission Station (San Jose)	2,250.0	0.0	750.0	0.0	750.0	750.0	0.0	0.0 STC project related to support of STC
16	MCS	3	114300	MTS STC Capital Costs of Conducing	9,600.0	3,600.0	1,000.0	0.0	2,500.0	1,500.0	1,000.0	0.0 STC project related to support of STC
17	STC	4	114000	MTS STC Capital Costs of Conducing	7,895.1	3,600.0	1,078.7	0.0	1,578.7	1,578.7	0.0	0.0 STC project related to support of STC
18	STC	5	114200	San Jose Mission Station (San Jose)	14,900.0	1,000.0	1,000.0	0.0	3,000.0	3,000.0	3,000.0	0.0 STC project related to support of STC
19	STC	10	110200	MTS STC Capital Costs of Conducing	3,844.0	1,344.0	900.0	0.0	500.0	500.0	500.0	0.0 STC project related to support of STC
20	STC	10	109600	MTS STC Capital Costs of Conducing	1,980.0	1,640.0	300.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
21	STC	8		MTS STC Capital Costs of Conducing	1,440.0	0.0	360.0	0.0	360.0	0.0	360.0	0.0 STC project related to support of STC
22	STC	9		MTS STC Capital Costs of Conducing	250.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
23	OTHER			MTS STC Capital Costs of Conducing	200.0	0.0	200.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
24	OTHER			MTS STC Capital Costs of Conducing	2,000.0	1,000.0	1,000.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
25	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
26	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
27	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
28	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
29	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
30	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
31	OTHER			MTS STC Capital Costs of Conducing	2,500.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
32	STC	6		MTS STC Capital Costs of Conducing	193.5	0.0	193.5	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
33	STC	6		MTS STC Capital Costs of Conducing	27,200.0	25,200.0	800.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
34	STC	1	104300	MTS STC Capital Costs of Conducing	27,200.0	25,200.0	800.0	0.0	0.0	0.0	0.0	0.0 STC project related to support of STC
35	MCS	5	104800	MTS STC Capital Costs of Conducing	13,634.0	7,334.0	0	3,000.0	1,000.0	1,400.0	0.0	0.0 STC project related to support of STC
36	MCS	6	104900	MTS STC Capital Costs of Conducing	15,788.0	8,538.0	0	3,000.0	2,600.0	1,600.0	0.0	0.0 STC project related to support of STC
37	STC	9		MTS STC Capital Costs of Conducing	244.0	0.0	0	0	0	0	0	0.0 STC project related to support of STC
38	MCS	3	114100	MTS STC Capital Costs of Conducing	12,180.0	3,680.0	0	6,000.0	0.0	1,500.0	1,000.0	0.0 STC project related to support of STC
39	STC	17		MTS STC Capital Costs of Conducing	350.0	0.0	0	100.0	250.0	0.0	0.0	0.0 STC project related to support of STC

COMMENTS

RESPONSES

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Ref #	Agency	Priority	Project Number	PROJECT	TOTAL BUDGET	FUNDED THRU FY 05	FY 06 FUNDED PROJECTS	FY 06 UNFUNDED PROJECTS	FY 07	FY 08	FY 09	FY10	NOTES
40	SDOT	11		Blue Line Station Shelter Rehabilitation	2,630.0	0.0	0	2,630.0	0.0	0.0	0.0	0.0	
41	MIS	SDOT	109520	MIS Security Camera's Buses	1,693.5	1,693.5	0	0.0000	0.00	0.00	0.00	0.00	
42	MIS	3	109510	Transit Station Upgrade	1,693.5	1,693.5	0	0.0000	0.00	0.00	0.00	0.00	
43	MIS	3	109510	Transit Station Upgrade	200.0	0.0	0	200.0	26.0	50.0	50.0	50.0	Order until fiber project is complete
44	MIS	26		Bus Stop Shelter (Transit Station)	60.0	0.0	0	60.0	0.0	0.0	0.0	0.0	
45	MIS	27		Transfer Platform (Transit Station)	1.1	0.0	0	1.1	0.0	0.0	0.0	0.0	
46	MIS	15		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
47	MIS	15		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
48	MIS	16		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
49	MIS	17		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
50	MIS	17		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
51	SDOT	22		Security System Equipment (Transit Station)	35.0	0.0	0	35.0	0.0	0.0	0.0	0.0	
52	SDOT	L	1109500	SDOT Security Safety Equipment	90.0	30.0	0	0.0	15.0	15.0	15.0	15.0	
53	SDOT	M		Security System Equipment (Transit Station)	160.0	0.0	0	0.0	26.0	26.0	26.0	26.0	
54	SDOT	M		Security System Equipment (Transit Station)	160.0	0.0	0	0.0	26.0	26.0	26.0	26.0	
55	SDOT	13		SDOT Transit Revenue Vehicles	1,600.0	0.0	0	320.0	320.0	320.0	320.0	320.0	Current vehicles exceed 10,000 miles.
56	SDOT	5		SDOT Transit Revenue Vehicles	401.5	0.0	0	99.0	99.0	99.0	99.0	99.0	
57	SDOT	5		SDOT Transit Revenue Vehicles	401.5	0.0	0	99.0	99.0	99.0	99.0	99.0	
58	SDOT	2		SDOT Transit Revenue Vehicles	30.0	0.0	0	30.0	36.0	36.0	36.0	36.0	
59	MIS	2	111900	MIS Medium/Small Fleet Route Buses (15)	1,725.0	15.0	0	1,200.0	510.0	0.0	0.0	0.0	Replaces 5-year light duty vehicles by year end (line 900)
60	Regional	3		Regional Bus Stop Signs and Improvements	1,050.0	0.0	0	200.0	200.0	210.0	220.0	220.0	Replaces 5-year light duty vehicles by year end (line 900) Includes purchase of materials for new bus stop signs
61	Regional	4		Regional ADA Bus Stop Improvements	1,050.0	0.0	0	50.0	250.0	250.0	250.0	250.0	Discretionary - FY 06 proposal is to handle only ADA related expenses
62	SDOT	4		ADA Replacement (16)	833.0	0.0	0	200.0	8,330.0	60.0	0.0	0.0	
63	MIS	4		ADA Replacement (16)	360.0	0.0	0	360.0	0.0	0.0	0.0	0.0	
64	MIS	4	111700	MIS 30-35 foot CMV Low Floor Medium Size Buses (9)	3,015.0	15.0	0	2,250.0	675.0	0.0	0.0	0.0	Replaces 1998 and 1999 medium size buses. FY 06 proposal is to handle only ADA related expenses. FY 07 (possible CMV funds as an optional funding source)
65	Regional	5		QUTS Bus Stop Signage and Shelter Rehabilitation	200.0	0.0	0	0.0	50.0	50.0	50.0	50.0	New work under contract from United Leasing
66	MIS	5		Organizational IT Infrastructure	105.0	0.0	0	30.0	10.0	25.0	10.0	30.0	Used to update policy station and transit center
67	Regional	6		Transit Station Signs	200.0	0.0	0	0.0	50.0	50.0	50.0	50.0	Used to update policy station and transit center
68	SDOT	6		Organizational IT Infrastructure	400.0	0.0	0	200.0	0.0	0.0	20.0	0.0	Transit Station Sign project
69	MIS	6		Organizational IT Infrastructure	360.0	0.0	0	280.0	80.0	25.0	0.0	0.0	80% of items would be done under operations in FY 06
70	MIS	7		Organizational IT Infrastructure	360.0	0.0	0	100.0	100.0	100.0	100.0	100.0	80% of items would be done under operations in FY 06
71	SDOT	7	1105700	ADA Ramp Parking Lot Resurfacing	1,265.0	150.0	0	207.5	207.5	200.0	0.0	0.0	
72	MIS	7	1105700	ADA Ramp Parking Lot Resurfacing	1,265.0	150.0	0	207.5	207.5	200.0	0.0	0.0	
73	MIS	7	1105700	ADA Ramp Parking Lot Resurfacing	1,265.0	150.0	0	207.5	207.5	200.0	0.0	0.0	
74	SDOT	8		SDOT Office Equipment Replacement	16,599	0.0	0	30.8	32.3	33.8	35.6	37.4	This project managed by SAMAG
75	MIS	8		MIS Service Truck - Bus Stops	75.0	0.0	0	75.0	0.0	0.0	0.0	0.0	Replaces vehicle contract for owned vehicle that is not funded
76	MIS	8	1007900	SDOT Transportation Operations Center	20,231.0	3,190.0	0	4,000.0	4,000.0	9,030.0	0.0	0.0	This project managed by SAMAG
77	MIS	9		SDOT Bus Parking Lot Yard Asphalt Repairs	155.0	0.0	0	75.0	0.0	0.0	0.0	0.0	Emergency area must be done under operations if not funded
78	SDOT	9		SDOT Digital Station (10)	204.4	0.0	0	0.0	0.0	0.0	0.0	0.0	
79	MIS	9	109800	Transit Station Floor Infrastructure	11,000.0	7,450.0	0	3,550.0	0.0	0.0	0.0	0.0	This project managed by SAMAG
80	SDOT	10		SDOT From Recovery Machine	90.0	0.0	0	90.0	0.0	0.0	0.0	0.0	FY 06 Operating impact to lease temporary
81	MIS	10		MIS Granite and 70th St Station Driver Restrooms	90.0	0.0	0	90.0	0.0	0.0	0.0	0.0	FY 06 Operating impact to lease temporary
82	MIS	10	1099500	Regional Scheduling System - Phase II	160.0	60.0	0	100.0	0.0	0.0	0.0	0.0	This project managed by SAMAG
83	MIS	11		MIS New Service Vehicles (2)	40.0	0.0	0	30.0	0.0	30.0	0.0	0.0	Replaces 1998 and 1999 medium size buses. FY 06 proposal is to handle only ADA related expenses. FY 07 (possible CMV funds as an optional funding source)
84	MIS	11	1099500	MIS New Service Vehicles (2)	40.0	0.0	0	30.0	0.0	30.0	0.0	0.0	Replaces 1998 and 1999 medium size buses. FY 06 proposal is to handle only ADA related expenses. FY 07 (possible CMV funds as an optional funding source)
85	MIS	12		MIS 36-40 foot CMV Low Floor Medium Size Buses (7)	2,600.0	0.0	0	0.0	2,600.0	0.0	0.0	0.0	Replaces 1998 and 1999 medium size buses. FY 06 proposal is to handle only ADA related expenses. FY 07 (possible CMV funds as an optional funding source)
86	MIS	12		Integrated Signage System	770.0	0.0	0	770.0	0.0	0.0	0.0	0.0	
87	SDOT	12		Station Track way Paving	3,100.0	0.0	0	1,000.0	100.0	200.0	200.0	200.0	
88	MIS	13		MIS 40 foot CMV Low Floor Buses (3) SOUTH CENTRAL	26,000.0	0.0	0	0.0	50.0	27,950.0	200.0	0.0	South Central 1998 (replace CMV buses 1995)

RESPONSES

4

COMMENTS

RESPONSES

MYS CONSTAINED C/P

Ref #	Agency	Priority	Project Number	PROJECT	TOTAL BUDGET	FUNDED THRU FY 05	FY 06 FUNDERS	FY 06 UNFUNDED PROJECTS	FY 07	FY 08	FY 09	FY 10	NOTES
150	SDOT	M		Station Enhancements (South Loop)	1,700.0	0.0	0	0.0	250.0	1,450.0	0.0	0.0	
151	SDOT	M		Bridge, electronic center details LP	1,000.0	0.0	0	0.0	250.0	750.0	250.0	250.0	
152	SDOT	M		Station Enhancements (South Loop)	1,700.0	0.0	0	0.0	250.0	1,450.0	0.0	0.0	
153	SDOT	M		Station Enhancements (South Loop)	200.0	0.0	0	0.0	200.0	0.0	0.0	0.0	
154	SDOT	M		Station Enhancements (South Loop)	275.0	0.0	0	0.0	75.0	200.0	100.0	100.0	
155	SDOT	M		Station Enhancements (South Loop)	200.0	0.0	0	0.0	200.0	0.0	0.0	0.0	
156	SDOT	M		Station Enhancements (South Loop)	200.0	0.0	0	0.0	200.0	0.0	0.0	0.0	
157	SDOT	M	1056-00	San Ysidro Super Stop	1,500.0	135.0	0	1,715.0	0.0	0.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
158	SDOT			ST 1242 122	8,297.0	0.0	0	0.0	0.0	0.0	8,297.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
159	SDOT			ST 1242 122	8,297.0	0.0	0	0.0	0.0	0.0	0.0	8,297.0	0.0 Blue procurement budgets for FY 08 and FY10
160	SDOT			ATC Replacement (17)	9,430.0	0.0	0	0.0	0.0	9,430.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
161	SDOT			SDOT Supervisor Cars	296.9	0.0	0	0.0	193.6	0.0	203.3	0.0	0.0 Blue procurement budgets for FY 08 and FY10
162	SDOT			ADAMAD Heaviest Storage Site	272.0	0.0	0	0.0	272.0	0.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
163	SDOT			ADAMAD Western Right-of-Way	497.8	0.0	0	0.0	497.8	0.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
164	SDOT			ADAMAD Bus Shelter Overhaul	299.0	0.0	0	0.0	0.0	299.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
165	SDOT			ADAMAD HVAC Overhaul	305.0	0.0	0	0.0	0.0	305.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
166	SDOT			ADAMAD HVAC Overhaul	305.0	0.0	0	0.0	0.0	305.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
167	SDOT			ADAMAD HVAC Overhaul	305.0	0.0	0	0.0	0.0	305.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
168	SDOT			ADAMAD HVAC Overhaul	305.0	0.0	0	0.0	0.0	305.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
169	SDOT			ADAMAD HVAC Overhaul	305.0	0.0	0	0.0	0.0	305.0	0.0	0.0	0.0 Blue procurement budgets for FY 08 and FY10
170	SDOT		1160-00	County Mesa Transit Center	1,500.0	0.0	0	0.0	200.0	1,300.0	0.0	0.0	0.0
171	SDOT			County Mesa Transit Center	1,500.0	0.0	0	0.0	200.0	1,300.0	0.0	0.0	0.0
172	SDOT		1160-00	San Ysidro Super Stop	2,250.0	2,250.0	0	0.0	0.0	0.0	0.0	0.0	0.0
173	SDOT			San Ysidro Super Stop	2,250.0	2,250.0	0	0.0	0.0	0.0	0.0	0.0	0.0
174	OTHER			San Ysidro Super Stop	11,200.0	0.0	0	11,200.0	0.0	0.0	0.0	0.0	0.0
TOTAL					\$509,391.7	\$107,948.5	\$25,044.7	\$59,956.8	\$82,721.1	\$144,398.3	\$44,580.2	\$19,622.1	

Projects for San Ysidro Transit Center												
TOTAL				1,044.0	1,044.0	0.0			0.0	0.0	0.0	0.0
SDA				90.0	0.0	90.0			0.0	0.0	0.0	0.0
SDA				100.0	0.0	0.0			0.0	0.0	0.0	0.0
Federal Earnout	18	1066-00	Spring Valley Transit Center	1.0	See Above	1.0			See Above	See Above	See Above	See Above

97 This entry reflects the amount to be received in FY 06. The amounts previously funded and requests for future years are reflected in this SYVC FY 06 response.

COMMENTS

RESPONSES

**BASELINE CONSTRAINED
PROPOSED
CAPITAL IMPROVEMENT PROGRAM FY 2006-2010**

Asset Class	Asset Description	2006	2007	2008	2009	2010	Totals
104	Revenue Vehicles	\$ 1,066,411	\$ 3,513,839	\$ 1,150,225	\$ 3,012,000	\$ 2,329,000	\$ 11,071,475
223	Service Vehicles	78,662	1,110,135	-	502,500	527,000	2,218,297
337	Buildings & Structures	1,350,000	-	-	-	-	1,350,000
338	Bldg & Structure Improve.	1,186,039	1,554,129	2,715,706	906,500	304,000	6,666,374
431	Transit Way Equipment	125,000	-	-	60,000	-	185,000
432	Right of Way	-	-	-	-	-	-
433	Right of Way Improvements	6,405,648	5,829,297	5,902,000	7,580,000	8,720,000	34,436,945
434	Operating Yard Equipment	-	-	850,000	-	-	850,000
435	Shop & Garage Equipment	139,116	181,500	126,502	131,000	120,000	698,118
438	Vehicle Movement Control Equipment	376,768	-	694,113	-	-	1,070,881
439	Revenue Collection and Fare Equipment	9,000	4,000	-	-	-	13,000
440	Data Processing Equipment	346,517	675,000	194,354	50,000	100,000	1,365,871
500	Office Furniture & Equipment	93,839	-	100,000	8,000	-	201,839
600	Land	1,350,000	30,000	-	-	-	1,380,000
601	Land Improvement	1,430,000	-	-	-	-	1,430,000
TOTALS - Constrained CIP		\$ 13,957,000	\$ 12,897,900	\$ 11,732,900	\$ 12,250,000	\$ 12,100,000	\$ 62,937,800

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COMMENTS

RESPONSES

NORTH COUNTY TRANSIT DISTRICT
FY 06 Proposed CIP by Asset Class - CONSTRAINED
As of 1/31/05

STATUS:
1 = Requested
2 = Approved, Not Funded

Program	Year	Status	Mode	Job #	Description	Asset Class	Project Manager	Dept	Requested Amount
	6	1	1	206019	ADA Paratransit Vehicles (2)	104	Alane B. Haynes	280	\$ 36,879
	6	1	1	106004	Emission Reduction Equipment	104	Michael R. Wygant	170	\$ 57,455
	6	2	1	406020	Locomotive Heavy Overhaul	104	Lane D. Fernandes	150	\$ 723,077
	6	2	1	106002	Driver Seats (15)	104	Michael R. Wygant	170	\$ 30,000
	6	1	1	406050	Coaster Car Door Control Mod	104	Ed Kasparick	150	\$ 99,000
	6	2	2	406052	Coaster Emergency Window Exit	104	Wayne M Penn	150	\$ 120,000
					Asset Class 104				\$ 1,066,411
	6	2	1	506028	Hy-Rail Inspection Vehicle	223	Richard Walker	510	\$ 78,662
					Asset Class 223				\$ 78,662
	6	1	4	106111	East Div Shop Phase 2	337	Thomas B. Gallagher	220	\$ 1,350,000
					Asset Class 337				\$ 1,350,000
	6	2	1	106046	Explosion Proof Heaters	338	Thomas B. Gallagher	220	\$ 44,442
	6	2	1	206020	ADA Transition Plan	338	Thomas B. Gallagher	220	\$ 400,000
	6	2	1	406043	Stuart Mesa Paint Booth	338	Ed Kasparick	150	\$ 73,956
	6	2	5	106008	Bus Plus Program	338	Stefan M. Marks	260	\$ 214,722
	6	1	5	106236	Bus Plus Impl Vista/Oceanside	338	Stefan M. Marks	260	\$ 176,000
	6	2	2	606036	Design Svcs Wheel Lathe Facility	338	Walt Stringer	250	\$ 50,000
	6	1	1	406025	Old Town Platform Extension	338	Ed Kasparick	150	\$ 55,000
	6	2	1	106009	Security System Upgrade	338	David J. Papworth	230	\$ 31,919
	6	2	1	406024	Info Display Panels	338	Ed Kasparick	150	\$ 45,000
	6	2	4	106034	Small Building Projects	338	Thomas B. Gallagher	220	\$ 50,000
	6	1	5	106003	Bus Stop On-Street Information	338	Stefan M. Marks	260	\$ 20,000
	6	2	4	106021	HVAC Unit Replacement	338	Thomas B. Gallagher	220	\$ 25,000
					Asset Class 338				\$ 1,186,039
	6	1	4	506044	Tractor/Backhoe	431	Richard Walker	510	\$ 125,000
					Asset Class 431				\$ 125,000
	6	2	5	506026	Revi - Bridge & Infrastrc Repl	433	Richard Walker	510	\$ 3,499,243
	6	2	4	506025	Crosstie Renewal Program	433	Richard Walker	510	\$ 535,988
	6	2	1	506024	Rail Replacement Program	433	Richard Walker	510	\$ 245,860
	6	2	5	506201	At-Grade Crossing Renewal	433	Richard Walker	510	\$ 350,000
	6	2	5	506301	Turnout Renewal Program	433	Richard Walker	510	\$ 550,000
	6	2	1	506501	Supplement Crosstie Renewal	433	Richard Walker	510	\$ 274,012
	6	1	1	506027	Track Structure Rehab	433	Richard Walker	510	\$ 950,545
					Asset Class 433				\$ 6,405,648
	6	2	1	406054	Maint Employee Platform Lift	435	Wayne M Penn	150	\$ 20,000
	6	2	1	406051	Stuart Mesa Drop Table Design	435	Wayne M Penn	150	\$ 35,000
	6	1	5	106032	Facility Mnt Shop & Garage Equ	435	Thomas B. Gallagher	220	\$ 66,300
	6	1	1	106010	Misc. Shop Tools	435	Michael R. Wygant	170	\$ 17,816
					Asset Class 435				\$ 139,116
	6	2	5	106331	Radio System - Microwave Tower	438	Rod Surber	110	\$ 250,000
	6	1	1	106332	Radio System - Addtl Radios	438	Rod Surber	110	\$ 126,768
					Asset Class 438				\$ 376,768
	6	1	1	106011	Change Machines	439	Rosalia J Martinez	270	\$ 9,000
					Asset Class 439				\$ 9,000
	6	2	1	106018	Network Enhancements	440	Kirk Talbott	320	\$ 96,517
	6	2	1	106050	Application Consulting Svcs	440	Kirk Talbott	320	\$ 250,000
					Asset Class 440				\$ 346,517
	6	1	1	106007	Video Surveillance Equipment	500	David J. Papworth	230	\$ 63,839
	6	2	4	106057	Fireproof Files for Personnel	500	Jane E. Arnold	350	\$ 30,000
					Asset Class 500				\$ 93,839
	6	2	5	106054	San Luis Rey TC - Ph I	600	Stefan M. Marks	260	\$ 1,350,000
					Asset Class 600				\$ 1,350,000
	6	1	1	506594	MOW Facility Purchase/Rehab	601	Richard Walker	510	\$ 1,430,000
					Asset Class 601				\$ 1,430,000
					TOTAL				\$ 13,957,000

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COMMENTS

RESPONSES

NORTH COUNTY TRANSIT DISTRICT
FY 07 Proposed CIP by Asset Class - CONSTRAINED
As of 1/31/05

STATUS:
1 = Requested
2 = Approved, Not Funded

Original Program					Asset Class	Project Manager	Dept	Requested Amount
Year	Status	Mode	Job#	Description				
7	2	2	207011	ADA Paratransit Vehicles (2)	104	Alane B. Haynes	280	\$ 38,169
7	2	1	107003	Emission Reduction Equipment	104	Michael R. Wygant	170	\$ 70,670
6	2	1	406105	Locomotive Heavy Overhaul	104	Lane D. Fernandes	150	\$ 125,000
7	1	6	507051	DMU Spare Trucks for Wheels	104	Lane D. Fernandes	155	\$ 550,000
7	2	1	107004	CNG Buses (07)	104	Michael R. Wygant	170	\$ 2,700,000
7	2	1	107002	Driver Seats	104	Michael R. Wygant	170	\$ 30,000
Asset Class 104								\$ 3,513,839
7	2	5	507012	Signalman's Pickup Truck	223	Richard Walker	510	\$ 50,256
7	2	1	607037	Sprinter Support Svc Veh (7)	223	Walt Stringer	155	\$ 285,000
7	2	1	607001	Box Van/Trucks (3)	223	Michael R. Wygant	170	\$ 120,000
7	2	1	607002	3/4 Ton Trucks (6)	223	Michael R. Wygant	170	\$ 210,000
7	2	1	107006	Service Truck (1)	223	Michael R. Wygant	170	\$ 34,975
7	2	1	107007	Sedans (9)	223	Michael R. Wygant	170	\$ 176,000
6	2	4	106005	Service Trucks (4)	223	Michael R. Wygant	170	\$ 113,904
7	2	1	107005	Service Trucks (2) (shop trucks)	223	Michael R. Wygant	170	\$ 120,000
Asset Class 223								\$ 1,110,135
7	2	4	407026	Stuart Mesa Paint Booth	338	Lane D. Fernandes	150	\$ 73,956
7	2	1	107000	OTC Control/Cus Svc Facility	338	Thomas B. Gallagher	220	\$ 250,000
7	1	1	107001	OTC Control/Cus Svc Supplmnt	338	Thomas B. Gallagher	220	\$ 84,798
7	2	1	107024	Misc. Small Building Projects	338	Thomas B. Gallagher	220	\$ 51,000
7	2	1	107030	OTC Polycarbonate Roof Repl	338	Thomas B. Gallagher	220	\$ 575,000
7	2	1	107028	Roof Replacement - GAO	338	Thomas B. Gallagher	220	\$ 57,375
6	1	5	106237	Bus Plus Program - Replacements	338	Stefan M. Marks	260	\$ 62,000
7	2	1	107035	Electric Gates E Div Bus Maint	338	Thomas B. Gallagher	220	\$ 200,000
7	1	1	107036	West Division Security Gates	338	Thomas B. Gallagher	220	\$ 200,000
Asset Class 338								\$ 1,554,129
7	1	5	507201	At-Grade Crossing Renewal	433	Richard Walker	510	\$ 350,000
7	1	5	507301	Turnout Renewal Program	433	Richard Walker	510	\$ 550,000
7	2	5	507015	Crosstie Renewal Program	433	Richard Walker	510	\$ 282,750
7	1	5	507501	Supplement Crosstie Renewal	433	Richard Walker	510	\$ 274,012
7	2	5	507013	Bridge & Infrastructure Progra	433	Richard Walker	510	\$ 3,059,038
7	2	5	507014	Rail Replacement Program	433	Richard Walker	510	\$ 254,460
7	2	5	507016	Track Structure Rehab	433	Richard Walker	510	\$ 318,075
7	1	5	507102	Supp - Bridge & Infrastrc Repl	433	Richard Walker	510	\$ 740,962
Asset Class 433								\$ 5,829,297
7	2	1	107019	Facility Mnt Shop & Garage Equ	435	Thomas B. Gallagher	220	\$ 51,000
7	2	1	107010	Misc. Shop Tools	435	Michael R. Wygant	170	\$ 21,500
7	2	1	607033	Equip for Sprinter Maint Facil	435	Thomas B. Gallagher	220	\$ 50,000
7	2	1	607034	Maint Equip for Sprinter Stns	435	Thomas B. Gallagher	220	\$ 59,000
Asset Class 435								\$ 181,500
7	1	1	107011	Change Machines	439	Rosalia J Martinez	270	\$ 4,000
Asset Class 439								\$ 4,000
7	1	1	107051	PRIME Migration	440	Kirk Talbott	320	\$ 300,000
7	2	1	107020	Network Expansion & Support	440	Kirk Talbott	320	\$ 100,000
7	2	1	107023	Server Replacements	440	Kirk Talbott	320	\$ 75,000
7	2	1	107021	PC Replacements & Upgrades	440	Kirk Talbott	320	\$ 200,000
Asset Class 440								\$ 675,000
6	2	5	106054	San Luis Rey TC - Ph 2	600	Stefan M. Marks	260	\$ 30,000
Asset Class 600								\$ 30,000
TOTAL								\$ 12,897,900

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COMMENTS

RESPONSES

NORTH COUNTY TRANSIT DISTRICT
FY 08 Proposed CIP by Asset Class - CONSTRAINED
As of 1/31/05

STATUS:
 1 = Requested
 2 = Approved, Not Funded

Original Program								Requested	
Year	Status	Mode	Job #	Description	Asset Class	Project Manager	Dept	Amount	
8	2	1	108003	Transit Buses Vans (10)	104	Michael R. Wygant	170	\$	1,000,000
8	2	2	208011	ADA Paratransit Vehicles (2)	104	Alane B. Haynes	280	\$	39,600
8	2	1	108001	Emission Reduction Equipment	104	Michael R. Wygant	170	\$	80,625
8	2	1	108002	Driver Seats (15)	104	Michael R. Wygant	170	\$	30,000
Asset Class 104								\$	1,150,225
8	2	4	408027	Stuart Mesa Paint Booth	338	Lane D. Fernandes	150	\$	73,956
6	1	1	406026	Old Town Mini Hi Relo	338	Ed Kasparick	150	\$	165,000
8	1	1	108237	Bus Plus Program -Replacements	338	Stefan M. Marks	260	\$	130,000
7	2	1	607036	Wheel Truing Machine Sprinter	338	Walt Stringer	250	\$	1,500,000
8	2	1	108025	Misc. Small Building Projects	338	Thomas B. Gallagher	220	\$	52,000
7	1	5	507050	Poinsettia Stn Platform Extens	338	Kate Stonelake	510	\$	794,750
Asset Class 338								\$	2,715,706
8	1	5	508201	At-Grade Crossing Renewal	433	Richard Walker	510	\$	350,000
8	1	5	508301	Turnout Renewal Program	433	Richard Walker	510	\$	550,000
8	2	5	508016	Crosstie Renewal Program	433	Richard Walker	510	\$	550,000
8	1	5	508501	Supplement Crosstie Renewal	433	Richard Walker	510	\$	260,000
8	2	5	508015	Rail Replacement Program	433	Richard Walker	510	\$	246,000
8	2	5	508017	Track Structure Rehab	433	Richard Walker	510	\$	536,000
8	2	5	508018	Bridge & Infrastructure Repl	433	Richard Walker	510	\$	2,447,500
8	1	5	508102	Supp - Bridge & Infrastrc Repl	433	Richard Walker	510	\$	812,500
8	1	5	508601	Suppl Track Structure Rehab	433	Richard Walker	510	\$	150,000
Asset Class 433								\$	5,902,000
7	2	1	107031	Bus Washers (3) East/West Div	434	Thomas B. Gallagher	220	\$	850,000
Asset Class 434								\$	850,000
8	2	1	108008	Portable Hoists	435	Michael R. Wygant	170	\$	39,668
8	2	1	408019	Maint Shop & Garage Equip	435	Thomas B. Gallagher	220	\$	53,000
8	1	1	408020	Suppl - Facility Mnt Shop Eq	435	Thomas B. Gallagher	220	\$	14,000
8	2	1	108006	Misc. Shop Tools	435	Michael R. Wygant	170	\$	19,834
Asset Class 435								\$	126,502
6	1	1	106053	Remote Dispatch & AVL Access	438	Rod Surber	110	\$	100,000
6	1	1	106333	Radio System - ADA Announce	438	Rod Surber	110	\$	594,113
Asset Class 438								\$	694,113
8	1	1	108031	Network Overhaul & Replacement	440	Kirk Talbott	320	\$	156,374
8	2	1	108022	PC Replacements & Upgrades	440	Kirk Talbott	320	\$	37,980
Asset Class 440								\$	194,354
6	1	4	106047	Bd Room Audio Visual System	500	Thomas B. Gallagher	220	\$	100,000
Asset Class 500								\$	100,000
TOTAL								\$	11,732,900

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COMMENTS

RESPONSES

NORTH COUNTY TRANSIT DISTRICT
FY 09 Proposed CIP by Asset Class - CONSTRAINED
As of 1/31/05

STATUS:
1 = Requested
2 = Approved, Not Funded

Original Program	Year	Status	Mode	Job#	Description	Asset Class	Project Manager	Dept	Requested Amount
	9	1	2	209001	ADA Vans (3)	104	Alane B. Haynes	280	\$ 42,000
	9	2	1	109012	CNG Buses (7)	104	Michael R. Wygant	170	\$ 2,940,000
	9	2	1	109008	Driver Seats (15)	104	Michael R. Wygant	170	\$ 30,000
					Asset Class 104				\$ 3,012,000
	9	2	4	409028	Rail Safety & Incident Vehicle	223	Wayne M Penn	160	\$ 45,000
	8	2	5	508013	Stakebed Truck	223	Richard Walker	510	\$ 43,050
	8	2	5	508014	Signalman's Pickup Truck	223	Richard Walker	510	\$ 43,050
	8	1	5	508050	MOW Hi-Rail Boom Truck	223	Richard Walker	510	\$ 150,000
	8	2	5	508012	Weld Truck	223	Richard Walker	510	\$ 221,400
					Asset Class 223				\$ 502,500
	9	2	4	409016	Stuart Mesa Paint Booth	338	Lane D. Fernandes	150	\$ 73,956
	9	2	1	109013	Misc. Small Building Projects	338	Thomas B. Gallagher	220	\$ 53,000
	9	2	1	109015	Bus Plus Program	338	Stefan M. Marks	260	\$ 437,972
	8	2	1	108027	Roof Replacement W Division	338	Thomas B. Gallagher	220	\$ 216,572
	10	1	1	td	Facility Security Project	338	Thomas B. Gallagher	220	\$ 125,000
					Asset Class 338				\$ 906,500
	6	1	4	506041	Track Geometry Equipment	431	Richard Walker	510	\$ 60,000
					Asset Class 431				\$ 60,000
	9	1	5	509201	At-Grade Crossing Renewal	433	Richard Walker	510	\$ 350,000
	9	1	5	509301	Turnout Renewal Program	433	Richard Walker	510	\$ 550,000
	9	2	5	509001	Crosstie Renewal Program	433	Richard Walker	510	\$ 550,000
	9	1	5	509501	Supplement Crosstie Renewal	433	Richard Walker	510	\$ 260,000
	9	2	5	509002	Track Structure Rehab	433	Richard Walker	510	\$ 710,000
	9	2	5	509004	Rail Replacement Program	433	Richard Walker	510	\$ 200,000
	9	2	5	509017	Bridge & Infrastructure Repl	433	Richard Walker	510	\$ 4,600,000
	9	1	5	509102	Supp - Bridge & Infrastrc Repl	433	Richard Walker	510	\$ 360,000
					Asset Class 432				\$ 7,580,000
	9	2	1	109001	Facility Mnt Shop & Garage Equ	435	Thomas B. Gallagher	220	\$ 53,000
	9	2	1	109007	Misc. Shop Tools	435	Michael R. Wygant	170	\$ 25,000
	9	1	1	109016	Fleet Shop and Garage Equip	435	Michael R. Wygant	170	\$ 53,000
					Asset Class 435				\$ 131,000
	9	2	1	109002	Misc. Software Upgrades	440	Kirk Talbott	320	\$ 50,000
					Asset Class 440				\$ 50,000
	9	2	1	109010	Warehouse Bins	500	Michael R. Wygant	170	\$ 8,000
					Asset Class 500				\$ 8,000
					TOTAL				\$ 12,250,000

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COMMENTS

RESPONSES

NORTH COUNTY TRANSIT DISTRICT
FY 10 Proposed CIP by Asset Class - CONSTRAINED
As of 1/31/05

STATUS:
1 = Requested
2 = Approved, Not Funded

Original Program											
Year	Status	Mode	Job #	Description	Asset Class	Project Manager	Dept	Requested Amount			
10	1	1	110001	Transit Buses (5)	104	Michael R. Wygant	170	\$	2,205,000		
10	1	2	210001	ADA Vans (3)	104	Alane B. Haynes	280	\$	44,000		
10	1	1	110003	Emission Reduction Equipment	104	Michael R. Wygant	170	\$	50,000		
10	1	1	110002	Driver Seats (15)	104	Michael R. Wygant	170	\$	30,000		
Asset Class 104									\$ 2,329,000		
10	1	5	510001	Hi-Rail Boom Truck SDNR #101	223	Richard Walker	510	\$	150,000		
10	1	5	510002	MOW Pickup Truck SDNR #103	223	Richard Walker	510	\$	55,000		
10	1	1	110004	Sedans (4)	223	Michael R. Wygant	170	\$	92,000		
9	2	5	509003	MOW Gang Truck and Vehicle	223	Richard Walker	510	\$	230,000		
Asset Class 223									\$ 527,000		
10	1	1	110007	Misc. Small Building Projects	338	Thomas B. Gallagher	220	\$	54,000		
9	2	1	109005	Security Surveillance System	338	David J. Papworth	230	\$	250,000		
Asset Class 338									\$ 304,000		
10	1	5	510014	Rail Replacement Program	433	Richard Walker	510	\$	200,000		
10	1	5	510201	At-Grade Crossing Renewal	433	Richard Walker	510	\$	350,000		
10	1	5	510301	Turnout Renewal Program	433	Richard Walker	510	\$	550,000		
10	1	5	510501	Supplement Crosstie Renewal	433	Richard Walker	510	\$	810,000		
10	1	5	510102	Supp - Bridge & Infrastrc Repl	433	Richard Walker	510	\$	6,100,000		
10	1	5	510601	Track Structure Rehab	433	Richard Walker	510	\$	710,000		
Asset Class 433									\$ 8,720,000		
10	1	1	110008	Facility Maintenance Equip	435	Thomas B. Gallagher	220	\$	50,000		
10	1	1	110005	Fleet Shop and Garage Equip	435	Michael R. Wygant	170	\$	50,000		
10	1	1	110006	Misc. Shop Tools	435	Michael R. Wygant	170	\$	20,000		
Asset Class 435									\$ 120,000		
9	2	1	109003	PC Replacements & Upgrades	440	Kirk Talbott	320	\$	100,000		
Asset Class 440									\$ 100,000		
TOTAL									\$ 12,100,000		

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**PROPOSED
MAJOR CAPITAL PROJECTS - MULTI-YEAR**

Project Description	Estimated Project Budget	Program. Funding	Unfunded Needs
PROJECTS REMAINING AT NCTD (millions\$)			
Oceanside-Escondido Rail Project	\$ 375.5	\$ 375.5	\$ -
Oceanside Transit Center Parking Structure (joint project with the City of Oceanside)	11.1	11.1	-
Solana Beach Parking Structure ² (joint project with private developer)	12.5	6.1	6.4
Carlsbad Poinsettia Parking Project	2.0	-	2.0
San Luis Rey Transit Center	4.5	1.4	3.1
Oceanside Transit Maintenance & Security Improvement	3.0	-	3.0
Bridge & Infrastructure Replacement Program ³	125.0	-	125.0
SDNR Culvert & Signal Replacement Program ³	22.0	-	22.0
PROJECTS TRANSFERING TO SANDAG (millions \$)			
Sorrento to Miramar Curve Realignment and Second Main Track ¹	45.2	31.7	13.5
Del Mar Bluffs Stabilization-(all three phases)	27.2	9.2	18.0
Santa Margarita River Bridge (#223.1) Replacement, including double-tracking	31.0	2.5	28.5
San Dieguito River Bridge (#243) Replacement	18.1	0.9	17.2
Oceanside Station Platform Widening	1.8	-	1.8
NCTD Administration Field Office Relocation (MOW)	8.6	3.0	5.6
East Division Maintenance Facility	4.6	4.6	-
Convention Center/Padres Stadium Coaster Station	TBD ⁴	-	TBD ⁴
Del Mar Fairgrounds Station	TBD ⁴	-	TBD ⁴
Coastal Rail Corridor Capacity Building Project (LOSSAN improvement)	TBD ⁴	-	TBD ⁴
Sprinter Phase 2 (double track and North County Fair Extension)	TBD ⁴	-	TBD ⁴
	\$ 692.1	\$ 446.0	\$ 246.1

¹ As the level of design progresses, a more accurate cost estimate may be established.

² The programmed funding for this project consists of \$0.5 million in federal discretionary dollars and \$5.0 million in estimated revenues to be generated from private development fees.

³ Includes estimated program costs in excess of baseline "constrained" CIP budget amounts for all years through 2010. Includes all estimated program costs after 2010. These costs are broken down by specific bridges/infrastructure/culverts & timeframes in a more detailed document.

⁴ The estimated cost for this project has not yet been determined.

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COMMENTS

RESPONSES

Attachment 3

MTS OPERATORS

FY 2006 CAPITAL IMPROVEMENT PROGRAM

PROJECT DESCRIPTIONS

(\$'000'S)

Project Title

FY 05
Funded

A	<u>Preventive Maintenance</u> Preventive maintenance will be applied to the FY 05 operating budget.	\$29,000.0
B	10940 <u>Regional Transit Management System - Phase I</u> This project provides funding for the design and implementation of a new intelligent transportation system to replace SDTC's failing Radio/CAD system. The new system will offer significant operational improvements through design of smart buses, increased integration and enhanced reporting.	\$3,884.0
C	11457 <u>Automated Fare Technology</u> This project provides for a regional automated fare collection system using smart card technology. This project is a joint effort between MTS and North County Transit District (NCTD).	\$4,463.0
1	<u>MTS Transportation Studies</u> This project provides for the ongoing planning activities of MTS.	\$500.0
2	<u>CVT Minor Bus Stop Hardware</u> This project provides for minor bus stop hardware for installation/maintenance of new and existing bus stops. Hardware includes, but is not limited to, bolts, vandal proof nuts, pin screws, etc.	\$5.0
3	<u>CVT Bus Stop Facility Improvements</u> This project provides for federally required ADA improvements at Chula Vista bus stops, including concrete landing pads, small retaining walls, and other passenger access improvements to bring the system up to full ADA compliance.	\$25.0
4	<u>Regional Miscellaneous Operations Capital</u> This project provides for the purchase of miscellaneous equipment to supplement regional operations, including equipment and materials needed to continue maintaining working space, vehicles, and facilities in a proactive manner.	\$1,426.0
11119	<u>H Street Transit Center Pavement Rehab</u> This project provides for the complete rehab of the pavement on the bus side of the H Street transit center, including demolition and removal of existing AC, excavation, class 2 aggregate base, 9,200 square feet of PCC pavement, and replacement of all signing, striping, and wheel stops.	\$50.0

COMMENTS

RESPONSES

MTS OPERATORS

FY 2006 CAPITAL IMPROVEMENT PROGRAM

PROJECT DESCRIPTIONS

(\$'000'S)

FY 05
Funded

	Project Title	
6 10994	<u>Organizational Desktop Replacement</u> This project provides for the annual replacement of MTDB, SDTI, and SDTC desktop computer systems, printers, and software. This project also funds the annual contract for computer training services.	\$150.0
7	<u>MCS SVCC Capital Costs of Contracting (FY05-09)</u> This project provides for operating assistance to the Sorrento Valley Coaster	\$260.0
8 10490	<u>IAD CNG Fuel Station Purchase</u> This project provides for the purchase of the Imperial Avenue Division CNG fuel station or the buyout of the SDG&E ownership of the IAD station.	\$400.0
9 11413	<u>Catenary Improvement - Phase II</u> This project provides for the replacement of worn out contact wire, remove abandoned catenary crossover contact wires, replace corroded cabling in catenary support assemblies, and make changes to interlocking 10's catenary.	\$1,060.0
10 10958	<u>IAD/KMD Underground Tank</u> This project provides for upgrading the existing underground storage tanks at the Imperial Avenue Division and Kearny Mesa Division bus facilities.	\$3,900.0
11 10981	<u>Organizational Server Replacement / Upgrades</u> This project provides for the procurement and replacement of organization servers and network storage systems.	\$75.0
12	<u>MMO Transportation Studies</u> This project provides for the ongoing planning activities of the MTS Multimodal group.	\$150.0
13 11061	<u>Broadway Track Replacement</u> This project provides for the replacement of flange-worn curves at Broadway Wye.	\$575.0
14 10972	<u>KMD CNG Expansion</u> This project provides for expanding the existing compressed natural gas (CNG) fueling station at SDTC Kearny Mesa Division by adding compressors to increase the fueling capacity from 75 buses to 150 buses. Additionally, fueling dispensers will be relocate	\$997.0
15 11421	<u>Substation Standardization Phase 2</u> This project provides for the replacement of contactor coils with circuit breakers on	\$750.0

COMMENTS

RESPONSES

MTS OPERATORS

FY 2006 CAPITAL IMPROVEMENT PROGRAM

PROJECT DESCRIPTIONS

(\$'000'S)

FY 05
Funded

		Project Title	
16	11418	<u>MCS ADA Small Vehicles (127)</u> This project provides for the purchase of new ADA Paratransit vehicles for the MTS Access and CTS Paratransit service.	\$1,000.0
17	11400	<u>Rehab Traction Motors - Phase II</u> This project provides for the rehabilitation of traction motors in U2 LRVs.	\$1,078.7
18	11420	<u>Catenary Contact Wire Replacement</u> This project provides for the replacement of the contact wire from 12th and Imperial to San Ysidro.	\$1,000.0
19	11042	<u>LRV Body Rehabilitation</u> This project provides for the rehabilitation and repaint the trolley car body surfaces. This will be ongoing maintenance work until the entire fleet has been repainted.	\$500.0
20	10696	<u>CCTV Surveillance Equipment (CV Bayfront, H, and Palomar stations and La Mesa Spring Street)</u> This project provides for CCTV surveillance Equipment at Chula Vista Bayfront, Palomar, and La Mesa Spring Street trolley stations.	\$325.0
21		<u>LRV Tires</u> This project will provide for the purchase of 456 tires to replace old worn tires. Approximately changing tires on one-third of the LRV Fleet.	\$360.0
22		<u>Replace Senior and Disabled Lifts</u> This project provides for the replacement of senior and disabled lifts on SD100 and U2 trolley cars.	\$250.0
23		<u>KMD Roof and Tile Repair</u> This project provides the repair of leaks in the Storeroom, Maintenance Shop, and Transportation buildings and completely resurfacing all roof systems. This project will also provide for the replacement of an estimated 200 square yards of asphalt tile.	\$203.0
24		<u>Multimodal Building Seismic Retrofit or Demolition</u> This project provides for the final design and construction of seismic improvements to the Multimodal building or for building demolition.	\$20.0

COMMENTS

RESPONSES

MTS OPERATORS

FY 2006 CAPITAL IMPROVEMENT PROGRAM

PROJECT DESCRIPTIONS

(\$'000'S)

FY 05
Funded

	Project Title	
25	<u>Capital Needs Assessment</u> This project provides for the review, assessment, and creation of a priority list of fixed assets in need of repair or replacement.	\$250.0
26	10497 <u>Grossmont Station Pedestrian Enhancements</u> This project provides for the enhancement of the Grossmont Trolley Station and integrate access to the station with the proposed TOD on the site and with the adjacent medical and retail activity node.	\$1,030.0
27	<u>Integrated Radio and Furniture For ITTC</u> This project will provide essential consoles and specialized communication system enclosures for multiple workstations in the newly constructed Control Center.	\$600.0
28	11403 <u>Train Location (MVE)</u> This project provides for train location on the Green Line from the Mission San Diego to Santee stations. We already have train location operating between the County Center and Mission San Diego stations.	\$550.0
29	<u>Lease Lines</u> This project provides for lease line connections and interface between critical field components and Central Control. This will enable control and monitoring from workstations in the centralized facility and replaces the need for more expensive fiber-optic cable.	\$2,500.0
30	<u>Centralized Train Control</u> This project will provide Train Controllers in the new Control Center with essential capability to monitor and control field facilities, including train location, switch/signal displays and routing, status of traction power substations, and certain fire/life/safety emergency elements.	\$2,400.0
31	<u>Shop Modifications</u> This project provides for modifications and additions to the LRV maintenance facility to accommodate the low-floor light rail vehicle. Improvements would include installation of new in-floor jacks, overhead access walkways, and column cranes.	\$300.0
32	<u>SDTC Service Trucks</u> This project provides for the purchase of a nonrevenue field service truck that has exceeded the 100,000-mile replacement threshold.	\$55.0

COMMENTS

RESPONSES

MTS OPERATORS

FY 2006 CAPITAL IMPROVEMENT PROGRAM

PROJECT DESCRIPTIONS

(\$'000'S)

FY 05

Funded

33	10453	San Ysidro Intermodal Transportation Center This project provides for rebuilding the San Ysidro trolley station to create a trolley plaza with three platforms, new shelters, paving, and landscaping. The project also re-routes traffic to eliminate pedestrian conflicts and consolidates the bus and jitney operations.	\$1,800.0
34	10958	IAD/KMD Underground Tank - Soil Remediation This project provides for the remediation of contaminated soils at the direction of the County of San Diego's Site Assessment and Mitigation Division.	\$500.0
TOTAL			\$62,391.7

COMMENTS

RESPONSES

CAPITAL PROJECT FUNDS TO BE TRANSFERRED TO THE FY 06 CIP					Attachment 4
Project No.	Project Name	Funding Source	Transfer Amount \$ 000's	Impact of Funding Transfers	
1040800	Rail Yard Expansion (MVEast) - Phase III	TransNet	\$419.0	Funding can only be used for MVE. Transfer to \$300 Shop Mods and \$119 to CTC (preferential to keep it all in Shop Mods)	This funding was originally earmarked to realign yard trackage in order to construct the O/B line connection project.
1049800	Trolley Fiber Infrastructure (Network Communications)	Y313/0655	5,300.0	See Notes on Tab 2	Funds are being reallocated between Fiber, ITCC and CTC in order to provide a functional ITCC.
1074900	Substation Catenary Switches	0525	149.0	Transfer to 11421	This project is complete
1084200	Fenton Parkway Station	Dev. Fees	275.0	Transfer to 10696	All remaining funds for parking lot construction will be exhausted. City has no environmental clearance to build bridge over SD river.
1089700	Yard Switch Electrification Phase II	0525	29.0	Transfer to 11421	This project is complete
1094200	Grade Crossing/Standby Power Improvements	0541	35.9	Transfer to SDTI Misc. Cap	This project is complete
1094900	Crossing Protection Indicators	0541	45.0	Transfer to SDTI Misc. Cap	This project is complete
1095500	Anita St. Crossing Widening (design)	0541	36.6	Transfer to 10994	Design of project will be postponed. Chula Vista needs to partner with MTS to do street / traffic signal improvements in order for this project to succeed.
1098800	Articulated Bus AC Retrofit	X971	3.5	Transfer to Misc. Cap	This project is complete
1099300	IAD Land Purchase	X971	3,015.0	Transfer to 10958 (These funds could also be transferred to 10453)	All remaining funds to purchase land for expansion of the IAD facility will be expended.
1099600	IAD/KMD Yard Lighting	X971	36.5	Transfer to 10958	This project is complete
1101600	Regional Miscellaneous Capital - La Mesa Dial-a-Ride	Y058	2.0	Transfer to Misc. Cap	This project is complete
1102000	Overhaul Rerail Equipment	0590	14.2	Transfer to Preventive Maintenance	This project is complete
1102800	LRV HVAC Modification Phase III	0590	100.0	Transfer to 11400	Unresolved claims are still pending with the contractor.
1103800	NCT Maintenance Office	Y058	35.0	Transfer to Misc. Cap	This project is complete
1108300	Section Insulator Procurement	0655	41.3	Transfer to Preventive Maintenance	This project is complete
1140300	Train Location (Centralized Train Control)	Y173/Y313	1,357.0	See Notes on Tab 2	See 10498.
1140400	Tunnel Fleet Modifications	0655/0690	589.0	Transfer to Preventive Maintenance.	Project is under construction. CCO's to modify switches in U2's will use some of remaining contingency. Potential delays to LPV Platform Mods project may also need to be taken from this budget. All major contracts are encumbered. \$1000 is left in the project. \$500 should be left in the project budget of which \$250 will be spent (pending CCO's). \$589 available to transfer.
TOTAL			\$11,483.0		

COMMENTS

RESPONSES

Attachment 5

SUMMARY
MTS FY 06 CAPITAL IMPROVEMENT PROGRAM

	PROPOSED	PROJECTED			
	FY 06	FY 07	FY 08	FY 09	FY 10
PREVENTIVE MAINTENANCE	\$29,000	\$29,000	\$29,000	\$29,000	\$29,000
DEBT SERVICE - RADIO TRANSIT MANAGEMENT SYSTEM	\$3,884	\$3,883	\$2,100	\$0	\$0
DEBT SERVICE - AUTOMATED FARE TECHNOLOGY	\$4,463	\$3,308	\$0	\$0	\$0
TOTAL PRIORITY NEEDS (A)	\$37,347	\$36,191	\$31,100	\$29,000	\$29,000
TOTAL CAPITAL PROJECT NEEDS (B)	\$76,001.5	\$82,721.1	\$144,308.3	\$64,568.2	\$49,662.1
TOTAL PROGRAM NEEDS (A + B)	\$113,348	\$118,912	\$175,408	\$93,568	\$78,662
TOTAL ESTIMATED FUNDING AVAILABLE	\$62,392	\$52,436	\$54,009	\$55,629	\$57,298
ANNUAL SURPLUS (DEFICIT)	(\$50,956)	(\$66,476)	(\$121,399)	(\$37,939)	(\$21,364)
CUMULATIVE SURPLUS (DEFICIT)	(\$50,956)	(\$117,433)	(\$238,832)	(\$276,771)	(\$298,135)

San Diego Association of Governments

TRANSPORTATION COMMITTEE

February 18, 2005

AGENDA ITEM NO.: **8****Action Requested: APPROVE**

INDEPENDENT TRANSIT PLANNING REVIEW

Introduction

The passage of the Proposition A *TransNet* extension last November includes funding for a number of light rail transit (LRT) and bus rapid transit (BRT) projects that are identified in the Regional Transportation Plan (RTP). At the SANDAG Board's direction, Proposition A included a commitment to conduct an Independent Transit Planning Review of the RTP and *TransNet* projects implementing strategy to help determine the most effective and cost efficient transit service and infrastructure plan for the region (Attachment 1). The adopted action directed that the review:

- Use a firm with recognized international expertise in planning, design, and operation of bus rapid transit/exclusive transitway facilities and rail systems
- Evaluate regional transit projects in light of global "best practices" and possible alternatives
- Conduct an analysis with the goal of producing a market-responsive service plan aimed at:
 - maximizing ridership/attracting new riders,
 - improving traffic/reducing congestion and reducing transit travel time,
 - supporting redevelopment/smart growth, and
 - doing so cost-effectively in light of expected capital and operating resources

To undertake the Independent Transit Planning Review, we are proposing a two-faceted approach that would include a consultant study and an oversight Peer Review Panel. The consultant study would provide technical analysis of various aspects of our regional plans and implementing strategies, while the Peer Review Panel would bring expert guidance and oversight from transit industry professionals with direct implementation and operating experience in the field. Together, the consultant firm and Peer Review Panel would provide us with a capable, strong and balanced assessment of our plans and projects relative to their experience with in-service BRT, LRT and guideway transit. The study results would support next year's update of the transit component of the Regional Transportation Plan (RTP) in conjunction with an overall review of the RTP.

Recommendation

The Transportation Committee is asked to approve the proposed study approach and preliminary scope of work outlined below for the Independent Transit Planning Review.

Discussion***Proposed Study Approach***

Consultant Study - The Independent Transit Planning Review would be conducted by a consulting firm with expertise in the planning, design, implementation and operation of BRT, LRT and guideway transit projects and systems. This firm would provide outside technical expertise in evaluating the plans, projects and implementing strategies developed and adopted by SANDAG. The firm would be selected through a Request for Qualifications process and would conduct its work in accordance with a work scope outlined below and refined by the Peer Review Panel.

Peer Review Panel - To support the consultant work and ensure a truly independent evaluation of our regional transit program and projects, we also propose to gather a wide range of experience and expertise on LRT and BRT planning, design, construction, operations and cost from other transit industry professionals. We feel the best way to accomplish this is to establish a Peer Review Panel of experts from throughout North America that would provide independent oversight and guidance for our consultant work, including participating in the selection of the consultant firm that would conduct the technical analysis, providing input on the study process, finalizing the scope of work discussed below, and formulating conclusions and recommendations based on the consultant work and their professional expertise and experience. The primary requirement of the Peer Review panelists is that they have extensive and respected hands-on experience in the successful planning, implementation and operation of BRT, LRT and/or guideway transit facilities and services. It would also be desirable to have participants with no direct ties to existing transit plans and projects in the San Diego region, so that they can assure that the study is done in an objective manner.

Based on input from the American Public Transit Association and colleagues in the field, we are recommending the following Peer Review panelists be invited to participate in the Independent Transit Planning Review:

- Rex Gephardt, Los Angeles County Metropolitan Transportation Authority - Mr. Gephardt led the development of the Metro Rapid BRT system and continues today as head of program and operations.
- John Bonsall, McCormick/Rankin – Mr. Bonsall is the former head of OC Transpo, the transit authority in Ottawa, Ontario, where he led development of its bus transitway system. Currently he serves as President of McCormick/Rankin, a consultant firm that has been involved in the development of a number of BRT projects throughout the world.
- Richard Feder, Pittsburgh Port Authority of Allegheny County – Mr. Feder serves as Director of Transit Planning and is involved in the planning, implementation, and operations of the agency's extensive LRT, BRT, and exclusive busway system.
- Phil Selinger, Portland Tri-County Metropolitan Transportation District of Oregon – Mr. Selinger serves as Director of Project Implementation for the agency's extensive light rail and bus system.
- Barbara Ogilvie, Houston Metropolitan Transportation Authority of Harris County – Ms. Ogilvie serves as Director of Planning and is involved in design and operation of the agency's multimodal transitway system (BRT/carpooling/value pricing) and its new light rail system.

We have made preliminary contact with these individuals to explore their availability for participating as Peer Review panelists. Upon Transportation Committee approval of the proposed study approach, staff would finalize arrangements with these prospective panelists. Should someone from this peer review panel list not be available, staff would seek to replace him or her with a similarly qualified professional. In addition, we are open to suggestions from the Transportation Committee regarding other qualified individuals who could serve on this panel.

Preliminary Scope of Work

There are a number of key issue areas that should be addressed to meet the objectives of evaluating regional transit projects in light of global “best practices” and possible alternatives, and ensuring a market-responsive service plan. A summary of each of these issues is provided below:

Issue #1 – Regional Transit Vision - The Regional Transit Vision, which is the basis of our MOBILITY 2030 plan, would be evaluated to assess the anticipated effectiveness of the hierarchy of the regional, corridor, local, and shuttle service concepts (previously referred to as Yellow/Red/Blue/Green Car concepts) in achieving our transit system and network objectives. The Independent Transit Planning Review would address the potential success of these tiered service concepts in attracting the different market segments identified by our previous market research, and how these service concepts would form an effective and efficient transit network in different parts of the region (based on land use density, land use types, and urban design).

Issue #2 –MOBILITY 2030 Regional Transit Corridors - The MOBILITY 2030 network and the Proposition A *TransNet* program of projects identifies a number of primary corridors where high-speed transit services (LRT and BRT) are planned. The Independent Transit Planning Review will review the appropriateness of these primary regional corridors based on existing/future travel demand and the roadway network.

The review will also evaluate the corridors based on the potential to attract the choice rider market and assess how well we have incorporated the results of the market research work conducted in the region in 2000 into our travel demand models for forecasting transit ridership, which were updated in 2004. The market research produced some interesting insights into the various factors that play a part in a person’s decision on whether to use public transportation (e.g. speed/flexibility, safety, and the customer experience, and how the relative importance of each differs across the various market segments). The question has been whether these factors can help us to better predict transit ridership and to identify which market segments a new BRT or LRT service would attract.

Issue #3 –Transit Network Structure - This issue examines the overall transit network structure in place today and that proposed in MOBILITY 2030 in terms of its effectiveness for serving the multi-center urban setting of the San Diego region (i.e., unlike cities with a single activity center in a downtown, our region is composed of a number of existing and emerging centers such as downtown, the Golden Triangle, Mission Valley, and the future East Urban Center). The trunk line/feeder bus structure along our trolley corridors today represents one operating strategy for a network structure, but is this the best network strategy for future corridors where LRT and BRT service is proposed? What other options might be considered, and what is the most practical network structure and strategy given the expected resources for transit?

Issue #4 –Regional Transit Facilities and Operating Strategy – MOBILITY 2030 would achieve the Regional Transit Vision through implementation of freeway BRT, arterial BRT and LRT lines. For BRT, our plan calls for a range of facility types, including multi-modal managed lanes facilities in freeway corridors (e.g. the north I-15 corridor Managed Lanes/BRT project), dedicated transitways (e.g. South Bay BRT project in Otay Ranch), arterial transit-only lanes (e.g. Showcase project along El Cajon Blvd), and mixed flow street operations. The physical and operational design of stations, particularly the configuration of freeway BRT stations, has implications for operating strategies as well. Station proposals range from simple on-street bus stops to median guideway stations to major park-and-ride facilities connected to managed lanes by direct access ramps. The Independent Transit Planning Review would assess the applicability, effectiveness and trade-offs related to the various transit modes and facilities proposed in our MOBILITY 2030 network corridors, and provide guidance on the level and type of capital and operating investment needed to create a successful system. This would include consideration of the effectiveness and efficiency of providing parking, and parking fees, at transit stations and in communities along BRT and LRT corridors. The review will also help evaluate the resulting operating, cost and ridership implications of the various capital investments and designs.

The consultant and Peer Review Panel would also help assess the feasibility of short- and long-range strategies for implementing and operating BRT given funding availability, right-of-way needs, and environmental and community impacts. General guidelines and thresholds for BRT facilities, station spacing and service levels would also be developed.

Issue #5 –Operating Costing/Financing - The Regional Transit Vision envisions BRT in the San Diego region as providing a level of service and amenities on par with those provided by LRT (e.g. well designed stations, roving security/fare inspectors, and higher end vehicles) but with the flexibility of a conventional bus (e.g. being able to operate on a dedicated transitway or in mixed-street traffic). As a result, operating costs for BRT services will likely be higher than conventional bus services. Identifying cost categories and assumptions has been a challenge given the wide range of BRT services and concepts in the United States. There is also a need to provide appropriate comparisons to LRT operating costs to be able to assess cost-effectiveness of the various transit modes and service concepts.

The Independent Transit Planning Review will use experience from other cities and regions to refine our operating cost assumptions for both BRT and LRT, including discussion of fare levels and farebox recovery rates as well. In addition, we will explore the potential role that public-private partnerships could play in funding capital and/or operating costs of future transit services (e.g., businesses subsidizing a shuttle connection from an employment area to LRT/BRT stations).

Issue #6 –Transit/Land Use Coordination - A key element of both MOBILITY 2030 and the Regional Comprehensive Plan is the need for increased coordination between transit planning and land use development. The success of our Smart Growth Opportunity Areas strategy is dependant upon fostering a close relationship between future LRT/BRT services and potential areas where transit oriented development could occur. Several of our potential peer review panelists have direct experience in this area that could provide valuable insights on how to translate successful practices elsewhere to the San Diego region.

Public and Agency Involvement

We would use the newly established Regional Planning Stakeholders Working Group to provide input into the Independent Transit Planning Review. Periodic updates would be scheduled at

working group meetings to keep them abreast of the study progress and solicit their input. In addition, input would be obtained from the Regional Transit Management Committee (RTMC) and two technical working groups, the City/County Transportation Advisory Committee (CTAC) and Regional Planning Technical Working Group, which include both local government and transit agency professional staff.

Next Steps

The Peer Review Panel would help refine and finalize the consultant work scope. Upon Transportation Committee approval of the Independent Transit Planning Review approach, we will begin the process to solicit Request For Qualifications (RFQs) from consultant firms with international expertise in BRT and LRT planning and design based on addressing these issue areas. The Peer Review Panel would assist staff in reviewing the proposals received and recommending a firm to conduct the technical analysis.

Budget and Schedule

A new OWP project will be created in the FY 05 budget to allow the Independent Transit Planning Review to begin in April 2005. This budget action will be incorporated into a separate agenda item on FY 05 budget changes that will be brought to the Executive Committee at its March 11, 2005, meeting. The total project budget is proposed to be \$425,000 over two fiscal years with the consultant work and Peer Review comprising \$260,000 of that amount.

Key dates for the Independent Transit Review are outlined below:

- Mid April Initial meeting of the Peer Review Panel---scope of work finalized, consultant selection process
- April Report to the Regional Stakeholders Working Group on study approach and scope of work
- Mid May Consultant contract for technical analysis begins
- Early July Second peer review meeting to review consultant work
- Early September Third peer review meeting to review consultant work
- April – September Periodic updates to Regional Stakeholders Working Group, RTMC, technical working groups, and Transportation Committee
- Late October Draft conclusions/recommendations for review by Peer Review Panel, Regional Stakeholders Working Group, Regional Transit Managers' Committee, technical working groups, and Transportation Committee
- December Approval of final conclusions/recommendations by Transportation Committee (final consultant report will be prepared) followed by incorporation of results into the Regional Transportation Plan update.

COMMENTS

RESPONSES

We will continue to return to the Transportation Committee to provide regular updates and to receive direction on the Independent Transit Planning Review.

BOB LEITER

Director of Land Use and Transportation Planning

Attachment

Key Staff Contacts: Toni Bates, (619) 699-6950, tba@sandag.org
Dave Schumacher, (619) 699-6906, dsc@sandag.org



Attachment 1

OFFICE OF MAYOR DICK MURPHY
City of San Diego

MEMORANDUM

To: Ron Morrison, Chair, SANDAG Board
SANDAG Boardmembers

From: Mayor Murphy

Subject: TransNet Extension Ordinance and Expenditure Plan

Date: May 14, 2004

Voter approval of the TransNet Extension is one of the most important issues facing our region today. Both the 40 year term of this measure and its potential benefits to our region are so significant that it is critical that we build and maintain a broad base of support for the measure. It is in this spirit of consensus building that I urge the Board to support the following actions recommended by a number of interest groups.

1. Direct Staff to add to the Fiscal Year 2005 Overall Work Program an 'Independent Transit Planning Review'. The Independent Transit Planning Review shall be performed to determine the most effective and cost-efficient service and infrastructure plans for the San Diego region by a firm with recognized international expertise in the planning, design, and operation of exclusive Transitway facilities and in the planning and design of rail-based transit systems. This Review shall look at regional transit projects in the light of global "best practices" and will further consider alternatives to these projects. This analysis should produce a market-responsive service plan aimed at maximizing ridership, improving parking and traffic, supporting redevelopment opportunities, reducing travel time, attracting new transit riders, reducing congestion, and doing so in a cost-effective manner consistent with expected capital and operating resources.

2. Direct staff to prepare a letter to MTS and NCTD requesting each agency undertake a system-wide analysis of the transit system to ensure services are responsive to the needs of the public, delivered in an equitable manner and represents the best use of public funds by providing services in a cost effective and efficient manner. This letter shall be reviewed and approved by the Transportation Committee.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 10, 2013

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. The review period closed on December 9, 2013, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

327.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific 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 [gla]), approximately 557,440 gsf of commercial office (536000 sf gla), 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 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; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; Native American Heritage Commission

Date Received 10/24/2013 **Start of Review** 10/25/2013 **End of Review** 12/09/2013



City of Del Mar



December 10, 2013

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

Subject: Recirculated Project Alternatives to the Draft Environmental Impact Report
for the One Paseo Project
Project #: 193036
SCH. #: 2010051073

Dear Martha Blake:

Thank you for the continued opportunity to comment on the subject Draft Environmental Impact Report (DEIR) for the One Paseo development project, specifically, the newly released project alternatives. After reviewing the recirculated project alternatives section of the DEIR, it appears that only one alternative, the "Reduced Main-Street," is considered feasible in that it meets the objectives of the project. However, this project alternative does little to respond to the previous comments made by the City of Del Mar and many others, in that the project alternative would continue to create immitigable impacts to the surrounding community in terms of traffic, visual effects and neighborhood character, and most likely, emergency life safety response times. It is the opinion of this City that the DEIR has, again, failed to include appropriate and reasonable alternatives to the proposed project. This level of change from the adopted community plan, as proposed by the project and the Reduced Main-Street alternative, should not go forward with such an extensive need for overriding considerations of their negative impacts.

The City of Del Mar offers the following specific comments:

Traffic

As stated in the recirculated DEIR regarding the Reduced Main-Street project alternative:

...while the number of trips would be reduced with this alternative, it would result in the same significant impacts to the roadways and intersections as the proposed project.

- 328.1 This comment correctly states that the Reduced Main Street Alternative is considered feasible, yet creates significant and unmitigated environmental impacts. This alternative does not, as the comment suggests, create significant "emergency life safety response times." For a discussion of emergency response times, refer to response to comment 15a.46. With regard to whether alternatives included in the Final EIR are appropriate and reasonable, refer to response to comment 63.179.
- 328.2 This comment suggests that the Reduced Main Street Alternative should not be approved by the City Council due to its negative environmental impacts. As this comment does not address the adequacy of the Recirculated Alternatives or the Draft EIR, no further response is required.

COMMENTS

RESPONSES

One Paseo Comment Letter
December 10, 2013
Page 2 of 4

328.3 The proposed significant impacts from either the proposed project or the Reduced Main-Street alternative are of great concern to the City of Del Mar. To reiterate our previous comments, 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. Significant impacts to the Del Mar Height Road/Interstate 5 ramp meters will result in drivers rerouting to the Camino del Mar/coastal corridor. This has a tremendous impact on the City of Del Mar and local 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).

328.4 The City of Del Mar continues to be concerned that, according to the traffic studies for the DEIR, any development of the project site will have significant impacts to traffic with little to no transit options for accessing the project area. The project and its slightly reduced-sized alternative are urban scale developments that must be served by some form of mass transit to relieve vehicular dependence and provide alternative transportation choices. According to the 2050 Regional Transportation Plan (RTP), this area would be directly served by north/south rapid bus service. However, construction of the proposed project or an alternative would not be appropriately timed with the introduction of mass transit to the project area. It is the opinion of this City that, at a minimum, the planned high frequency bus line should be operational at the time of project implementation. In addition, we strongly recommend that east/west transit connection options, such as a circulator, be implemented as traffic mitigation and for the benefit of the Del Mar and Carmel Valley Communities. This mitigation will provide an alternative to vehicular travel for the residents and businesses within a few miles of One Paseo – the most likely users of the Main Street.

328.6 Another important tool to help mitigate vehicle-related impacts to the project area would be a Traffic Demand Management (TDM) Plan. These plans provide strategies and tools to promote alternatives to single-occupancy vehicle usage such as ridesharing, non-motorized transportation, and incentives for using public transit. A TDM Plan is referenced in the traffic memorandum but was not distributed for review. The TDM Plan should be distributed for public review as part of the DEIR and should provide methods to promote and engage area employers, residents and schools. As mentioned in our previous comment letter, this project will also affect, and be affected by vehicular traffic to and from nearby Torrey Pines High School. This high volume of morning and off-campus lunch traffic combined with the project traffic impacts must be considered and addressed with TDM strategies.

328.3 As discussed in response to comment 5.2 and illustrated Exhibit 5.2-1, the traffic from the proposed project is not expected to encourage a substantial diversion onto secondary roadways.

328.4 While the availability of Bus Route 473 will be a benefit to the proposed project, the proposal to operate a private shuttle which would connect the project with the Sorrento Valley Coaster station could provide interim access to regional transit until public bus service is extended to the site. Also, as discussed in response to comment 10.40, the traffic impact analysis for the project does not assume or account for future Bus Route 473. For more information, refer to response to comment 6.7.

328.5 As discussed in response to comment 6.7, the project applicant is proposing a private shuttle which would provide access to the Sorrento Valley Coaster station until planned public bus service is available to the proposed project.

328.6 The TDM Plan is not a technical appendix to the Draft EIR and thus, was not circulated for public review. It is available upon request at the City's Development Services Department. The TDM Plan proposed as part of the project has been updated, the details of which are discussed in response to comment 6.7.

328.7 As discussed in response to comment 5.3, the Torrey Pines High School traffic is considered in the traffic analysis completed for the project.

One Paseo Comment Letter
December 10, 2013
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Visual Effects and Neighborhood Character

As stated in the DEIR:

Despite the revisions to some of the buildings, the building heights and intensity of use associated with the Reduced Main Street Alternative, as a whole, would be out of character with the bulk and scale of the surrounding neighborhood. Therefore, as with the proposed project, this alternative would have a significant impact on neighborhood character. As with the proposed project, feasible mitigation measures are not available to reduce this impact to below a level of significance.

- 328.8 The City of Del Mar strongly agrees that the Reduced Main-Street alternative would be significantly inconsistent with the low-scale and low-intensity character of the immediate vicinity and recommends that no development exceed the proposed densities and height limits of the Mixed-Use Retail alternative. The City of Del Mar continues to be supportive of local and regional planning practices that encourage mix-use environments, pedestrian-oriented spaces, sustainable buildings and the reduction of green-house emissions. However, any development proposal requiring amendments to General, Community, and Precise Plans must be thoughtfully designed to fit into its built surroundings and should take every precaution to minimize any change to the area's planned and existing community character. Therefore, we encourage the City of San Diego to work with the applicants to achieve a viable main-street concept that achieves the goals of the project, but with significantly reduced community impacts in a manner similar to, or even greater than, the Mixed-Use Retail alternative.

Effects to Emergency Response

- 328.9 Health and safety issues must be identified in the recirculated DEIR section due to the likely impacts to emergency public services. These impacts can occur in terms of both impacts to existing services and to emergency response times. Currently, the City of Del Mar's Fire Department Station 1 has a significant call volume that responds to City of San Diego needs and supplements San Diego Fire Department Station 24. An increase in service calls due to the new development will exacerbate this current situation and should be analyzed and mitigated.
- While not addressed directly in the recirculated DEIR for the Project Alternatives, it is also reasonable to link the significant traffic impacts and increased vehicular congestion to possible delays for emergency response. This is an issue the City of Del Mar feels must be thoroughly reviewed.
- An emergency response study must be conducted for the proposed project and project alternatives due to the life safety issues that delayed emergency response times pose. At a minimum, the study should take into consideration: a) existing emergency response

- 328.8 The Reduced Main Street Alternative has reduced the scale, bulk, and height of structures to more closely conform to development on adjacent properties. However, despite the reductions in bulk and scale, proposed structures under this alternative still would differ enough in bulk and scale from those immediately adjacent to the project site that, community character is still considered as a significant unmitigated impact, as described in Section 12.9 of the Final EIR. The General Plan anticipated and acknowledged character impacts associated with implementation of the "City of Villages" strategy and the attendant intensification.

The Recirculated Alternatives included the Reduced Main Street Alternative, the Reduced Mixed-use Alternative, and the Specialty Food Market Retail Alternative, which are described and analyzed in Sections 12.9, 12.10, and 12.11, respectively. The Reduced Main Street and Reduced Mixed-use Alternatives contain the same land use components as the proposed project, but would eliminate the hotel. The Reduced Main Street Alternative would reduce the overall development to a floor area ratio (FAR) of 1.4 while the Reduced Mixed-use Alternative would reduce the FAR to 0.8. As concluded in the Recirculated Alternatives, both the Reduced Main Street Alternative and the Reduced Mixed-use Alternative would still result in significant unmitigated community character impacts even though there would be reductions in bulk, scale, and height of buildings. The Reduced Main Street Alternative meets most of the basic objectives, and is considered a feasible alternative. The Reduced Mixed-use Alternative is not considered feasible for the reasons described in the response to comment 330.6.

The only analyzed alternative that would avoid significant unmitigated community character impacts is the Specialty Food Market Retail

COMMENTS

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One Paseo Comment Letter
December 10, 2013
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328.9 cont. times for San Diego Fire Department Station 24 and Del Mar Fire Department Station 1 to the project location and their respective mapped response areas; b) the impacts that each of the projects and their anticipated traffic congestion would have on emergency response times by both fire departments; and c) other recommendations by the Traffic Engineer, such as improved road widths, fire lanes and/or location of pre-emptive traffic signal devices that may improve emergency vehicle response. The study must also take into account seasonal impacts to traffic, especially at freeway ramps, during the San Diego Fair and Thoroughbred Race Meets.

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

- 328.8 Alternative. This alternative involves only commercial retail uses in single-story buildings on a portion of the project site. However, as discussed in section 12.11.3 of the Recirculated Alternatives, this alternative would not meet the basic objectives of the project because it would not create a village consistent with the goals and policies of the General Plan.
- 328.9 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.



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Tribal Chairmen's Association

Mexico

December 10, 2013

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 Recirculated Project Alternatives to the Draft
Environmental Impact Report for the One Paseo Project

Thank you for the opportunity to comment on the Recirculated Project Alternatives to the Draft Environmental Impact Report (DEIR) for the One Paseo Project, which proposes three new development alternatives in the City of San Diego's Carmel Valley Community Plan area — Reduced Main Street, Reduced Mixed Use, and Specialty Food Market Retail, and also proposes a Transportation Demand Management (TDM) Plan.

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 TDM Plan.

SANDAG recommends that the following comments be addressed and analyzed in the Recirculated Project Alternatives to the DEIR, and specifically in the associated TDM Plan.

329.1 As discussed in response to comment 6.7, the project applicant is proposing a TDM Plan that would include a variety of strategies to reduce project traffic including providing a shuttle which considers the needs of motorists, transit riders, pedestrians and bicyclists.

Transportation Demand Management Plan

SANDAG appreciates the efforts of the One Paseo team to comprehensively consider the incorporation of TDM strategies into the proposed development. SANDAG suggests that the following specific recommendations be considered as the DEIR and recirculated project alternatives are finalized, as they relate to the One Paseo TDM Plan:

329.2 **Strategies for Integrating TDM into the One Paseo Project (P. 7)**

Strategies such as parking cash-out can incentivize employees to choose alternate modes of transportation by providing a cash incentive in-lieu of free parking for choosing not to drive to work alone. While this can be an effective strategy, SANDAG recommends that unbundled parking also be considered. As cited in the SANDAG publication, *Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities*, "[u]nbundled parking refers to parking that is rented or sold separately, rather than automatically included with building leases.

The cost of parking for residential and commercial units is often passed on to the occupants indirectly through the rent or purchase price ("bundled") rather than directly through a separate charge. This means that tenants or owners are not able to purchase only as much parking as they need, and are not given the opportunity to save money by using fewer parking spaces. This is not only more equitable, but can also reduce the total amount of parking required for the building" (P. 21-22). Please refer to the above-mentioned publication to review different methods of unbundling parking.

329.3 **TDM Plan Recommendations – Shuttle Program (P. 10)**

The One Paseo TDM Plan proposes a Shuttle Program as a recommendation for integrating TDM into the Project, and states that "[t]he shuttle may include an am/pm peak time route that would generally run from the Project site to the adjacent transit locations such as the Solana Beach COASTER Station, the Sorrento Valley COASTER Station and the Park & Ride lot located at I-5 and Carmel Valley Road." Depending upon demand, SANDAG suggests that it also may be helpful to connect the shuttle to major Sorrento Valley employers after stopping at the Sorrento Valley COASTER station. Initial surveying of One Paseo residents could inform the planned shuttle route.

329.4 **TDM Plan Recommendations – Parking Cash-Out (P. 11)**

It should be noted that where the One Paseo TDM Plan states that "[f]inancial incentives for ridesharing are currently available to reduce costs through the SANDAG commute program, and employers are allowed to offer payroll tax savings for transportation assistance up to \$135 a month per employee for transit passes or vanpool vouchers (as of 2012 published incentive rates)," that the transportation benefit should be changed to \$245 (not \$135) as per the most recent IRS publication, *Employers Tax Guide to Fringe benefits (2013)*, available at www.irs.gov/pub/irs-pdf/p15b.pdf (Section 2 Transportation Benefits, Table 2-1. Special Rules for Various Types of Fringe Benefits).

329.5 **TDM Plan Recommendations – Further Transit Enhancements (P. 13-14)**

The TDM Plan mentions that transit enhancements are "controlled by Regional funding sources and are not within control of project developer." However, to encourage transit use, discounted transit passes could be provided/promoted to tenants to support an effective TDM strategy. For more information on strategies to encourage the use of transit, refer to the SANDAG publication, *Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities*, or contact SANDAG's iCommute team directly.

329.2 Based on the minimum parking requirements imposed by the City of San Diego, charging for the minimum parking requirement is not allowed.


329.3 The project applicant has indicated a willingness to consider expanding the shuttle service based on the demand generated for the service.

329.4 The transportation benefit amount will be revised in the final TDM Plan to reflect the appropriate amount.

329.5 The project applicant is not including discounted transit passes in the TDM Plan.

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329.6	<ul style="list-style-type: none"> TDM Plan Recommendations – Table (P. 15) It is suggested in the TDM Plan Recommendations Table that Carshare and Bikeshare programs are dependent upon third-party interest. However, SANDAG encourages developers to consider providing carshare vehicles and/or a bikeshare program for tenants in order to provide high-quality TDM options for the One Paseo Project. Carshare and Bikeshare programs can be effective methods of reducing vehicle miles traveled and can help mitigate traffic impacts while providing an amenity to tenants.
329.7	<p>Under the column heading “tracking effectiveness,” there is no information listed. SANDAG suggests that methods of evaluation are identified in the Final TDM plan. This could include annual surveys of tenants and regular parking occupancy counts. The iCommute online system also could be used for tracking and reporting TDM effectiveness. The One Paseo Transportation Coordinator has the ability to create a network for One Paseo within the iCommute system for convenient tracking and reporting tools. These measures should be delineated in the TDM Plan Recommendations Table.</p>
329.8	<p>Other Considerations Please consider all applicable State of California laws and Executive Orders when developing the DEIR. 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.</p>
329.9	<p>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 website at www.sandag.org/igr:</p>
329.10	<ol style="list-style-type: none"> (1) <i>Integrating Transportation Demand Management into the Planning and Development Process - A Reference for Cities</i> (2) <i>Parking Strategies for Smart Growth</i> (3) <i>Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in EIRs</i> (4) <i>Trip Generation for Smart Growth</i> (5) <i>Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region</i> (6) <i>Designing for Smart Growth, Creating Great Places in the San Diego Region</i> (7) <i>Riding to 2050, the San Diego Regional Bike Plan</i> <p>If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or susan.baldwin@sandag.org.</p> <p>Sincerely,</p>  <p>SUSAN BALDWIN Senior Regional Planner</p> <p>SBA/dsn</p>

329.6	Car share and bike share programs would be provided by third party vendors, if market demand exists for such programs.
329.7	The latest version of the TDM Plan has removed the heading related to tracking effectiveness.
329.8	The Draft EIR considered and evaluated the project in accordance with applicable laws, regulations, and other guidance, including CEQA, the State CEQA Guidelines, the City’s CEQA thresholds guide, and all regulations and guidance cited in each discussion of a particular environmental issue area. As the comment cites no deficiency, no specific response is possible
329.9	The development will be LEED-certified and include design measures which will reduce energy and water consumption.
329.10	As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

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

December 10, 2013

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

Re: **One Paseo Recirculated Project Alternatives to the DEIR**
Project No. 193036
SCH No. 2010051073

Applicant: Kilroy Realty Corporation

Dear Martha:

The Carmel Valley Community Planning Board (CVCPB) appreciates the opportunity to review the Recirculated Draft Environmental Impact Report (RDEIR). At its regular meeting on October 24, 2013, the CVCPB voted unanimously to authorize the Chairman to submit comments on the RDEIR. The CVCPB also provided written comments on the DEIR on May 29, 2012.

The CVCPB notes that the DEIR alternatives analysis was incomplete. While we read that the City's RDEIR includes additional alternatives, the analysis is cursory and conclusory, denying the community a genuine opportunity to understand the benefits and impacts of this significant project.

330.1 CEQA Guidelines Section 15126.6(d) states: "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The level of analysis of alternatives included in the Draft EIR and the Recirculated Alternatives is consistent with these requirements. Sufficient information is included for each alternative to allow the reader to evaluate and

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	<p>330.1 compare the environmental impacts of each alternative with the cont. Originally Proposed Project. Due to the importance of traffic impacts, the discussion of each of the reduced project alternatives contained a list of each of the roadway segments and/or intersections impacted by the alternative in both the near- and long-term conditions. Furthermore, as suggested in Section 15126.6(d), Table 12-1 has been added to the Final EIR to create a matrix to summarize the comparison of alternatives with the proposed project.</p>
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Policy Issues

The Carmel Valley community has been presented with essentially three options to consider for the project site, with the following discussion:

Basic Option	Basic Description	Discussion
Office	Retain the existing entitlement for approximately 510,000 square feet of office.	The CVCPB has been clear that the community wants a mixed-use project at this site. The outstanding issue is about the size and how that affects community character and available choices and services within the project. A project with only office uses is not in the community's interest.
Regional Mixed-use	Transform the site into a mixed-use project with regional draw.	A project that is sized to be a regional draw will bring tenants to Carmel Valley that otherwise would not locate here. However, a project of that scale would be a significant change to the community. Whether this amount of change and the impacts associated with it are desirable is the issue with One Paseo.
Community Mixed-use	Transform the site into a mixed-use project, but at a smaller scale intended to principally serve the Carmel Valley area. The existing Carmel Valley Community Plan includes community-serving retail only.	A project that is similar to the size and character of the Village at Pacific Highlands Ranch is more in keeping with the character of the existing community. However, it will limit the choices and services available to the community in the project since it will not draw tenants that require a broader trade area. Whether the impacts associated with the proposed One Paseo project are severe enough to significantly reduce its size and therefore choices and services available in a smaller project is a trade-off to consider with this option.

The comments CVCPB has provided on the DEIR and now the RDEIR are intended to help the board and the community to fully understand this project so we can make an informed recommendation as to which option is in the best interests of the community. CVCPB members remain concerned about the project because of inadequacies in the environmental document that make it difficult to understand the ramifications in choosing one option over another.

330.2 As described in Section 12 of the Draft EIR, and in the Recirculated Alternatives, the Final EIR considered a range of alternatives beyond those presented in this comment. In all, the Final EIR addresses eight alternatives.

330.3 As no specific concerns regarding the purported inadequacies in the EIR are identified, no specific response to this comment is possible. Specific concerns raised in the following comments are addressed in the respective responses.

Technical Issues

The CVCPB comments on the adequacy of the RDEIR and raises the following four key flaws with the RDEIR:

1. **ALTERNATIVES MUST BE TRANSPARENT**

The RDEIR is inadequate and should be revised and recirculated or fully addressed in the EIR because it is simply not transparent about the alternatives. An EIR is fundamentally a disclosure document that allows the public and decision-makers an opportunity to make an informed choice about a project, which ideally results in minimal negative impacts to the environment.

The alternatives make reference to terms that are not defined and are not necessarily a part of the project description or project objectives. This DEIR contains subjective terms and buzzwords like "mixed-use," "main street," "sustainable," "critical mass," and "vibrant" strung together to make the proposed project and a slightly reduced project seem desirable, and a significantly smaller project seem undesirable and even impossible. These fashionable terms are not adequately explained, and at times the ideas that they suggest even seem to contradict each other. If these words are going to be used to judge the desirability and feasibility of project alternatives, they need to be further explored and explained.

Furthermore, the analysis assumes only one site planning/character/design solution exists for each alternative. A walkable, mixed-use project can be achieved with a lesser level of development. The project objectives could still be met. Case in point: the Village at Pacific Highlands Ranch, which is about half the size of the proposed One Paseo project, as revised/reduced, on a nearly equivalently-sized site. The RDEIR puts forward alternatives, which are summarily dismissed as infeasible, except for the revised (reduced) One Paseo project. The assertion that other, smaller alternatives are infeasible is simply inaccurate.

1.1 **REDUCED MAIN STREET ALTERNATIVE**

"The Reduced Main Street Alternative would meet the basic objectives of the proposed project including the advancement of sustainable development principals [sic], and is considered a feasible alternative."

RESPONSE:

Which "sustainable development principles" would this alternative truly advance, in the long-term overall picture? As we commented in the original DEIR, the traffic congestion associated with this proposal including LOS E and F on Carmel Valley's existing "main streets," El Camino Real and Del Mar Heights Road, as well as long wait lines on freeway ramps, would make the surrounding 4,000-acre master-planned community, including our residential neighborhoods, schools, parks, businesses, emergency responders, and shopping centers, less functional, less desirable, and less easily accessible by walking, biking, and even driving on a daily basis. Surely no development proposal, no matter how well designed within its own borders that create significant unmitigated and inmitigable impacts to neighborhood character and traffic circulation in a thriving,

330.4 Limiting recirculation to the new alternatives is consistent with Section 15088.5(c) of the CEQA Guidelines which states, "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate those chapters or portions that have been modified."

330.5 This comment expresses concern that certain terms used in the analysis of project alternatives are subjective, "buzzwords" or are defined, and do not appear in the project description or project objectives. The responses to comments and Final EIR provide further explanation of these terms. One of the terms used in evaluating reduced project alternatives is "Main Street." For purposes of evaluating reduced project alternatives, the Main Street concept represents a mix of retail, residential and office uses that create a synergy which supports each of the uses and enhances their success. This concept is used extensively in connection with the City's General Plan and City of Villages strategy. See response to comment 330.6. The Main Street design is an effective method of achieving the stated project goals and objectives. For example, retail uses which include specialty retail, entertainment, restaurants and integrated open space encourage people to live in the associated residential units. Similarly, the existence of on-site residents as well as office workers provide patrons for the retail. In addition, the combination of all three of these uses activate the Main Street during both the day- and night-time. This heightened level of activity, unique retail and entertainment opportunities combined with network of paseos and plazas which creates the vibrant condition referenced in the Recirculated Alternatives.

The term "sustainable" is used because the mixed-use village concept allows for people to live, work and shop in one location resulting in a reduction in the reliance on the private automobile which would otherwise be required to reach residential, employment and retail areas. Consolidating uses within one development also facilitates the effectiveness of the planned future transit. The concept of sustainability is inherent in the City of Villages strategy referenced above.

"Critical mass" is commonly used to describe the size of a retail center needed to attract a sufficient number of customers to make the center economically viable. For example, as discussed in response to comment 330.6, the critical mass for the retail portion of a so-called lifestyle

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330.5 shopping center development normally ranges between 150,000 and
cont. 500,000 s.f. Lifestyle centers with fewer than 200,000 s.f. of retail
uses succeed where other attributes, such as an existing mixed-use
environment or a tourist destination, substitutes for onsite critical mass.
The term “mixed-use” is not a new term in the EIR. This term appears
in the first project objective identified in Section 3.1 of the Draft EIR. In
general, the term refers to developments which are characterized by more
than one land use type. The original Draft EIR included three mixed-
use alternatives. The Commercial Only Alternative includes retail and
office but no residential. The Medical Office/Senior Housing Alternative
and No Retail Alternative are comprised of office and residential, but no
retail.

The term “villages” is defined on page 5.1-3 of the Draft EIR.

330.6 This comment suggests that the project objectives could be met while
further reducing the intensity of development. As described in detail in
Section 12.10 of the Final EIR, the Reduced Main Street Alternative is
the only feasible “reduced project” alternative that would achieve all or
most of the basic project objectives, including the objective to “develop
a mixed-use village consistent with the goals of the General Plan.”
Based upon the evidence available, a further reduction of the density
of the project, as represented by the Reduced Mixed-Use Alternative,
would not achieve the underlying goal of creating a vibrant mixed-use
development and pedestrian-oriented public gathering space (the “heart
of the community” contemplated by the City of Villages section of the
General Plan Land Use and Community Planning Element), as well as
the related policies. See General Plan at LU-6.

Specifically, the Reduced Mixed-use Alternative would not:

1. Provide the required critical mass and mix of uses necessary to attract
sufficient shoppers and desirable up-market retail tenants currently
lacking in the Carmel Valley area; or
2. Achieve key goals and policies contained in the Land Use, Urban
Design, and Housing Elements of the City’s General Plan.

Although the objectives listed in the Draft EIR for the project do not
explicitly use the words “Main Street,” the Main Street design concept is
an effective method of achieving the stated project goals and objectives.
The Urban Design Element of the General Plan, discussed in greater detail
below, includes a goal that mixed-use areas include “vibrant, mixed-
use main streets that serve as neighborhood destinations, community

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RESPONSES

330.6 resources, and conduits to the regional transit system.” The Main Street
cont. concept promotes a pedestrian-oriented public gathering space associated with residential and commercial development, often associated with successful “lifestyle centers” developed over the last decade. The Land Use and Community Planning Element of the General Plan specifically promotes the enhancement or maintenance of a “Main Street” character for infill projects. Id., at LU-11. The “Main Street” concept is central to the mixed-use villages goals enunciated in the General Plan, Urban Design Element. Moreover, the Economic Prosperity Element of the General Plan contemplates the Main Street design concept:

The City of Villages strategy incorporates the growing need for convenience and good design to attract the consumer. Many of the new shopping centers of this coming era will be designed to resemble a community and will function like a Main Street. The provision of traditionally stand-alone commercial uses within mixed-use development is an important strategy in using the City’s land more efficiently. General Plan, EP-13.

Although the Reduced Mixed-use Alternative would satisfy a number of project objectives, the reduced scale and intensity of this alternative would not meet a central objective: creating “a mixed-use village consistent with the goals of the General Plan.” See page 3-1 of the Draft EIR. The phrase “consistent with the General Plan” involves development of a village that will provide opportunities for “public gathering and social interaction, reinforcing the sense of community.” A village integrates residential, commercial, employment, and civic uses in pedestrian-friendly, inviting, accessible, and attractive streets and public spaces. Over time, the General Plan anticipates that these villages will be increasingly connected to each other by an expanded regional transit system. The village land use pattern and densities help make transit operate more efficiently, which in turn allows for improved and more cost effective transit services. See page LU-6 of the General Plan.

Section 4.2 of the proposed Precise Plan Amendment sets forth specific design guidelines to achieve the necessary critical mass and mix of uses to implement the village concept, including:

- Vertical integration of retail, residential and office uses;
- Pedestrian-oriented ground floor retail or other street-activating uses fronting Main Street;
- Outdoor gathering spaces, including plazas and landscaped open space to accommodate a wide-range of activities including strolling, sitting, eating and entertainment; and

COMMENTS

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- 330.6 cont. • Paseos to provide a pedestrian and bicycle network between retail and residential uses.

The Reduced Mixed-use Alternative reduces retail space to 140,000 s.f. of gross floor area, reduces office space to 267,800 s.f. and reduces housing by 50% to 304 dwelling units. The Reduced Mixed-use Alternative's significant reduction in housing and retail density leads to a reduction in the mixed-use characteristics of the project site as a "village," which the Recirculated Alternatives discussion stated would cause the project to "resemble a traditional neighborhood shopping center, with single-story strip retail or stand-alone buildings serviced by surface parking lots, rather than gathering spaces distributed on the interior of the project." See Section 12.10 of the Final EIR. Several comments, including this one, have opined that a vertical mixed-use development would be feasible at this reduced square footage. However, while a vertical mixed-use design is theoretically possible and could attempt to approximate a "Main Street" pedestrian experience, the City of Villages Strategy requires higher residential and retail density to feasibly achieve the benefits of a village. The development pattern of the Reduced Mixed-use Alternative may theoretically be consistent with the broad contours of the "Main Street" concept, which was "created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools and civic uses at different scales, in village centers." See page SF-6 of General Plan Strategic Framework Element. However, the Reduced Mixed-use Alternative would not provide adequate density to provide a vibrant Main Street experience or feasibly achieve other goals and policies of the General Plan, as described more fully below.

As discussed in Section 12.10 of the Final EIR, the character, quality, and design of retail shopping centers vary, often depending upon the size of the shopping center. The Reduced Mixed-use Alternative would not contain enough retail space to succeed as a high-quality, mixed-use "lifestyle center" that meets the goals and policies of the City of Villages concept embodied in the General Plan. As outlined in the Retail Market Analysis and Retail Critical Mass Associated with a Reduced Project Alternative, dated February 5, 2014, prepared by The London Group (the "London Report") and included as Appendix B.3 of the Final EIR, the volume of retail implicates two primary issues: (1) the amount of space available for certain primary or "anchor" tenants, as well as supporting retail, with certain space requirements; and (2) the availability of space for preferred co-tenants, as many of the desired retailers demand the presence of other specific retailers as a condition of leasing.

COMMENTS

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330.6 cont. As described in Section 12.10 of the Final EIR, the project goals include offering a broader range of shopping experiences than a traditional community shopping center because of its integration into a mixed-use environment. As described in the London Report, lifestyle centers are characterized by higher quality “specialty” retail tenants (as distinguished from typical in-line tenants typically associated with strip-style malls already present in Carmel Valley). Such tenants prefer to cluster together because such tenants view their businesses as synergistic: that is, patrons of one are likely also to patronize the other, and also would more likely patronize either or both if both are present. Lifestyle centers also provide an emphasis on entertainment opportunities, such as movie theaters and restaurants, to “activate” the center by generating opportunities to participate in a range of activities on the same outing. Integrated open space to promote pedestrian activity is also a key ingredient of lifestyle centers.

According to the London Report, the 140,000 s.f. of retail included in the Reduced Mixed-use Alternative would be insufficient to create a lifestyle retail center. The lifestyle centers analyzed in the London Report ranged between 150,000 and 500,000 s.f., and indicate that specialty retail tenants strongly prefer a minimum retail component size of 200,000 to 300,000 s.f. The 140,000 s.f. of retail included in the Reduced Mixed-use Alternative would fall below the smallest lifestyle center identified, and outside the strong preferences of the specialty retailers and other tenants associated with lifestyle centers. Further, as stated in the London Report, lifestyle centers with fewer than 200,000 s.f. of retail uses, “are already part of an integrated mixed-use environment with dynamic retail, or are located in high-traffic areas that are tourist destinations. As such, these centers are smaller in nature because other attributes, such as an existing mixed-use environment or a tourist destination, substitutes for critical mass.” See page 7 of Appendix B.2.

The smaller retail component of the Reduced Mixed-use Alternative would also not complement the adjacent Del Mar Highlands Towne Center. Although both the Retail Market Analysis prepared by Kosmont and the London Group conclude, based on extensive economic evidence, that a surplus of demand for retail uses would continue to exist in Carmel Valley even after development of the Originally Proposed Project or Reduced Main Street Alternative and any future expansion of the Del Mar Highlands Towne Center, similar tenant mixes would fail to differentiate the two centers. In other words, lacking a critical mass of retail space, the Reduced Mixed-use Alternative would effectively duplicate the types of retail tenants already present in Carmel Valley, rather than fill the void

COMMENTS

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330.6 by providing the upscale retail opportunities currently lacking in Carmel
cont. Valley. A lifestyle center provides a shopping experience that contrasts
with and complements the retail tenants of nearby retail establishments.
A smaller retail component would not attract the desired tenant mix to
attract shoppers and would fail to capture any significant portion of the
retail sales “leakage” from Carmel Valley.

Due to the importance of a lifestyle center to fulfilling the village
and “Main Street” concepts, the Recirculated Alternatives discussion
appropriately concludes, irrespective of the horizontal or vertical mixed-
use design of the development, that the village concept could not be
feasibly achieved. Section 12.10 of the Final EIR has been modified to
reflect the information contained in this response to comment.

330.7 Although the proposed project could result in significant, unmitigated
traffic impacts, the Reduced Main Street would include the same
sustainable features identified on page 3-10 of the Draft EIR.

330.7
cont.

cherished community can be properly described as "sustainable."

1.2 REDUCED MIXED-USE ALTERNATIVE

"Although the land use elements of this alternative would be generally similar to those associated with the proposed project, with the exception of the hotel, the design characteristics of the development would change. The significant reduction in retail would preclude the ability to locate residential development over retail uses on the ground floor, which would eliminate the vertical mix of uses included in the proposed project. The Reduced Mixed-use Alternative would not have commercial and residential uses located within the same buildings and, thus, would have a different character than the proposed project. The retail area would resemble a traditional neighborhood shopping center, with single-story strip retail or stand-alone buildings serviced by surface parking lots, rather than gathering spaces distributed on the interior of the project. The reduction in retail would eliminate the critical mass necessary to implement the "Main Street" concept. The proposed project, as well as the Reduced Main Street Alternative, contemplate a retail tenant and merchandise mix consistent with lifestyle centers, which are 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. Such high-quality specialty retailers typically locate in projects with similar quality retailers and require a volume of shoppers to sustain their operations not generated by smaller, neighborhood-oriented shopping centers. The 50 percent reduction in retail proposed by the Reduced Mixed-use Alternative would not generate the number of shoppers necessary to sustain and attract the desired class of retailers. Similar to the proposed project, General Plan, Community Plan, and Precise Plan amendments and a Rezone would be required."

"The Reduced Mixed-use Alternative is intended to reduce traffic and neighborhood character impacts while retaining the basic elements of the proposed project, with the exception of the hotel, albeit at a reduced scale. Thus, this alternative would reduce the commercial uses and residential uses associated with the proposed project by 50 percent; however, such reductions would be at the expense of the vibrant critical mass created with the vertical mixed-use."

RESPONSE:

This alternative as laid out appears to be a straw man. The RDEIR needs to explain why the design characteristics of the development would need to change. Why would the significant reduction in retail preclude the ability to locate residential development over retail uses on the ground floor? Why would the retail elements need to be arranged as single-story strip retail serviced by surface parking lots? Why could they not be arranged around a "town square" with gathering spaces distributed on the interior of the project? There are many successful mixed-use projects that are much smaller, by orders of magnitude, than One Paseo.

Planners, recognizing a need for a place where all of the people in a community could meet and get to know each other, have seized on terms and concepts like

330.8 Refer to response to comment 330.6 for a discussion regarding the irrelevance of the horizontal or vertical mixed-use design, in absence of adequate critical mass, to the feasibility of the Reduced Mixed-use Alternative. The discussion of the Reduced Mixed-use Alternative in Section 12.9 of the Final EIR has been revised to reflect this.

COMMENTS

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- 330.9 "mixed use" and "Main Street" as keys to evoke and recreate genuine town centers. But these terms should not be inappropriately applied to discriminate among levels of development intensity on a given parcel of land within an already established community. What exactly is the "Main Street" concept for One Paseo? From the RDEIR's description, it appears to be not the traditional mixed-use small town main street that most people remember or imagine, but a "lifestyle center" consisting of 150,000-500,000 square feet of retail that includes upscale national-chain specialty stores. So the RDEIR should be transparent and simply say that. Perhaps the community will want that and be willing to make trade-offs for such a project.
- 330.10 Throughout the review of One Paseo a similar development named Santana Row in San Jose has been touted as what One Paseo will be like. The website and Google pictures for this project seems to indicate that Santana Row is less dense than One Paseo. Without knowing the facts of Santana Row would not its success imply that mixed-used development could be designed at a reduced density and reduced vertical building height?
- 330.11 The language disparaging this alternative makes it clear that One Paseo is not intended as a heart for Carmel Valley but, rather, as a regional retail draw similar to The Forum in Carlsbad. The promotional literature says, "The Forum Carlsbad is an elite collection of merchants, gathered together in a beautifully unique Southern California setting. Stroll The Forum's Main Street while enjoying the best selection of shopping, dining and life that North County has to offer."
- 330.12 The Forum is not a mixed-use project. There is little or no office or residential development nearby, and certainly not within inviting walking distance. It is almost an island, reachable only by car. And yet its promoters call it a Main Street. For which towns are these retail centers really "main streets?" The term "Main Street" has lost its meaning. Dismissing a less impactful version of One Paseo on the grounds that it would not achieve a main street "concept" would, as we pointed out in our original DEIR comments, substitute marketing language for solid outcome-oriented planning precepts.
- 330.13 The last phrase dismissing this alternative, "such reductions would be at the expense of the vibrant critical mass created with the vertical mixed-use", also does not quite make sense. Is the RDEIR trying to imply that vertical mixed-use would create a "vibrant critical mass" but that the same amount of housing, shopping and offices located next to each other, arranged around a public gathering space, would not?
- 330.14 With the "Reduced Mixed-use Alternative" why can't it be designed with the vertical mixed-use feel by compressing the development, which would leave more on-site open space for use by the residents? The additional housing proposed by One Paseo would trigger a requirement for more active recreational space. This design approach should have been studied. Kick up the retail to 150,000 SF, which is at the low end of the documented 150-500K SF lifestyle centers. What's wrong with moving forward with the "Reduced Mixed-use Alternative" as a phased development? Analyze the traffic impacts (in real time) of the "Reduced Mixed-use Alternative" and, if the impact is bearable, then allow additional SF.

- 330.9 This comment correctly characterizes the Main Street concept envisioned in the proposed project, which was described in detail in Chapter 3 of the Draft EIR. Refer to response to comment 330.5 for additional discussion.
- 330.10 The comment relates to a project referenced in Exhibit 15A.110-1. The comment assumes that Santana Row has a lower floor area ratio (FAR) on Google Maps, it does not provide background of the acreage or square footage applied to the calculation. The retail component alone at Santana Row (638,000 s.f.) is 300% more s.f. than proposed with the Reduced Main Street Alternative. With regard to a further reduction in density of the proposed project, refer to response to comment 330.6.
- 330.11 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, and does not specify the language it attempts to interpret, no specific response is possible.
- 330.12 This comment describes the use of "Main Street" by other developers for other projects, which does not apply to the proposed project or the EIR. For a discussion of the relationship of the "Main Street" concept to the objectives of the proposed project and policies of the General Plan. Refer to the response to comment 330.6.
- 330.13 Refer to responses to comments 330.6 and 330.8.
- 330.14 Refer to responses to comments 330.6 and 330.8.
- 330.15 The potential impacts of the residential component of the proposed project are discussed in Section 5.12-2 of the Final EIR. As discussed 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 from the project.

COMMENTS

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330.16 This comment suggests that a further reduction in density consistent with the Reduced Mixed-use Alternative is appropriate and viable. Refer to response to comment 330.6 regarding the intensity of development required to achieve the project's goals and objectives.

330.17 Refer to response to comment 330.6 regarding the Reduced Mixed-use Alternative.

COMMENTS

RESPONSES

- 330.18 [Again, there are and always have been successful mixed-use projects smaller than the Reduced Mixed-use Alternative.
2. **SPECIFIC ALTERNATIVES THAT REFLECT THE PUBLIC DISCUSSIONS MUST BE ANALYZED.**
- 330.19 [The City should analyze a project comparable in size to the Village at Pacific Highlands Ranch because it provides a mixed-use, walkable project at a significantly reduced size, with a similar proportion of mixed uses. The City should also analyze a mixed-use alternative, with a substantially similar proportion of mixed uses as the proposed revised/reduced project, which yields impacts no greater than those of the current entitlement at build-out. The City should also analyze a mixed-use alternative that yields no significant, inmitigable impacts, with a substantially similar proportion of mixed uses as the proposed revised/reduced project.
- 330.20 []
- 330.21 []
- 330.22 [Alternatives must be presented to the community that clearly allow the community to make a decision on what they are willing to compromise or sacrifice in order to have a mixed-use development within the community. An existing community must be allowed the right to determine their own destiny.
- 330.23 [2.1 One Paseo has been heavily promoted by the applicant as a "heart" or "main street" for all of Carmel Valley. Carmel Valley has 36,000 residents, with more homes already approved for an additional 4,000 people. And that's not counting the residents of Torrey Hills, Torrey Pines, and even the city of Del Mar, who also shop in Carmel Valley. How is it that, as the RDEIR claims, the reduction of retail in the Reduced Mixed-use Alternative would not generate an adequate number of shoppers to sustain the "desired class" of retailers? Is the RDEIR saying that there would not be enough shoppers? Are 40,000+ people, many of them living in multifamily housing clustered around the existing town center across the street from One Paseo, not a "critical mass"?
- 330.24 [2.2 Or is the RDEIR saying that there would not be enough upscale retailers clustered together to make it worthwhile for shoppers to make a special trip by car to visit this retail destination? How does this square with the original DEIR's contention that One Paseo would be, not a regional draw, but a self-contained "village" exemplifying "sustainable" development principles such as providing work places, housing, essential goods and services, and maybe some recreational shopping and entertainment, within walking or biking distance of each other?
3. **FLAWED ANALYSES REPEATED IN THE RDEIR**
- Numerous concerns about the adequacy of the DEIR were raised, especially regarding the assumptions used in the traffic technical report. Since responses to comments are not yet available, the CVCPB is concerned that those flaws were repeated in the RDEIR.
- 330.25 [3.1 Traffic/Circulation/Parking, Roadway Segments, Intersections, and Ramp Meters (see Table 12-1) – In all alternatives to the Proposed Project, the impacts are still Significant and Not Mitigated (with impact severity reduced relative to the proposed project). Why should the Carmel Valley community accept the

- 330.18 Refer to response to comment 330.6 for a discussion of the feasibility of the additional alternatives evaluated, and the factors considered in that analysis.
- 330.19 Refer to response to comment 63.179 regarding the adequacy of the range of alternatives presented.
- 330.20 Refer to response to comment 63.179 regarding the adequacy of the range of alternatives presented. Also, the Specialty Food Market Retail Alternative evaluate in Section 12.11 of the Recirculated Alternatives evaluated the uses possible within the "trip cap" described in this comment, and determined that a very limited amount of floor area for commercial uses is possible.
- 330.21 Refer to response to comment 63.179 regarding the adequacy of the range of alternatives presented.
- 330.22 The Draft EIR and Recirculated Alternatives achieved the goal of presenting alternatives to the community in compliance with CEQA. Refer to response to comment 63.179 regarding the adequacy of the range of alternatives presented.
- 330.23 Refer to response to comment 330.6.
- 330.24 As discussed in response to comment 330.6, the size of the retail component is aimed at attracting specialty retail to create a village through the Main Street design concept consistent with the goals and policies of the General Plan. Also, as discussed in the RMA (Appendices B and B.1), the future retailers would be expected to primarily attract patrons from within the Carmel Valley community which currently leave the community to satisfy these shopping needs.

COMMENTS

RESPONSES

330.25 cont. Proposed Project or any of these alternatives if impacts to Roadway Segments, Intersections, and Ramp Meters would be Significant and Not Mitigated? The recirculated DEIR suffers as well as by a failure to realistically characterize the role of the proposed I-5/SR 56 connector alternatives. The original DEIR stated that (the SANDAG 2050 RTP) the 2030 plan was based on completion of the dual connectors alternative but it made no mention of how bad traffic would be if the "no build" alternative were adopted or if any of the less-carrying capacity connector alternatives were selected. Worse, the DEIR completely ignores the negative traffic impacts Carmel Valley and its neighbors will experience in the interim years from One Paseo projected completion (2016) until 2030.

330.26

330.27 3.2 Visual Effects and Community Character, Neighborhood Character (see Table 12-1) - In both the Reduced Main Street and Reduced Mixed-Use alternatives, the impacts are still Significant and Not Mitigated (with impact severity reduced relative to the proposed project). Why should the Carmel Valley community accept the Proposed Project, Reduced Main Street, or Reduced Mixed-Use alternatives if impacts to Neighborhood Character would be Significant and Not Mitigated? The only alternative that would have an impact that is Not Significant is the Specialty Food Market Retail alternative. However, this alternative is dismissed as infeasible (see page 1, 3rd paragraph) because it would not meet the main street development concept. Why is it more important to incorporate a main street element in a project than to make sure the project does not cause significant, unmitigated impacts relating to traffic and visual effects/neighborhood character? We also note that the "main street" concept was not listed as a project objective, but is only a fashionable marketing concept. The rationale being used to dismiss the Specialty Food Market Retail alternative is based on flawed logic. We don't buy it. The point of this alternative is supposed to be to illustrate a project that would not generate any more traffic than the current office entitlement. But the writers of the RDEIR chose the land uses that typically generate the most traffic. The standard of analysis throughout the RDEIR is how each alternative is evaluated relative to the developer's wants as opposed to the CEQA standards of consistency with land use plans.

330.28

330.29

330.30 3.3 Market study (urban decay analysis). We expressed serious concerns about the adequacy of the Kosmont study in the DEIR. We are concerned that this project will cannibalize an unacceptable amount of existing and future commercial uses in the greater Carmel Valley area, rather than attracting new commercial uses. The alternatives analysis does not address this issue. It is vitally important that it does. What size does this project need to be to complement rather than cannibalize other existing and future already approved commercial centers in the greater Carmel Valley area? And is that size with its associated impacts acceptable to the community?

4. INTERIM CONDITIONS ANALYSES MUST BE STRENGTHENED AND CLARIFIED

330.31 A subset of the fundamental policy issue is how this project gets phased, since it is so large. This analysis must be done and be very clear, and must ultimately be tied back to permit conditions.

330.32 The proposed "community benefits" also need to be further considered. Since the

330.25 The City Council will consider the significant, unmitigated traffic impacts at the time it takes action on the project. As permitted by Section 15091(d) of the CEQA Guidelines, the City Council may approve the project despite significant, unmitigated traffic impacts, if it identifies social, economic, or other considerations which override the traffic impacts. In making its decision, the City Council will take the community's concerns into consideration.

330.26 See response to comment 351.1.

330.27 As indicated in response to comment 330.25, the City Council will take the concerns of the community related to neighborhood character impacts into consideration in taking action on the project.

330.28 The Final EIR is not intended to weigh the merits of the Main Street concept with the impacts on traffic and neighborhood character. The EIR is intended to be an informational document to identify potential environmental impacts to the City Council. Ultimately, the City Council will consider a variety of factors in making its decision to approve or deny the proposed project. If the Council chooses to approve the project, it will be required to identify the factors which led to its decision to approve the project despite significant unmitigated impacts related to neighborhood character and traffic. These factors will be explicitly stated in the Statement of Overriding Considerations, as required under Section 15093(b) of the CEQA Guidelines.

330.29 The Specialty Food Market Retail Alternative was included in response to members of the community who have expressed an interest in a specialty food market in the past. In addition, this alternative offered a substantial reduction in the neighborhood character impacts in comparison with the other alternatives while not generating any more traffic than the current land use designation on the property.

330.30 The analysis of the Reduced Main Street Alternative, included in Appendix B.1, confirmed the conclusion of the RMA for the Originally Proposed Project that the demand for retail would exceed the supply after completion of the retail component of the proposed project.

COMMENTS

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330.31 Refer to Section 3.3 of the Final EIR for a description of the proposed project phasing. Mitigation measures and project conditions of approval would be tied to specific phases. See, for example, transportation mitigation measures in Table ES-3 of the Final EIR.

330.32 The project applicant has proposed certain “community benefits” which are not intended to mitigate the environmental impacts of the project. As the community benefits currently contemplated by the project applicant do not generate potentially significant environmental impacts, they are not addressed in the Final EIR. Refer to the project staff report for additional discussion of the proposed community benefits.

COMMENTS

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330.32 cont. applicant has not proposed a development agreement, the CVCPB needs to understand how those commitments would become permit conditions. It is also unclear who would pay for the "community benefits." The applicant has stated that studies for the playing fields that would be made necessary by the proposed increase in housing, to be located on the roof of the parking lot at the existing Recreation Center, would be paid for by the Carmel Valley FBA. The applicant presumably would provide the landscape enhancements along El Camino Real and Del Mar Heights Road, but their maintenance would require their inclusion in one of the Carmel Valley Maintenance Assessment Districts.

330.34 4.1 For the information in RDEIR's tables and discussions of traffic flow for each of the alternatives to be true and reliable, One Paseo should not be open for business until the traffic mitigation measures and improvements are in place and working. The development should be phased according to its traffic generation. The governing timetable for the phases of the development should be the provision - finished and open to traffic - of the improvements necessary to achieve the levels of service set forth in the tables, as measured on the ground.

330.35 The Alternatives section of an EIR should not be "front-loaded" with unexplained and undocumented planning and marketing terms. The arbitrary and selective use of such terms serves to constrain community and decision makers' understanding and appreciation of a reasonable range of development proposals, and perhaps City staff's choice of a Preferred Alternative as well. The One Paseo site is the last large remaining parcel within our master-planned community. The EIR should be honest and transparent, thorough and accurate about all of the possibilities for the beneficial development of the One Paseo site. After 35 years of successful planning and building, the community and the decision makers deserve no less.

330.37 The issues we raise in this letter supplement that in our 2012 DEIR comment letter. Furthermore, we ask that these issues be fully and transparently addressed, either in a second RDEIR or in the Final EIR so we may review and understand the project completely prior to forwarding a recommendation to the Planning Commission and City Council.

The Carmel Valley Community Planning Board looks forward to the City's response to our letter. Thank you.

Sincerely,
Carmel Valley Community Planning Board


Frisco White, AIA, Chair

cc: CVCP Board
Honorable Sherri S. Lightner, Council President Pro Tem
Bob Vacchi, Director of Development Services
Bill Fulton, Director of Planning, Neighborhoods and Economic Development
Bernard Turgeon, Senior Planner

330.33 The project applicant would absorb the cost of constructing and maintaining the 1.1-acre recreational open space as well as the greenbelt landscaping along Del Mar Heights Road and El Camino Real included in the Reduced Main Street Alternative.

330.34 Proposed traffic mitigation measures are phased and triggered by project milestones such that the measures will be effective to mitigate the corresponding project impacts. In some instances, implementation of the mitigation cannot be assured in a timely manner. For example, certain project impacts occur to facilities within Caltrans' right-of-way, and Caltrans will have to approve or implement proposed mitigation. In addition, certain improvements are within the jurisdiction of the City, including improvements to Via de la Valle and El Camino Real, towards which the applicant will make financial contributions. These improvements may not be in place prior to the development of the proposed project. Accordingly, these project impacts are considered significant notwithstanding the mitigation imposed. Therefore, the City Council will be required to adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 in order to allow the project to proceed given such potentially unmitigated impacts.

330.35 Refer to response to comment 330.5.

330.36 As no specific examples are identified where the EIR is not "honest and transparent," no specific response can be made to this comment.

330.37 The comments made by the commenter have been addressed in these responses, and will become part of the record that will be considered by the Planning Commission and City Council.

RINCON BAND OF LUISEÑO INDIANS**Culture Committee**

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2622 or (760) 297-2635 & Fax: (760) 297-2639



November 12, 2013

The City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: One Paseo Project, Project No. 193036, SCH No. 201051073

Dear Martha Blake,

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the One Paseo Project, Project No. 193036, SCH No. 201051073. Rincon is submitting these comments concerning your Project's potential impact on Luiseño cultural resources.

The Rincon Band has concerns for impacts to historic and cultural resources and findings of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. In fact, your project falls within the boundaries of the Kumeyaay Aboriginal Territory. We recommend that you locate a Tribe within the project area to receive direction on how to handle any inadvertent findings according to their traditions and customs. Also, we recommend a Native American Monitor be present during any and all ground disturbances.

If you would like information on Tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral. If for some reason you are unable to locate an interested tribe please notify us and we will be happy to assist you in the matter. We also request you update your contact information for Rincon and send any future letters and correspondence to the Rincon Tribal Chairman and the Tribal Historic Preservation Officer in the Cultural Resource Center, 1 W. Tribal Road, Valley Center, CA 92082 (760) 297-2635.

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

Sincerely,


Rose Duro
Rincon Culture Committee Chairman

Bo Mazzetti
Tribal Chairman

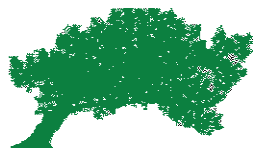
Stephanie Spencer
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Frank Mazzetti III
Council Member

331.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required. However, the City did contact the Kumeyaay, and did not receive a response.



Torrey Pines Community Planning Board
14151 Boquita Drive, Del Mar, CA 92014
www.torreypinescommunity.org

BOARD MEMBERS: Dennis E. Ridz, Chair; dennisridz@hotmail.com; Noel Spaid, Vice Chair; Patti Ashton, Treasurer; Bob Shopes, Secretary; Richard Caterina; Barbara Cerny; Michael Foster; Rick Jack; Cathy Kenton; Nancy Moon; Norman Ratner, Dee Rich; Pat Whitt.

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: December 10, 2013

Re: **One Paseo** Project 193036/SCH No. 2010051073 Recirculated Project Alternatives

The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the San Diego Development Services Recirculated Draft Environmental Impact Report (DEIR) for the One Paseo Project) issued October 24, 2013. 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 Development Services (DSD). 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 December 10, 2013 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 Torrey Pine trees, lagoons, wetlands, and canyons, which in turn provide habitat for several species of unique wildlife.

COMMENTS

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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.

332.1 As such, we consider that the proposed One Paseo projects contradicts the Torrey Pines Community Plan, poses a threat to the neighborhood's quality of life and environment and, as we shall document, presents significant safety issues to the community.

332.2 **1. Discussion of CEQA Section 15088.5 (f) (2)**
The applicant states that this recirculation review period must be **limited** to the three new alternatives. A lead agency is required to recirculate an EIR when significant **new** information is added to the EIR. "Significant new information" requiring recirculation as stated in **Section 15088.5. (a)(3)** "a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it."

332.3 In addition, CEQA **Section 15088.5 (f) (4)** that "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal. App. 3d 1043)". The TPCPB asserts that the applicant and DSD's failure to conduct under CEQA Guidelines 15151, a "**good faith effort at full disclosure**".

332.4 **Questions: CEQA Section 15088.5 (f) (2):**
• Why have the applicant and DSD again failed to provide a meaningful alternative(s) that will clearly lessen the environmental impacts of the project?

332.5 • Do the applicant and DSD believe that the "Reduced Main Street" option, which may reduce traffic congestion by 11%, is "significant" under the CEQA guidelines? If so why?

332.6 • Why has the applicant chosen not to adopt and support "Reduced Mixed use" and "Specialty Food Market Retail" options, which clearly lessen the environmental impacts for the project?

332.7 • Why should the public be bound or **limited to comments** on only the three alternatives when the original DEIR One Paseo is fundamentally flawed and inadequate as to both scientific and factual data and furthermore was not 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**?

2. Discussion of Alternatives

The Recirculated Alternatives include a "**Reduced Main Street**", "**Reduced Mixed-use**, and a "**Specialty Food Market Retail**" options. The Reduced Main Street and Reduced Mixed-use contain the same land use components as the proposed project, but eliminate the hotel. The Reduced **Mixed-use and Specialty Food Market Retail** are **not considered feasible** by the

332.1 As the project site is not located within the boundaries of the Torrey Pines Community Plan, the proposed project is not regulated by that Community Plan. Furthermore, the physical effects of the project on the Torrey Pines Community Plan Area are generally limited to traffic. As concluded in the Draft EIR, traffic from the proposed project would not have a significant impact within the Torrey Pines community. As discussed in response comment 15a.46, the proposed project would not have an adverse impact on public safety.

332.2 This comment quotes portions of CEQA Guidelines Section 15088.5. The comment does not address the adequacy of the EIR, and no response is required.

332.3 As discussed in response to comment 79.2, the Draft EIR complies with the requirements of CEQA.

332.4 The discussion of reduced project alternatives in the Recirculated Alternatives is a good faith effort to analyze the effects of reducing the density and intensity of the Originally Proposed Project. In the absence of specific areas where the discussion is deficient, no further response can be offered.

332.5 As discussed in Section 12.9 of the Final EIR, the Reduced Main Street Alternative would reduce traffic congestion in comparison to the Originally Proposed Project, but traffic impacts would remain significant.

332.6 As discussed in response to comment 330.6, the project applicant is not pursuing the Reduced Mixed-use Alternative and the Specialty Food Market Retail Alternative because the applicant considers them to be infeasible.

332.7 Limiting public comment to the recirculated portions of the Draft EIR is consistent with the requirements of Section 15088.5(f)(2) of the CEQA Guidelines. As stated in response to comment 79.2, the City disagrees with the assertion that the Draft EIR is fundamentally flawed.

COMMENTS

RESPONSES

332.8 [applicant as they do **not meet their 'main street' development concept**. Then why did the applicant even make these proposals? On the other hand, the **"Reduced Main Street"** meets most of the basic objectives of the **project applicant**.

332.9 [It is the TPCPB's understanding that the applicant (Kilroy) submitted answers to the City of San Diego Development Services Cycle Issue review process. The City of San Diego is considered the lead agency for the Draft Environmental Impact Report (DEIR). These alternatives were a by-product of numerous comments and concerns expressing by the Carmel Valley Board and citizens attending Kilroy sponsored meetings. The focus of the concerns center on the fact that the DEIR did not consider a reduced version of the proposed project more in keeping with Carmel Valleys Community Plan.

332.10 [**Questions:**

- Why was the applicant allowed to summarily dismiss two of the alternatives as not meeting **their** objectives? Why should the applicant's objectives be given more consideration than Carmel Valley Community Plan authorized by the City Of San Diego?

332.11 [• Under what CEQA rule(s) is the applicant allowed to **not discuss mitigation, just because they do not like the alternative(s)?**

332.12 [• What other reduced versions of the proposed project were eliminated and not submitted for public comment and review?

332.13 [• What criteria were used to dismiss other alternatives that the public requested is considered over a course of several public meetings on One Paseo?

332.14 [• Why was no consideration given to any mixed-use alternative matching the 510,000 sq. ft. requirement for this property in the Carmel Valley Community Planning document?

3. "Main Street" and San Diego City of Villages

332.15 [The applicant has continually raised this issue of a "main street" to both support one alternative and reject two others. The concept of "Main Street" is considered a key element of the One Paseo **Reduced Main Street alternative**. By again raising this issue, the applicant has reopened discussion on **their interpretation** of the supposed benefits of a mixed-use project not supported by transit and located within a highly congested highway corridor.

The **City of Villages Strategy**, City Council Resolution R-297230, states that a strategy for each neighborhood to consciously determine where and how new growth should occur, and requires that **new** public facilities such as public transit **be in place** as growth occurs. The resolution goes on to discuss that unless this strategy is implemented our city will continue to create **auto-dependent activity centers** and our transportation system would consist of an **increasingly congested road and** highway system **due to limited transit options**. And yet Marcela Escobar-Eck, a **land** use consultant hired by Kilroy had the audacity to state, "This project is the epitome of the 'City of Villages'" referring to the City of San Diego General plan adopted in 2008 by the City Council.

332.8 With regard to the adequacy of the range of alternatives analyzed, refer to responses to comments 63.5 and 63.179. With regard to the Reduced Main Street Alternative. Refer to response to comment 330.6.

332.9 The inclusion of the three reduced project alternatives in the Recirculated Alternatives was in response to public comment requesting a smaller version of the Originally Proposed Project.

332.10 Section 15126.6 (a) of the CEQA Guidelines specifically states that "An EIR shall describe a reasonable range of alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project..." Thus, the EIR discussion is appropriately focused on alternatives which would achieve most of the basic objectives of the project which include creating a mixed-use project, consistent with the City's General Plan "City of Villages" Strategy, and the designation of the project site as having a moderate village propensity. The Final EIR contains a good faith analysis of the alternatives.

332.11 Section 15126.6 (a) of the CEQA Guidelines requires that an EIR compare the impacts of alternatives with those of the proposed project but does not require that an EIR identify specific mitigation measures for alternatives.

332.12 The City is unaware of any other reduced versions of the Originally Proposed Project formulated by the project applicant.

332.13 As the comment does not identify any specific alternatives that were requested at public meetings but not considered in the Draft EIR, no response can be offered.

332.14 Refer to response to comment 391.11 and 391.25 regarding the requirement for such an alternative, and to response to comment 330.6 for a discussion of the minimum size of an alternative required for feasibility.

COMMENTS

RESPONSES

332.15 As discussed in response to comment 10.40, there is an expectation that transit service will be available by the year 2030. The proposed development is not dependent upon the availability of transit, and the benefits attributed to mixed-use projects (e.g., reduced automobile trips) would accrue from the proposed development regardless of the timing for transit service. Additionally, as discussed in response to comment 6.7 on the Draft EIR, the TDM Plan includes a shuttle service which would include a connection to the Sorrento Valley Coaster station.

COMMENTS

RESPONSES

332.16 What is a village? The term “villages” is defined in the City of Villages Strategy on page 31, as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. A high quality urban design will achieve maximum possible integration with the surrounding community fabric and the **transit system**.

Questions:

- 332.17 How can the One Paseo project under the Reduced Main Street Alternative be considered a “main street” under the City’s definition of the City of Villages Strategy? Be specific
- 332.18 What short-term transit solutions are incorporated into the One Paseo project? If none, why not?
- 332.19 What new public facilities to support transit are currently **in place**?
- 332.20 Concerning long-term transit solutions how does a bus stop planned for 2030 relieve road congestion? Be specific about percentage of auto traffic to One Paseo being reduced and numeric reduction in Average Daily Trips (ADT).
- 332.21 What happened to the Regional Transit Route and local Transit Route approved by the San Diego City Council on June 24, 1986 as part of the North City West development?
- 332.22 Why are these transit solutions not included in the One Paseo DEIR or Alternatives as a first step in meeting the concept of City of Villages – transit?
- 332.23 Would first implementation of the 1986 North City West transit program not reduce Average Daily Trips along Del Mar Heights Road? If not, why not?
- 332.24 Why is DSD ignoring the issue of regional and local transit that has been approved?

4. Applicant’s use of Non-specific terms to downgrade Alternatives versus Main Street project

The Applicant, on page 12-47, of the recirculated Alternative DEIR states, “The reduced Mixed Use Alternative would not create a **vibrant, pedestrian-oriented gathering place** which would **promote social interaction**, nor would this alternative provide the “village” amenities and experience offered by the proposed project. The applicant and DSD have once again compared an alternative, the Reduced Mixed Use Alternative, to the original Main Street project. The public should also be allowed to discuss and compare all alternatives to the Main Street project and raise further questions about the One Paseo DEIR.

The applicant is lifting verbatim references from their public **advertising campaign** to elicit support for their Main Street – One Paseo project. This is a **marketing tool** and does not rise to the level of CEQA guidance to enhance public knowledge about the **environmental issues**.

Questions:

332.16 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

332.17 The project is considered a main street development because it contains a balance of housing, retail commercial and public gathering space along a single street traversing the development. As discussed in Section 5.1.2 of the Draft EIR, the project would be consistent with the General Plan 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 project would provide a village center unique to the Carmel Valley community, and (4) the project would be consistent with the General Plan definition of Community Village.

332.18 As discussed in response to comment 6.7, the project applicant is proposing a privately operated shuttle which would provide access to the Sorrento Valley Coaster station until planned public bus service (bus route 473) is available to the site.

332.19 This comment does not address the proposed project or its environmental effects. The Environmental Setting section of the FEIR (Section 2) addresses the existing conditions near the project site.

332.20 Increased transit accessibility has a positive impact on reducing vehicular trips. However, no reduction in project vehicular trips due to this planned bus stop was assumed in the traffic study.

332.21 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required. The commenter may wish to address this issue with the Metropolitan Transit System, which is responsible for bus service.

332.22 The proposed project does accommodate currently planned bus service by providing for a future bus stop on El Camino Real.

332.23 The City is unaware of the document referenced in this comment. Consequently, no response can be provided.

COMMENTS

RESPONSES

332.24 Planned transit for the project area (Bus Route 473) is discussed throughout the Draft EIR.

332.25 The Recirculated Alternatives were specifically circulated for public review to provide the public with an opportunity to comment on three alternatives which responded to the public request for evaluation of reduced versions of the Originally Proposed Project. The comments offered in the letter from the Torrey Pines Community Planning Group are the direct result of the City's efforts to solicit input on these new alternatives. In addition to the opportunity to comment during the public review period for the Recirculated Alternatives, the public will have another opportunity to comment on alternatives at the Planning Commission and City Council hearings. At these hearings, the public will be given an opportunity to ask additional questions about the proposed project as well as identify additional alternatives.

COMMENTS

RESPONSES

- 332.26 [Would DSD agree that all the applicants advertising terms, expressions and imagery creating words have no place in a CEQA document? Why were they allowed in this DEIR?
- 332.27 [Is the vertical mixed-use approach, the only type of project that would create a “vibrant critical mass”?
- 332.28 [Are there other commercial and retail developments in San Diego, such as University Town Center and the Del Mar Highlands that can be called “vibrant”? If not, why not?
- 332.29 [Is a project “pedestrian-oriented” if the majority of visitors to the site must drive automobiles and do not have the amenity option of public transit?
- 332.30 [Why doesn't a “traditional suburban shopping center design” not provide the “social interaction” and amenities of One Paseo or its Reduced Main Street? Be specific.
- 332.31 [Please define the term “lifestyle centers” and quantify the environmental consequences of this type of development approach as defined under CEQA?
- 332.32 [The “Reduced Main Street” Alternative meets most of the basic objectives of the project applicant (p12-26). What are the applicant's basic objectives? Do these objectives include a Return on Investment (ROI) component? Is it the community's and the City responsibility to guarantee an ROI to a developer?
- 332.33 [Since the applicant raised this issue of basic objectives, would the applicant and DSD agree that a full financial objective disclosure is due to the public? If not, why not?
- 332.34 [Since the applicant discusses and takes credit for its ‘Fair Share’ of mitigation efforts, would the applicant and DSD agree that there needs to be more details provided that indicate the ‘Fair Share’ costs as a percentage of the short and long-term profitability of the Main Street or Reduced Main Street project? If not, why not?
- 332.35 [The applicant claims that “gathering spaces distributed on the interior of the project” are critical for its success. Why? Would UTC and the Del Mar Highlands not fit this definition even though surface parking lots surround them? Are they not ‘gathering places’? If not, why not?

Omissions & Errors –Reduced Main Street Alternative

5. Discussion: Emergency Response Time Standards for Station 24 (CSA17)

The generally accepted standard within EMS (Emergency Medical Services) providers for the ideal response time for emergency calls is within **eight minutes, ninety percent** of the time.

The **American Heart Association's** scientific position is that brain death and permanent death start to occur in **4-6 minutes** after someone experiences cardiac arrest from a heart attack or an accident that could occur on school grounds. This process is reversible if treated within a few minutes with electric shock and ALS (Advanced Life Support). Verified studies show that a victim's **chances of survival are reduced by 7% - 10% with every minute** that passes without defibrillation and advanced life support intervention.

332.26 The narrative and imagery used in the EIR accurately describes the proposed project. As the comment does not identify specific terms, expressions or imagery of concern, no specific response can be offered.

332.27 Although horizontal mixed-use configurations can encourage pedestrian activities, putting them in the same building and general location is the most effective way to assure vibrant, 24-hour activity because the residents would patronize the retail stores and associated open space in the evening hours.

332.28 As described in response to comment 330.6, a vibrant mixed-use development requires sufficient critical mass of retail and residential uses to attract certain types of retail tenants that will attract shoppers, and achieve key goals and policies in the City's General Plan, specifically the “City of Villages” Strategy. The developments cited in the comment may be or may become successful shopping centers, however, they are and will only be shopping centers. They are not village centers, as described in the General Plan Strategic Framework Element, that “emphasize combining housing, shopping, employment uses,” and other uses, with changing development patterns such as vertical integration of residential and commercial uses. Consequently, those single-use centers were developed with different objectives and in different contexts from the project, and comparisons to those centers do not address the feasibility of alternatives to the proposed project.

332.29 Pedestrian orientation is based on the ability of people within the development to walk to other uses within the project. The proposed integration of residential, commercial and retail uses within close proximity to one another, and open space and sidewalks linking the uses combine to create a pedestrian-oriented development. Access to public transit helps reduce reliance on the automobile to reach areas outside the development, but is not necessary to promote a pedestrian-oriented development. Furthermore, the project will provide pedestrian connections to the surrounding community to encourage people from outside the development to walk to the proposed development.

332.30 The traditional shopping center does not provide the “social” amenities of a mixed-use development because, as discussed in response to comment 330.6, it does not provide the synergy that comes with adding residential and office uses, nor the public gathering places associated with project design. See response to comment 332.31. For example, the inclusion of residential development offers a 24-hour activity level, and activates public gathering areas. Similarly, the presence of office workers

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332.30 increases the level of activity and increases the interaction within the cont. development. The office and residential uses also help support the entertainment aspects of traditional shopping centers.

332.31 As discussed in response to comment 330.6, a lifestyle center is generally defined as a retail development between 150,000 - 500,000 s.f. that includes upscale specialty stores with dining and entertainment in an outdoor setting. An analysis of the effects of this type of development is intrinsic to the analysis of the project in the Draft EIR. CEQA does not specify any unique requirements for analyzing lifestyle centers.

332.32 The project goals and objectives are outlined at Final EIR (page 3-1), and include the following:

- Develop a mixed-use village consistent with the goals of the General Plan.
- Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
- Provide additional housing types and employment opportunities within the Carmel Valley community.
- Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.
- Provide the community with a place for public gathering and social interaction, reinforcing the sense of community.
- Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.

The project goals and objectives do not include a return on investment component. In addition, neither the City nor the community has a “responsibility to guarantee” a return on investment to the developer in connection with the environmental review and development entitlement process. As lead agency, the City may consider a number of factors in determining the feasibility of alternatives. As discussed in response to comment 330.25, the City Council may make a Statement of Overriding Considerations which disclose these considerations including economic, environmental, social, and technological factors.

332.33 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

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332.34 The concept of “fair share” mitigation of environmental impacts does not include as a factor the profitability of the project. Rather, fair-share mitigation typically is calculated to reflect the percentage contribution a project makes towards an environmental impact. That percentage is then applied to the cost of the mitigation required to reduce the impact to below a level of significance.

332.35 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

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- 332.36 **However, in the case of One Paseo, no analysis has been provided** regarding the impact of traffic congestion on Del Mar Heights Road on response time for EMS providers from Station 24. Kilroy's DEIR only considers EMS response time from Station 24 to One Paseo, which is almost across the Del Mar Heights intersection from the proposed Main Street or "reduced Main Street" project.
- 332.37 Former San Diego Fire Captain Stacy Silverwood, who commanded Fire Station 24 for several years, has commented on the effects of increased traffic from the One Paseo project. Captain Silverwood personal experience working at Station #24 is both **relevant** and **acceptable as professional observations under CEQA guidelines**. The TPCPB has been authorized to quote from Captain Silverwood's published articles or direct email correspondence with the TPCPB.
- 332.38 **"How will First Responders be impacted by the traffic generated by One Paseo?** Del Mar Heights Road is the primary East-West response corridor for both the Engine and Paramedic Ambulance at FS24, the Engines responding from FS41 in Sorrento Valley and FS35 in UTC, (Ladder) Truck 35 and Battalion (Chief) 5 from the same station (all of these via I-5 NB) - as well as any automatic aid units responding from Del Mar and Solana Beach (via I-5 SB). El Camino Real is a primary North-South response corridor for Engine 24 as well as the previously mentioned units as well as units responding from Rancho Santa Fe."
- 332.39 Captain Silverwood's concerns are not as much with Engine and Medic 24 responding to **One Paseo**, which is only a couple of blocks away. His concern is for **all First Responders having to negotiate around One Paseo**, in order to reach all areas within Carmel Valley and Torrey Pines. Here lies the rub according to Captain Silverwood. "The Draft Environmental Impact Report seems to address only the needs of One Paseo to the exclusion of every other business, resident, and visitor within the CSA 17 coverage area". **Captain Silverwood** continued "**Lights and sirens mean absolutely nothing when there is nowhere for traffic to go**". This image of Del Mar Heights suffering under the burden of traffic from the Del Mar Fair, several miles away, will become the norm. Even negotiating traffic on I-5 by First Responders responding **both into and out of Carmel Valley** will be impacted by this project."
- 332.40 Captain Silverwood continues, "This whole issue, in my view is about balance. It is about managing the needs of the established community, public safety being just one of those needs, and the property developer. The statistics for run volume vs. time of day for emergency response heading west on Del Mar Heights Road could be reviewed (but mean little to the occupant trapped in a burning automobile on I-5 at 16:30, or the resident reporting a fire in the Crest Canyon at 09:00 AM) ".
- 332.41 "Station 24 was built where it was to service the communities of Carmel Valley and **Torrey Pines**, the I-5 corridor, and all of our automatic aid agreements, based upon traffic **from planned and permitted development**. If we deviate much from that, you had better plan all of your emergencies for that 12:00 midnight - 06:00AM window."
- 332.42 As Captain Silverwood pointed out the original DEIR submission does not address **regional response times** within the jurisdiction of CSA 17 - Station 24. Kilroy and DSD ignore the public safety issue as an inconvenient truth. The public has been told that travel time from One Paseo to the I-5 ramps will increase substantially in both the short and long-term. The Level of Service on

- 332.36 In accordance with standard practice in CEQA documents prepared by the City, the Draft EIR does not evaluate the impact of the proposed project on fire response times for either the project site or other development along Del Mar Heights Road. However, response to comment 15a.46 provides a discussion of factors which lead to the conclusion that traffic from the proposed development would not result in a substantial increase in the fire response time in the project area including the fact that emergency response vehicles have the right of way, and are exempted from rules of the road in emergency situations. Emergency vehicles also have the ability to override traffic signals along Del Mar Heights Road and , if required, can utilize center turn lanes or travel in the opposing through lane to pass through congested intersections.
- 332.37 As this comment restates information contained in the Draft EIR, no response is required.
- 332.38 As indicated in response to comment 15a.46, emergency response vehicles have the ability to control traffic signals, and utilize out-of-direction travel lanes to bypass congestion which would otherwise impede the movement of emergency response vehicles during peak hour traffic conditions. Thus, response times for emergency vehicles on Del Mar Heights Road and El Camino Real would not be significant impacted by the proposed project.
- 332.39 As discussed in response to comment 332.36, the Draft EIR does not address future effects of the project on response times relative to the proposed project or the surrounding area. Furthermore, as discussed in response to comment 332.38, options are available to emergency response vehicles to move through congested streets.
- 332.40 The City recognizes the importance of maintaining the ability of emergency response vehicles to respond to the types of emergencies cited in this response. However, as stated in response to comment 15a.46, the City believes that the proposed project would not substantially impede the ability of emergency vehicles to respond to these types of emergencies.
- 332.41 Based on the factors discussed in response to comment 15a.46, the City believes that the proposed project would not substantially affect the ability of Station 24 to meet the automatic aide agreements the City has with nearby communities.

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- 332.42 cont. Del Mar Heights Road during evening and morning rush hour is rated as Level F (worst rating), which will lead to significantly longer delays than can be overcome by synchronized traffic lights as suggested by Kilroy.
- 332.43 Response #15a.161, related to TPCPB's questions about the One Paseo –Main Street DEIR, DSD indicates that "Development of the project site cannot occur without creating a significant traffic impact unless improvements are made to the I-5/Del Mar Heights interchange. Furthermore, it is **also important to note that very little development of the site could be accommodated without triggering a significant impact of Del Mar Heights Road between the I-5 northbound onramp and High Bluff Drive. As few as 225 trips** from the development of the project would result in a significant impact on the segment."
- 332.44 We, the TPCPB, see that there is a **significant public safety** issue for the Torrey Pines community that is being ignored by both the developer and the City of San Diego. This safety issue – and how to reduce gridlock leading to degradation of public safety services must be part of the DEIR discussion. The emergency station was originally located in the Torrey Pines Community before being moved to Carmel Valley. The TPCPB would like to point out that the "Reduced Main Street" Alternative does not address these issues of public safety.
- Questions re: Emergency Response Time Standards for Station 24 (CSA17)**
- 332.45 • Why have Kilroy and DSD ignored the public safety issues related to response time from Fire Station 24 to residents within the entire Station 24 response area and only focused upon response time to One Paseo?
- 332.46 • Are the applicant and DSD unaware of the contractual obligations of Station 24 to provide emergency and fire protection to the residents within Torrey Pines?
- 332.47 • If they were aware of these legal obligations, why did the applicant not clarify the traffic impacts as measured in segment Travel Time and Intersection Delay(s) along Del Mar Heights Road from the Main Street or Reduced Main Street project to Mango/Portofino Drives?
- 332.48 • Why did DSD allow Kilroy to ignore the public safety issue?
- 332.49 • Has Kilroy or DSD sought advice or interacted with either Fire Chief Javier Mainar or the Fire Prevention Bureau regarding Fire Station 24 and traffic congestion in an around the One Paseo project? If not, why not?
- 332.50 • Has Kilroy or DSD communicated with Fire Chief Javier Mainar about response times into Carmel Valley and Torrey Pines from other fire stations in the north city area and whether auto and mutual aid goals can be met based upon near-term Build-out and the year 2030 Level of Service at key intersections? If not, why not?
- 332.51 • The segment of Del Mar Heights Road between I-5 and High Bluff Drive, based upon the 11% reduction in ADT's from the Reduce Main Street project would now be severely

- 332.42 As indicated in response to comment 15a.46, the City believes that factors exist which will allow emergency response vehicles to operate satisfactorily on Del Mar Heights Road and within the service area of Station 24.
- 332.43 This comment restates information already included in the Draft EIR. Thus, no response is necessary.
- 332.44 Based on the information presented in response to comment 15a.46, the City does not agree with the conclusion that the proposed project would pose a significant hazard to public safety.
- 332.45 The City has provided a discussion of emergency response times in response to comment 15a.46.
- 332.46 The City is aware of the role of Station 24 in providing emergency service to the Torrey Pines community, and believes that the project would not substantially interfere with this commitment.
- 332.47 Response to comment 15a.46 concludes that the proposed project would not adversely affect the ability of emergency vehicles to provide service to residents along Mango Drive and Portofino Drive.
- 332.48 The project applicant had no role in deciding whether to address public safety in the Draft EIR. As indicated in response to comment 332.37, the City does not evaluate the impact of projects on emergency response times.
- 332.49 The City has not consulted with the individuals identified in the response because it believes the proposed project does not pose a significant risk to the ability of Station 24 to respond to emergencies within its service area.
- 332.50 Refer to response to comment 332.49.

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332.51
cont.

impacted by as few as 250 trips instead of 225 trips. Does DSD and Kilroy agree that very little development of the site could be accommodated without triggering a significant impact on Del Mar Heights Road? Does this not pose a critical response time issue for fire and emergency rescue of motorists on I-5, especially at peak rush hours? If not, why? Please provide details, including existing response times, Near-Term with build-out response times, and future response time prior to completion of I-5 ramp interchange improvements.

6. Discussion: Collapse Zone from burning structures

According to national and San Diego Fire protocols, fire-fighting apparatus positioned too close to a fire building can be struck by a collapsing wall or façade. Also, consider that a wall collapse can result in burning fire-fighter apparatus when it releases a ball of wind-driven fire or radiant heat. When falling walls are a possibility, apparatus should be positioned outside of the “collapse zone”—a distance from the building that is **at least equal to the vertical height of the threatening wall**. This distance could be insufficient if bricks or blocks bounce and roll. Also, consider that a falling wall can strike and bring down utility poles, transformers, and electric wires that can fall on apparatus positioned outside a wall’s collapse zone.

On Page 12-36, DEIR Alternatives, Kilroy states “the Reduced Main Street Alternative would contain seven buildings which would range between 1 and 4 stores, **three buildings which would range between 5 and 6 stories, and two buildings which would have 9 stories**”.

Fire Station 24 is staffed with a Paramedic Ambulance and a fire engine, known as a triple Combination Pumper. The fire engine carries three ground ladders, the longest of which is a 24-foot Ground Extension ladder, good for a **second story** window. The two “first due” ladder trucks to Carmel Valley with aerial capability for multi-story buildings are Truck 35 from University City and Truck 40 from Rancho Penasquitos. Solana Beach has a ladder truck which responds to Torrey Pines on a mutual aid agreement.

The Structure Fire Response on the **First Alarm** in the City of San Diego is as follows:

Single Family Dwelling – 3 engines, 1 truck, 1 Battalion Chief

Multi-Family Dwellings and Commercial Occupancies – 3 engines, 2 trucks, 2 Battalion Chiefs

High Rise – add the Heavy Rescue Unit from downtown San Diego

Questions re: Collapse Zone from burning structures

332.52

- Were the applicant and DSD aware of the limitation of the equipment located at the nearest Fire Station #24 to the One Paseo project? If not, why not?

332.53

- Are the applicant and DSD aware of the Fire Department’s policy of dispatching three fire engines to a house, apartment, or condominium complex fire?

332.54

- Was consideration given to the response time during peak traffic hours of other fire engine companies responding to multiple alarms at One Paseo?

332.51 As discussed in Section 5.2 of the Final EIR, the proposed project would result in significant traffic impacts on portions of Del Mar Heights Road. However, as discussed in response to comment 15a.46, the impact on traffic flow would not significantly impact the ability of emergency vehicles to respond to emergencies within the service area of Station 24.

332.52 The City is aware of the fire-fighting equipment located at Station 24 as well as the fact that the ladder trucks needed to respond to multi-story buildings within the proposed project are available from University City and Rancho Penasquitos.

332.53 The City is aware of this policy.

332.54 As indicated in response to comment 332.36, an evaluation of fire response times is not required to be included in the FEIR.

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- 332.55 [Why was there no discussion in either the Main Street or Reduce Main DEIR that addressed the public safety issue concerning 'high rise fires' and the inadequacy of equipment are Fire Station #24 to only handle two story structures ?
- 332.56 [• Where are the nearest fire trucks located that could provide fire/smoke rescue for people in any of the proposed buildings over five stories? If the applicant and DSD know the answer, then how long is the response time from those stations? DSD should calculate the response time during peaks traffic hours.
- 332.57 [• What is the response time from a Fire Station, with a ladder tall enough to reach the tallest buildings in the project, during peak traffic hours?
- 332.58 [• Would the applicant and DSD agree that they have failed to adequately address the multiple public safety concerns related to emergency fire response within One Paseo?
- 332.59 [• Why has the TPCPB needed to point out the deficiency within the DEIR and Alternatives related to Public Safety? Why has DSD abdicated their public safety responsibility to the applicant and allowed the issuance of a fatally flawed DEIR that endangered public safety?
- 332.60 [• Does DSD believe that DEIR is not flawed with regard to public safety issues? Please explain and specifically denote where this information can be found within the DEIR.

7. Discussion: Year 2030 with Project Build out -Ramp Meter Analysis – Attachment 88

Information found within the "Reduced Main Street" alternative documents:

Del Mar Heights Rd. /I-5 SB on Ramp (Westbound Loop) AM (year 2030 with Project Build out, Delay of 46.63 Minutes with a Queue of 8,294 feet; PM delay of 26.58 minutes and a 4,727-foot queue. Del Mar Heights Rd. /I-5 NB ramp in the PM has a delay of 14.92 minutes with a 4,278-foot queue.

Under the 15 Minute Max. Meter rate, Del Mar Heights Rd. / I-5 SB on ramp (Westbound loop) under year 2030 with project build out shows AM Delay of 19.8 minutes with 4,698-foot queue; PM delay of 39.6 minutes with 6,119 foot queue. Del Mar Heights Rd. /I-5 NB on Ramp AM delay of 17.5 minutes and 3,959-foot queue. Attachment 93 indicates that I-5 SB ramps to I-5 NB ramps (bridge) will be increase by adding an additional 400-foot pocket and I-5 NB to High Bluff will be widened by 845 feet.

- 332.61 [Under either, the **Most Restrictive Meter Use** or the **15-Minute Max. Meter Rate**, delay times and massive queue lanes will cause commuters to find alternative routes or **abandon the queue** and attempt to merge into the traffic flowing West along Del Mar Heights Road headed to Mango and Portofino Drives. This will result in increased traffic on alternative routes through heavily populated neighborhoods with many children.

Questions re: Year 2030 with Project Build-out –Ramp Meter Analysis – Attachment 88

- 332.62 [• Did the applicant or DSD study the concept of "induced demand" or Boris Kerner's three-phase traffic theory regarding **traffic congestion avoidance**? If this was researched, does the Attachment 88 and the "Reduced Main Street Alternative" reflect their findings? If no such research or study was done, why not?

332.55 As indicated in response to comment 332.36, the City does not evaluate the impact of projects on emergency response times. Furthermore, the City has established fire codes for new development which are required to be met before development plans are approved.

332.56 As indicated in responses 332.36 and 332.55, fire response times were not required to be evaluated in the Final EIR and fire code requirements will be applied to the proposed development.

332.57 As indicated in response to comment 332.36, an evaluation of fire response times is not required to be included in the FEIR.

332.58 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.

332.59 As indicated in response to comment 15a.46, the City does not believe that the proposed project would have a significant impact on emergency service in the Torrey Pines community and, thus, the EIR is not considered deficient.

332.60 As the proposed project would not be expected to significantly affect emergency response times, the EIR is not considered inadequate in this respect.

332.61 As discussed in response to comment 5.2, Mango Drive does not provide access to another I-5 interchange. Portofino Drive does provide circuitous access to the I-5/Carmel Valley Road interchange. However, this interchange is also forecasted to experience ramp meter delays and, therefore, is not a highly desirable alternative to Del Mar Heights Road.

332.62 The concepts and traffic theory mentioned in the comment were not reviewed as a part of the project's traffic study. The traffic study was completed according to City of San Diego and regional traffic study guidelines.

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- 332.63 [How much of the forecasted traffic on Del Mar Heights Road is generated by commuters' attempt to minimizing transit time and congestion? If the applicant and DSD failed to tabulate this data, why?
- 332.64 [The projected traffic queues extend as far back as One Paseo's 3rd Street and 1st Street.
- 332.65 [• What is the traffic impact on commuters leaving the project but not being able to merge into the I-5 queue? Has this issue been addressed and if so what were the findings?
- 8. Discussion: Year 2030 Travel Time Study I-5/SR-56 Interchange Project**
Information was taken from Table 3 and 8, of the Linscott, Law & Greenspan, engineers report on Year 2030 Travel Time Study – Local Route-L 2 with and without the two I-5/SR-56 Connectors. The One Paseo DEIR and Alternatives DEIR, remain silent on traffic time from the vicinity of the project to Del Mar Heights Road by I-5 ramps, Mango Drive and Portofino Dive.
- No Connectors** Minutes:seconds
Intersection: El Camino Real/Del Mar Heights Rd. Delay AM 1:35 PM 0:24
Intersection: High Bluff Drive/Del Mar Heights Rd. Delay AM 1:30 PM 0:28
Intersection: I-5 NB ramps/Del Mar heights Rd. Delay AM 4:18 PM 2:03
Rs: Del Mar Heights Rd. between I-5 ramps & Carmel County RD. Delay AM 1:58 PM 2:28
Total Delay (in minutes:seconds) **AM 9:21 PM 8:23**
- 332.66 [Del Mar Heights Road between High Bluff and I-5 North Bound ramps will carry 60,900 Average Daily Trips (ADT) Level of Service (LOS) E plus 10,500 ADT's from One Paseo –Main Street, or 9,300 ADT's generated by Reduced Main Street alternative. Total ADT's from Caltrans I-5/SR-56 Connector project plus "Reduced Main Street" is **70,200 ADT's**. LOS would be level F but is actually 17% greater than LOS F.
- With Connectors** Minutes:seconds
Intersection: El Camino Real/Del Mar Heights Rd. Delay AM 0:33 PM 0:32
Intersection: High Bluff Drive/Del Mar Heights Rd. Delay AM 0:35 PM 0:39
Intersection: I-5 NB ramps/Del Mar heights Rd. Delay AM 1:40 PM 2:03
Rs: Del Mar Heights Rd. between I-5 ramps & Carmel County RD. Delay AM 1:23 PM 1:23
Total Delay (in minutes:seconds) **AM 5:04 PM 5:42**
- 332.67 [Del Mar Heights Road between High Bluff and I-5 North Bound ramps will carry 51,800 Average Daily Trips (ADT).
Based upon the Caltrans data on **Existing Travel Time Study**, the traffic congestion delay at key Carmel Valley intersections and Del Mar Heights Road is between 9.3 minutes (AM) and 8.3 minutes PM at peak travel hours. This is the first **clear indication of the magnitude of congestion delay on emergency response time from Station 24.**
- Caltrans has affirmed that I-5 North Coast Corridor phase 2 (Torrey Pines/Carmel Valley) should start by the year 2020 and be completed by the year 2030. The I-5/SR-56 Connector should start during the same time frame but Caltrans admits that this **project remains unfunded**. The SR-56 highway lane expansion is slated to be **finished by 2040 but remains unfunded**.
- Questions re: Year 2030 Travel Time Study I-5/SR-56 Interchange Project**

332.63 The traffic study was completed using City and regional traffic study guidelines and SANDAG models. All types of traffic were considered in forecasting buildout volumes on Del Mar Heights Road.

332.64 The comment is unclear about the starting point of projected traffic queues extending as far back as 1st and 3rd Avenue. In addition, queuing is not addressed in Reduced Main Street Alternative. However, the approved March 23, 2012 traffic study addresses queuing in Table 14-1 and Table 14-2. Any northbound stacking at 1st and 2nd Avenues would occur within the project site.

332.65 The comment requests travel time data along Del Mar Heights Road. The following table (Exhibit 332.65-1) shows the result of several travel time runs from the Del Mar Heights Road / El Camino Real intersection to northbound I-5. Linscott, Law & Greenspan (LLG) staff conducted four (4) travel time runs during the morning peak hour (7-9 am) and four (4) during the afternoon peak hour (4-6 pm) in December 2013 when schools were in session. The average travel times are shown in the table below.

Exhibit 332.65-1

Table 1 Average Travel Times by Route		
PEAK PERIOD (AM/PM)	Del Mar Heights Road/El Camino Real Intersection to I-5 Northbound	
	A	B
AM (4 Runs)	6:06	9:58
PM (4 Runs)	5:55	9:55

Notes:
a. Westbound Del Mar Heights Road to I-5/Del Mar Heights Road Interchange and proceed north.
b. Alternative Route to I-5 (Del Mar Heights Road to Camino Del Mar to Jimmy Durante Boulevard to Via de la Valle to I-5)

The travel time in addition to those stated in the table to Mango Drive and Portofino Drive would be less than a minute since these roads are only a few hundred feet west of I-5.

332.66 This text includes the information referenced in response to comment 332.65. As such, no response is required.

332.67 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.

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- 332.68 [Explain why there is such a large discrepancy between Caltrans I-5/SR-56 documents for the year 2030 and One Paseo DEIR and Alternatives, related to Del Mar Highs Road's Average Daily Trips?
- 332.69 [Why has Kilroy and DSD applied the I-5/SR-56 traffic reduction data to their One Paseo "Reduce Main Street" calculations?
- 332.70 [Why has Kilroy and DSD failed to at least footnote that the I-5/SR-56 Connector project is not funded?
- 332.71 [Why has Kilroy and DSD taken 'credit' for traffic reduction of 2,975 ADT (attachment 75 – near term and attachment 85 -Year 2030 with Build-out), when the I-5/SR-56 is not assured or funded?
- 332.72 [Would the applicant and DSD agree that a more 'even handed presentation' that incorporated 'foreseeable events' would allow for better public understanding of the projects impact on congestion and emergency response time? If not, why not?
- 332.73 [Why has Kilroy and DSD failed to comment on the Caltrans data related to Del Mar Heights intersection traffic delay and congestion that will significantly increase emergency response time from Fire Station 24? Please explain.
- 332.74 [Why have Kilroy and DSD failed to comment on the impact of the state's legal action against SANDAG's 2050 Regional Transportation Plan (RPT)?
- 332.75 [Is Kilroy and DSD aware that two of the major projects within SANDAG's 2050 RTP are the I-5/SR-56 Connector and I-5 North Coastal Corridor projects, which direct impact the Del Mar Heights Road intersection with I-5?
- 332.76 [Why have Kilroy and DSD failed to present as a minimum a footnote or highlight what the traffic impact would be if the California court ruling on SANDAG's 2050 RTP is upheld ?
- 9. Discussion: Gap in traffic data between 'Near Term at Build-out' and Year 2030 with Project**
- 332.77 [The TPCPB presumes based upon comments by Kilroy staff that the 'near term at build-out' would occur sometime in 2015-2016. On attachment 75, of the DEIR Alternative Reduced Main Street, the I-5 Northbound ramps to High Bluff Drive show a Near Term volume of 54, 775 ADTs and Near Term with project build-out shows 64,078 ADTs. Kilroy and DSD do not provide any more volume analysis until the year 2030, a 14 to 15 year gap. Based upon Caltrans data from the I-5 NCC DEIR and I-5/SR-56 DEIR, the TPCPB knows that the expansion of I-5 should start by 2020. This expansion will include the Del Mar Heights ramp entrance to I-5. The I-5/SR-56 Connector project (unfunded) will include the tearing down of the Del Mar Height road bridge. Estimates by Caltrans senior staff indicate this bridge work will take 18 to 24 months to complete. Under CEQA Guidelines 15151, a 'good faith effort at full disclosure' **must be made.**

- 332.68 The traffic analysis conducted for the proposed project utilized the I-5/ SR 56 interchange traffic study (Alternate G) as its source of future traffic volumes. Therefore, the forecasted volumes are the same as Alternative G. Several alternatives were analyzed in the I-5/SR 56 traffic study, and each alternative contains various roadway network and land use assumptions which leads to different traffic volume forecasts on Del Mar Heights Road.
- 332.69 No "reduction data" was applied to the Reduced Main Street Alternative calculations. The Year 2030 without Project volumes were unchanged in the Reduced Main Street Alternate as compared to the traffic study for the Originally Proposed Project.
- 332.70 Refer to response to comment 351.1.
- 332.71 Refer to response to comment 351.1.
- 332.72 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.
- 332.73 Refer to response to comment 15a.46.
- 332.74 Refer to response to comment 332.76.
- 332.75 The referenced Caltrans projects are included in the SANDAG traffic models used in the analysis.
- 332.76 The current litigation related to the recent adoption of the 2050 Regional Comprehensive Plan (RCP) does not warrant reference in the Final EIR because the litigation is pending. Until such time as the certification of the Final EIR for the RCP is over-turned, the 2050 RCP remains valid. It would be speculative now to attempt to determine what changes in regional transportation plans, if any, would result from this lawsuit.
- 332.77 This comment requests an additional analysis time frame between the near-term and long-term conditions. The City of San Diego traffic study guidelines do not require an additional set of analyses between these time frames. In addition, it should be noted that the traffic study already contains a comprehensive analysis of the traffic generated at buildout of the project added onto baseline traffic volumes without the I-5/SR 56 northbound connectors. Therefore, an additional analysis without the northbound connectors is not warranted.

COMMENTS

RESPONSES

- 332.78 [Why was the applicant and DSD failed to provide the public with interim data regarding Level of Service, volume and Capacity rates for segments, like Del Mar Heights Road, for the period between 'near term build-out' and the year 2030?
- 332.79 [• Would the applicant and DSD agree that as a minimum, data should be provided to the public for the years ending in December, 2020, December, 2025 and January, 2029? If not, why not? Why would CEQA Guideline 15151 not apply?
- 332.80 [• Would the applicant and DSD agree that the year prior (2029) to anticipated completion of I-5 NCC and I-5/SR-56 would further the public's understanding of traffic impacts and congestion in and around key intersection? If not, why not?

332.78 Refer to response to comment 332.77.

332.79 Refer to response to comment 332.77.

332.80 Refer to response to comment 332.77.

10. Discussion: What is an acceptable Level of Service on local streets within Torrey Pines?

DSD's answer, #15a.33, to TPCPB's response to the May 29, 2012 DEIR, One Paseo project 193036, "Del Mar Heights Road in the Torrey Pines area is projected to operate at acceptable level of service with the proposed development in the future (year 2030) condition" **is in error**. The TPCPB understands that LOS D is considered 'acceptable' within the City of San Diego. According to San Diego Traffic Impact Study Manual, dated July 1998, if a project contributes enough traffic to a transportation facility, a **level of significance threshold** is used.

The DEIR Alternative for "Reduced Main Street" indicates, on attachment 75, that Mango to Portofino Drive in the 'near term' is **Level of Service B** with Volume 21,953 ADT's and this intersection at Near term + project build-out is LOS B and volume 24,100 ADT with a Change (delta) of Volume to Capacity (V/C) of 0.048. The net difference between Near term with and without project is an increase of 2,147 ADT's. Volume to capacity with project is 0.488 and V/C of 0.536 with project.

Attachment 85, Year 2030 without & Year 2030 with Project, indicates that this street segment is now **LOS D**. The net volume difference is still 2,147 ADT's so delta V/C remains at 0.048 but Volume to Capacity is now 0.848 or 31.2% greater than near term.

DSD's answer, #15a.38, to TPCPB's questions about One Paseo, Main Street DEIR, has analysis on local streets within Torrey Pines. On Portofino Drive, just south of Del Mar heights Road, the existing ADT is 1,538 resulting in LOS A. Traffic associated with the proposed development (716 ADT) would increase existing traffic to 2,254 ADT and a LOS B. This quiet road will have a 46% increase in traffic directly associated with One Paseo.

Mango Drive, just south of Del Mar Heights Road is a two-lane collector with existing ADT of 2,602, which is LOS B. One Paseo traffic (716 ADT) would raise existing traffic to 3,318, which is LOS B or a 27.5% increase. Mango Drive, north of Del Mar Heights Road has existing ADT of 5,900 ADT, which is LOS C. Projected traffic on this segment (716 ADT) would increase existing traffic to 6,616, which is LOS D, or a 12.1 % increase plus an increase in service level. Mango Drive is classified as a two-lane collector (LOS E capacity of 8,000 ADT).

- 332.82 [Torrey Pines is a fully developed community with an established shopping center and two schools. No new commercial development is planned and less than 6 residential lots remain empty. Our 'minor' roads are rated LOS A or B. DSD may consider LOS D "acceptable" but does not consider our community's life style, which is built around less traveled streets rated LOS A, or B.

332.81 The percent increase is stated correctly. With an LOS B, no significant impact occurs.

332.82 Traffic impacts are measured in terms of LOS. No significant declines in LOS within the Torrey Pines community would occur as a result of project traffic.

COMMENTS

RESPONSES

Questions re: Acceptable Level of Service & level of significance threshold

- 332.83 [Would DSD agree, that based upon Table 5 - Traffic Impact Study Manual, a level of significance threshold has been reached when the One Paseo project is taken into consideration? If not, why not?
- 332.84 [• Why has the Reduced Main Street ADT's remained the same from Near Term (2015/2106) through the year 2030 at 2,147 ADT? Are we to assume that in a 15 year time frame no new traffic was generated by the built-out project?
- 332.85 [• Would the applicant and DSD agree that a Level increase from LOS B to LOS D is significant? If not, why not?

11. Discussion of missing peak traffic analysis

- 332.86 [In response item 15a.151, the applicant and DSD states that "noon peaks are considered but not typically analyzed. Only the AM and PM peaks are analyzed and utilized to determine project impacts at intersection". The critical importance of response time(s) from Fire Station 24 to the Torrey Pines Community, during **all peak traffic** periods must to considered and analyzed. Traffic increases during the noon time period from Torrey Pines high school students, Carmel Valley office workers and regional workers going to lunch.

Questions re: Noon time (lunch hour) peak traffic congestion

- 332.87 [• Would the applicant and DSD agree that analysis of the Noon Time lunch hour in Carmel Valley is important data for the public to consider along with AM & PM peaks in traffic congestion? If not, why not?
- 332.88 [• Would this analysis not be considered a needed conservative approach to determining existing traffic, traffic at Build-out, and future traffic conditions not covered by just the AM & PM peaks?

Conclusions

- 332.89 [The TPCPB must take to task DSD for allowing the developer, Kilroy, to present to Carmel Valley and other regional community planning boards, a project that is 3 to 4 times the allowable density for that parcel of land. DSD is allowing the developer to **operate outside of the existing community plans**. Kilroy's Return on Investment (ROI) should not be a consideration in granting this outrageous proposal.
- 332.90 [Kilroy has stated to the TPCPB that the Carmel Valley Planning Board is the **only** recognized planning board that **gets to vote** on this project. While this statement maybe technically true, this approach fails to recognize the direct and cumulative impacts upon the residences and school children within the Torrey Pines Community. Kilroy has advertised One Paseo as a regional **attraction**. Kilroy has rejected the two smaller Alternatives since they will not draw enough customers from more distant areas.

332.83 The Draft EIR acknowledges that the project would result in significant traffic impacts.

332.84 The project traffic volumes were not assumed to change between project buildout in 2015 or 2016 and 2030 even though project auto trips might be reduced after introduction of transit to the area.

332.85 As discussed on page 5.2-9 of the Final EIR, the City's significance thresholds for traffic impacts consider levels of service A through D as acceptable. Even though a change in the level of service B to D would represent a decline, it would not constitute a significant impact because the level of service would continue to be acceptable by City standards.

332.86 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.

332.87 While noon-time traffic is relatively heavy, PM peak hour traffic is higher and, therefore, provides a worst-case analysis.

332.88 As stated in response 332.87, since PM peak hour traffic is higher, a worst-case analysis has been provided.

332.89 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

332.90 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

332.91 The development of the Main Street or Reduced Main Street project are tied to specific roadway improvements. These **mitigation** measures **must be assured prior to issuance** of any building permits. Many of these mitigation measures are **beyond the control** of the project applicant and the City of San Diego. The San Diego City Council could adopt a **Statement of Overriding Considerations** relative to impact to traffic, which would remain without implementation of the mitigation measures.

332.92 The Torrey Pines Community Planning Board's **Overriding Consideration** is the safety of Torrey Pines residents threatened by projected major traffic congestion in and around Fire Station #24 on Del Mar Heights Road. Kilroy and DSD's self-servicing analysis of emergency response time to **only** One Paseo is not acceptable and imperils residents being served by Fire Station#24 in the region.
Until such time as a viable project is presented that assures the health and safety of Torrey Pines citizens, the TPCPB will only support **the NO Build Alternative** for the One Paseo project.

Dennis Ridz, Chair Torrey Pines Community Planning Board

A special thanks to members of the TP Ad Hoc Committee for content and editing

CC: Council member Sherri Lightner
Mayor Todd Gloria
County Supervisor Dave Roberts
Chair Frisco White, CV Board
Director B. Fulton bfulton@sandeigo.gov
Fire Chief Javier Mainar
Council member Kevin Faulconer
Council member David Alvarez
Council member Myrtle Cole
Council member Marti Emerald
Council member Lorie Zapf

332.91 The traffic mitigation measures identified in Table 5.2-42 of the Final EIR are associated with specific phases of the project to assure that they are completed by the time of the need for the improvements. The conditions of approval for the project will assure that the roadway improvements are in place in accordance with the timing specified in the mitigation measures identified in Table 5.2-42. Despite the City making a Statement of Overriding Considerations for those improvements which are beyond the City's full control to implement, the applicant will be required to pursue approval of those improvements, and implement and/or make fair-share contributions for those improvements which are ultimately approved by Caltrans.

332.92 As indicated in response to comment 15a.46, the project would not substantially interfere with emergency response vehicles in the area.

COMMENTS

RESPONSES

From: [Don Asselin](#)
To: [DSD EAS](#)
Date: Friday, November 01, 2013 11:03:51 PM

333.1 ☐ Please stop Paseo Development from ruining our community.

*Don and Kathy Asselin
4825 Algonquin Court
San Diego, CA 92130
858-395-4112*

333.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

December 3, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I am writing to comment on the Recirculated Alternatives for One Paseo. Of particular interest to me was the section 12.12 IDENTIFICATION OF ENVIRONMENTALLY SUPERIOR ALTERNATIVE. This section states that the environmentally superior alternative would be the Specialty Food Market Retail because it would result "in the least impact with respect to traffic" and "avoid significant impacts related to visual effects and neighborhood character..."

However, for several reasons I believe that this alternative would in fact be just the opposite.

The Specialty Food Market Retail alternative:

- 334.1 1) Is inconsistent with smart growth planning principles and the General Plan's City of Villages strategy.
- 334.2 2) Leaves a majority of the site underutilized and unproductive, potentially for future development.
- 334.3 3) Would not result in a LEED-certified Neighborhood Development project which, according to the US Green Building Council, emphasizes neighborhood planning that: "can limit the need for automobiles and their greenhouse gas emissions. Mixed-use development and pedestrian-friendly streets encourage walking, bicycling and public transportation. Green buildings and infrastructure also lessen negative consequences for water resources, air quality and natural resource consumption." (<http://www.usgbc.org/neighborhoods>)
- 334.4 4) In comparison to the Reduced Main Street alternative, would have a negative impact on neighborhood character because it would not offer usable open space, strong design characteristics, a sense of place and a civic core that would benefit the community.

Both the One Paseo Project and the Reduced Main Street alternative are consistent with the General Plan, fully utilize the site, would be LEED-ND when complete and provide the community with extraordinary benefit.

I urge the city to approve One Paseo or its Reduced Main Street alternative as they are in fact environmentally superior.

- 334.1 Development of the site with a single use (retail) would be inconsistent with the City of Village Strategy.
- 334.2 The comment is correct. The Specialty Food Market Retail Alternative would leave a large portion of the site available for future development.
- 334.3 As indicated in response to comment 334.1, the Specialty Food Market Retail Alternative would not promote the goals of mixed-use development.
- 334.4 Although the Specialty Food Market Retail Alternative would not likely have a positive design impact on the community, it would avoid the bulk and scale effects related to the Originally Proposed Project as well as the Reduced Main Street Alternative.

COMMENTS

RESPONSES

Sincerely,



Dianne Bierman

CC: The Honorable Todd Gloria, City Council President: toddgloria@sandiego.gov
The Honorable Sherri Lightner, City Council Member, District 1: sherrilightner@sandiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

COMMENTS

RESPONSES

From: [Marcia Blackmon](#)
 To: [DSD_EAS](#)
 Subject: Project 193036 (One Paseo, Carmel Valley)
 Date: Tuesday, December 10, 2013 3:53:05 PM

Background. Earlier this year, Kilroy was asked to present reduced alternatives to its high-density, mixed-use, upscale One Paseo concept because:

(a) Such a large retail/office/residential development would add thousands of driver trips per day on local roads and the ensuing additional traffic congestion and noise would be a nightmare for everyone living, working, and shopping in its area.

(b) The previous square footages proposed for One Paseo were grossly greater (3-4 times) than the current planning allows.

(c) There was a ground swell of public opinion against the proposed intense high-rise development that would be crammed into the property and walled off from local streets.

(d) The deceptive marketing tactics of Kilroy (e.g., not showing more than 4-story buildings in its beautifully sketched architectural drawings, over-emphasizing the small communal plaza and greenspace) did not fool the residents who took the time to check out the dismaying details of the project (such as parking for 3,700 vehicles).

3-D Model? Kilroy was also asked (by the chairman of the Carmel Valley Community Planning Board) to show the board and the public a three-dimensional model of the proposed One Paseo, which would be the best way to give the community the information it needs to evaluate the project. So far as I know, Kilroy has totally ignored this very reasonable request. Kilroy is not being honest with the public or the board—it has a model of the original project, and could modify it to show the newest alternatives.

Objectives? This new document presents three alternatives, then promptly dismisses two of them as “not feasible” because they don’t meet the Kilroy project’s basic objectives (the “main street” concept). These are certainly not true alternatives—why even bother to present them if they won’t meet the objectives? What about the project objectives of the local residents who trusted the city’s community plan for Carmel Valley as a quiet area without major retail stores and without buildings that are NINE stories high? Two of the buildings of the Reduced Main Street (Kilroy’s current proposal) would be five stories higher than any other buildings in the immediate viewscape. The project objectives for this development should be in consonance with the planning objectives for Carmel Valley and its current character.

Size Reduction. Kilroy claims that the Reduced Main Street Alternative is substantially smaller than its previous proposed development. However, these concessions from Kilroy are almost negligible because the Reduced Main Street Alternative would—at 1,469,000 sq. ft. —be almost THREE TIMES the 510,000 sq.ft. allowed by current zoning. This new alternative is only slightly smaller, and is not a good faith proposal.

Emergency Response. The EIR’s section on health and safety doesn’t even mention

335.1 Section 5.2 of the Draft EIR acknowledges the fact that the proposed project would add traffic and increase congestion on local roads.

335.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

335.3 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

335.4 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

335.5 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

335.6 As discussed in response to comment 330.29, the Reduced Mixed-use and Specialty Food Retail Alternatives were included due to the high degree of interest in the community to evaluate smaller versions of the Originally Proposed Project.

335.7 The CEQA Guidelines only mandate that an EIR contain a list of project objectives. Among other things, the objectives of the community will be considered by the Planning Commission and City Council in their decision-making process.

335.8 The impact of the comparative height of the proposed buildings is discussed in Section 5.3 of the Final EIR. In that discussion, the difference in height is recognized as a major contributing factor to the conclusion that the Originally Proposed Project as well as the Revised Project would result in a significant neighborhood character impact.

COMMENTS

RESPONSES

335.9 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required. In terms of overall square footage, Reduced Main Street is 22 percent smaller than original project.

335.10 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

335.10 cont. the longer response times of police and fire vehicles when navigating through jammed traffic on Del Mar Heights Road across I-5 into Del Mar.

335.11 **More Traffic.** And the worst, most critical aspect of this development—the horrendous additional traffic—would be reduced only 11-12% from the previous proposal—not enough to make any difference in the ultimate overall impact. In addition, parking spaces have been reduced by less than 10%--again, not a noticeable difference.

335.12 **Overdevelopment.** We local residents expected this piece of property to be developed. But we expected such development to be within the bounds of the general character of Carmel Valley and of the current square footage limitation. Why give this developer the right to overdevelop this property? Earlier developers have respected the planning guidelines, and should not be “penalized” by having played by the rules when Kilroy refuses to.

335.13 **Community Character.** Kilroy itself admits that the Reduced Main Street Development would be “out of character with the bulk and scale of the surrounding neighborhood,” would have a “significant impact on neighborhood character,” and “feasible mitigation measures are not available to reduce this.”

We must not give in to this pressure by Kilroy for a project that maximizes its profit, but which would destroy the neighborhood and impair the mobility of the greater community as well.

Respectfully,
 Marcia Blackmon
 3816 Fallon Circle, San Diego, CA 92130

335.11 The Final EIR concludes that, while the Reduced Main Street Alternative would reduce the total number of trips generated by development of the property, the impacts would remain significant.

335.12 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

335.13 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

December 9, 2013

Ms. 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
CC: toddgloria@sandiego.gov, sherrilightner@sandiego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

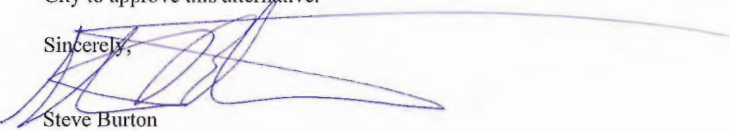
I want to thank you for the opportunity to comment on the recirculated alternatives to the City's Draft Environmental Impact Report on One Paseo.

Based on my review of the new alternatives, I believe that the Reduced Main Street Alternative is the appropriate development for this site. The two other new alternatives – and those previously analyzed - do not provide the density necessary to incorporate an underground, shared parking model. The benefit of a shared parking model cannot be understated. It balances parking supply with the parking demand for all the uses across all hours of the day and week thus reducing unnecessary and costly use of space. That is why a mixed-use village with shared parking like One Paseo is a great benefit over a single land-use.

In addition, as the parking is tucked below the buildings, architecture and open space become the focal point, not a sea of asphalt which negatively impacts the visual appeal and character of the development – and the community. When surface parking is relatively limited, more land can be dedicated to usable, open public space.

I believe it is clear from the documents provided that the Reduced Main Street Alternative provides the best opportunity to build true mixed-use village with shared parking and I urge the City to approve this alternative.

Sincerely,


Steve Burton
Carmel Valley Resident
President, Ace Parking

336.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Rick Castro](#)
To: [DSD EAS](#)
Cc: [Councilmember Todd Gloria](#); [Councilmember Sherri Lightner](#); white@wwarch.com
Subject: Project No. 193036/SCH No. 2010051073
Date: Monday, December 09, 2013 1:00:17 PM

December 9th, 2013

Martha Blake, Environmental Planner
City of San Diego Development Services Center
VIA EMAIL: DSDEAS@saniego.gov
CC: toddgloria@saniego.gov, sherrilightner@saniego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I would like to thank the City for analyzing additional alternatives for the One Paseo project in Carmel Valley. As a business owner, and someone wishing to expand my business, I believe that the Reduced Main Street alternative is a prime example of the smart growth principles the City has been encouraging for years. With its complementary mix of uses and a strong focus on usable open space, I believe that this alternative will encourage residents and the local workforce to get out of cars, and walk or bike, and will generally result in fewer trips than a single-use development on that site.

One Paseo or its Reduced Main Street Alternative will set a high standard for such development and the City of San Diego should approve it.

Sincerely,



<!--[if !vml]--><!--[endif]-->

Rick Castro
16212 Martincoit Rd
Poway, CA 92064

337.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Mike Christman](#)
To: [DSD EAS](#)
Subject: Project # 193036
Date: Monday, October 28, 2013 8:53:01 AM

To Whom It May Concern:

The proposed reduction to the Carmel Valley One Paseo project are outstanding. Unfortunately traffic is a way of life and something that myself as a Carmel Valley resident is willing to deal with so that I no longer will have to drive 30 minutes to the downtown area for quality restaurants and a lively night life.

When looking at the development of the "Ralph's" shopping center directly across the street from One Paseo it is evident that additional shopping & restaurants are needed. There is never parking available and every restaurant is at capacity on the weekends.

The One Paseo project would bring the Carmel Valley community closer and allow neighboring communities (Rancho Penasquitos & Rancho Bernardo) a place to congregate as well.

Mike Christman

760-917-0940

Sent from my iPad

338.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

November 5, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I wish to offer the following comments regarding the One Paseo project. It seems that this project will be most successful if allowed to provide the amenities that will benefit the entire community. It seems that by taking full advantage of the site, we can ensure that portions are not left open for future developments that could have unforeseen impacts.

Working in this community, I find that the current options for mid-day dining would be great except for the traffic and parking congestion. We often have guests come to our office, however we always go outside of the community for business lunches and meetings due to this congestion. One Paseo would be an excellent setting for us to host business lunches, and our staff could walk there! We have beautiful weather in San Diego, and I would love to take advantage of a sunny day stroll to One Paseo for my daily lunch break.

I really fail to see the benefits of the Reduced Mixed Use and Specialty Food Market alternative plan. This seems like it would underutilize the site without any benefit. The surface parking issues would continue, and not add the usable public spaces we want. The last thing this community needs is one more parking lot with grocery traffic congestion, or just more office buildings that do not add any enrichment to this area.

I therefore urge the City to approve One Paseo or, if an alternative is desired, the Reduced Main Street alternative.

Sincerely,



CC: The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member, District 1:
sherrilightner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

339.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: billcollins300@hotmail.com on behalf of [Bill Collins](#)
To: [DSD EAS](#)
Cc: [Socorro Collins](#)
Subject: PROJECT No. 193036 -- Comments on the revised Draft EIR for One Paseo.
Date: Monday, December 09, 2013 10:29:40 PM

We are in support of the project.

340.1

Implementation of this project is necessary because of the growth of the Del Mar Heights area (where I live). A more flexible approach to land use is required. Not only are the master plan environmental factors important to consider which the current EIR does, it is also necessary to consider public transportation needs of the populace that lives in this area. To wit-- there are no buses that run along Del Mar Heights Road. I believe this is primarily due to the financial non-viability for a bus company. With the new alternate, not only would a bus line be economically feasible, the impact on traffic emissions would likely be very favorable; ie, buses carry more persons-- and their bikes-- more efficiently than individual automobile transport.

340.2

Although the various alternates which Kilroy has presented over the past years have negatives, they also have many positives. The latest alternate: the third new alternative, referred to as "Specialty Food Market Retail", is a good compromise between what the master plan requires/limits and what the developer is willing to accept.

Respectfully,
 Bill & Socorro Collins
 5074 Cheltenham Terrace
 San Diego, CA 92130
 858 794-5320

BillCollins@alum.mit.edu
Coquet13@gmail.com

340.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

340.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.



December 9, 2013
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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I wish to offer the following comments regarding the One Paseo project.

1. I believe that it is important the approved project maintain a balance between the site and the surrounding uses and that it provide a range of amenities and benefits for the community.
2. I believe that it must take full advantage of the site and not leave portions to speculative future development and unforeseen impacts.

Two of the alternatives to One Paseo – Reduced Mixed Use and Specialty Food Market – would vastly underutilize the site and provide no real significant benefit for Carmel Valley. Both would involve surface parking and lack open, usable public space. Further, the Specialty Grocery Retail alternative would leave the property vastly underutilized, with future development and additional car trips highly likely.

I therefore urge the City to approve One Paseo or, if an alternative is desired, the Reduced Main Street alternative.

Sincerely,

Amanda Coppola

CC: The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member, District 1:
sherrilighntner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

341.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Paul Danninger](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [Councilmember Todd Gloria](#); "[white@wwarch.com](#)"
Subject: One Paseo
Date: Sunday, November 10, 2013 7:53:11 PM
Attachments: [Danninger - New Alt's Letter.docx](#)

November 10, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I would like to applaud the developer of One Paseo for their thoughtful, and thorough, approach to the planning of this project. Indeed I believe they have demonstrated repeatedly their commitment to the project and to the community. Clearly, their interest is to bring a high-quality, walkable neighborhood village to Carmel Valley and this interest is evidenced through:

- 1) Proactively seeking broad community input on the project's design and the benefits desired by the residents;
- 2) Retaining a renowned and highly accomplished design team; and
- 3) Utilizing public input to prepare and present enhancements that will positively impact Carmel Valley beyond the property line of the development.

Perhaps these are not considered as part of the environmental review, but certainly as the City reviews the alternatives to One Paseo, these elements are key to evaluating the merits of each. Kilroy should be commended for introducing the Reduced Main Street alternative as a measure of its commitment to incorporating public input. I believe that it is clear that when measured against all the other alternatives, the Reduced Main Street alternative is the most viable project for Carmel Valley, and should be approved.

Thank you.
 Sincerely,

Paul Danninger

Paul Danninger
 Independent
 Association Manager

342.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Mar West Real Estate

1049 Camino Del Mar #12

Del Mar, CA 92014

(858) 775-4917 Direct

(858) 259-5560 Fax

(714) 442-0731 After Hours Emergency Number

pdanninger@marwestre.comwww.marwestre.com*CDRE License #01783194 Exp. 05/06/12*Commercial Property Owners' Association
Formation & Management

COMMENTS

RESPONSES

From: [Cynthia Dial](#)
To: [DSD EAS](#)
Subject: Project No. 193036/SCH No.2010051073
Date: Wednesday, November 06, 2013 3:59:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.gif](#)
[image004.gif](#)
[image005.png](#)
[image006.gif](#)
[image008.png](#)

Dear Ms. Blake,

The time is now for One Paseo. Five years of debate is enough.

Thus far Carmel Valley is simply a bedroom community with good schools and two strip malls -- no more, no less. As citizens, we deserve more . . . like the project One Paseo represents. We deserve leadership to represent the majority, not the very loud, very small minority, who regardless of their volume, do not represent my voice nor the voices of my neighbors (most of whom have full-time jobs, and not the luxury of having the time to write letter after letter to the editor).

Please give the thumbs up to the "Reduced Main Street Alternative" which mitigates the traffic concerns, not the "Reduced Mixed-Use Alternative" nor the "Specialty Food Market Retail Alternative (which would represent Carmel Valley's third strip mall) -- both of which would translate to no traffic improvements, no community improvements and basically no "heart" for the community.

Best regards,

Cynthia Dial

Cynthia Dial, author
Get Your Travel Writing Published
3656 Ruelle DeVille
San Diego, CA 92130 USA
858.350.8658 ph

343.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Dawn Douglas](#)
To: [DSD EAS](#)
Subject: Project #193036 One Paseo
Date: Saturday, November 16, 2013 10:52:01 AM

- 344.1 [I am a resident of the Del Mar Heights community and wish to express my concern about excessive traffic which would result from the construction of the One Paseo development in it's proposed state. Please enforce the zoning already in effect and force Kilroy to live within the current zoning.
- 344.2 [Many aspects of One Paseo are disturbing, the use of fake "grass roots" support by the PR firm employed by Kilroy, and other misleading tactics.
- 344.3 [If this project is approved for more than the 500,000 square feet allowed by present zoning, I request that the City of San Diego build and maintain a fire/emergency station on the west side of the freeway. Without that, my neighborhood would be significantly endangered by the slowed response time caused by One Paseo traffic.
- Dawn Douglas
 13190 Carousel Lane
 Del Mar, Ca. 92014

- 344.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 344.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 344.3 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

From: [Jill Duoto](#)
 To: [DSD EAS](#)
 Subject: Project # 193036
 Date: Monday, December 02, 2013 7:59:46 PM

Dear Ms. Blake,

I am both a homeowner (I live one block off of Del Mar Heights Rd just north of Torrey Pines High School) and a business owner in the proposed development neighborhood. My son's school is a few blocks from the site, and my business is located on High Bluff Dr. bordering the proposed development site. On a typical day, I drive past the location six times, in order to go to work, to my son's school, home for lunch, and to the Pacific Athletic Club. I have lived in the area since 1977 when I attended Torrey Pines High School.

I have reviewed the proposed alternative to the One Paseo project and feel that none of the alternatives suggested by Kilroy mitigate the serious concerns of the residents in the neighborhood.

345.1 1) I am especially concerned about the traffic that will be created by all of the plans. Del Mar Heights Rd. already has major traffic problems at peak times of the day, and when the 5 is backed up, no amount of coordination make the traffic flow any faster. My business depends on Torrey Pines High School students traveling back and forth to our school throughout the day. We provide classes for students whose needs are not being met by the public school and our classes run from 7:45 am to 7 pm.

345.2 2) The amount of noise and pollution during construction will make it impossible for my students to concentrate. Hazardous dust and particulates will endanger student athletes on the high school fields as well as families shopping at the Highlands, walking their dogs, or jogging in the neighborhoods.

345.3 3) Maintaining the character of our neighborhoods - the buildings are way out of scale with our quiet residential neighborhood. Anything over 4 stories would be out of character with the other buildings on El Camino Real and High Bluff Dr. The older Kilroy buildings are an eyesore along the 56 and a testament to Kilroy's poor design. There was no attempt to blend the architecture with the existing environment.

345.4 4) As a resident of the neighborhood, I do not feel that any more retail is necessary. We have plenty of good restaurants and shops already. The office building I work in on High Bluff Dr. is only 30% occupied as are many of the other buildings on the street. Arden has already built several new buildings on the street that have yet to be filled.

345.5 5) If apartments are built, they will be filled with families wanting to get their children into the already overcrowded schools here.

345.6 6) The service jobs that will be created will be low paying, without benefits. Low-income employees will have to commute from distant neighborhoods, adding to our traffic woes.

I beg you to consider the wishes of all Carmel Valley residents. If we wanted this kind of lifestyle that Kilroy is offering we would be living in L.A. We love our small, beach community and are not interested in anything that these alternative projects

345.1 Section 5.2 of the Final EIR acknowledges that the Originally Proposed Project and the Reduced Main Street Alternative would result in significant traffic impacts on Del Mar Heights Road. Due to the inability of the City to control timely implementation of all of the roadway improvements needed to mitigate the project impacts, the Final EIR concludes that impacts to the Del Mar Heights Road between the I-5 bridge and High Bluff Drive could remain significant because Caltrans approval is required to implement the measures needed to mitigate project traffic. However, project traffic impacts on the remaining portions of Del Mar Heights Road would be reduced to below a level of significance by mitigation measures which will be required to be implemented.

345.2 The proposed development would not pose significant air quality or health risks to schools in the project area. As discussed in Section 5.5-3 of the Final EIR, toxic air contaminants from construction and operation of the development would not exceed allowable thresholds in and adjacent to the proposed project. In addition, Division 7 of Article 2 of the City's Municipal Code contains regulation which are intended to protect adjacent land uses from air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting. More specifically, Section 142.0710 does not permit air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located. As the nearest school is 0.2 mile from the project, it is reasonable to conclude that the project would not have an air quality impact on students attending schools in the area.

COMMENTS

RESPONSES

- | | |
|--|---|
| | <p>345.3 Section 5.2 of the Final EIR concludes that the proposed project would have a significant impact on neighborhood character.</p> <p>345.4 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.</p> <p>345.5 The potential effect of the project on local schools is addressed in Section 5.12 of the Final EIR. As discussed in this section, the developer would pay school fees. By law, payment of these fees constitutes full and complete mitigation for the impact of new development on schools.</p> <p>345.6 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.</p> |
|--|---|

COMMENTS

RESPONSES

have to offer.

Please stick to your guns and do not allow this project to grow any larger than the 500,000 square feet in the original neighborhood plan.

Sincerely,

Jill Duoto

--

Jill Duoto, M.Ed.
Director
High Bluff Academy
12707 High Bluff Dr. Ste. 150
San Diego, CA 92130
(858) 509-9101
www.highbluffacademy.com

COMMENTS

RESPONSES

From: J.E.
 To: DSD EAS
 Subject: Project Number 193036
 Date: Sunday, December 08, 2013 3:22:33 PM

Date: December 8, 2013

To: Martha Blake, Environmental Planner, City of San Diego Development Services Center

From: Joan Elliott, 13069 Maritime Place, San Diego, CA 92130

Subject: Comments on Recirculated Alternatives to the DEIR for the One Paseo Project

Project Number: 193036

- 346.1 [] 1. Why is there no drawing showing the Reduced Mixed-Use alternative?
- 346.2 [] 2. Since even the Specialty Food Market Retail alternative produces some traffic congestion, why is the option of the Reduced Main Street alternative, with four times the traffic, even being considered? For the same reason regarding traffic, why is the Proposed Project still being considered?
- 346.3 [] 3. In the Reduced Main Street alternative, why are the residential units not reduced in number? Reducing them in size but not in number will not help lower the traffic they generate.
- 346.4 [] 4. Since the Reduced Mixed-Use Alternative would "result in a significant impact on neighborhood character," why have you not included a realistic alternative plan the would not have this impact?
- 346.5 [] 5. Why does the Reduced Mixed-Use alternative not include the 1.5 acres of open space accessible to the public that the Reduced Main Street alternative has? If this Reduced Mixed-Use alternative is smaller, why is there not room for the open space?
- 346.6 [] 6. In the Reduced Main Street alternative, since you say you will need to build a sound wall because of the noise, does that not negate the "string of pearls" benefit that you have suggested would exist along El Camino Real?
- 346.7 [] 7. Why do the Proposed Project and the Reduced Main Street alternative assume that what Carmel Valley needs is a "destination" regional mall with large upscale chain stores? That is not what Carmel Valley needs. We need a mix of uses that are useful to Carmel Valley residents. Our suburb was not intended to house an overly dense, regional-style mall designed to draw customers from a radius many miles long. Our community cannot handle the traffic that will be generated. Carmel Valley has limited access to and from the I-5 and no mass transit. The DEIR states this problem: "...the building heights and intensity of use associated with the Reduced

- 346.1 Refer to response to comment 330.1. A detailed site plan is not required to provide a comparative analysis of the effects of the Reduced Mixed-use Alternative with those of the Originally Proposed Project. Refer to the response to comment 330.6 for a discussion of the primacy of critical mass to the physical arrangement of project structures.
- 346.2 A significant impact (e.g. traffic) does not preclude the City Council from considering and approving developments as long as they make a Statement of Overriding Considerations, in accordance with CEQA Guidelines. Section 15093(a) of the CEQA Guidelines requires decision-makers to "... balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project." If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- 346.3 The number of residential units is not decreased in the Reduced Main Street Alternative in order to maintain the feasibility of this alternative, and achieve the Main Street concept to allow the project applicant to pursue this alternative rather than the Originally Proposed Project. It should be noted that the concept of reducing the number of residential units is included in the Reduce Mixed-use Alternative.
- 346.4 The Final EIR contains a reasonable range of alternatives. Refer to response to comment 63.179. Other alternatives, including the Specialty Food Market Retail Alternative, avoid the neighborhood character

COMMENTS

RESPONSES

- 346.5 Vertical integration of the uses proposed in the Reduced Mixed-use Alternative could allow for open space opportunities to be included in the site design. However, as discussed in response to comment 330.6, the reduced intensity associated with this alternative would render it infeasible, irrespective of site design.
- 346.6 As discussed in response to comment 391.41, the noise barrier would be located between Del Mar Heights Road and the proposed recreation area. Greenbelt would remain between the wall and Del Mar Heights Road. In addition, landscaping would be located in front of the wall to soften its appearance from Del Mar Heights Road and further enhance the greenbelt. Thus, the wall would not interfere with the proposed “string of pearls.”
- 346.7 The Originally Proposed Project and Reduced Main Street Alternative seek to create a mixed-use village consistent with the goals and policies of the General Plan, and other identified project objectives. The project design and intensity is intended to create a “heart” or central gathering place for Carmel Valley. Refer to response to comment 330.6 for a discussion of project objectives and the relationship of the Reduced Mixed-use Alternative to those objectives.

COMMENTS

RESPONSES

- 346.7 cont. Main Street Alternative, as a whole, would be out of character with the bulk and scale of the surrounding neighborhood....As with the proposed project, feasible mitigation measures are not available to reduce this impact to below a level of significance.”
- 346.8 8. Why do you propose projects that require a Rezone and amendments to the General Plan, Community Plan, and Precise Plan? The zoning and the Community Plan were designed for a reason: to maintain the suburban, residential neighborhood character of Carmel Valley.
- 346.9 9. Why is only the Reduced Main Street alternative considered feasible when this alternative is out of character and inconsistent with the low-scale and low-intensity development of the surrounding area, would require an amendment to the General Plan, Community Plan, Precise Plan, and a rezone. This alternative would also, according to the DEIR, “result in the same significant impacts to the roadways and intersections as the proposed project.”

- 346.8 The request to change the zoning and land use designation originated from the project applicant. The decision whether to approve or deny this request will be made by the City Council in a hearing where the public will be afforded an opportunity to express its views concerning the project. The current zoning and land use designation on the project site would not promote the residential character identified in the comment because the land is currently designated for an employment center.
- 346.9 The feasibility of an alternative is unrelated to the potential environmental impacts. Alternatives are included in an EIR as a means to reduce or eliminate significant environmental impacts. As the Reduced Main Street Alternative would reduce neighborhood character and traffic impacts, although not to a level of insignificance, inclusion of this alternative in the Final EIR is appropriate. Furthermore, as discussed in response to comment 330.25, the City Council may approve a project with significant unmitigated impacts if makes a Statement of Overriding Considerations.

COMMENTS

RESPONSES

From: [Barbara Farrell](#)
To: [DSD EAS](#)
Subject: FW: project number 193036
Date: Monday, December 09, 2013 6:35:24 PM

Subject: project number 193036

December 9, 2013

Greetings,

When Kilroy Realty bought the 22.8 acres at Del Mar Heights and El Camino Real, they knew it had a build out of 510,000 square feet. Kilroy has been requested to bring a plan of their intent for this 510,000 square feet. They have not! They have been requested to bring a 3-D model to the Carmel Valley Planning Committee – they have not! It does exist as I went to their office on March 23, 2013.

Traffic is a nightmare NOW with cars attempting to enter Interstate 5 north or south. Gads, it is a nightmare on Fridays and during the Fair. The long delayed traffic study estimates an additional 27,000 cars will be brought to Carmel Valley streets every day by this enormous development.

If you could see an ambulance or fire truck at this time attempting to get to Interstate 5 or even west of the freeway to homes on Mango and surrounding area, this would be such a nightmare with 27,000 additional cars added.

Kilroy Realty could easily use the two towers of 8 stories (thus 16 stories) into 4 or 5, 2 and 3 story buildings, with their boutiques and restaurants on ground floor, underground parking, and grass and plaza areas. This would fit into their 510,000 sq ft. And probably be accepted by the community.

There are rumors that over \$1,000,000.00 has been donated to local politicians by Kilroy Realty – could we have confirmation on that.

Thank you,

Barbara Farrell
3749 Fallon Circle
San Diego, Ca. 92130-1875

TEL (858) 259-4125 or (800) 424-6111
FAX (858) 259-6064

EMAIL Barbara@CruiseHQSD.com
www.cruiseontheweb.com

347.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

347.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

347.3 Section 5.2 of the Final EIR acknowledges that traffic congestion will exist in the future, and that the project would have significant direct and cumulative impacts on traffic flow on local roadways. In addition, it includes a number of roadway improvements to reduce the project's impacts on local roadways. It should be noted that the Reduced Main Street Alternative would reduce the project traffic from 26,961 to 23,854 ADT.

347.4 Refer to response to comment 15a.46 regarding emergency response.

347.5 The alternative described in this comment is similar to the Reduced Mixed-use Alternative included in Section 12.10 of the Final EIR. Refer to response to comment 330.6 regarding the feasibility of this alternative.

347.6 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: rfisher@aol.com
 To: [DSD EAS](#)
 Cc: rfisher@aol.com
 Subject: PROJECT No. 193036
 Date: Monday, December 02, 2013 6:01:37 PM

To Whom it may Concern:

Thank you for taking the time to read my comments regarding the One Paseo project in Carmel Valley.

I've had a baseline level of stress ever since the One Paseo signs went up on the property years ago and all of the proposals put forward since have done nothing to assuage my fears. My 2 main concerns, like most residents, are traffic and noise. We live along El Camino Real north of Del Mar Heights Road and the road noise is already a serious problem. And getting to/from I-5 via Del Mar Heights Rd during the morning and evening rush is a daily struggle.

Personally, I can't think of any personal needs that aren't already met by local merchants. And more housing?? I don't think so. While I'd love to see the space remain open, I'm a realist and (sadly) understand it's only a matter of time before the lot is developed. If I had to choose any of the 3 weak proposals submitted, I'd pick the last: "Specialty Food Market Retail" since it has the smallest negative impact on the community. But I'd love to see Kilroy be forced to submit a proposal in line with the space and the community which will be served.

Thank you again.
 Rachel Fisher

348.1 Section 5.2 of the Final EIR acknowledges that traffic congestion will exist in the future, and that the project would have significant direct and cumulative impacts on traffic flow on local roadways. In addition, it includes a number of roadway improvements to reduce the project's impacts on local roadways. It should be noted that the Reduced Main Street Alternative would reduce the project traffic from 26,961 to 23,854 ADT.

348.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

348.3 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES



December 9, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I wish to provide comments on the three new alternatives that have been circulated for the above referenced project.

I believe that One Paseo would be a great addition to our community. I understand that the Alternatives that have been circulated for public comment have been studied against the One Paseo project and I am happy that there is one alternative that provides for a reduced size but that maintains all the most important elements of One Paseo.

What I like most about One Paseo is that it will be a shining and workable example of the City of Villages, strategy creating a true sense of place in the core of a community. One Paseo's neighborhood village atmosphere will not only get people out of their cars, but will encourage more social interaction and connection, improving the quality of life in Carmel Valley.

Finally, I would like to add that I have been to numerous public meetings about this project. I can appreciate the time and effort that has gone in to every aspect of the design of One Paseo so that it adequately reflects the City and community's input. The Reduced Main Street alternative is clearly a result of such input and I encourage the City of San Diego to approve it as soon as possible.

Sincerely,

CC: The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member, District 1: sherrilightner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

12250 El Camino Real Ste 200, San Diego, California 92130 • T 858.947.7272 • F 858. 947.7273

349.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Bob Fuchs](#)
To: mblake@sandiego.gov
Cc: sherrillightner@sandiego.gov; mmillstein@sandiego.gov; toddgloria@sandiego.gov; [Shingles, Laura](#); [Lewis, Lena](#); cwinterrowd@sandiego.gov; bfulton@sandiego.gov
Subject: Comments on Recirculated DEIR for One Paseo No. 193036/SCH No. 2010051073
Date: Monday, December 09, 2013 7:19:55 PM
Attachments: [RT Fuchs Comments on DEIR \(12-10-13\).pdf](#)

Dear Martha,

Please accept the attached Comment Letter to the Recirculated DEIR for One Paseo.

Please note that numerous documents referenced in the Recirculated DEIR and documents that were provided in the analysis of the initial proposed project, but were left out of the Recirculated DEIR for the new alternatives, were never posted on the City's web site:

- Appendices A through J of Traffic Study for the Reduced Main Street alternative.
- Walker Parking Study 2012
- Urban Land Institute Shared Parking Study (2005)
- Market Study & Economic Analysis for the three new alternatives
- There may be others...

Please notify me when these documents are posted on the web site. As noted in my letter, I reserve the right to make further comments once the City complies with CEQA requirements for the availability to the public of documents referenced in the DEIR.

Thank you for your assistance.

Robert T. Fuchs
3744 Newcrest Pt.
San Diego, CA 92130

350.1 Other than the traffic report for the Reduced Main Street Alternative, the reports referenced in this comment were not primary documents upon which the analysis of the Recirculated Alternatives was based, and, therefore, need not have been distributed with the Recirculated Alternatives. The results of the worksheets included in Appendices A-I of the traffic analysis are incorporated into the report. The TDM Plan (Appendix J) did not affect any of the traffic generation assumptions made in the traffic analysis.

Comments on Recirculated DEIR for One Paseo/Project 193036 by Robert T. Fuchs, December 10, 2013

**Comments on Recirculated Draft Environmental Impact Report (“DEIR”)
from Robert T. Fuchs**

**Project Name: ONE PASEO
City of San Diego Project No. 193036/SCH No. 2010051073**

I hereby submit my comments and questions regarding the referenced Recirculated DEIR:

CEQA Section 15151 states that 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. CEQA Section 15152 further implies that the lead agency must adequately analyze “reasonably foreseeable significant environmental effects of the project.”

A. Failure to consider reasonably foreseeable condition by including only the most optimistic alternative studied in the I-5/SR-56 Connector Study for 2030.

The trip generation from the three new alternatives presented in the Recirculated DEIR (“RDEIR”) were evaluated by the same methodology used in the Initial DEIR (“IDEIR”). These trip generation rates were then added to the Near Term traffic projection and the Long Term Cumulative (2030) traffic projection to arrive at the Near Term + Project and the Long Term Cumulative (2030) + Project traffic scenarios.

In a March 2013 briefing to the Carmel Valley Community Planning Board, a City traffic engineer explained how the IDEIR traffic study’s LT Cum (2030) traffic projections were taken from the I-5/SR-56 Interchange Project Traffic Volume and Operations Report (“Connector Study”), using **only the Direct Connector alternative** (i.e., the W-N and S-E connectors). He further explained that each connector would reduce traffic at the Del Mar Heights Rd./I-5 street segments because a significant amount of the current traffic is generated by trips being re-routed through Carmel Valley to avoid the I-5/SR-56 congestion attributable to not having the two connectors.

The Connector Study’s Direct Connector alternative for 2030 assumed not only that both connectors would be completed, but also that SR-56 would be widened from four to six lanes. SANDAG’s most recent 2050 Regional Transportation Plan Revenue Constrained projections estimate that the two connectors would be completed by 2030 and cost \$185 million, and the widening of SR-56 by 2040 and cost \$135 million. The EIR for the two connectors is not anticipated to be completed before mid-2014, and funding has not yet been identified.

The IDEIR projects that the third phase of One Paseo would start in **2015**.

The Connector Study’s projection for 2030 with no connectors was 60,900 ADT at Del Mar Heights Rd. from High Bluff Dr. to I-5 NB Ramps and 51,800 ADT with both connectors. (The Connector Study does not address the impact of not having the 6 lanes for SR-56.) The difference between these two scenarios is 9,100 ADT.

A logical conclusion from this information would be that from the time that One Paseo is completed to the time that the Direct Connectors are completed, traffic would also be **significantly greater**¹ than that projected by the LT Cum (2030) + project. Using the traffic study’s own methodology and readily available data, it is easy to project traffic for each of the alternatives for this road segment, as shown in Table 1 below:

¹ The City’s Traffic Impact Study Manual’s Table 5 indicates that a 2% increase above a road’s capacity (60,000 ADT for Del Mar Heights Rd. at High Bluff Dr. to I-5 NB Ramps) is the threshold for significance.

351.1 The FEIR and underlying traffic impact study analyze buildout of the project in 2015/2016 assuming the I-5/SR 56 Direct Connectors are not built. Significant project impacts were identified, and mitigation measures were recommended for the Existing plus Cumulative Projects plus Project Buildout scenario using existing on-the-ground geometric conditions, which do not include the Connectors. The standard of practice for conducting long-term traffic analysis in the City of San Diego is to use the traffic model prepared by SANDAG, the regional transportation agency. Use of the SANDAG model is recommended by the City’s Traffic Impact Study Manual (p. 11) as well as the SANTEC/ITE Guidelines for Traffic Impact Studies [TIS] in the San Diego Region (pp. 6-7). The SANTEC/ITE Guidelines were developed “to assist local agencies throughout the San Diego Region in promoting consistency and uniformity in traffic impact studies.” The SANDAG model relied upon for the long-term project traffic analysis utilized the SANDAG Regional Transportation Plan (RTP) network. That network included the Direct Connectors and the widening of SR-56 as part of the RTP. Recent examples of traffic studies in the Carmel Valley area which have relied upon the RTP (which includes the Direct Connectors) are the Flower Hill Promenade Expansion, the Kaiser Medical Offices, near the southwest corner of SR-56/Carmel Creek Road interchange just south of Shaw Ridge Road, and the Jewish Academy on Carmel Creek Road.

The Direct Connectors are included as project T-1.5 in the City of San Diego’s Pacific Highlands Ranch Public Facilities Financing Plan (FY 2103). It is anticipated that additional funding for the Direct Connector project will come from a combination of federal, state and local monies, including the SANDAG Transnet Program. The I-5/SR-56 Interchange Project Draft Environmental Impact Report/Environmental Impact Statement was released for public review in May 2012. Pacific

COMMENTS

RESPONSES

Comments on Recirculated DEIR for One Paseo/Project 193036 by Robert T. Fuchs, December 10, 2013

Table 1. Traffic Analysis for Del Mar Heights Rd. from High Bluff Dr. to I-5 NB Ramps

	Existing Entitlement	Proposed Project	Reduced Main Street	Reduced Mixed Use
Total Project Size (SF)	510,000	1,852,580	1,458,569	817,800
Total Trips Generated (ADT)	5,977	26,961	23,853	11,001
Trips on Road Segment @ 39% of Project ADT	2,331	10,515	9,303	4,290
Traffic Study Near Term (ADT)	54,775	54,775	54,775	54,775
Traffic Study Near Term + Project (ADT)	57,106	65,290	64,078	59,065
Traffic after project / 60,000 ADT capacity		109%	107%	
Connector Study 2030 -2 Connectors (ADT)	51,800	51,800	51,800	51,800
Traffic Study LT Cum (2030) (ADT)	51,800	51,800	51,800	51,800
Traffic Study LT Cum (2030) + Project (ADT)	54,131	62,315	61,103	56,090
Traffic after project / 60,000 ADT capacity		104%	102%	
Connector Study 2030-No Connectors (ADT)	60,900	60,900	60,900	60,900
Connector Study 2030-No Connectors + Project (ADT)	63,231	71,415	70,203	65,190
Traffic after project / 60,000 ADT capacity		119%	117%	
LEVEL OF SERVICE COLOR CODE / ADT CRITERIA	LOS F	LOS E		
	Above 60,000 ADT	54,000 to 60,000 ADT		

Bold typeface describes scenarios not included in One Paseo IDEIR Traffic Study

351.2 Question A-1: What is the justification for the City's Initial DEIR and Recirculated DEIR to avoid studying the reasonably foreseeable, highly significant traffic impacts for the time period between the projected completion of One Paseo and the projected completion of the assumed infrastructure improvements of both I-5/SR-56 connectors and the widening of SR-56 to six lanes?

351.3 Question A-2: When the assumed future road improvements are so critical to lessening the traffic impacts on critical road segments, why does the City not require the completion of these future road improvements as a phasing condition for the final approved project so that the projected traffic for any phase does not exceed what would take place under its existing entitlement?

351.1 Highlands Ranch can proceed without the Direct Connectors per the cont. vote of the people on Proposition C in 2010. SANDAG expects the final environmental document to be complete in the winter of 2014, with construction in the year 2020-2030 time frame. For more information, refer to the SANDAG website <http://www.keepsandiegomoving.com/I-5-Corridor/I-5-sr56-intro.aspx>. In addition, please see response to comment 332.77.

351.2 Refer to response to comment 351.1.

351.3 As discussed in response to comment 332.91, the traffic mitigation measures are associated with specific phases of the project to assure that they are completed by the time of the need for the improvements. However, traffic mitigation improvements are not tied to an "existing entitlement," as the comment suggests, but instead to traffic impacts

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351.3 generated by the proposed project. Traffic impacts associated with
cont. the “existing entitlement,” which the City assumes to refer to the “No
Project/Employment Center Alternative,” is analyzed in Section 12.5 of
the Final EIR.

A comprehensive analysis of adding the entire project traffic onto the
base condition that assumes no future road improvements was completed
(existing + near term cumulative + entire project). The mitigation that
results from this analysis would be phased such that the improvements
must be in place before the project can develop past a certain level.
Table 5.2.41 of the Final EIR includes the phase of the project when the
mitigation is needed in the description of the mitigation measure.

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B. Fire and Emergency Medical Services. The IDEIR (Section 5.12) addressed the adequacy of Fire and Emergency Medical Services and Police Services only with respect to these services being provided to One Paseo. It omitted any analysis of the expected increase in response time for emergency services to those local residents and office tenants who would be impacted by slower response times if Del Mar Heights Rd. were blocked by traffic congestion attributable to the proposed One Paseo project. The RDEIR should address the difference in response times for lower density alternatives.

Question B-1: What delays attributable to the proposed One Paseo project alternatives would be experienced by local residents and office tenants who receive emergency services from the Carmel Valley police and fire stations by way of Del Mar Heights Rd.?

C. Unsubstantiated Data in SANDAG's Series 10 traffic model. Significant questions have been raised by the Carmel Valley Community Planning Board and others regarding whether SANDAG's forecasting model included certain known entitled, but to date unbuilt, developments, the most significant of which are the remaining 150,000 SF of Community Commercial at the Del Mar Highlands Town Center, the 125,000 SF of Community Commercial at the currently vacant 3.84 acre Pell Parcel, and the master planned community of Pacific Highlands Ranch.

The RDEIR admits that "the prior SANDAG forecasting model inadvertently omitted portions of the Pacific Highlands Ranch project"² and later adjusts its traffic projections 300 ADT higher for the road segment of Del Mar Heights Rd. between High Bluff Dr. and First Avenue³.

The IDEIR traffic study bases its LT Cum (2030) scenario on the Connector Study. The Connector Study, however, projects that 4,230 ADT from Pacific Highlands Ranch would be using the S-E and W-N connectors for I-5/SR-56 when completed⁴. Without further explanation, it would seem that this traffic would have to use the Del Mar Heights Rd. or adjacent interchanges with I-5 to go to and from I-5 northbound until such time as the two connectors are constructed. Although access to the Del Mar Heights Rd. interchange appears to be the most direct route to I-5 northbound, even a 50/50 split would indicate that 2,115 ADT from PHR would use Del Mar Heights Rd. This discrepancy, representing more than 3% of this road segment's capacity, is a significant contribution to traffic that demands more explanation of how the 300 ADT from Pacific Highlands Ranch was derived.

Question C-1: If the Traffic Study's LT Cum (2030) relies on the Connector Study's forecast trip numbers for its traffic analyses, and the Connector Study's identifies that 4,230 ADT from Pacific Highlands Ranch will use the new connectors, how does the City justify the corrected Traffic Study's estimate of traffic on Del Mar Heights Rd. from PHR be only 300 ADT?

The RDEIR Appendix C-1 references Appendix A-SANDAG Series 11 Year 2030 Traffic Model for Alternative. The inclusion of Series 11 data is confusing since the Connector Study was based on SANDAG's Series 10 projections⁵. Nevertheless, a review of the SANDAG's Series 10 traffic projections for the Traffic Zone 1742, which comprises the Town Center zone for the Carmel Valley Community Plan, show that traffic generated would increase by 3,437 ADT from 2010 to 2030. Every land use which showed no additional development from 2010 to 2030 increased by 7.5%, so the increase attributable to development is approximately 3,180 ADT⁶.

² Recirculated DEIR, Appendix C-1, page 2

³ Ibid page 3

⁴ I-5/SR-56 Interchange Project Report, page 234

⁵ The I-5/SR 56 Connector refers only to SANDAG's Series 10: Page 10 and Table 4-6

⁶ $(1-7.25\%) = 92.5\% \times 3,437 \text{ ADT} = 3,180 \text{ ADT}$

351.4 Refer to response to comment 15a.46.

351.5 As discussed in response to comment 10.158, a new traffic model run was completed to assess the traffic impacts associated with the Revised Project (Reduced Main Street Alternative), and to confirm that the Series 10 Model assigned adequate traffic volumes to the relevant traffic analysis zones necessary to account for the Del Mar Highlands Town Center (refer to Appendix C.4 of the Final EIR). This new model run used the SANDAG Series 11 Model. Buildout of the Pacific Highlands Ranch and a potential future expansion of the Del Mar Highlands Town Center projects were specifically coded into the model.

351.6 A Series 11 SANDAG traffic model was run with buildout of Pacific Highlands Ranch specifically coded in the model. The results of that model run indicate long-term volumes would, with one exception, be less than what was analyzed in the traffic study. See response to comment 10.158.

351.7 Refer to responses to comments 351.6 and 10.158.

351.8 The proposed project was incorporated into the SANDAG Series 11 Year 2030 regional traffic model in traffic analysis zones 4606 and 4607. However, the City requested the traffic study for the proposed project use the future (Year 2030) traffic volumes from the I-5/SR-56 Connector study based on the regional Series 10 traffic model. For study intersections and street segments not provided in the I-5/SR-56 Connector study, the Series 11 traffic model was used as a basis for estimating future traffic volumes within the One Paseo study area. Therefore, Appendix A includes the SANDAG Series 11 traffic model for reference.

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- 351.9 The Del Mar Highlands Town Center has approximately 150,000 SF of Community Commercial development allowed under its Town Center zoning under the Carmel Valley Community Plan. Similarly, the 3.84 acre adjacent vacant parcel known as the Pell Property would be allowed to build approximately 125,000 SF of Community Commercial under the zone's 0.75 Floor Area Ratio provision. Using the City's Trip Generation Guide's 70 ADT per 1000 SF of Community Commercial building, the combined remaining allowed 275,000 SF of Community Commercial would generate approximately 19,250 ADT⁷. If one were to use a traffic allocation percentage of 33% for traffic to and from Traffic Zone 1742 to Del Mar Heights Rd. @ I-5 (the One Paseo traffic study allocation used is 39%), an additional 5,303 ADT⁸ would be added to this road segment, or nearly 9% of its capacity.
- 351.10 While SANDAG's traffic modeling **should** take into account existing but unbuilt entitlements, the actual data presented in the Series 10 projections clearly **does not** take into account known allowed Community Commercial development remaining. When I talked with SANDAG personnel in 2012 about viewing the backup data showing how these entitlements were included, I was told that Series 10 projections were old and that backup data had been discarded by SANDAG, and that I should contact the City. I contacted the planner assigned to Carmel Valley, who was also unable to locate such data. If the Connector Study did, in fact, recognize this potential omission and made adjustments to account for it, then the backup data showing how this was done should be provided.
- 351.11 As noted above, the RDEIR admits that the SANDAG projections inadvertently omitted traffic generation by Pacific Highlands Ranch., so the failure to include traffic generation from future entitled development is clearly possible.
- 351.12 A potential error of this magnitude demands adequate documentation before the futures of Carmel Valley's access to the freeway system and its Community Plan are jeopardized.
- 351.13 **Question C-2: Has the City's Community Planning Department or Development Services Department ever had to adjust projected traffic volumes from SANDAG's traffic volume modeling in a Community Plan update?**
- 351.14 **Question C-3: How does the City explain the significant difference between SANDAG's published Series 10 data and expected traffic results using its Trip Generation Manual?**
- 351.15 **Question C-4: If the City cannot show proof that the significant discrepancy has been accounted for, how can the Traffic Study be relied upon?**
- 351.16 **D. Methodology Questions:** The Traffic Study states that it uses the Connector Study future volumes based on the [SANDAG] Series 10 traffic model for intersections and road segments included in the Connector Study, but uses Series 11 traffic model volumes for intersections and road segments not included in the Connector Study⁹. However, as shown on Exhibit B, the Traffic Study's input numbers for the LT Cum (2030) Synchro analyses for a small sample of intersections (e.g., Del Mar Heights Rd. and I-5 SB Ramps, I-5 NB Ramps, and High Bluff Dr.) have **significant deviations** from the Connector Study 2030 Run G (Direct Connectors alternatives) traffic inputs.

- 351.9 The comment does not recognize that some trips attracted to the 150,000 square-foot portion of the Del Mar Highlands Town Center would already be at the center, and are therefore not new trips. It also does not account for the fact that some of the trips attracted to the 150,000 square-foot portion of the Del Mar Highlands Town Center would already be on the street system for another purpose (such as coming home from work), and would, therefore, not be new trips to the street system. (These trips are termed passby/diverted trips in traffic engineering parlance). In addition, a Series 11 SANDAG traffic model was run including this additional square footage. Please see response to comment 10.158 for related discussion.
- 351.10 It is true that Series 10 models have been archived by SANDAG. This is why a Series 11 traffic model was run including Pacific Highlands Ranch and Del Mar Highlands Town Center buildout. Please see response to comment 10.158 for related discussion.
- 351.11 As discussed in response to comment 10.158, a new traffic model run was completed to assess the traffic impacts associated with the Revised Project (Reduced Main Street Alternative) 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 of the Final EIR).
- 351.12 Refer to response to comment 351.11.
- 351.13 Yes, such adjustments are made on rare occurrences.
- 351.14 Long-range travel forecasting modeling accounts for many trip generation factors which the City's Trip Generation Manual does not account for. For instance, the model accounts for trips attracted to a land use already on the road for another purpose, and accounts for interaction between nearby uses. Please see response to comment 351.9 for related discussion.
- 351.15 The City does not believe there is an unaccounted for discrepancy. Please see responses to comments 351.14 and 10.158 for a related discussion.
- 351.16 The comment states that the traffic study volumes do not match the I-5/SR-56 connector study volumes at the I-5/Del Mar Heights Road interchange. Exhibit 351.16-1 provides a comparison of the 2030 volumes

⁷ 3.84 acres X 43,560 SF land/acre X 0.75 Floor Area Ratio for Town Center zone = 125,453 SF of building

⁸ 19,250 ADT from additional 275,000 SF of Town Center zone development less 3,180 ADT projected by Series 10 equals 16,070 ADT X 33% estimated allocation to Del Mar Heights Rd. / I-5 = 5,303 ADT

⁹ One Paseo Traffic Impact Analysis Section 12.0, page 12-1

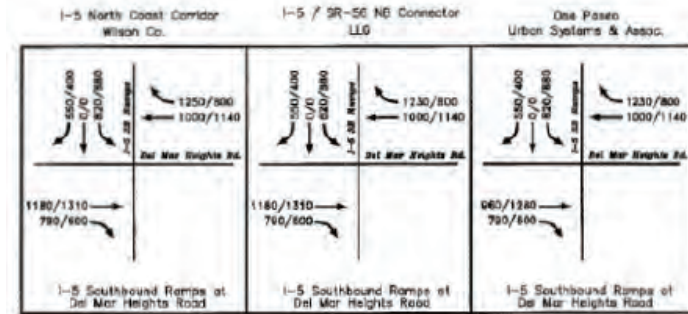
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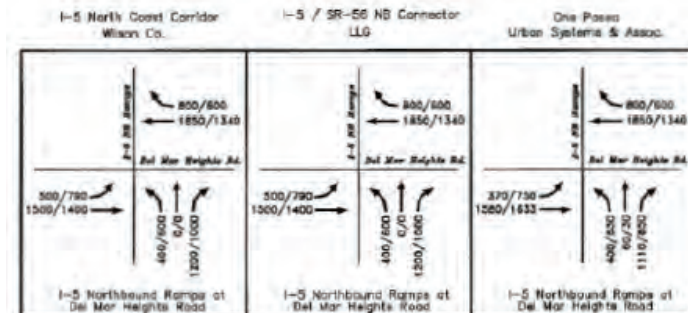
351.16 at the I-5/Del Mar Heights Road interchange between the One Paseo traffic study and the I-5/SR 56 connector traffic study prepared by LLG. As can be seen, the volumes are very similar. At the I-5 northbound ramps the two sets of volumes entering the interchange are within 2% of each other. At the I-5 southbound ramps, the two sets of volumes are within 4% of each other. Table 13-2 of the traffic study shows that a significant impacts is already calculated at the Del Mar Heights Road/I-5 northbound ramps intersection in the 2030 time frame; a 2% increase in traffic would not change the conclusions of the traffic report. Table 13-2 also shows that good LOS C operations (29 seconds of delay) are calculated at the Del Mar Heights Road/I-5 southbound ramps intersection in the 2030 time frame (with project traffic). This intersection is not close to having a significant impact based on City standards. The delay would need to be 90% higher before a significant impacts would occur. Therefore, a 4% increase in volumes at the I-5 southbound ramps would not result in a new significant impact.

Exhibit 351.16-1

Year 2030



Year 2030



I-5 / Del Mar Heights Road Interchange Volume Comparison



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- 351.17 **Question D-1: How can the City justify relying on the Traffic Study which states that it is based on the Connector Study for 2030 traffic input numbers, but then uses different inputs in a variety of instances? If there is inconsistency on the small sample of these three intersections, can there be any reliability attributed to the entire study?**
- 351.18 If one examines the eastbound flow of traffic for the LT Cum (2030) scenario projected for the road segment of Del Mar Heights Rd. from the I-5 SB ramps to the I-5 NB ramps, a road segment which has no possibility of adding or disbursing trips other than at the signals because it consists of the overpass of I-5, one finds that the EastBound Thru traffic from the SB ramp signal + the South Bound Left traffic from the same signal total 1,840 ADT at peak AM rush hour, but adding the East Bound Left and the East Bound Thru traffic at the I-5 Northbound Ramp signal totals 1,950 ADT, an increase of 110 ADT. The same analysis for the peak PM hour yields an increase of 283 ADT.
- 351.19 **Question D-2: Does the City agree that future baseline modeling projections should have the same number of trips entering an intersection as leave it in a specified period of time?**
- Question D-3: If the answer is “yes” and the traffic study’s modeling shows discrepancies, can such a study be relied upon?**
- 351.20 A summary of the Synchro model results for Actuated Signal Cycle Lengths at various intersections along Del Mar Heights Rd. is presented in Exhibit C. The LT Cum (2030) + Project **after mitigation** scenario shows that these signals along Del Mar Heights Rd. (SB Ramps were not included) all are set for a 120 second actuated cycle length and a noted as being “coordinated”. All the other scenarios have widely different cycle lengths for adjoining intersections, suggesting that these signals are analyzed on an un-coordinated basis and possibly individually optimized.
- 351.21 **Question D-4: Is the purpose of providing Synchro modeling results for various intersections to provide an insight into how the impact of proposed project traffic will impact the performance of these intersections? If yes, and if the input variables for actuated cycle lengths are changed, how can the results be comparable? If no, why was a coordinated approach deemed appropriate for one scenario, but not for the others?**
- 351.22 Attachment 88 to RDEIR Appendix C-1 projects queues for the Westbound Loop of the Del Mar Heights Rd. /I-5 SB onramp in 2030 without the project to range from 7,163 feet (40.27 minute delay) in the AM peak hour assuming the most restrictive meter rate to 3,567 feet (15.0 minute delay) for the 15 minute max. Meter Rate for the same period. The 3,567 feet queue from the SB ramp signal would extend east onto Del Mar Heights Rd. past the NB ramp signal, past the High Bluff Dr. signal, and to approximately the proposed location of the proposed 1st Avenue.
- This is illustrated on Exhibit D, and clearly raises a question of why the Synchro inputs for the LT Cum (2030) intersection of Del Mar Heights Rd. and I-5 SB ramps did not include traffic making the right turn to the southbound ramp—especially when it is obvious that the potential for very significant delays occur at this location in peak hour periods and that this traffic information is readily available from the Connector Study data.
- 351.23 **Question D-5: How did the One Paseo Traffic Study take into account the extensive queuing from the Southbound onramp from westbound Del Mar Heights Rd. that the Connector Study projected would extend through the NB ramp and High Bluff Dr. signals? Why was this not important enough to warrant specific mention in the IDEIR and the RDEIR when discussing impacts?**
- 351.24 The Connector Study was commissioned to quantify the intuitively known impacts due to SR-56 traffic diverting through Carmel Valley arterial streets to avoid the congestion attributable to the absence of full 4-connector interchanges between I-5 and SR-56. It projected that the construction of the two unbuilt

351.17 Refer to response to comment 351.16.

351.18 The traffic volumes for the southbound left-turn at the I-5 southbound ramps/Del Mar Heights Road intersection were increased in the 2030 without-project time frame such that the volumes balance between the two ramp intersections. Exhibit 351.18-1 shows that LOS C is calculated, the same LOS as is reported in the traffic study at the I-5 southbound ramps/Del Mar Heights Road intersection. Therefore, no change to the conclusions of the traffic study would be warranted with this correction.

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351.18
cont.HCM Signalized Intersection Capacity Analysis
8: Del Mar Heights Road & I-5 SB RampsYear 2030 Without Project PM
4/14/2014

	→ ← ↶ ↷			
Approach	THRU	THRU	LEFT	RIGHT
Lane Configurations	↑↑	↑↑	↑↑	↑
Volume (vph)	0	1260	1140	0
Ideal Flow (vphpl)	1900	1900	1900	1900
Total Lost time (s)		6.3	6.3	6.6
Lane Util. Factor		0.95	0.95	0.91
Flt	1.00	1.00	0.99	0.95
Flt Protected	1.00	1.00	0.95	1.00
Satd. Flow (prot)	3539	3539	3429	1441
Flt Permitted	1.00	1.00	0.95	1.00
Satd. Flow (perm)	3539	3539	3429	1441
Peak-hour factor, PHF	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1422	1267	0
RTOR Reduction (vph)	0	0	0	3
Lane Group Flow (vph)	0	1422	1267	0
Turn Type				Perm
Protected Phases	2.8	6.2	4	
Permitted Phases				4
Actuated Green, G (s)	44.6	44.6	33.6	33.6
Effective Green, g (s)	44.6	44.6	33.6	33.6
Actuated g/C Ratio	0.50	0.50	0.37	0.37
Clearance Time (s)			5.6	5.6
Vehicle Extension (s)			3.0	3.0
Lane Grp Cap (vph)	1754	1754	1276	536
v/s Ratio Prot	0.40	0.36	0.37	
v/s Ratio Perm				0.26
v/s Ratio	0.81	0.72	0.99	0.71
Uniform Delay, d1	19.1	17.8	28.1	24.0
Progression Factor	1.00	1.00	1.00	1.00
Incremental Delay, d2	3.0	1.5	23.3	4.2
Delay (s)	22.1	19.3	51.5	28.3
Level of Service	C	B	D	C
Approach Delay (s)	22.1	19.3	45.9	
Approach LOS	C	B	D	
Intersection Summary				
HCM Average Control Delay	30.4		HCM Level of Service	C
HCM Volume to Capacity ratio	0.89			
Actuated Cycle Length (s)	90.0		Sum of lost time (s)	11.9
Intersection Capacity Utilization	133.6%		ICU Level of Service	H
Analysis Period (min)	15			
critical Lane Group				

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351.18
cont.HCM Signalized Intersection Capacity Analysis
8: Del Mar Heights Road & I-5 SB RampsYear 2030 Without Project AM
4/14/2014

	→	←	↶	↷	↶	↷
	EBL	EBT	WBT	WBR	SEB	SEB
Lane Configurations	↑↑	↑↑			↑↑	↑
Volume (vph)	0	980	1000	0	890	550
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost Time (s)		6.8	6.8		5.8	5.8
Lane Util. Factor		0.95	0.95		0.97	0.91
Flow Ratio		1.00	1.00		0.99	0.85
Flt Protected		1.00	1.00		0.96	1.00
Satd. Flow (prot)		3539	3539		3418	1441
Flt Permitted		1.00	1.00		0.96	1.00
Satd. Flow (perm)		3539	3539		3418	1441
Peak-hour factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	0	1087	1111	0	1100	611
RTOR Reduction (vph)	0	0	0	0	8	37
Lane Group Flow (vph)	0	1087	1111	0	1173	495
Turn Type					Perm	
Protected Phases		2.6	6.2		4	
Permitted Phases						4
Actuated Green, G (s)		40.7	40.7		29.4	29.4
Effective Green, g (s)		40.7	40.7		29.4	29.4
Actuated g/C Ratio		0.50	0.50		0.38	0.38
Clearance Time (s)					5.8	5.8
Vehicle Extension (s)					3.0	3.0
Lane Grp Cap (vph)		1757	1757		1225	517
v/s Ratio Prot		0.30	0.31		0.34	
v/s Ratio Perm						0.34
v/C Ratio		0.61	0.63		0.98	0.96
Uniform Delay, d1		14.9	15.2		25.7	25.7
Progression Factor		1.00	1.00		1.00	1.00
Incremental Delay, d2		0.6	0.8		16.4	28.9
Delay (s)		15.5	15.9		42.0	54.6
Level of Service		B	B		D	D
Approach Delay (s)		15.5	15.9		48.0	
Approach LOS		B	B		D	
Intersection Summary						
HCM Average Control Delay		29.0		HCM Level of Service		C
HCM Volume to Capacity ratio		0.77				
Actuated Cycle Length (s)		82.0		Sum of lost time (s)		11.9
Intersection Capacity Utilization		149.9%		ICU Level of Service		H
Analysis Period (min)		15				
Critical Lane Group						

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%user_name%Synchro 7 - Report
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351.19 Refer to response to comment 351.16.

351.20 The comment is correct in stating that all scenarios analyzed (without mitigation) in the Revised Project Traffic Analysis (Appendix C.1 of the Final EIR) along Del Mar Heights Road had different cycle lengths and were assumed to not be coordinated. However, a separate analysis was performed which included the City's signal timing in which signals along Del Mar Heights Road were analyzed on a coordinated basis to be conservative and consistent with the City current practice. In addition to the signal timing, the analysis assumed conservative (higher) trip generation rates for the retail portion of the project. The efforts of this analysis are included in the Updated Traffic Analysis for Revised Project (Appendix C.4 of the Final EIR). The Updated Analysis showed the same significantly impacted intersections along Del Mar Heights Road as in the Revised Traffic Memo. The only difference in the analyses results was that some of the significantly impacted intersections along Del Mar Heights moved up from Phase 2 to Phase 1.

351.21 The purpose of providing Synchro results is to illustrate how the signal operates based on certain assumptions. As discussed in the Updated Traffic Analysis for Revised Project (Appendix C.4 of the Final EIR), assumptions such as the use of City of San Diego signal timing and a higher retail trip generation rate were used in the analysis and then compared to the Revised Project Traffic Analysis (Appendix C.1 of the Final EIR). The Synchro results of the Revised Project Analysis vs. the Updated Traffic Analysis are comparable since the Revised Project land use square footages, study area, and distribution remain the same. The only difference in the analysis is the different assumptions such as signal timing, cycle lengths, pedestrian crossing timings, and trip generation rates.

351.22 Experience shows that the theoretical queue lengths derived by this ramp metering analysis illustrated in Attachment 88 of Appendix C.1 of the Final EIR often do not materialize. Motorists, after a brief time of adjustment, seek alternative travel paths or alternative times of arrival at the meter. The effect is to approximately minimize total trip time by seeking out the best combinations of route and departure time at the beginning of the trip. This causes at least two important changes in the pattern of arriving traffic at ramp meters. First, the peak period is spread out with some traffic arriving earlier and some traffic arriving later than predicted. Second, a proportion of the predicted arriving traffic would use another ramp or use another route.

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351.22 The Synchro inputs for the LT Cumulative (Year 2030) intersection of cont. Del Mar Heights Road and I-5 SB ramps do not show traffic making the westbound to southbound right turn to the freeway on ramp is because this move is a free right turn and not part of the signal timing operations. The right-turn movement is not restricted by the SB signal does not utilize the traffic signal as illustrated in the Caltrans signal timing sheet.

351.23 A full analysis of the southbound I-5 on-ramp from westbound Del Mar Heights Road was included in the analysis. As shown in Attachment 88 of the Revised Project Traffic Analysis (Appendix C.1 of the Final EIR), the I-5 Southbound on-ramp from westbound Del Mar Heights Road is cumulatively impacted by the project and requires mitigation. The proposed project would contribute a fair share percentage of the cost to widen to add an HOV lane to the loop ramp as shown in Attachment 93 of the Appendix C.1 in the Final EIR. The results are discussed in Section 12.9.2 of the Final EIR.

351.24 Refer to response to comment 351.1.

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- 351.24 cont. connectors would reduce traffic at the key road segment of Del Mar Heights Rd. between High Bluff Dr. and the I-5 NB ramps by 9,100 ADT and thereby reducing the segment's LOS from F to D.
- 351.25 Subsequent to the commissioning of the Connector Study, the One Paseo developer bought one of the few remaining developable parcels in Carmel Valley at a historically high price, knowing full well the entitlements allowed in the Community Plan. Presumably seeking a nearly 4X increase in entitlement to enhance the profitability of the project (or offset the losses due to the high land price), it seized upon the most optimistic mitigations suggested by the Connector Study to offset almost all of its projected 10,515 ADT to be generated at the nearby road segment. It did not seem to matter to the City staff responsible for approving the traffic study that the mitigation was being proposed for an entirely different impact, nor that the two connector alternative cannot be assured at the present time, nor that its projected completion is approximately 15 years later than the proposed completion of One Paseo.
- 351.26 This makes about as much sense as using the "City of Villages" concept for focusing new development into existing areas that have infrastructure and mass transit already in place to minimize sprawl to justify building a massive project where there is no such infrastructure in place, but the impacts will be so bad that it might allow mass transit to be viable way into the future.
- 351.27 **Question D-6: If the Connector Study was commissioned to consider ways to mitigate traffic routing through Carmel Valley because the W-N and S-E connectors did not get built at the time SR-56 was constructed, how can the City allow the most optimistic scenario's mitigation for this condition to be "hijacked" (i.e., use up all the projected traffic reduction mitigation) by the proposed One Paseo project even before the two connectors are approved, funded, or completed?**

E. Omission of Traffic Impact Study Manual's required traffic scenarios

The IDEIR's Traffic Study states that "This report was prepared pursuant to the City's *Traffic Impact Study Manual* and recent California case law applying the California Environmental Quality Act to traffic studies prepared in connection with environmental impact reports (*See Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48; and *Pfeiffer v. City of Sunnyvale* (2011) 200 Cal.App.4th 1552.)"

- 351.28 The RDEIR relies substantially on the IDEIR's Traffic Study, and therefore the methodology used in the initial traffic study is of continuing importance. In the absence of any explanation of where and how the Traffic Study deviates from the Traffic Impact Study Manual and what guidance from the referenced court cases was relied upon in justifying such deviations, the City opens itself up to criticism for concealing information and failing to provide an unbiased report to the decision makers. This is especially true if the deviations serve to conceal the true magnitude of traffic impacts.

The City's *Traffic Impact Study Manual* ("SDTISM") stipulates (in Section 3, Content and Framework...Selection of Horizon Years...) that

...the following scenarios should be evaluated in each traffic impact study:

- *Existing Conditions*
- *Existing Conditions with Approved Projects (when applicable)*
- *Existing Conditions with Approved Projects and Site Traffic*
- ***Buildout Community Plan Conditions***
- ***Buildout Community Plan with Additional Site Traffic (if project deviates from the Community Plan)***

351.25 Refer to response to comment 351.1.

351.26 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

351.27 Refer to response to comment 351.1.

351.28 The paragraph citing the Sunnyvale and following lawsuits was included to refer to the addition of an "Existing Plus Project" scenario. The inclusion of the "Precedence Setting" scenario was not considered warranted because the project is an infill project and not growth inducing.

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- **Cumulative Analysis Due to Precedence Setting (if a land use change will likely encourage other property owners to seek similar land use changes)**

- 351.29 The IDEIR's Traffic Study omitted the last three scenarios. Although the City claims that the Long Term Cumulative (2030) and Long Term Cumulative (2030) + Project scenarios are the same as the Buildout Community Plan Conditions and Buildout Community Plan with Additional Site Traffic, the questions raised in Sections A and C above clearly show that this claim is inaccurate and is an attempt to obscure the impacts of the proposed One Paseo project alternatives.
- 351.30 If the Buildout Community Plan with additional site traffic scenario had been included in the Traffic Study, it would have shown that addition of the remaining community commercial developments in the Town Center zone to the Near Term + Project traffic projections for Del Mar Heights Rd. at I-5 would total more than 71,642 ADT¹⁰, or 119% of the road's carrying capacity at Carmel Valley's primary access point to the freeway system. Concurrent intersection analyses based on this traffic would have undoubtedly shown how unsupportable this level of traffic is and how it would force additional spillover traffic onto the nearest two freeway connections as well.
- 351.31 **Question E-1: Why does the City not explain how it deviated from the Traffic Impact Study Manual, its rationale for doing so, and how doing so does not distort the objective disclosure of significant and unmitigated impacts?**
- 351.32 The last scenario identified in the Traffic Impact Study Manual deals with the issue of precedence. If one developer is able to obtain a major change in the Community Plan as part of its quest for a greater entitlement, what basis would the City have to deny the owner of the Pell Property or any office owner in the Employment Center, for that matter, from seeking significantly greater entitlements by adding retail and/or residential components? Would the same issue of precedence not apply to other community plan areas?
- 351.33 **Question E-2: Why did the City not study the potential cumulative impacts on the Carmel Valley Community Plan area due to Precedence Setting?**
- 351.34 The significance of the introductory statement on the traffic study's methodology is clearly not apparent until one takes the time to compare the scenarios studied to the scenarios that "should be studied" according to the Traffic Impact Study Manual. Each referenced case seems to deal with some aspect of a Lead Agency's right to select a future traffic baseline if it also uses an existing condition baseline. However, as noted at the beginning of this comment letter, CEQA provides no latitude for a Lead Agency to avoid analyzing reasonably foreseeable environmental effects.
- 351.35 **Question E-3: Does the City really believe that its description of the methodology for the Traffic Study is understandable to the average citizen and reasonably describes the rationale used by the City in allowing the traffic study methodology to deviate from the City's Traffic Impact Study Manual?**
- F. Omission of Market Study**
- 351.36 The IDEIR included a Net Fiscal Impact and Economic Benefit Analysis for the Existing Entitlement and the proposed Project. The RDEIR did not include any similar analysis for the new alternatives. In order for a decision maker to make an informed decision regarding the reduced alternatives included in the RDEIR, it should be able to understand the benefits from each alternative and compare it to the negative impacts.

351.28 The paragraph citing the Sunnyvale and following lawsuits was included to refer to the addition of an "Existing Plus Project" scenario. The inclusion of the "Precedence Setting" scenario is not warranted because the project is an infill project and not growth inducing.

351.29 The traffic study and EIR contain Year 2030 analyses with the Community Plan designation (Employment Center Alternative), and with additional site traffic (Year 2030 + Project). The City disagrees that the questions raised in the letter invalidates those analyses. As discussed in response to comment 351.28, the inclusion of the "Precedence Setting" scenarios was not considered warranted as this is one of the last large vacant pieces of land in the community.

351.30 As discussed in response to comment 10.158, a new traffic model run was completed to assess the traffic impacts associated with the Revised Project (Reduced Main Street Alternative). This model explicitly accounted for the expansion of the Del Mar Highlands Town Center. As indicated in Attachment 6 of Appendix C.4 of the Final EIR, the expected traffic in the near-term with the project and cumulative projects (including the 150,000 s.f. related to Del Mar Highlands Town Center) would be approximately 60,510 ADT which would be less than the 71,642 ADT cited in this comment.

351.31 The study did not deviate from the Traffic Study Manual requirements as described in responses to comments 351.28, 351.29 and 10.158.

351.32 Refer to response to comment 351.29.

351.33 Refer to response to comment 351.29.

351.34 Refer to responses to comments 351.28 and 351.29.

351.35 Refer to response to comment 351.31.

351.36 The Draft EIR did not include a Net Fiscal Impact and Economic Benefit Analysis. It did, however, include a RMA of the Originally Proposed Project in Appendix B. An addendum to that analysis was completed for the Revised Project to serve as a basis of comparison (see Appendix B.1 of the Final EIR).

¹⁰ Near Term Traffic at Del Mar Heights Rd. from High Bluff Dr. to I-5 NB ramps (54,775 ADT) + Traffic from Del Mar Highlands Town Center and Pell Property allowed development (19,250 ADT X 33%= 6,352 ADT) + the One Paseo Project (10,515 ADT) totals 71,642 ADT.

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- 351.36 cont. **Question F-1: Why did the City not include an Economic Benefit Analysis for each of the reduced alternatives?**
- G. Omission of Shared Parking Analysis and key supporting referenced documents:**
- The IDEIR included a Shared Parking Analysis that was based substantially on the Urban Land Institute Shared Parking Study (2005). The RDEIR indicates that the Reduced Main Street alternative will have 3,688 parking spaces with a table referring to a Walker Parking Study 2012. The 2012 study was not included in the RDEIR documents posted on the City's website.
- 351.37 It is of paramount importance to understand the nature of the mixed-use projects studied by ULI to see if the projects studied are comparable to the One Paseo alternatives in terms of mix of uses, mass transit availability, and surrounding neighborhood uses.
- The One Paseo site is surrounded by three streets, two of which do not permit on-street parking and the third street's existing on-street parking is already typically filled—even though the office parking ratios for adjacent buildings are greater than that proposed in the One Paseo Shared Parking Analysis. Further, there is no current planned mass transit presently available, and the IDEIR mentions only a planned rapid bus route #473 would be provided. The 2050 RTP indicates that this route will not be provided until the 2030's.
- 351.38 It is not clear from the Shared Parking Analysis what parts of the country were studied by ULI or whether geographical differences were encountered. The study on which the parking assumptions for grocery stores was based was on stores in Massachusetts and Rhode Island; the "validation" study identified in Attachment A covered California, Arizona, Ohio, Florida, and Virginia. If the mixed use projects studied were in dense urban areas in the Northeast with good mass transit facilities nearby, then it would appear that the conclusions of the study would have little applicability to the One Paseo suburban location with no mass transit available in the foreseeable future. Clearly, a "one size fits all" approach would not be logical to apply to One Paseo.
- 351.39 Section 15150 (b) states that "Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency..."
- I personally scheduled an appointment with an employee of the City's Development Services Department specifically to review a copy of the ULI Shared Parking Study (2005) so I could ascertain the locations of the projects studied. When I arrived for my appointment, I was advised that Development Services did not have a copy of the study.
- Not only does this appear to be a violation of CEQA 15150(b), but it raises the question of whether the City ever reviewed the study to see if it was appropriate to warrant a deviation from the City's parking standards on mixed-use properties such as One Paseo.
- 351.40 **Question G-1: Does the City have possession of the ULI Shared Parking Study (2005)?**
- 351.41 **Question G-2: If the answer to the question above is "yes", why was it not available for public inspection as required by CEQA?**
- 351.42 **Question G-3: If the mixed-use projects studied in the ULI 2005 study turn out to be located in high density neighborhoods with good mass transit facilities nearby, does the City still think that the application of ULI 2005 study shared parking standards is appropriate to the One Paseo site circumstances?**
- 351.43 **Question G-4: If the answer to the question above is "yes", would the City please explain the rationale for such an answer?**

351.37 An addendum to the parking analysis evaluating the Revised Project is included in Appendix D.1 of the Final EIR.

351.38 The project applicant has revised the Originally Proposed Project to reduce the density and intensity of the proposed development. The Originally Proposed Project was the basis of the Shared Parking Analysis dated December 16, 2011 which was submitted to the City. Per the project applicant's request Walker analyzed the Revised Project in order to update the December 16, 2011 Shared Parking Analysis. The updated analysis was performed using the same methodology and Urban Land Institute (ULI)/Walker Shared Parking model that was employed in the initial Shared Parking Analysis. The shared parking assumptions and ratios employed in the December 16, 2011 memorandum remain applicable because the general mix of the project has not substantially changed with the exception of the elimination of the hotel.

The number of parking spaces included in the Originally Proposed Project and the Revised Project reflect the number of spaces that are projected to be necessary to accommodate the design day peak parking demand. A total of 3,688 spaces are proposed for the Revised Project. Compared to the projected parking demand of the 3,520± spaces for the design day peak, the result is a net parking surplus for the Revised Project at build out of 168± spaces. This compares to a surplus of 207± spaces that was projected previously for the Originally Proposed Project. These conclusions are summarized in the shared parking analysis prepared by Walker dated December 16, 2011.

351.39 The 2005 ULI shared parking study was not a primary document related to the EIR. The report was referenced in the parking analysis included as Appendix D. As such, the City was not required to have this report available to the public.

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351.40 Refer to response to comment 351.39.

351.41 Refer to response to comment 351.39.

351.42 Refer to response to comment 351.38.

351.43 Refer to response to comment 351.38.

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- 351.44 **Question G-5: Why did not the City include in the RDEIR documents the 2012 Shared Parking Study?**
- 351.45 **H. Omission of a Reasonable Description of the Reduced Mixed-Use alternative.** The RDEIR devotes 14 pages to describing the Reduced Main Street alternative, including an illustrative plan. The RDEIR devotes 8.5 pages to the Reduced Mixed-Use alternative with no site plan and focusing on all the reasons (some clearly mischaracterizing data) why the alternative should be dismissed out of hand. This treatment of the City's apparent earlier request for a mixed-use project of approximately 800,000 SF is hardly a fair and informative presentation from which the decision makers can make an intelligent decision.
- Since the developer is seeking a huge increase in the site's existing entitlement, it is misleading to characterize the significant effects of each of the three new alternatives by qualitatively comparing them to the developer's initial proposed project, rather than quantitatively comparing them to the existing entitlement.
- 351.46 **Question H-1: Why does the City persist in comparing alternatives to an unapproved, far-reaching initial proposed project, and thus giving it the implied status of an acceptable standard?**
- The absence of a site plan and definitive information on building heights, location of buildings, amount and location of public open space, feasibility of requiring only one traffic signal on Del Mar Heights Rd., etc. precludes the information provided in the RDEIR and accompanying Traffic Analysis from being adequate for decision makers to make an informed and intelligent decision regarding the Reduced Mixed-Use alternative.
- 351.47
- 351.48 The RDEIR refers repeatedly to "project objectives" as criteria for evaluating the various alternatives. It does not reference what these project objectives are. However, the IDEIR does list them in Section 3.1:
- "The primary goals and objectives of the project are to:
- Develop a mixed-use village consistent with the goals of the General Plan.
 - Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
 - Provide additional housing types and employment opportunities within the Carmel Valley community.
 - Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.
 - Provide the community with a place for public gathering and social interaction, reinforcing the sense of community.
 - Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development"
- 351.49 **There is no quantitative criterion listed in the project objectives, nor is there any mention of a "main street" development concept, a vague concept at best that is open to interpretation by each reader.** Since the Reduced Mixed-Use alternative contains all the land uses of the Reduced Main Street alternative (which is said to "meet the basic objectives of the proposed project"¹¹), it is **inconceivable** that the various uses of a Reduced Mixed Use project cannot be designed to compatibly achieve the listed objectives with major reductions in traffic, building heights, excavation of soil, etc. There would be additional land to be used for public

351.44 The evaluation of the parking for the Revised Project is contained in the 2012 study referenced in this comment. As the study concluded that sufficient parking would be provided, it was not included with the Recirculated Alternatives. The study is, however, included in the Final EIR as Appendix D.1.

351.45 With regard to the assertion that the alternatives should be analyzed in comparison to the No Project/Employment Center Alternative, rather than the Originally Proposed Project, CEQA Guidelines Section 15126.6 requires the discussion of alternatives to focus on alternatives capable of avoiding or substantially lessening the significant effects of the proposed project. The Final EIR, therefore, analyzes alternatives in comparison to the Originally Proposed Project, but also provides information concerning the relative merits of the alternatives. See, for example, Final EIR Table ES-4, a matrix displaying the environmental effects of each alternative.

The City interprets the "existing entitlement" to be the No Project/Employment Center Alternative.

351.46 As the Originally Proposed Project was the focus of the Draft EIR, the comparison of the Recirculated Alternatives with that project is appropriate. This comparison is in accordance with the requirements of CEQA.

351.47 As discussed in responses to comment 330.6 and 346.1, a preliminary site plan depicting the Reduced Mixed-use Alternative is not required in order to provide a comparative analysis of the effects of this alternative with those of the Originally Proposed Project.

351.48 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

351.49 Refer to response to comment 330.5. Quantitative criteria are not required for project objectives.

351.50 Refer to response to comment 330.6 regarding the critical mass required for the feasibility of the project.

¹¹ Recirculated DEIR, Section 12.9.3

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- 351.50 cont. open space away from the noisy exterior roads, greater setbacks from these same roads, and possibly safer bicycle transit through the project.
- 351.51 **Question H-2: Why did the City not require the developer to design an approximately 800,000 SF mixed-use project and perform all the same analyses as used in the Proposed Project and the Reduced Main Street alternative?**
- 351.52 The second paragraph of the RDEIR contains an interesting divergence in terminology in that it says "...the Reduced Main Street Alternative meets most of the basic objectives of the **project applicant**, and is considered a feasible alternative." While this "Freudian slip" is likely closer to the real truth behind the proposed 3 to 4X greater than currently allowed development, **none of the listed objectives of the project reference any goals relating to the applicant/developer.**
- 351.53 **Question H-3: Which objective of the project applicant allows the Reduced Main Street alternative to be considered feasible, while the Reduced Mixed-Use alternative is dismissed out of hand as not feasible?**
- 351.54 An immediately suspected answer would seem to be one of economics, since the greater the floor area ratio of an alternative, the lower the land cost + carrying cost on a per SF of building basis, and the greater the development profit for the alternative (or lower the development loss).
- 351.55 **Question H-4: Is the City taking into consideration developer's profit as part of its project objectives?**
- The Reduced Mixed-Use Alternative's description includes the following statements:
- "This alternative would not include the 1.5 acres of open space accessible to the public which would be included in the Reduced Main Street Alternative."
- 351.56 With a project that is 640,769 SF smaller than the Reduced Main Street Alternative using the same amount of land (but likely requiring only one driveway to Del Mar Heights Rd.), this statement is accurate only if the developer determines that it will not provide the required amenities.
- "The significant reduction in retail would preclude the ability to locate residential development over retail uses on the ground floor, which would eliminate the vertical mix of uses included in the proposed project."
- 351.57 Where in the project objectives does it require that there be residential over retail or a vertical mix of uses such as included in the proposed project? Conversely, what is precluding the Reduced Mixed-Use alternative from using a physical configuration similar to the Reduced Main Street alternative as it applies to residential over retail?
- "The Reduced Mixed-Use Alternative would not have commercial and residential uses within the same buildings and, thus, would have a different character than the proposed project."
- 351.58 Where in the project objectives does it indicate that the massive particular mix of uses of the proposed project are necessary or desirable? Conversely, what would preclude the Reduced Mixed-Use alternative from using the general physical configuration similar to the Reduced Main Street alternative, but smaller in scale?
- "The reduction in retail would eliminate the critical mass necessary to implement the "Main Street" concept... [which] contemplate a retail tenant and merchandise mix consistent with lifestyle centers...including upscale national-chain specialty stores with dining and entertainment in an outdoor setting...The 50 percent reduction in retail proposed by the Reduced Mixed-Use Alternative would not generate the number of shoppers necessary to sustain and attract the desired class of retailers."

- 351.51 The Reduced Mixed-use Alternative includes approximately 817,800 s.f. The degree of analysis of alternatives complies with CEQA. Refer to response to comment 330.1.
- 351.52 The project applicant proposed the project goals and objectives, which the City reviewed. The City exercised its independent judgment in approving the goals and objectives.
- 351.53 Refer to response to comment 330.6 regarding the ability of the Reduced Mixed-use Alternative to achieve the objectives of the project.
- 351.54 The basis for rejecting the Reduced Mixed-use Alternative as infeasible is discussed in response to comment 330.6.
- 351.55 As discussed in response to comment 330.25, the City Council must make a Statement of Overriding Considerations which discloses the reasons for approving the project despite significant environmental impacts. The City may consider a variety of factors, including social, economic, among other considerations, when deciding whether to approve the project.
- 351.56 As indicated in response to comment 330.8, the Reduced Mixed-use Alternative could include open space amenities.
- 351.57 Although placing residential development over retail is not an explicit project objective identified in the Draft EIR, this configuration implements a Main Street concept. Refer to response to comment 330.6. The smaller size of the Reduced Mixed-use Alternative results in a lack of critical mass, and changes the character of potential retail tenants, as discussed in response to comment 330.6.
- 351.58 As indicated in response to 330.6, the Main Street concept requires a certain critical mass which cannot be achieved with the Reduced Mixed-use Alternative. The Main Street design concept best achieves the project's objectives, including implementation of the City of Villages Strategy of the General Plan.

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- 351.59 Not only does this paragraph's characterization of intended development derive no specific directive from the project objectives, but it flies in the face of the existing Community Plan Goal 2: *"To establish self-containment and feeling of community identity among the future residences of North City West [currently known as Carmel Valley])."*
- 351.60 Furthermore, this paragraph graphically illustrates the lack of consistency between characterizing the intended high-volume, multi-tenant retail mix as Specialty Retail Center/Strip Retail, utilizing a trip generation rate of 40 ADT/ksf of retail for the first 100,650 SF of retail in the various alternatives. The City's Trip Generation Manual defines this as "A freestanding retail store in a single building with separate parking where merchandise is sold to the end-user, usually in small quantities...Freestanding retail stores may be of any size but usually are a function of the merchandise sold and the locality. In general, as the gross floor area approaches 100,000 SF, the stores lose their "freestanding" character and become part of the shopping center."
- None of the alternatives have retail components that are:
- a) freestanding,
 - b) in a single building with separate parking, or
 - c) designed in any way that does not resemble a coordinated grouping of stores that are greater than 100,000 SF.
- Not only is this characterization patently ludicrous, but it understates trip generation from the various alternatives.**
- 351.61 **Question H-5: How does the City justify any of the bulleted quotes from the RDEIR as reasons for dismissal of the Reduced Mixed-Use alternative as not meeting "Project Objectives"?**
- I. Lack of factual comparisons of the One Paseo alternatives to existing nearby developments of similar size or density with existing road segments with similar traffic volumes and infrastructure capacities to communicate clearly to the public and the decision makers so that they might understand what is being proposed.**
- 351.62 The developer has gone through the motions of saying it has received input from the community, yet steadfastly refused to make any quantitative metrics of the project available until the IDEIR was released, and then in 4,000+ pages of technical terminology and misleading executive summaries. There are countless omissions of scenarios and mischaracterizations—all working to confuse the public and understate the impacts.
- 351.63 The best way to communicate the complexities and potential outcome for such a huge increase in entitlement and change in uses for a master planned community is to show examples of successful similar projects elsewhere, including quantitative measures relating to traffic and scale, as well as qualitative evaluations relating to conformity to neighborhood character.
- When the developer points to nice pictures of The Grove in LA, Americana at Brand in Glendale, Santana Row in San Jose that some people may have visited as a destination attraction, it means nothing if they don't quantify the types of uses in these developments, the density of development, the scale of development, the parking available on-site and nearby neighborhoods, the road and mass transit infrastructure nearby, etc.
- 351.64 When the IDEIR and RDEIR traffic studies project significant and potentially unmitigated impacts on many of the road segments, this is not something that local residents or decision-makers can easily understand. Rather, a survey of the experience at other arterial roads connecting with major freeways similar to, say, Del Mar Heights Rd. at I-5, with similar traffic

- 351.59 As discussed in Appendices B and B.1 in the Final EIR, the retail portion of the proposed project would be expected to draw patrons from outside the community of Carmel Valley. However, the majority of the patrons would be expected to come from Carmel Valley, and help reduce the out-migration of Carmel Valley residents to satisfy retail shopping needs currently unavailable locally. Furthermore, the Main Street concept associated with the project is specifically intended to be an integral part and the "heart" of the community of Carmel Valley.
- 351.60 The 40 ADT per 1,000 s.f. trip rate was used in the analysis of the Reduced Main Street Alternative considered in Appendix C.1 of the Final EIR in order to facilitate comparison with the Originally Proposed Project. Analysis of the Reduced Main Street Alternative in Appendix C.4 was performed to provide a conservative estimate of traffic generated by development of the site. As a result, the analysis in Appendix C.4 assumed 70 ADT per 1,000 s.f. for all retail use. The analysis contained in Appendix C.4 of the Final EIR shows that use of the higher trip rate does not result in any substantial changes in the impact conclusions derived from the trip generation rates used in the analysis of the Originally Proposed Project.
- 351.61 A discussion of the basis for concluding that the Reduced Mixed-use Alternative is infeasible is included in response to comment 330.6.
- 351.62 The Draft EIR and Recirculated Alternatives are accurate. As no specific instances of omissions or mischaracterizations in the Draft EIR or Recirculated Alternatives are identified in this comment, no specific response can be offered.
- 351.63 CEQA does not require a comparison of a project's impacts with the impacts of similar projects. It mandates an evaluation of the proposed project.
- 351.64 As discussed in response to comment 351.63, CEQA does not require a comparison of a project with similar projects.

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351.64
cont. conditions and road configurations projected for the One Paseo alternatives would be an informative way to communicate the relative severity of impacts attributable to these alternatives.

351.65 **Question I-1: Why does the City not require an objective and quantitative portrayal of similar mixed-use developments with similar scale and infrastructure amenities, if indeed there are any?**

351.66 **Question I-2: Why does the City not require an objective and quantitative portrayal of the current experience at similar arterial/freeway connections with similar traffic levels to those projected for the various alternatives, if indeed there are any?**

Numerous attachments to the RDEIR were not included in the documents posted on the City's website for access to the public. Notice of this omission was acknowledged by Development Services Department staff on November 25, 2013. I reserve the right to make additional comments after the attachments and other documents referenced in the RDEIR are posted on the City's website.

Thank you for the opportunity to comment.

Sincerely,



Robert T. Fuchs
3744 Newcrest Pt.
San Diego, CA 92130

351.65 As discussed in response to comment 351.63, CEQA does not require a comparison of a project with similar projects.

351.66 As discussed in response to comment 351.63, CEQA does not require a comparison of a project with similar projects.

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Appendix A



Data copied from SANDAG's website

SAN DIEGO REGIONAL TRAFFIC FORECAST VEHICLE TRIP GENERATION AND LAND USE BY ZONE - YEAR: 2000 TRAFFIC ANALYSIS ZONE : 1742				
LU Code	Description	Type	Amount	Trips
101	SINGLE FAMILY	du	1	8
4112	RIGHT-OF-WAY	acre	4.8	0
5003	COMMUNITY COMMERCIAL	acre	18.4	11081
TOTAL			0	11089

Source: San Diego Association of Governments Traffic Forecast, January 2006

SAN DIEGO REGIONAL TRAFFIC FORECAST VEHICLE TRIP GENERATION AND LAND USE BY ZONE - YEAR: 2010 TRAFFIC ANALYSIS ZONE : 1742				
LU Code	Description	Type	Amount	Trips
101	SINGLE FAMILY	du	1	8
4112	RIGHT-OF-WAY	acre	4.8	0
5003	COMMUNITY COMMERCIAL	acre	18.4	11599
TOTAL			0	11607

Source: San Diego Association of Governments Traffic Forecast, January 2006

SAN DIEGO REGIONAL TRAFFIC FORECAST VEHICLE TRIP GENERATION AND LAND USE BY ZONE - YEAR: 2020 TRAFFIC ANALYSIS ZONE : 1742				
LU Code	Description	Type	Amount	Trips
101	SINGLE FAMILY	du	1	8
4112	RIGHT-OF-WAY	acre	4.8	0
5003	COMMUNITY COMMERCIAL	acre	22.2	14610
TOTAL			0	14618

Source: San Diego Association of Governments Traffic Forecast, January 2006

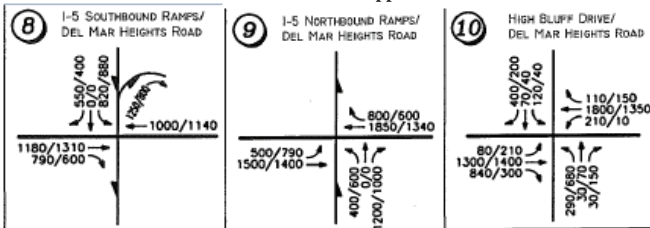
SAN DIEGO REGIONAL TRAFFIC FORECAST VEHICLE TRIP GENERATION AND LAND USE BY ZONE - YEAR: 2030 TRAFFIC ANALYSIS ZONE : 1742				
LU Code	Description	Type	Amount	Trips
101	SINGLE FAMILY	du	1	8
4112	RIGHT-OF-WAY	acre	4.8	0
5003	COMMUNITY COMMERCIAL	acre	22.2	15036
TOTAL			0	15044

Source: San Diego Association of Governments Traffic Forecast, January 2006

$\Delta = 3,437$

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Appendix B



From Figure 4-7d Year 2030
Direct Connector (Model
Run G) Traffic Volumes
Intersections

DMH Rd / SB Ramps

EBT:AM

5/56: 1180 ADT

Synchro: 960 ADT

EBT: PM

5/56: 1310 ADT

Synchro: 1280 ADT

SBL: AM

5/56: 820 ADT

Synchro: 880 ADT

SBL: PM

5/56: 880 ADT

Synchro: 820 ADT

SB Ramp: AM

5/56: 1250 ADT

Synchro: 0 ADT

SB Ramp: PM

5/56: 800 ADT

Synchro: 0 ADT

DMH Rd / NB Ramps

EBT:AM

5/56: 1500 ADT

Synchro: 1580 ADT

EBT: PM

5/56: 1400 ADT

Synchro: 1633 ADT

EBL: AM

5/56: 790 ADT

Synchro: 750 ADT

EBL: PM

5/56: 790 ADT

Synchro: 750 ADT

WBR: PM

5/56: 600 ADT

Synchro: 800 ADT

NBR: AM

5/56: 1200 ADT

Synchro: 1110 ADT

NBR: PM

5/56: 1000 ADT

Synchro: 850 ADT

NBL: PM

5/56: 600 ADT

Synchro: 630 ADT

DMH Rd / High Bluff

EBT:AM

5/56: 1300 ADT

Synchro: 1489 ADT

EBT: PM

5/56: 1400 ADT

Synchro: 2200 ADT

EBL: AM

5/56: 80 ADT

Synchro: 120 ADT

EBL: PM

5/56: 790 ADT

Synchro: 750 ADT

WBT: AM

5/56: 1800 ADT

Synchro: 1763 ADT

Discrepancies Noted

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Appendix C

Summary of Actuated Cycle Lengths for designated signals along Del Mar Heights Rd.—taken from Synchro worksheets in Appendices D, E, G, J, L, M, and N of the Traffic Study

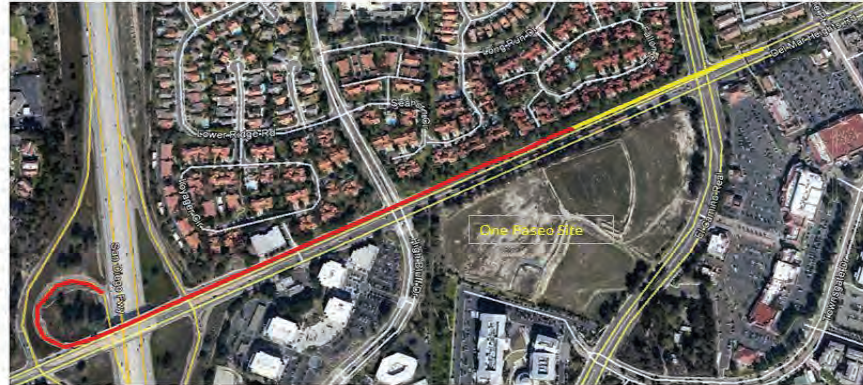
Actuated Cycle Lengths (Seconds)

Intersections	Scenarios						
	Existing	Existing + Project	Near Term	Near Term + Project	LT Cum (2030)	LT Cum (2030) + Project	LT Cum (2030) + Project with Mitigation
DMH Rd. / I-5 SB AM	74.2	80.0	79.7	80.0	70.0	75.0	
DMH Rd. / I-5 SB PM	78.9	80.0	79.9	81.5	80.0	80.0	
DMH Rd. / I-5 NB AM	120.0	120.0	120.0	120.0	130.0	120.0	120.0
DMH Rd. / I-5 NB PM	120.0	120.0	120.0	120.0	120.0	120.0	120.0
DMH Rd. / High Bluff AM	87.8	87.1	88.5	87.8	90.3	130.0	120.0
DMH Rd. / High Bluff PM	90.4	140.8	101.4	139.8	105.6	143.0	120.0
DMH Rd. / ECR AM	63.3	78.6	75.2	89.0	143.0	90.0	120.0
DMH Rd. / ECR PM	69.3	88.9	81.5	147.3	143.0	150.0	120.0

COMMENTS

RESPONSES

Comments on Recirculated DEIR for One Paseo/Project 193036 by Robert T. Fuchs, December 10, 2013



— Projected length of AM queue on Del Mar Heights Rd. for I-5 West to South ramps in 2030 assuming 15 minute max. delay (3,567 feet)
 — Projected additional length of AM queue on Del Mar Heights Rd. for same ramp attributable to One Paseo project (1,131 feet)

Year 2030 With & Without Project Ramp Meter Analysis

Most Restrictive Meter Rate

Location		Year 2030		Year 2030 With Project (Buildout)		V	S
		Delay (Min)	Queue (Ft)	Delay (Min)	Queue (Ft)		
Del Mar Heights Rd. / I-5 SB on Ramp (Westbound Loop)	AM	40.27	7,163	46.63	8,294	6.36	YES
	PM	5.22	928	26.58	4,727	21.36	YES

15 Minute Max. Meter Rate

Location		Year 2030		Year 2030 With Project (Buildout)		V	S
		Delay (Min)	Queue (Ft)	Delay (Min)	Queue (Ft)		
Del Mar Heights Rd. / I-5 SB on Ramp (Westbound Loop)	AM	15.0	3,567	19.8	4,698	4.8	YES
	PM	15.0	2,320	39.6	6,119	24.6	YES

Note: When the One Paseo project is forecast to be completed in 2015/2016, traffic on Del Mar Heights Rd. (High Bluff Dr. to I-5 NB Ramps) is projected to be 65,290 ADT, or 5% greater than the projected 62,315 ADT for the LT Cum (2030) + Project traffic which is the basis for the data above. In the time period between 2015/2016 and the time both connectors are completed (projected to happen by 2030), traffic will climb to 71,415 ADT, or 15% more than the projected 62,315 ADT basis for data above.

There can be no doubt that the delays and queues will be significantly greater than what has been projected in the Traffic Study.

December 6, 2013

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

SUBJECT: RECIRCULATED PROJECT ALTERNATIVES TO THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE ONE PASEO PROJECT No. 193036

Dear Ms. Blake,

After reviewing the Recirculated Project Alternatives to the Draft EIR for One Paseo I am submitting several comments. I am a nearby resident and frequently shop at Del Mar Highlands, use the Carmel Valley Library and have a swimming pass at the Carmel Valley Pool. I am basing my comments on Section 15126.6 of the CEQA Guidelines that require: "...a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation."

TABLE 12-1 Comparison of ...Proposed Project with New Alternatives

The Table does not include a Traffic Generation Comparison environmental subject line that would indicate a 56 percent reduction in AM peak hour trips and a 61-percent reduction in PM peak hour trips for the Reduced Mixed-Use Alternative compared to the proposed project WHEREAS the Reduced Main Street Alternative would result in ONLY a 12.4 percent and a 12.5 percent reduction in the same categories. Because this is NOT included in the Table, both alternatives are given the same Traffic ratings: "(-) Impact severity reduced relative to the proposed project" giving the impression that there is little difference in the impact of traffic between the two alternatives when in fact the difference is significant. The Table is misleading and does not foster informed decision making and public participation. In fact, the Reduced Main Street Alternative would be more accurately given an = symbol indicating an "Impact severity similar to the proposed project" whereas the Mixed Use Alternative would retain its current symbol of (-).

Similarly the Table's Visual Effects and Community Character environmental subject line does not distinguish between the Reduced Main Street and Reduced Mixed-Use alternatives indicating that they both have an "Impact severity reduced relative to the proposed project," when in fact there is considerable difference between the two alternatives. The Reduced Main Street Alternative would result in an overall 22 percent reduction in Gross Floor Area (page 10) and none of the ...buildings would exceed a height of nine stories. The Reduced Mixed Use Alternative would result in an "approximately" 50 percent reduction in GFA and building heights would "likely be reduced to a maximum of six stories ..." On Page 19 of the Recirculated document it is stated that the Mixed-Use Alternative would exceed the permitted FAR to a lesser degree ...and would be more similar in overall development intensity to existing development in the immediate vicinity... Yet the Table does not reflect the difference between the two alternatives and they are given the same severity symbol of (-). Again the lack of

352.1 Table 12-1 is intended to summarize the results of the evaluation contained in the discussions of the individual alternatives within Section 12. As a summary table, it is impractical to include the detailed information on percent changes in traffic identified in this comment. The plus, minus, and equal signs are intended to provide general information on the impacts of the alternatives relative to each project alternative. The reader must refer to the text for more detailed information.

352.1 Refer to response to comment 352.1.

COMMENTS


RESPONSES

- 352.2 cont. distinction between the two is misleading and might lead the public and decision makers to find little difference of impact on the neighborhood when in fact there is a significant difference.
- REDUCED MIXED-USE ALTERNATIVE
- 352.3 On page 15 the analysis of the Reduced Mixed-Use states that this Alternative would preclude having residential development over retail, eliminating the vertical mix of uses resulting in a single-story strip retail configuration serviced by surface parking lots, rather than gathering space. There is no explanation for this conclusion since the Mixed Use Alternative has 110,000 sq. ft. of retail and over 250,000 sq. ft. of office space providing significant opportunity for locating residential over retail and/or office uses on the ground floor, freeing up space for gathering places. On the same page the analysis goes on to say "...the Reduced Mixed-use Alternative would not generate the number of shoppers necessary to sustain and attract *the desired class* (italics mine) of retailers." What does this mean exactly? Does One Paseo intend to attract high-end shoppers only, perhaps aiming to be a destination for Rancho Santa Fe, Fairbanks Ranch, La Jolla and Del Mar residents rather than from nearby neighborhoods? This needs to be clarified and certainly should not be considered as a criterion for being identified as infeasible, in fact just the opposite as One Paseo has advertised itself as a sustainable, pedestrian oriented project. Additionally, the Reduced Mixed-Use Alternative analysis does not consider the retail provided on the east side of El Camino Real, in Del Mar Highlands, which adds to the number of shoppers available and would reach the necessary square footage required to support a "lifestyle center" as outlined in the draft as between 150,000-500,000 square feet.
- 352.4
- SPECIALTY FOOD MARKET ALTERNATIVE
- 352.5 Although this alternative illustrates the challenge of providing a Mixed Use project that has an impact on traffic and community character consistent with the current zoning for office space, it does not meet CEQA requirements to provide a range of potential alternatives that could feasibly accomplish most of the basic objectives of the project. It is remarkable to note however that the Reduced Mixed-Use Alternative generates only 4,500 ADTs more than the Specialty Food Market Alternative.
- 352.6 To meet CEQA guidelines the City could have reasonably offered a fourth Alternative that would meet most of the basic objectives of the proposed projects by incorporating the following:
1. Change additional square footage of Office Space in the Reduced Mixed Use project to either residential or retail,
 2. Consider the retail space in Del Mar Highlands as contributing to 'required' critical retail space needed,
 3. Enhance pedestrian crossings at the One Paseo/Del Mar Highlands intersection on El Camino Real at Market Street, originally called One Paseo (page 6).
- 352.7
- CONCLUSIONS
- 352.8 CEQA Guidelines clearly state that the selection of alternatives shall include those that could substantially lessen one or more of the significant effects and meet project objectives. Yet the discussion

- 352.3 Refer to response to comment 330.6 for a discussion regarding the irrelevance of the horizontal or vertical mixed-use design, in the absence of adequate critical mass, to the feasibility of the Reduced Mixed-use Alternative.
- 352.4 The basis for concluding that the Reduced Mixed-use Alternative would not include sufficient critical mass is discussed in response to comment 330.6.
- 352.5 As discussed in responses to comments 63.5, 63.177, 63.179 and 330.6, the Final EIR does contain a reasonable range of alternatives. As discussed in response to comment 330.6, further reductions in the size of project are not considered feasible.
- 352.6 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 352.7 This comment suggests that an additional alternative reasonably could have been included in the EIR which would have satisfied most of the basic project objectives. For the reasons discussed in responses to comments 63.5, 63.177, 63.179 and 330.6, the City believes that a reasonable range of alternatives has been included in the Final EIR. CEQA does not require the inclusion of alternatives which do not offer significant environmental advantages in comparison with the proposed project, or with other alternatives analyzed in the EIR. Moreover, an EIR need not include multiple versions of the alternatives which it evaluates, nor is an EIR required to analyze alternatives to particular components of a project and should instead focus on alternatives to the project as a whole.

COMMENTS

RESPONSES

- 352.8 cont. and conclusions for the Reduced Main Street and the Reduced Mixed Use alternatives gloss over the significant difference in traffic generation and community character between the two. The Reduced Mixed-Use Alternative “substantially lessens” one or more of the significant effects while the Reduced Main Street Alternative DOES NOT. The gloss over is most notable, as noted above, in Table 12.1 on page 2 of the Recirculated Section.
- 352.9 Further, as noted above, the Mixed Use Alternative does NOT “preclude the vertically integrated ‘Main Street’ concept envisioned by the proposed project” that is inaccurately stated on page 22 of the 12.10.3 Conclusion as a reason for finding the Reduced Mixed Use Alternative not feasible. There is also no justification for the statement in the same paragraph that the Reduced Mixed Use-Alternative “would not create a vibrant, pedestrian oriented gathering place ...nor ...the village amenities and experience offered by the proposed project.” In fact, the substantial traffic and community character impacts of the Reduced Main Street Alternative will have the opposite effect, resulting in an automobile-oriented destination inconsistent with sustainable and smart growth goals and isolating itself from the rest of the community and neighborhoods.
- 352.10 Thank you for your consideration of these comments. I appreciate the opportunity the City of San Diego has provided to consider reduced versions of the proposed One Paseo project.
- Sincerely,
- 
Ann Gardner
129171 Via Latina
(First District, City of San Diego)
Del Mar, CA. 92014 (Mail Address Only)

- 352.8 The City does not concur with the conclusion that the Recirculated Alternatives “gloss over” differences between the Reduced Main Street and Reduced Mixed-use Alternatives. As noted in the comment, a comparison of each of these with the Originally Proposed Project is included in the text. In addition, Table 12-1 includes a descriptor indicating whether the impact would be greater, equal, or less than the Originally Proposed Project. Together, the text and the table provide sufficient information to evaluate the differences between impacts of the project alternatives.
- 352.9 As discussed in response to comment 330.8, residential units above retail units in the Reduced Mixed-use Alternative could be included in the design.
- 352.10 As discussed in response to comment 330.6, the Reduced Mixed-use Alternative could attempt to approximate the “Main Street” concept. However, as also stated in the same response, this alternative would not provide sufficient development intensity to be feasible.

COMMENTS

RESPONSES

From: [Gately, Noelle@Neurocrine.com](mailto:Gately.Noelle@Neurocrine.com)
To: [DSD_EAS](#)
Subject: PROJECT No. 193036 - Reduced Main Street
Date: Wednesday, November 06, 2013 9:35:15 AM

Re-sending with project # in the subject line.

From: Gately, Noelle@Neurocrine.com
Sent: Wednesday, November 06, 2013 9:28 AM
To: 'DSDEAS@sandiego.gov'
Subject: Reduced Main Street

To Whom it May Concern:

As a resident of Carmel Valley who works next to the proposed One Paseo project, I am in favor of the "Reduced Main Street" alternative to the original "Main Street" project. I like that the hotel has been removed. I hope that the "Reduced Main Street" project can come to fruition. It is a shame that so much time has been wasted that the project lost Trader Joe's. It would have been fantastic to have Trader Joe's located there.

Thank you for your attention to my opinion.

Sincerely,
Noelle Gately

Torrey Hills Resident
Neurocrine Biosciences Employee

DISCLAIMER: This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

353.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Dennis Glaser](#)
To: [DSD_EAS](#)
Subject: PROJECT No. 193036
Date: Wednesday, November 20, 2013 4:38:56 PM

**Dear, Martha Blake,
Environmental Planner,
City of San Diego Development Services Center,**

354.1 I have been a resident of Carmel Valley (North City West) since 1985. I have seen the community grow from a small satellite bedroom community to a sprawling community of its own. My children started at Solana Highlands Elementary and graduated from Torrey Pines High. It is time like many other communities in San Diego that Carmel Valley have its own vibrant self sustaining Main Street identity. I have attended many hearings and have reviewed extensively the Draft EIR. I am in support of the new Reduced Main Street Alternative. The convenience of being able to have many new entertainment, shops, restaurants, and social venues in the community is a major benefit. Of course for this to be an economic successful project the residential and business/office components need to be integral to the project to support the project as now submitted before you. Though there will be increased traffic congestion during certain peak travel times of the day, the time impact of this is far less than having to leave Carmel Valley during these same peak times to travel to other parts of the city or for that matter just to the next freeway off ramps in either direction. For example, when my wife and I leave Carmel Valley to go to other areas for dinner or entertainment the amount of time we spend on the freeway sitting in bumper to bumper traffic no matter which direction we go is a major inconvenience and waste of time. Recently on a Friday night it took us over 45 minutes just to drive to UTC from the time we got on the freeway (no accidents delayed us). By being able to stay in Carmel Valley will reduce pollution alone by just not being on the freeway in the bumper to bumper traffic. I would rather sit in traffic a little longer on Del Mar Heights Rd to be able to have the Reduced Main Street Alternative be my final destination then spend excessive amount of times to go to other destinations outside of Carmel Valley for what could now be available in Carmel Valley. Oh, yes, there is the benefit to being able to walk or bike to the Reduced Main Street Alternative, something my wife and I don't have the option to do now in the days or evenings when leaving Carmel Valley.

With the approval of the Reduced Main Street Alternative our quality of life in Carmel Valley will definitely improve.

Thank you,

Dennis Glaser

354.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Harvey Goldstein](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [Fulton, Bill](#); [Gloria, Todd](#); [white@wwarch.com](#); [dennsridz@hotmail.com](#); [nancy@nacynovak.net](#); [dave.roberts@sdcounty.gov](#)
Subject: Project No.93036, One Paseo:Comments
Date: Tuesday, December 03, 2013 9:12:33 PM

Dear Ms. Blake,

Thank you in advance for reading my comments for the One Paseo project.

This is something I am strongly against. Just the idea of nine story buildings in the midst of Carmel Valley, a highly residential area, is enough for me to be in the majority of residents who do not favor this project as it has been presented at various meetings I have attended. BUT.....this is not the only problem with the project. The parcel of land has been zoned for about 550,000 square feet. The present proposal is for just about three times that. It will be a crowded eye-sore. The builders knew the size limitation when they purchased the land. They now need to live up to their purchase or sell the land to another interested party.

The traffic problems this project will cause are frightening. Please just stand at the corner of Del Mar Heights Road and El Camino Real at about 4:30 pm till about 7:00 pm and see what is transpiring. At one meeting I attended there was a traffic expert who said traffic will only be impacted by a few seconds. When questioned about the back-up that will be caused upon entering or leaving the freeway in either direction his response was that he could not predict what CalTrans would or could do about that. This made his entire presentation lack any credibility.

In addition to One Paseo there are more and more new homes being built where new residents will be using the "56." I am sure there will be many also using Del Mar Heights Road. If this project is not voted down it will create a traffic problem that will rival many of the traffic infested areas of our neighboring cities. We are a relatively small community, we don't want to be Los Angeles or Orange County. Again I ask you to visit Del Mar Heights Road and you'll have a flavor of what I am saying.

This project does not fit into our community. Please do not allow it to be built at anything other than the original zoning requirement.

Thank you.

Harvey Goldstein

355.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

355.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

355.3 The Final EIR acknowledges that the project would result in significant traffic impacts. While implementation of the mitigation measures identified in the Final EIR would avoid a number of the significant impacts, the mitigation necessary to eliminate impacts in the vicinity of the Del Mar Heights Road bridge and associated freeway ramp connection are beyond the control of the applicant and City to implement in a timely manner because they require concurrence from Caltrans. The timing on the ramp signals also has a bearing on traffic operations on Del Mar Heights Road because the ramp meter timing is under the control of Caltrans.

355.4 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Marilyn Goldstein](#)
To: [DSD EAS](#)
Subject: One Paseo Project # 193036
Date: Thursday, December 05, 2013 11:57:04 AM

Dear Ms. Blake,

Thank you for receiving our comments regarding the One Paseo project in Carmel Valley. I would like the Kilroy company to read and adhere to the current zoning rules in place for this property. The original developers planned for a lovely and pleasant Carmel Valley and set up guidelines and regulations for future growth and development. Please do not change the current zoning regulations.

I and my neighbors do not want the current zoning regulations to be changed that would allow for increased traffic, 9 foot buildings, crowded tenants and crowded residences. Please allow development to adhere to the current guidelines that would complement and enhance the landscaping, roads, homes, and buildings in Carmel Valley.

Thank you,
Marilyn Goldstein
Penfield Point
San Diego, CA

356.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

November 25, 2013

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
CC: toddgloria@sanidiego.gov, sherrilightner@sanidiego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

As a long-time resident of Carmel Valley, I wish to comment on the new alternatives for the One Paseo project currently in circulation for public comment.

I have generally supported the One Paseo project, as I believe it would be an ideal project for our community. However, I realize that an alternative exists that would reduce some of the impacts of the project without compromising the elements that I believe are so special.

I believe it is clear that the Reduced Main Street alternative would maintain and enhance the "balance" of the community by providing a central gathering place for the community among a smart mix of different, but complementary uses. I also believe that it is important that the project make good sense for future mobility and that it should provide housing as the site sits along a planned transit route.

It is my belief that there is more than sufficient information regarding the project and alternatives and that the City should approve the Reduced Main Street alternative for One Paseo as soon as possible.

Sincerely,

Mike Goloskie
12610 Caminito Destello
San Diego, CA 92130

357.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Katherine Grubstein](#)
To: [DSD-EAS](#)
Subject: PROJECT No. 193036 - One Paseo
Date: Thursday, December 05, 2013 6:45:32 AM

358.1 My comments on this project - please, no. No to all of the three options. Have you had to deal with the constant car honks already that the traffic in this area? Have you had to sit at the lights (Del Mar heights and El Camino Real as well as El Camino Real and Townsgate) for 10 minutes of your life everyday (this is a 0.2 mile stretch btw)? I do and have since I live right across the street, off Townsgate, in Pell Place. We have children going to school and tennis classes right next to me, yet cars are in road rage mode since they can't find parking in Del Mar Highlands. I've seen MANY close calls already; I've been part of those close calls (as the pedestrian) as well.

THIS TINY AREA BUILT AROUND MULTIPLE SCHOOLS, A PARK, AND TENNIS CLINICS CANNOT ABSORB THIS PROJECT.

Thanks for your attention,
Katherine Grubstein

KATHERINE GRUBSTEIN : Senior Marketing Manager : UX Design : 6310 Sequence Drive : San Diego CA 92121

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358.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Donna Gruol](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [dennisridz@hotmail.com](#); [white@wwarch.com](#); [Fulton, Bill](#); [Gloria, Todd](#)
Subject: PROJECT No. 193036
Date: Sunday, November 17, 2013 7:37:53 AM

To: Martha Blake, Environmental Planner, City of San Diego Development Services Center

Re: ONE PASEO PROJECT, PROJECT No. 193036, SCH No. 201051073

From: Don and Donna Gruol
 Vantage Way, Del Mar

We would like to add our comments to those of others concerning the above project which has been proposed for our community. We strongly object to the project because of its size and the impact it will have on our environment. Importantly, the project will negatively impact on our daily lives by generating an intolerant level of traffic and associated pollution. Moreover, the increased traffic will make it more difficult for emergency vehicles to reach sites of need in a safe and timely manner. Why does your traffic analysis not cover the added time it will take for emergency response vehicles to reach the area they serve west of I5, which is where we live?

Clearly, development is necessary and our community will welcome projects that enhance community life. However, this project does not appear to be conceived with that intent. The project is grossly oversized and will seriously impact the quality of our lives in a negative manner. We have lived in the community for over 25 years and have seen it grow in a constructive manner. We strongly oppose this project and hope you will limit its size to one that is more appropriate for our community.

We thank you for any efforts that you exert to protect our community from agendas that are not in the best interests of the community.

359.1 The Final EIR acknowledges that the Originally Proposed Project and the Reduced Main Street Alternative would have significant traffic impacts. However, the analysis in Section 5.5 of the Final EIR concludes that the development would not result in significant pollution.

359.2 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

From: [Dave Haskell](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); dennisridz@hotmail.com; white@wearch.com; [Fulton, Bill](#); tgloria@sandeigo.gov
Subject: Project #193036 One Paseo
Date: Wednesday, December 04, 2013 6:24:44 PM

360.1 As a homeowner/taxpayer of more than 30 years in the Torrey Pines/Del Mar Heights area of Del Mar (west of I-5), I have some very real safety concerns with the increased traffic on Del Mar Heights Rd. and El Camino Real due to the size & scope touted by Kilroy for their One Paseo project. Station 24 is assigned to cover this area which incidentally includes two grammar schools as well as family residential. What is the **current** response time from station 24 to this area? I understand it is a couple of minutes more than the normal accepted response time in the city of San Diego now. As you know, every minute can make a difference in life or death. What is the projected response time from Station 24 to the **West** side of I-5 in the future after One Paseo is completed ?...."smart traffic lights" will not make a difference in gridlock and putting two more signals between High Bluff & El Camino Real be they "smart" or not will only increase the traffic and therefore the response time for us. Emergency vehicles may be able to manipulate signals, but if they can't get around & through traffic, what happens to the response time? I can choose to avoid shopping on the east side of I-5 because of the traffic & parking situation, but I am dependent on Station 24 for emergency services.

Lynn Haskell
13009 Long Boat Way
Del Mar, CA 92014

360.1 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

TO: Development Services Department
City of San Diego

November 21, 2013

Re: Recirculated Project Alternatives To The Draft EIR For The One Paseo Project
Project No. 193036 SCH No. 201051073

I am a Carmel Valley resident and live off of High Bluff Drive, 0.5 miles north of the proposed One Paseo project. I was very disappointed with the analysis and resultant conclusions regarding the three “new” project alternatives described in the re-circulated DEIR. As you are aware, One Paseo is being marketed by Kilroy Realty as a community center where neighborhood residents can work, play and shop in a “stylish lively heart”. (Carmel Valley News, 10/31/13. Pg. 5) In both size and density, this up-scale shopping mall was never designed to fit into and serve primarily the Carmel Valley community. As is pointed out (page 15 of Recirc. DEIR), One Paseo is a lifestyle center designed to attract the bulk of its visitors from outside the community. Those shoppers comprise the critical mass that you refer to on the same page as being necessary to meet the “main street” development concept. You dismiss the Reduced Mixed-use Alternative as not feasible because it “would not generate the number of shoppers necessary to sustain and attract the desired class of retailers” and it “does not meet the ‘main street’ development concept”. (page 1 of recirc. DEIR). If the Reduced Mixed-Use Alternative is not acceptable, what is it that makes the Reduced Main Street Alternative acceptable? On the same page you state, “.....the Reduced Main Street Alternative meets most of the basic objectives of the applicant, and is considerate a feasible alternative”. You have determined that the Reduced Main Street Alternative is feasible based solely on satisfying the **developer’s basic objectives** and not on what will protect and strengthen our community. Surprisingly, the developer’s basic objectives are never revealed or explained. What are the applicant’s basic objectives upon which you have based your decision? The Reduced Main Street Alternative will have immediate and long term negative impacts on community character and a quality of life highly valued and appreciated by residents.

You have illustrated in table 12-1 that both the Reduced Main Street Alternative and the Reduce Mixed-Use Alternative produce environmental impacts that are significant and not mitigated although both produce impacts of a lesser degree when compared to the original Proposed Project. The significant and not mitigated categories are traffic, circulation, parking and visual effects and community character. Although the severity of the effects are significantly less in the Reduced Mixed-Use Alternative than in the Reduced Main Street Alternative, FAR of 1.4 vs. 0.8, 23,854 ADT vs. 11,001 ADT, **maximum** height of 9 stories vs. 6 stories (4 of the 5 buildings are 5 stories or greater) and 3,688 parking spaces vs. not given, you somehow make the determination that the Reduced Mix-Use alternative is “not feasible”. There is no side by side comparison of the Reduced Main Street Alternative and the Reduced Mixed-Use Alternative and you avoid any discussion of mitigation for impacts associated with the Reduced Mix-Use Alternative. Although both alternatives continue to have significant negative impacts that are not mitigated, the impacts of the Reduced Mixed-Use Alternative are less intrusive and obstructive than those of the Reduced Main Street Alternative. The alternative which you have determined to be feasible, the Reduced Main Street Alternative, represents **three times** the square footage entitlement and will generate **four times** the amount of traffic. So why then is only the Reduced Main Street Alternative considered feasible while the Reduced Mixed-Use Alternative is not? There are references made to the “Main Street” development concept, “sustainable development principles”, “basic objectives of the project”, and “smart growth”. None of these terms are explained in detail and represent in this context, hollow buzz words. The obvious “basic objective” of the applicant, Kilroy Realty having paid over 85 million dollars for the property and having put additional thousands into

- 361.1 As described in the RMA provided as Appendix B to the Draft EIR as well as an updated version to address the Revised Project in Appendix B.1 of the Final EIR, the retail component of the proposed project would primarily serve Carmel Valley residents who currently leave the area to satisfy their shopping needs.
- 361.2 As discussed in Section 12.9 of the Final EIR, the Reduced Main Street Alternative satisfies the project goals and objectives. As discussed in response to comment 330.6, the level of retail, residential and office development would be sufficient to create a village and implement the main street concept consistent with the General Plan’s City of Villages Strategy.
- 361.3 The project goals and objectives were submitted by the applicant to the City, which reviewed them using its independent judgment and approved them.
- 361.4 This comment reiterates the conclusion of the Final EIR that the Reduced Main Street Alternative would result in significant impacts to neighborhood character. As the comment does not address the adequacy of the environmental document, no further response is necessary.
- 361.5 This comment repeats the conclusion of the environmental document that the Reduced Mixed-use Alternative was determined to be infeasible. For discussion of this issue, refer to response to comment 330.6.

COMMENTS

RESPONSES

- | | |
|--|--|
| | <p>361.6 As discussed in response to comment 330.1, CEQA requires alternatives to be compared against the project; not with each other. However, the reader can use the information contained in Section 12 of the Final EIR to evaluate the impacts of the two alternatives against one another. Unless an alternative is approved, the discussion of alternatives need not address mitigation measures required to mitigate impacts associated with alternatives.</p> <p>361.7 For a discussion of the relative feasibility of these alternatives, refer to response to comment 330.6.</p> <p>361.8 Refer to response to comment 330.5 for definitions of the terms cited in this comment.</p> <p>361.9 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.</p> |
|--|--|

COMMENTS

RESPONSES

361.9 cont. [lobbying and a glitzy PR campaign, is to generate, no matter what the cost to the community, a hefty profit. The only way Kilroy Realty can be financially successful, having paid top dollar for the property, is to increase the amount of rentable space, make One Paseo a lifestyle center which will command higher rents and draw huge numbers of shoppers from out of the area.

361.10 [One Paseo is not a community oriented center and was never intended to be one. One Paseo is a high density entirely auto dependent shopping island whose financial success depends upon drawing shoppers from 10 to 15 miles outside this suburban residential community. Carmal Valley is not the place for this One Paseo. In the true meaning and sprit of the concept, One Paseo will never be a Main Street for Carmel Valley residents, any more than Del Mar Heights Road will become a Champs-Elysees.

361.11 [I am not willing to sacrifice our community character and quality of life for a developer's "Main Street concept". Why are you?

Please provide answers to the additional following questions:

361.12 [What criteria did you use to determine a project's feasibility?

361.13 [What is your definition of feasible?

361.14 [Since refer to the "applicant's basic objectives, what are these?

361.15 [Why didn't you provide a detailed side-by-side comparison of the Reduced Main Street Alternative and the Reduced Mixed-Use Alternative?

361.16 [What are your reasons for not discussing mitigations measures for the Reduced Mixed- Use Alternative?
Thank you.

Eugene V. Helsel
3745 Newcrest Point
San Diego, CA 92130

Cc: Mayor Todd Gloria
Sherri Lightner, member San Diego City Council
Bill Fulton, Planning Director
Frisco White, Chair CVCPB
Dennis Ridz, Chair TPCPB
Bernie Turgeon, City of San Diego Senior Planner

361.10 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

361.11 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

361.12 In determining a project alternative's feasibility, the City relied upon the CEQA Guidelines, related statutory provisions and case law. In particular, CEQA Guidelines Section 15126.6(f)(1) provides as follows:

"Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). None of these factors establishes a fixed limit on the scope of reasonable alternatives."

361.13 CEQA Guidelines Section 15364 defines "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. When considering the approval of a project which has one or more significant environmental effects, the City Council may take into account a broad range of factors when weighing the pros and cons of each alternative, and may conclude that an alternative is undesirable from the policy standpoint or impractical, and reject the alternative as infeasible on such grounds.

361.14 The basic objectives of the proposed project are stated on page 3-1 of the Final EIR.

361.15 As indicated in response to comment 330.1, CEQA does not require an EIR to include a comparison of alternatives with each other.

361.16 As indicated in response to comment 361.6, the discussion of alternatives in an EIR need not include mitigation measures.



December 9, 2013

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
CC: toddgloria@sanidiego.gov, sherrilighner@sanidiego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I first began to hear about One Paseo some years ago as the developer sought feedback from residents and businesses in Carmel Valley. From the very early stages, I knew One Paseo would be something special in our community. In keeping with my desire to be an informed stakeholder in the Carmel Valley community, I have attended nearly all the public meetings about this project and reviewed articles, mailers, letters and documents that have been presented over the last several years.

I believe the developer has been very open to ideas and input from a variety of sources, some of which I am certain made the design process more lengthy than planned. That being the case, I would like encourage the City to approve One Paseo so Carmel Valley can finally have that special place it deserves. If a compromise must be sought, I would encourage the City to approve the Reduced Main Street alternative which offers nearly identical features, but is smaller in size. I believe it is important that the use of this site is maximized to fullest extent so that it can meet the community's needs today and well in to the future.

Thank you for your consideration.

Kindest Regards,

Stacy Humphrey

362.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [leon.juskalian](#)
To: [DSD EAS](#)
Subject: PROJ.# 193036
Date: Tuesday, November 19, 2013 7:09:44 PM

MY MASTER'S DEGREE WAS IN URBAN AND REGIONAL PLANNING. U. OF. COLO. 1977

i moved here from colo. in '96, and have witnessed the massive growth in the 56 corridor. this project is so needed yesterday. when in denver last month(one of the most planned metro's in u.s.),

these types of mixed used have replaced almost all of the former malls(now scraped). as the 5 freeway reaches capacity, it's even more important to keep carmel valley residents here for essentials.

driving to encinitas or la jolla for trader joes has become out of the question. another landmark(or sundance cinema) would be the icing on the cake. please approve this project soon. thanks

mr. leon j. juskalian
drbig@me.com

363.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Lou Kaplan](#)
To: [DSD EAS](#); [Councilmember Sherril Lightner](#)
Subject: One Paseo
Date: Saturday, November 02, 2013 5:40:32 AM
Importance: High

One needs to fix the parking problems at the Del Mar Heights shopping center before launching any new projects which will only add to congestion and frustration.

With the popularity of the new restaurants and movie theatre it is almost impossible to find close in parking or any parking. Handicap parking is extremely limited and not close to venues like Ralphs, or the movie theatre and no other accommodation is made for helping people with disabilities. It has caused me not to attend functions or the shop very early in the morning. There are a lot of us and the few spaces in front of Ralphs and effectively none for the Theatre are a disgrace.

The parking structures need to be double decked to accommodate the increased general traffic. Developer wanted businesses to pay directly for the new parking which the refused en masse.

I see one Paseo adding to the congestion not taking traffic away.

City needs much better planning and coordination to help all its residents enjoy the area and access community resources

Louis Kaplan
 3699 Torrey View Ct
 SD 92130
 858-204-1805

364.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

364.2 Section 5.2 of the Final EIR concludes that the proposed project would result in significant impacts to local traffic.

364.3 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Mark Kenny](#)
To: [DSD EAS](#)
Subject: Project #193036 One Paseo
Date: Tuesday, December 10, 2013 2:04:49 PM

As a frequent bike commuter between La Jolla and Rancho Bernardo, El Camino Real in Del Mar Heights is my main north-south corridor for cycling. Recreational cyclists by the hundreds use this corridor every weekend as well. I did not see any mitigation plans or improvements for alternative commuters within the draft or revised EIRs.

Such mitigations or improvements might include cycling/walking bridges over El Camino Real/Del Mar Heights Road, regarding of either street to reduce traffic at their intersection or any other options available to the developer and the city.

El Camino Real and Del Mar Heights intersection is already one of the busiest intersections in San Diego. Please do not add to the problem.

Mark R. Kenny
 3169 Evening Way Unit B
 La Jolla, CA 92037
markrkenny@gmail.com

365.1 Although the project would accommodate bicyclists, there would be no project impacts that require bicycle-related improvements.

COMMENTS

RESPONSES

From: [Greg Klima](#)
To: [Councilmember Sherri Lightner: DSD EAS](#)
Cc: [Councilmember Todd Gloria: white@vwarch.com: talk@onepaseo.com](#)
Subject: One Paseo
Date: Tuesday, December 10, 2013 2:58:07 PM

To All,

I am writing you today as a long-time resident and small business owner of Carmel Valley, and have come to hope for and expect, that the community of Carmel Valley, the resident-planning board and the City of San Diego, all share the same vision and embrace the One Paseo/ Reduced Main Street Alternative proposal that will allow Kilroy to develop Carmel Valley's mixed-use, smart growth, forward-thinking, future oriented, One Paseo community project.

I previously wrote to comment on the One Paseo DEIR last year, and truly believe that the City's Draft Environmental Impact Report findings regarding impacts to the community character were actually quite positive. I am confident that the Reduced Main Street Alternative is the most compatible alternative for the Carmel Valley community. This alternative not only reduces the density and intensity of the project, but also lowers building heights, increases setbacks and provides more useable open space.

For these reasons, I believe the One Paseo/ Reduced Main Street Alternative, to be a tremendous opportunity for the Carmel Valley community that will be considered by many San Diego residents, surrounding communities and visitors from many cities outside of San Diego, to experience a truly unique destination that will be a model for many community developments of this type for years to come. Please offer your support to allow the project to move forward.

Thank you for your time and consideration.
 Best regards,

Greg Klima
m: 858.997.5547
gklima@triad-rea.com

366.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: dknox6@san.rr.com
To: [DSD EAS](#)
Subject: One Paseo Project Number 193036
Date: Monday, December 09, 2013 4:24:45 PM

From: Dorothy H. Knox
13019 Longboat Way
Del Mar, CA 92014-3831
dknox6@san.rr.com

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: December 8, 2013

Re: One Paseo Project 193036

In regard to the San Diego Development Services Recirculated Project Alternatives For the DEIR for the One Paseo Project issued on October 24, 2013, I submit to you the following questions and concerns.

1. How can prompt life saving emergency care be provided to area residents if the First Responders are stuck in Level of Service F gridlock and can not get to the people in need? Minutes matter in heart attack survival with full brain function, yet waits of 45 minutes are projected for some of the freeway ramps and interchanges.

2. The reduced One Paseo alternative is still three times the square footage permitted in the Community Plan. This is a plan for the development of the local area and includes all future projects. One Paseo at three times the permitted density increases the traffic regionally to Level of Service E and F in many intersections. How can this be mitigated? Not shown in charts to date.

3. I agree the area of One Paseo should be developed, but at the level shown in the Community Plan. The two new alternatives shown in the present document do reduce the square footage. The Specialty Food Alternative does achieve the allowed square footage. The plan has not been thoroughly detailed, but it at least conforms to the Community Plan in density. When will a detailed plan be submitted?

Thank you for considering these issues. This is a massive proposed plan that needs to be reduced to conform with the Community Plan for the region.

Sincerely,

Dorothy H. Knox

--
Dorothy "Muffie" Knox
dknox6@san.rr.com
858-755-8776

367.1 See response to comment 15a.46.

367.2 Table 5.2-41 identifies a series of roadway improvements that would enable the local street system to accommodate project traffic without significant impacts. The ability of these mitigation measures to reduce significant impacts was documented by calculating the LOS with and without the improvements. While this exercise demonstrated the ability of the mitigation to reduce most significant impacts, the Final EIR concludes that some the traffic impacts associated with the Del Mar Heights Road bridge and I-5 ramp connections would be potentially unmitigated because certain proposed improvements within the jurisdiction of Caltrans cannot be assured by the developer or the City to be completed in a timely manner.

367.3 As indicated in response to comment 330.1, CEQA does not require the analysis of project alternatives to have the same level of specificity as the proposed project. Consequently, detailed plans are not required for the project alternatives. Refer to response to comment 330.6 for more discussion of the alternatives.

COMMENTS

RESPONSES

From: [Vladimir Kolinko](#)
To: [DSD EAS](#)
Subject: Project #193036 One Paseo Carmel Valley
Date: Monday, December 02, 2013 8:59:53 PM

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

Dear Martha,

Please take into consideration the following thoughts related to a revised/reduced One
 Paseo proposal.

The developer has clearly stuck with a business model which requires a massive project in
 order to cover the development cost and to generate profit. A brief review of the impact on
 our community shows that even reduced version of the One Paseo will be so significant
 that it will change the entire character of our living environment. The construction site is
 located in the center of the Del Mar- Carmel Valley neighborhood and will affect everyone.
 Multi-level properties and parking structures will produce unwanted additional traffic in
 already congested streets and freeways. It will create totally different skyline dominating
 everything around. Projected noise level will be so significant that a wall has to be installed
 to keep it below an unhealthy limit. Both the original and the revised One Paseo proposals
 must be rejected until it is radically revised.

Thank you,

Vladimir and Margarita Kolinko, Carmel Valley homeowners.

Phone: 858-481-6277

12539 El Camino Real Unit D
 San Diego, CA 92130

368.1 The Final EIR confirms the conclusion that the Reduced Main Street
 Alternative would result in a significant neighborhood character impact.

368.2 As this comment does not raise any issues with respect to the adequacy
 of the Recirculated Alternatives or the original Draft EIR, no specific
 response is required.

368.3 The Final EIR confirms the conclusion that the Reduced Main Street
 Alternative would result in a significant neighborhood character impact.
 The wall referenced in the comment is required for the Reduced Main
 Street Alternative due to the fact that this alternative includes recreational
 open space near Del Mar Heights Road to meet the City's requirement for
 maximum noise levels in passive recreation areas. This wall is discussed
 in more detail in response to comment 391.41.

COMMENTS

RESPONSES

From: [Peter Kragh](#)
To: [DSD EAS](#)
Subject: One Paseo, 193036, Kilroy project
Date: Monday, December 09, 2013 4:39:59 PM

369.1

The traffic and noise implications of the proposed monster project of One Paseo, will have a large negative impact on many resident in the area and far out weigh the benefits.
We would be better served by a project, substantially scaled down to match our way of life in Present Day Carmel Valley

Thanks
Peter Kragh

369.1 The Final EIR acknowledges that the Originally Proposed Project would have significant traffic and noise impacts.

COMMENTS

RESPONSES

Lori Daniels Krummen, MD, MAS
14168 Half Moon Bay Dr.
Del Mar, CA 92014
lbdaniels@ucsd.edu

Subject: Project #193036, RECIRCULATED PROJECT ALTERNATIVES TO THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ONE PASEO PROJECT
December 4, 2013

To Whom it May Concern:

I am a citizen who was born and raised in Del Mar/Carmel Valley; with the exception of 8 years of schooling back east, I have lived here my whole life. I am a physician and an Associate Professor at UCSD. I moved back to this area because I love it here. I am writing for the first time, to voice my STRONGEST opposition to the newly proposed One Paseo alternatives.

370.1 I am not against growth in general, but the plans put forth by Kilroy seem to me to be in complete DISREGARD for the local residents here. My main concern is the massive gridlock traffic that ANY of the proposed plans would create, which would PERMANENTLY and IRREPARABLY impair safety and quality of life.

Traffic is already a problem in this area (especially in the summer with the fair or race track), but this would clearly magnify the problem. My concerns are many, but the most important ones are:

- 370.2 1.) Emergency response time to areas of Carmel Valley and Del Mar,
- 370.3 2.) Difficulty getting to the local schools due to worsened gridlock, and
- 370.4 3.) Significantly increased commute time during rush hours (and other hours) due to worsened gridlock.

370.5 My family and I are against any plan that will generate ANY excess of the allowed traffic. We do not need a "Reduced" Main Street, a "Reduced Mixed-Use" option, or anything else that will negatively impact our traffic and thus our quality of life, forever. My family of 5 already has plenty of options for shopping, dining, or anything else we may need. We see no reason to give Kilroy an exception to current zoning laws, or to bend the rules for them. WE, THE LOCAL RESIDENTS, DO NOT CARE ABOUT A MAIN STREET or anything else they are trying to sell us, given the negative and irreversible impact it will have on our lives. Once this is done, there is no going back!!!

PLEASE have Kilroy go back to the drawing board and come up with a project that meets the community guidelines, and does not exceed the traffic (or size) limits that are already set.

I cannot emphasize enough how strongly I feel about this. I have never written a letter to the County (or to government at any level) before – but I believe that this is so important that I could not remain silent.

Thank you very much for listening to my concerns.

Sincerely,



Lori Daniels Krummen, MD

370.1 The Final EIR acknowledges that the proposed project would have significant traffic impacts.

370.2 Refer to response to comment 15a.46.

370.3 The Final EIR acknowledges that the proposed project would have significant traffic impacts. As discussed in response to comment 189.3, the traffic related to schools is included in the overall existing traffic counts upon which the traffic analysis was based.

370.4 The Final EIR acknowledges that the proposed project would have significant traffic impacts.

370.5 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: slaverson@feelbeautiful.com
To: DSDEAS; Councilmember Todd Gloria; Councilmember Sherri Lightner; white@wwarch.com
Subject: PLEASE APPROVE REDUCED MAIN STREET ALTERNATIVE
Date: Sunday, December 08, 2013 9:35:51 PM
Attachments: [One Paseo Support Letter, Steve Laverson, MD.docx](#)
Importance: High

Martha Blake, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
E-mail: DSDEAS@sanidiego.gov
9 December 2013
Subject: Project No. 193036/SCH No. 2010051073
Dear Ms. Blake:

Many thanks for allowing community members to comment about the proposed One Paseo development for Carmel Valley. During the past several years, I've listened to opponents of One Paseo explain that they're seeking "an appropriate village for Carmel Valley," an effort that never would have happened without Kilroy's proposal. After the draft environmental report, the developer downsized One Paseo plans to reduce its scale and impacts. Kilroy's revision reduces their return on investment, increases their risk by increasing the cost to tenants per square foot, and represents a significantly compromised, but responsible and responsive plan. Nonetheless, opponents of One Paseo have been refusing compromise, and apparently are opposed to this valuable project in any meaningful form. Repeated attacks upon One Paseo and its developer strongly suggest that opponents have a separate agenda that does not include anything resembling a village, and are endorsing a project that will not build quality of life for the Carmel Valley public in the real sense that One Paseo would.

This letter is to express my strong support for what Carmel Valley has asked for – a Reduced Main Street Alternative – that maintains the character of the original project but does so on a smaller scale with less environmental impact. Benefits of such a project extend well beyond the buildings that will be erected for decades to come. The Reduced Main Street Alternative will provide the gathering place that Carmel Valley now lacks, where people of all ages will congregate and engage in the type of social and commercial interactions that help define a community.

There is NO better alternative. One Paseo will be built in the core of Carmel Valley enhancing visual aesthetics, use of space, and opportunities for working, living, playing, and networking outside of our homes and our automobiles.

Please approve One Paseo's Reduced Main Street alternative and help Carmel Valley transform from a suburb to a community with its own identity.

Respectfully,

Steve Laverson, MD

13335 Seagrove Street, Carmel Valley, San Diego, CA 92130

CC: Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov

Honorable Sherri Lightner, City Council Member, District 1:

sherrilightner@sanidiego.gov

Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

371.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: jlee326@gmail.com on behalf of [Joseph Lee](#)
To: [DSD_EAS](#)
Cc: white@wwarch.com; [Councilmember Todd Gloria](#); [Councilmember Sherri Lightner](#)
Subject: One Paseo
Date: Monday, December 09, 2013 5:59:49 PM

December 9, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I have reviewed the City's additional alternatives to One Paseo and I am in complete support of the Project, or even the Reduced Main Street Alternative as studied in the recent Draft EIR. I urge you to approve the Reduced Main Street Alternative.

Carmel Valley needs an opportunity that not only provides amenities to the community but also provides traffic improvements that the City cannot afford to invest in our streets. It would not be beneficial for the community to utilize that space with very limited amenities like the Reduced Mixed Use and Specialty Food Alternatives. The lot on El Camino Real and Del Mar Heights is one of the last large lots in the heart of our community, and your constituents would like to see something built there that will truly benefit not just the workforce but the residents who live and invest in the area on a daily basis.

It is clear from the analysis of the alternatives that significantly reducing the project's density to the point of surface parking and stand-alone buildings is a drastic overreach and would be inconsistent with the Precise Plan. To invest in the other two alternatives besides the Reduced Main Street Alternative, is not considering the inevitable growth of our communities and changing demands of your constituents.

372.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

I appreciate your consideration of these comments and I urge the City to approve the Project or at the very least the Reduced Main Street alternative.

Sincerely,

Joseph Lee
jtle0@gmail.com

CC:

The Honorable Todd Gloria, City Council President: toddgloria@sandiego.gov

The Honorable Sherri Lightner, City Council Member, District 1:
sherrilightner@sandiego.gov

Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com



Dec 9, 2013

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
Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

Thank you for the opportunity to comment on the new alternatives for the One Paseo project. While I was not expecting that the environmental review process would take so long to complete, I do appreciate that the new alternatives seem to reflect the community's desire to exhaust all possible opportunities for the site.

Based on everything I have seen and read on the matter, I am confident that One Paseo, a mixed-use neighborhood village with a Main Street environment, would be an ideal and widely touted project for Carmel Valley. I know that it would help the local economy and bring new employment opportunities to the area so that people could live closer to where they work. I am also confident that it would enhance the character of our community by bringing people together in a civic and cultural core as the Precise Plan envisioned.

I also realize that some might feel the project is too big. That is why I believe the Reduced Main Street alternative is the best bet for Carmel Valley. It will provide the density and synergy needed to make it a top drawer location but in a smaller scale. The other alternatives do nothing for our community and would fail to enhance our community's character or keep people closer to home.

In summary, I am eager to see One Paseo – or the Reduced Main Street alternative – approved and built in Carmel Valley.

Sincerely,

Natalie Lefler

The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member, District 1: sherrilighntner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

12250 El Camino Real Suite 200, San Diego, California 92130 • T 858.947.7272 • F 858. 947.7273

373.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

December 10, 2013

Martha Blake, Environmental Planner
c/o DSDEAS@sandiego.gov
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:

In a recent [Voice of San Diego](#) article¹, Urban Planner Howard Blackson is quoted saying that either “One Paseo is the last piece of the 20th century conventional suburban development pattern or is the first step in rebuilding toward a 21st century mixed-use walkable, infill redevelopment pattern.”

The basis for the article is a talk given by Ellen Dunham-Jones who offers that we can take “some of our least sustainable landscapes right now and convert them into more sustainable places.”² The concept of “suburban retrofitting,” as discussed by Dunham-Jones in both speech and written essay³, directly addresses growth. Dunham-Jones states that we can “redirect a lot of our growth back into existing communities” instead of taking down trees or “tearing up green space.”⁴

Simply put, we should not grow outwards, but upwards. Ms. Dunham-Jones also offers that by “urbanizing” the suburbs “larger suburban properties with a denser, walkable, synergistic mix of uses and housing types, more significant reductions in carbon emissions, gains in social capital and public health, and changes to systemic growth patterns can be achieved.”⁵

As development sprawl is counter to the City’s General Plan, we must embrace opportunities for smart, sustainable growth when they arise. Such is the case with the Reduced Main Street alternative to One Paseo. This alternative is the perfect marriage of a “mixed-use walkable” development and the completion of a community vision born more than 30 years ago.

¹ “With One Paseo, Suburban Retrofitting Comes to San Diego”, <http://voiceofsandiego.org/2013/12/09/with-one-paseo-suburban-retrofitting-comes-to-san-diego/>

² http://www.ted.com/talks/ellen_dunham_jones_retrofitting_suburbia.html

³ <http://www.uli.org/wp-content/uploads/2009/10/Sustainable-Suburbs-Retrofitting-Suburbia.pdf>

⁴ http://www.ted.com/talks/ellen_dunham_jones_retrofitting_suburbia.html

⁵ <http://www.uli.org/wp-content/uploads/2009/10/Sustainable-Suburbs-Retrofitting-Suburbia.pdf>

374.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

One Paseo can help us address inevitable growth by filling an unproductive hole, integrate with the larger community, and help fulfill a vision for a true community core in Carmel Valley. Alternatively, we can settle for some version of what we already have – a single use development that provides no significant benefit to the community as a whole.

Ms. Dunham-Jones writes further⁶: “The larger, denser, and more urban the redevelopment, the greater the ability of its designers to change the existing development pattern and do the following:

- reduce vehicle-miles traveled and improve public health by creating a transit-served or transit-ready mix of uses in a walkable street pattern connected to adjacent uses;
- reduce land consumption and per-capita costs of public investment by absorbing growth that, without alternatives, would expand in sprawl and edgeless cities;
- increase the feasibility and efficiency of transit;
- increase local interconnectivity;
- add permeable surfaces and green space;
- add public and civic space;
- increase choice in housing type and affordability;
- increase diversification of the tax base; and
- establish an urban node within a polycentric region.”

Nothing short of leaving the land fallow will please some, but it is not for a lack of analysis. Other alternatives, especially the Reduced Mixed-Use and Specialty Food Market, completely fail to advance sustainable principles and result in a complete underutilization of this critical land. They simply would be an unfortunate mirror reflection of the automobile-centric destination of the existing Del Mar Highlands Town Center. That’s not progress; it’s middling—and conventional.

I urge the City of San Diego to approve the Reduced Main Street Alternative so that Carmel Valley can be a beacon for smart, well-planned development.

Best Regards,
Janette Littler
Carmel Valley Resident

⁶ <http://www.uli.org/wp-content/uploads/2009/10/Sustainable-Suburbs-Retrofitting-Suburbia.pdf>

COMMENTS

RESPONSES

CC: The Honorable Todd Gloria, City Council President: toddgloria@sandiego.gov
The Honorable Sherri Lightner, City Council Member, District 1:
sherrilightner@sandiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

COMMENTS

RESPONSES

From: [Jill Marsal](#)
 To: [DSD EAS](#)
 Subject: Project 193036
 Date: Tuesday, December 03, 2013 5:31:47 PM

Dear Ms. Blake:

375.1 We are very concerned about the One Paseo options currently on the table. Our main concerns, like most residents, are traffic and noise impact. The road noise is already a serious problem, and getting to/from I-5 via Del Mar Heights Rd during the morning and evening rush is already congested and I can't imagine if traffic in this area were increased what it would do to the nature of the neighborhood, increased commute times, etc.

375.2 If we had to choose from the current 3 weak proposals described, we would pick the last: "Specialty Food Market Retail" since it has the smallest negative impact on the community. However, we do not think that goes far enough. Kilroy should submit a proposal in line with the allocations for the space as it was originally allotted, not these over inflated development plans which will destroy the area and cause serious problems of both traffic and noise.

375.3

Sincerely,

Jill & Kalle Marsal

375.1 The Final EIR acknowledges that the proposed project would have significant traffic impacts. However, Section 5.4 of the Final EIR concludes that noise impacts would be limited to potential impacts within the proposed development.

375.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

375.3 The No Project: Employment Center Alternative discussed in Section 12.5 of the Final reflects the goal of this comment to consider development of the site consistent with the existing zoning and planning designations.

COMMENTS

RESPONSES

From: ggmarshall0518@aol.com
 To: [DSD EAS](#)
 Subject: Project 193036 One Paseo
 Date: Thursday, December 05, 2013 8:55:48 PM

Dear Sir/Madam:

Please vote A G A I N S T this project.

Altho the project has been downsized to half, in my opinion, it is still very bad for Carmel Valley Residents and all who have to use Del Mar Heights Road. Traffic is already a nightmare on Del Mar Heights Road and a multi use project with high rise office bldgs and high rise condominiums would completely destroy the character of the neighborhood. Traffic on Interstate 5 would also become much increased and there have been many pile ups and accidents on the freeway at the Carmel Valley, Del Mar Heights Road and Via De La Valley intersections.

We homeowners do not want our streets filled with traffic pouring over from increased traffic lights on Del Mar Heights Roads. We were promised a PLANNED neighborhood and have been paying association fees since day 1 to protect our neighborhood. We do not want Carmel Valley to become another University Town Center, which is a nightmare with all its traffic and high rise office buildings, townhomes, shopping, etc.

Please limit this project to the 500,000 square feet which the plan calls for.

Sincerely,

Mary Marshall, Homeowner

376.1 The Final EIR acknowledges that the proposed project would have significant traffic impacts. However, Section 5.4 of the Final EIR concludes that noise impacts would be limited to potential impacts within the proposed development.

376.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Lore Meanley](#)
To: [DSD EAS](#)
Subject: One Paseo / Project 193036 / Comments by Carmel Valley residents
Date: Tuesday, December 10, 2013 10:08:48 AM

Dear Martha Blake, Environmental Planner, City of San Diego:

As a long-time Carmel Valley resident and third-generation San Diegan, I would like to comment on the three new project alternatives with respect to Project No. 193036, Kilroy Realty's request to amend the San Diego General Plan, Carmel Valley Community Plan and Carmel Valley Employment Center Precise Plan and rezone the 23.6-acre site at the southwest corner of Del Mar Heights Road and El Camino Real to higher-density and use Mixed-Use Center (M-UC).

For the reasons stated below, I favor the third alternative, "Specialty Food Market Retail," which is the only alternative which will generate traffic at volumes comparable to development of the property under existing land use designations and maintain community character.

With regard to traffic, much of the discussion centers on developer contributions to road infrastructure at relative remote locations. While the proposed M-UC would most certainly impact those locations (e.g., Via de la Valle a mile to the north and El Camino Real/SR 56 a mile to the South), the greatest traffic impacts will occur adjacent to the planned development. The ES fails to describe the traffic impact of driving on Del Mar Heights Road from I-5 to El Camino Real. Table ES-3 and the ES discussion are limited to intersection analysis, whereas what the community and City Council want to know is how is this development going to affect travel down the busiest thoroughfare in Carmel Valley?

What are the comparative effects – comparing the current traffic flow to traffic flow after the proposed project is built out? A very good (but expensive) software program is available to provide an excellent analysis. The ES should state the estimated range at peak traffic times, mid-day and off-hours. The reader is stuck between the ES, which is virtually silent on this, and the EIR appendices, which are confusing, obtuse and antiquated at best. The ES draws attention away from the central concern to more remote matters.

Second, closely related to the traffic study but not mentioned anywhere is the human impact. There are a number of "impacts," but the most central one is "human." How does this project affect the people who live in the surrounding neighborhoods? How can you measure "human impact" without first making a good assessment as to how many residents regularly use Del Mar Heights Road? Is it 1,000, 5,000, 8,000 or more? The EIR does not do that. These are the people who will be most directly impacted. Next, one should apply the traffic flow analysis (missing or obfuscated, as noted above) to their daily commutes. How much extra time will they have to spend in their daily commutes or shopping trips?

What about the effect of the schools in the immediate area? Torrey Pines High Schools has about 2,600 children in attendance, plus teachers, staff and some parents. There are no school buses. These kids or their parents drive them everyday. How will the M-UC affect them?

Two other high schools are located beyond Torrey Pines on Del Mar Heights Road

377.1 This comment was raised with respect to the Draft EIR. Please see response to comment 189.1 for a response to this comment.

377.2 This comment was raised with respect to the Draft EIR. Please see response to comment 189.2 for a response to this comment.

377.3 This comment was raised with respect to the Draft EIR. Please see response to comment 189.3 for a response to this comment.

COMMENTS

RESPONSES

- 377.3 cont. (Cathedral Catholic and one beyond it) each with a significant student population, and two elementary and one middle school are located in the immediate area.
- 377.4 The Del Mar Heights shopping center has experienced a very noticeable increase in traffic and parking problems in the last six months, due to remodeling and the introduction of upscale restaurants. Most employees must park offsite now. Parking at premium times is practically impossible (valet service has been initiated). This recent growth will have an impact on the M-UC.
- 377.5 As to the M-UC's impact on Visual Effects and Neighborhood Character, a comparison of the density of the M-UC with the density of adjoining areas would be useful. The comparison should address building height, percent of land coverage (footprint), population per acre, etc.). Visuals are critical. Simulations would be very useful. How will this development look from various vantage points? The M-UC should also be compared with current office zoning in terms of visual effects, character and density.
- 377.6 Finally, the ES lacks balance. Sixteen pages, that is, over half of the 28-page ES, are devoted to Historical, Paleontological and related concerns. Another three pages addresses Noise, but most of these are related to noise issues for future residents inside the complex, not the adjoining community, so most of this portion of the ES is not an impact statement covering the surrounding community. So, the major impact of this proposed development is reduced to four pages (Transportation, Visual and Neighborhood Character) of the 28-page ES. The big issues are lost in the shuffle or not discussed at all.
- 377.7 Adding two signal-controlled intersections on Del Heights Road will severely negatively impact the Carmel Valley community, both in terms of traffic congestion and community character. For the reasons stated above, the third alternative (Specialty Food Market Retail) is by far the most desirable of the three alternatives. The other two are to be avoided at all costs.

- 377.4 This comment was raised with respect to the Draft EIR. Please see response to comment 189.4 for a response to this comment.
- 377.5 This comment was raised with respect to the Draft EIR. Please see response to comment 189.5 for a response to this comment.
- 377.6 This comment was raised with respect to the Draft EIR. Please see response to comment 189.6 for a response to this comment.
- 377.7 Based on the traffic analysis performed for the Final EIR, the LOS at the new intersections on Del Mar Heights Road would operate at acceptable levels of service, and will not adversely affect traffic on Del Mar Heights Road in either the near- or long-term scenario. The addition of the two new signalized intersections would not significantly impact local neighborhood character given the frequency of signalized intersections already existing along this roadway and within the community, in general.

John and Dolores Meanley

4438 Philbrook Square

San Diego, CA 92130

(858) 259-1164

jmeanley@hotmail.com

COMMENTS

RESPONSES

From: raymello@aol.com
To: [DSD_EAS](#)
Cc: [Councilmember Sherri Lightner](#); [Millstein, Mel](#); [Mezo, Renee](#); [Turgeon, Bernard](#); white@wwarch.com; talk@onepaseo.com
Subject: One Paseo - Project Number 193036
Date: Monday, December 09, 2013 4:32:57 PM

Dear Ms. Martha Blake,

I have completed my review of the subject recirculated project alternatives for the One-Paseo Project Draft Environmental Impact Report (EIR). My comments are based on the comments submitted to your office on 23 April 2012 which are still germane to the new alternatives.

In my opinion the original One-Paseo project was a perfect mixed use "Infill Development" project for North City and was in concert with the city's general plans for a "Community of Villages." If completed as proposed it would have completed the the build-out of the gate-way to Carmel Valley, unfortunately the vacant 30 acre lot stands as an eyesore, is ignored by many passing motorist, and worse has become an attractive nuisance for "no growth" advocates living in Carmel Valley.

The project took advantage of the existing physical infrastructure and existing community services (fire, police, schools, recreation, etc.) which have been bought and paid for by the original developers and existing property and sale taxes. The project met all the objectives to provide a mixed-use village and focal point for Carmel Valley. The one exception, discussed below, is the issue of "traffic congestion" along Del Mar Heights Road, which we will never escape until I-5 is widened and the Del Mar Heights Road, El Camino Real, and SR-56 connections to I-5 are corrected.

I have the following two concerns that are not satisfactorily addressed in the presented alternatives:

My overriding concern with the subject three alternatives and the "no build" alternative is that there is no discussion of the growth inducements for each alternative. In the current economic climate I think it imperative that we understand how each alternative fosters economic and population growth, an often repeated and stated objective of our elected city leaders. We need to know what jobs will be created and what the potential revenue will be for our city, county and state as provided by each alternative as compared to the original One-Paseo project and newer Lite One-Paseo (30% less) project. Without this information it is impossible to compare the alternatives to the original project and to evaluate what the longtime revenue potential

378.1 Pursuant to Section 15126.6(a), the discussion of alternatives was focused on alternatives that avoid or substantially lessen environmental impacts associated with a proposed project. As discussed in Section 11 of the Final EIR, the Originally Proposed Project would not result in a significant growth inducing impact. Furthermore, as the alternatives which were recirculated would have less development intensity than the Originally Proposed Project, it can be concluded that the alternatives would not result in a significant growth inducing impact.

COMMENTS

RESPONSES

378.1
cont.

for the city, county, and state.

378.2

My second concern is the discussion of traffic congestion in all the alternatives, including the original proposal. The provided traffic discussions disproportionately impact projects closest to the I-5 while the growth in new housing and business along the SR-56 corridor and Del Mar Heights Road up to Carmel Valley Road continue to add vehicular traffic. This creep in the increase of vehicular traffic over time continues to apply a disproportionate pressure to projects closest to I-5. My concern stems from the acknowledged needed improvements along the I-5 corridor from the SR-56 north/south connection at El Camino Real, the Del Mar Heights Road full north/south connection, and the widening of Via de la Valle across San Dieguito River to the existing four lane El Camino Real. Traffic flow should be evaluated in the steady state case in concert with the completed improvements as scheduled by Caltrans in order to evaluate the future impact of all vehicular traffic.

378.3

Sincerely,
Raymond Mello, PE
13242 Denara Road

378.2 The traffic study analyzes the impact of the project in relation to the existing on-the-ground roadway geometry and includes the scheduled Caltrans improvements in the appropriate time frame.

378.3 The traffic study analyzes the impact of the project in relation to the existing on-the-ground roadway geometry and includes the scheduled Caltrans improvements in the appropriate time frame.

COMMENTS

RESPONSES

October 25, 2013

Martha Blake, Environmental Planner
City of San Diego Development Services Center
SENT VIA EMAIL: DSDEAS@sanidiego.gov
CC: toddgloria@sanidiego.gov, sherrilightner@sanidiego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

379.1 I have reviewed the alternatives provided in the Draft Environmental Impact Report for One Paseo and would like to urge the City to dismiss consideration of the alternative referred to as "Specialty Food Market." This alternative was the brainchild of individuals opposed to One Paseo, and it is not a project that is appropriate or beneficial to Carmel Valley.

379.2 In contrast, I believe that the Reduced Main Street Alternative retains the core of One Paseo in a smaller design and with less environmental impact. I want to urge the City to approve this alternative, which provides the best balance of community and environmental interests.

Sincerely,

Angela Merrill
angelajmerrill@yahoo.com

379.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

379.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Andrea](#)
To: [DSD_EAS](#)
Subject: Fwd: Project # 193036
Date: Wednesday, December 04, 2013 3:23:56 PM

Subject: Project # 193036

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

DSDEAS@sanidiego.gov

Reduced Main Street, Reduced Mix Use or Specialty Food Market Retail.

Dear Ms. Blake:

This letter is in response to the revised DEIR prepared by Kilroy regarding the One Paseo project. In order to keep things concise I chose a few objectionable issues about each project (Reduced Main Street and Reduced Mix Use) and have listed them below. I did not address the Specialty Foods Retail option because Kilroy has stated that this isn't a viable option since it doesn't meet the basic objectives of the project.

I copied the text directly from the DEIR. These are by no means exhaustive of the problems that One Paseo presents to Carmel Valley. Kilroy seems to be making the argument for us that the project is not consistent with what Carmel Valley wants. It results in too much traffic, noise and is out of character with the existing neighborhood. And more simply, it isn't consistent with the neighborhood plan that was originally in place.

This project might be what Kilroy wants but it's not what the neighborhood wants.

REDUCED MAIN STREET - TRAFFIC*Near-term With Project*

As with the proposed project, in the Near-term With Project condition with all three development phases, **potentially significant direct impacts would occur along four roadway segments and four intersections under the this alternative (as shown in Attachments 50 and 52 in Appendix C.1):**

Long-term Cumulative (Year 2030) With Project

As with the proposed project, in the Long-term Cumulative (Year 2030) With Project condition,

380.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

potentially significant cumulative impacts would occur along three roadway segments, five intersections, and two freeway ramp meters under this alternative...

In summary, the Reduced Main Street Alternative would impact the same transportation facilities as the proposed project. As with the proposed project, the mitigation measures identified in Table 5.2-12 of the **Draft EIR would reduce traffic impacts, but not to less than significant.**

REDUCED MAIN STREET - Neighborhood Character

Despite the revisions to some of the buildings, **the building heights and intensity of use associated with the Reduced Main Street Alternative, as a whole, would be out of character with the bulk and scale of the surrounding neighborhood. Therefore, as with the proposed project, this alternative would have a significant impact on neighborhood character. As with the proposed project, feasible mitigation measures are not available to reduce this impact to below a level of significance.**

REDUCED MAIN STREET - Noise*Off-site Noise Sources*

As with the proposed project, traffic noise along Del Mar Heights Road and El Camino Real would exceed 65 CNEL. **As a result, proposed residences and office uses along these roadways would be adversely impacted by traffic noise. Unlike the proposed project, this alternative would include public and private usable outdoor areas that would be exposed to unacceptable traffic noise. Usable public areas would include the recreation area in the northwest corner of Block C. Private usable areas would include a pool area between Buildings 4 and 5 in Block B and a second-floor gathering area in Building 3 of Block A. While Mitigation Measures 5.4-2, associated with the proposed project, would assure that traffic noise would not significantly impact habitable residential and office areas associated with this alternative, it would not assure acceptable noise levels in the public and private usable open space.**

REDUCED MIXED USE-Traffic

Although the delay would decrease in comparison with the proposed project, **the Reduced**

380.1
cont.

COMMENTS

RESPONSES

Mixed-use Alternative would significantly impact the same intersection as the proposed project in the near-term scenario.

Long-term Cumulative (Year 2030) With Project

In the Long-term Cumulative (Year 2030) With Project condition, **potentially significant cumulative impacts would occur along three roadway segments, five intersections, and two freeway ramp meters**

REDUCED MIXED USE - Visual Effects and Neighborhood Character

Development under the Reduced Mixed-use Alternative would represent an approximately 50-percent reduction in GFA. Further, building heights under this alternative would likely be reduced to a maximum of six stories associated with the office development.

Despite these reductions, this alternative would exceed existing development regulations (specifically the 0.5 FAR), and would, like the proposed project, require a Rezone and amendments to the General Plan, Community Plan, and Precise Plan. This alternative would exceed the currently permitted FAR to a lesser degree than the proposed project, and would be more similar in overall development intensity to existing development in the immediate vicinity of the project site.

With a maximum height of 6 stories, the buildings would create less height differential with surrounding development than the Proposed Project. However, the buildings would still exceed the existing 2- to 4-story office buildings to the south and west by as much as 4 stories. The 6-story buildings would exceed the height of the one- to two-story commercial and multi-family residential buildings to the east and north by as much as 5 stories. **Thus, like the proposed project, development of the site pursuant to the Reduced Mixed-use Alternative would conflict with lower-scale commercial and residential development proximate to the project site, and result in a significant impact on neighborhood character.**

REDUCED MIXED USE- Significant Impacts

Implementation of the Reduced Mixed-use Alternative would reduce but, not eliminate, significant impacts associated with the proposed project. The most notable reduction in impacts would be related to traffic. The other impact reduction would be related to

COMMENTS

RESPONSES

visual effects and neighborhood character. Although this alternative would not eliminate the significant traffic impacts in the horizon year, it would reduce the magnitude of the traffic impacts in the interim. In the existing and near-term condition, the Reduced Mixed-use Alternative would avoid the significant impact associated with the proposed project on the Del Mar Heights Road bridge, between the I-5 NB and SB. While the reduction in development intensity would be accompanied by a reduction in building heights and mass, **the scale of the Reduced Mixed-use Alternative would lessen significant neighborhood character impacts, yet they would remain significant and unmitigated. Significant impacts related to noise, biological resources, paleontological resources, and health and safety would remain under this alternative.**

REDUCED MIXED USE - Conclusion

The Reduced Mixed-use Alternative would not create a vibrant, pedestrian-oriented gathering place which would promote social interaction, nor would this alternative provide the “village” amenities and experience offered by the proposed project. This alternative would not advance sustainable development principles, and would instead result in an automobile-oriented destination inconsistent with the project objectives and smart-growth development goals. As a result, this alternative is not considered feasible.

To summarize,

- One Paseo will superimpose Downtown San Diego density onto suburban Carmel Valley.
- Much Greater Density = Much More Additional Traffic
- The size and scale of One Paseo is inconsistent with Carmel Valley's existing community character.
- Carmel Valley's roads are unable to handle existing entitlements, therefore no increase in traffic beyond existing plans should be allowed.
- Overflow parking from the project could congest neighboring residential streets and commercial parking areas.

Thank you for your attention to this matter.

Andrea Mintz

380.2 This comment contains the commenter's summary of the conclusions of the Draft EIR, as such, no specific response is required.

COMMENTS

RESPONSES

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COMMENTS

RESPONSES

From: [hongjun.moushegian](#)
To: [DSD EAS](#)
Subject: PROJECT No. 193036
Date: Tuesday, December 03, 2013 8:39:00 AM

Dear Mrs. Blake,

Our family has been living in Carmel Valley for 9 years. The traffic from Del Mar Hts to highway 5 is very bad for work commuting. The traffic from high way 5 to highway 56 east is getting worse each year during work commuting hours. I am for community development but high desity residential development has to come with adequate public transportation development in the area so that we can cut the amount of cars on the road. Unfortunately this project adds high desity residential building in the area without public transportation development to support. Therefore, we can not suport this project. Our famiy hope you and the city can understand our concern.

Thanks for your consideration.

HongJun Moushegian

381.1 As discussed in response to comment 10.40, transit service is expected to be available by the year 2030. The proposed development is not dependent upon the availability of transit. Additionally, as discussed in response to comment 6.7 on the Draft EIR, the proposed TDM Plan requires a shuttle service which would provide service to the Sorrento Valley Coaster station until public transit is available.

COMMENTS

RESPONSES

Frank Muchnik
5123 Seagrove Cv
San Diego, CA 92130

October 30, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I offer the following comments on the new alternatives for the One Paseo project.

Like many residents, I support One Paseo because I believe that a mixed-use village would provide a sense of place and a gathering point for our community. I further believe that it is important that it be a true village, not a watered-down version of a greater vision. We have but once chance to get this right.

A project that consists of stand-alone buildings and a sea of asphalt is not only unappealing, but would in fact be an irresponsible use of this site. It would also lack any true benefit for our community. If we simply opt to approve office buildings or another retail strip center with the ADT cap of 6,500, we would be saddled with additional traffic impacts and little opportunity to address current or future traffic issues.

However, if we follow the vision for a neighborhood village that spreads traffic trips across the day rather than at peak hours, and we have a developer willing to make significant, privately-funded traffic improvements then we have something that not only provides the community with substantial benefits, but we have a place that will be an integral part of our community's fabric for generations to come.

I therefore urge the City to approve One Paseo or the Reduced Main Street alternative which both offer benefits that well outweigh any environmental impacts that may occur. People sometimes do not have a vision and do not see beyond them self and for the future of this community, our children and our grandchildren.

Sincerest Regards,

Frank Muchnik
Resident of Carmell Valley Since 1986
858-342-8802
signad2000@yahoo.com

382.1 This comment reflects the conclusion of the Final EIR that the proposed building heights would be taller than currently exist in the surrounding area. As the buildings identified in this comment are not included in Phase 1 of the proposed development, specific building heights are unknown. Thus, they are not presented in Table 12.9-6 of the Final EIR.

COMMENTS

RESPONSES

From: [John Nalevanko](#)
To: [DSD EAS](#)
Subject: Project No. 193036 One Paseo
Date: Tuesday, December 03, 2013 8:37:31 AM

Dear Members of the City Council, Planning Department, and Planning Board.

I am a resident of Carmel Valley and have been for nineteen years.

I am not at all opposed to a mixed use development on the One Paseo project site, but I am very concerned with the scale of even the "Reduced Main Street" project.

I invite the Council, Planning Department, and Planning Board members to be aware to the fact that in the immediate neighborhood of One Paseo no existing building is taller than three stories. It is not until one gets to the far south end of High Bluff Drive does a four and six story building exists.

That said, the developers of One Paseo are proposing at least five buildings and possibly more (as I was unable to identify the heights of buildings 1,2,5,8,10,11a,11b) that are greater than three stories and at least two that are nine stories, and this is there "Reduced Main Street" proposal.

I believe this is an inappropriate scale for this particular neighborhood.

Thank you for your time and consideration.

John N.
 Carmel Valley Resident.

383.1 This comment reflects the conclusion of the Final EIR that the proposed building heights would be taller than currently exist in the surrounding area. As the buildings identified in this comment are not included in Phase 1 of the proposed development, specific building heights are unknown. Thus, they are not presented in Table 12.9-6 of the Final EIR.

COMMENTS

RESPONSES

From: [Susan Nelson](#)
To: [DSD_EAS](#)
Subject: Project No. 193036
Date: Wednesday, December 04, 2013 11:00:00 AM

Comment regarding Kilroy's One Paseo project:

My concern with Kilroy's proposals is the residential units. The Reduced Main Street Plan includes 608 residential units. The Reduced Mixed-use Plan has 304 units.

I have found 30 condo and apartment developments in Carmel Valley, north of the 56. The average number of units in these developments is 185. Nineteen of them have between 100 and 199 units, six have 200 to 262 units, and one has 316. The largest is The Club with 400 units - on 20 acres.

The Reduced Main Street proposal is 50% larger than The Club. The Reduced Mixed-use proposal would be the third largest residential development in Carmel Valley.

I strongly object to Kilroy using the umbrella of mixed-use in order to build a huge and dense housing development which is completely out of character with Carmel Valley.

Thank you,
Susan Nelson
18 year Carmel Valley resident

384.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

December 10, 2013

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

Sent via Email

Subject: Comments on the Recirculated Project Alternatives to the Draft Environmental Impact Report for One Paseo, Project No. 193036, SCH No. 2010051073

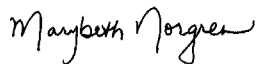
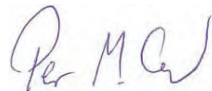
Dear Ms. Blake,

385.1 Regarding the Recirculated Project Alternatives, this document really provides only one feasible alternative, Reduced Main Street¹. This document fails to adequately address any of the questions and concerns we presented in our May 29, 2012 letter regarding the Draft Environmental Impact Report. Reduced Main Street still has bulk and scale issues² and traffic flow issues³ which can not be mitigated to the point of being "less than significant."

385.2 The issue regarding traffic has brought to light another concern: How will emergency vehicles from City of San Diego Fire Station 24, which serves my neighborhood, be able to make it across Del Mar Heights Road in a timely manner if the Proposed Project or the Reduced Main Street Project is built?

Your consideration of these comments and question is appreciated.

Sincerely,

Marybeth Norgren
13964 Boquita Drive
Del Mar, CA 92014
(Homeowners and occupants in the Del Mar Heights neighborhood of the City of San Diego)

Per M. Cederstav

cc: *Via Email* - Sherri Lightner, City of San Diego Councilmember District 1

¹ Page 1, Paragraph 2, Lines 5 and 6

² Page 11, Bottom Paragraph

³ Page 10, Within "Freeways" Section

385.1 Without any details of why the commenters feel that the comments in their letter dated May 29, 2012 were not adequately addressed, no response can be offered beyond the responses which are provided in responses to comments 219.1 through 219.13. The comment that the Reduced Main Street Alternative would have unmitigated traffic and neighborhood impacts accurately reflects the conclusions of the Final EIR.

385.2 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

Dawn Norman
12916 Carmel Creek Rd., Unit 26
San Diego, CA 92130

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I have lived in Carmel Valley since the mid-80s and reside near the proposed site of the One Paseo project. I would like to offer my thoughts on the analysis of the three alternatives that has been released for public comment.

I would first like to say that I am and have been a supporter of the One Paseo project as proposed. I know the developer has studied a reduced version of the project and I appreciate that they have done so. I think it is clear from the exhaustive work that has already been completed as part of the Environmental Review coupled with this latest analysis that this reduced project, the Reduced Main Street alternative, is the right-sized project for the site and for Carmel Valley.

The Reduced Main Street Alternative includes all of the same components (minus the hotel, which is a good thing) but offers more open space and lower building heights. That is appealing for a variety of reasons, but mostly because it reduces the environmental impacts of the project while maintaining the quality concept and design of the original – that is, a real community focal point and gathering place.

The Reduced Mixed-Use Alternative, while even smaller, loses half the residential units, 50% of the commercial and more importantly, the Main Street aspect of the project would be wiped out. That would essentially make the project internally focused with restaurants and retail solely serving those that work in the office component. Further, traffic impacts would be significant but with no offsetting benefit for the community.

The Specialty Food Market Retail Alternative is even less appealing. Built solely around a request to cap car trips at 6500 ADT, this alternative fails miserably at providing any real benefit to our community while still impacting local roadways. In fact, both this alternative and the existing zoning alternative project (also with 6500 ADT) would create significant traffic impacts on local roadways, but would not offer community benefits similar to the Project, such as public open space, pedestrian connections to neighboring developments, or a true sense of place for the community.

Worse yet, the Specialty Food Market Retail Alternative would leave 13 acres of the site vacant, which means someone would eventually develop that portion as well. The end result could be far more impact with none of the benefits.

With the near completion of environmental impact review, I believe that the evidence fully supports the Reduced Main Street Alternative for our community. Only a true mixed-use development with a real public gathering space can connect and activate the area; provide for improvements to local roadways and traffic control system upgrades; and manage the streetscape improvements that the community wants.

I urge the City to approve the Reduced Main Street alternative, because is the smart choice for Carmel Valley and our City of Villages.

Sincerely,



386.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [John Palan](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [Gloria Todd](#); [Fulton Bill](#); [dennisridz@hotmail.com](#); [white@wwarch.com](#)
Subject: Project Number 193036
Date: Monday, November 18, 2013 2:43:51 PM

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

**Re: Project Number 193036,
RECIRCULATED PROJECT ALTERNATIVES TO THE DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE ONE PASEO PROJECT**

With respect to the "Reduced Main Street" alternative:

1. What mitigation measures are available for the numerous "significant but not unmitigated" impacts, specifically to roadway segments, intersections, freeway sections, freeway ramp meters, and neighborhood character?
2. Why is there no analysis of impacts to public safety, particularly fire and police response times to local service areas including schools west of I-5, due to the significant but not mitigated project impacts to roadway segments, intersections, freeway sections, and freeway ramp meters, particularly the Del Mar Heights Road bridge over I-5 (from the I-5 SB ramps to the I-5 NB ramps)?
3. What additional "feasible" alternatives can exist within current zoning and the community plan?
4. What mitigation measures are available to deal with the estimated 12+ months of continuous dump trucks hauling soil away from the site?
5. Why are Class II bike lanes within the project not considered as a mitigation measure for the 23,854 ADT at buildout?
6. Given the far-reaching impact of this project beyond the Carmel Valley area, why is a regional approach to mitigation measures not considered?

John Palan
13340 Barbados Way
Del Mar, CA 92014
john@palanini.com

387.1 Mitigation measures for traffic impacts are summarized in Table ES-3 of the Final EIR. As discussed in Section 5.2 of the Final EIR, implementation of several of these measures cannot be assured in a timely manner because this is outside the control of the City and the project applicant. Thus, the Final EIR concludes that traffic impacts remain potentially significant and not mitigated.

Although the proposed project includes extensive landscaping and site planning techniques to reduce the impact of the development on the local neighborhood character, no mitigation is available to reduce the impact to below a level of significance. As stated on page 5.3-30 of the Final EIR, "...the project site is visually prominent and the proposed structures would, despite design strategies to minimize apparent height and mass, still would contrast with the existing low-scale, low-intensity development immediately adjacent to the project site." Such impacts are associated with implementation of the City of Villages Strategy analyzed in the General Plan EIR. Therefore, impacts to the character of the neighborhood immediately surrounding the project site would, consistent with the determination of the General Plan EIR, remain significant and unmitigable.

387.2 Refer to response to comment 15a.46.

387.3 No feasible alternatives, other than the Reduced Main Street Alternative, have been identified to achieve the goal of reducing significant impacts while achieving the objectives of the Originally Proposed Project.

COMMENTS

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| | <p>387.4 As indicated in response to comment 87.12, construction traffic would not significantly impact the local roadways. Nevertheless, the Final EIR includes a mitigation measure which would require that project construction be phased such that concurrent construction of Phases 1, 2, and 3 shall be prohibited, although phases may overlap. Additionally, a construction traffic control plan and traffic control permit will be required of the applicant prior to construction.</p> <p>387.5 As discussed in response to comment 6.6, Class III rather II bikeways are proposed on Main Street in an effort to minimize the amount of asphalt and enhance the pedestrian experience with above minimum sidewalk widths.</p> <p>387.6 Pursuant to CEQA, mitigation measures, including improvements to regional transportation facilities, require a nexus to a significant impact caused by the proposed project. The Final EIR addressed traffic impact and proposes feasible mitigation.</p> |
|--|--|

COMMENTS

RESPONSES

From: tparker001@san.rr.com
 To: [DSD EAS](#)
 Cc: [Ken Farinsky](#)
 Subject: Comments on Project Number 193036
 Date: Sunday, December 08, 2013 3:39:51 PM

Date: Dec. 8, 2013

To: Martha Blake, Environmental Planner, City of San Diego Development Services Center

Subject: Comments on Project Number 193036

From: Ted Parker, Carmel Valley Resident for Over 20 Years

388.1 I'm in favor of a fourth option not considered explicitly. It would be called RETAIL WITHOUT SPECIALTY FOOD MARKET. It would have an ADT of 2,000. That would be tolerable with some street improvements. My reasons are listed below:

1. The west Carmel Valley is already built out. It has three food markets and it doesn't need another one. Furthermore, a specialty market, Trader Joe's, is planned for the Pacific Highlands Ranch shopping center a little over a mile to the east. This will satisfy the community's expressed interest in a specialty food market that Kilroy refers to.

388.2 2. Eliminate the housing. It's not needed in the area and eliminating it solves several traffic problems other than higher ADTs. First there would be more pedestrian crossings of the three main streets bordering One Paseo, namely Del Mar Heights Rd., High Bluff Dr., and El Camino Real. Lights for pedestrian crossing stay on longer than those for vehicles and will further delay vehicle traffic. And they cannot be included in any scheme for timing lights that might otherwise speed up vehicle traffic. Second, children come with housing. If they walk to the nearby schools they will have to cross Del Mar Heights Rd. and El Camino Real. These streets are very wide and will be very busy, especially when children walk to school in the morning. It will be dangerous for them to cross them on foot or bike. And if parents choose to drive their children to school they will add ADTs and face street congestion around the schools, which is already bad. And third, it will free up parking spaces in the public areas. The plan calls for about two spaces per unit, which may not be enough. And visitors will park in the public areas.

388.3 3. Kilroy will say that this alternative, like SPECIALTY FOOD MARKET RETAIL, will "not meet the basic objectives of the project. It would fail to develop a mixed-use project to serve the community, provide additional housing types in Carmel Valley, provide a place for public gathering and social interaction, or promote sustainable development principles and smart growth." Those are Kilroy's objectives, not those of the community. This is not to say that One Paseo is not a good project. It's just not appropriate for the west Carmel Valley.

388.1 Although the alternative identified in this comment would reduce impacts associated with the Originally Proposed Project and Revised Project, it need not be considered in the Final EIR because it fails to meet any of the basic objectives of the proposed project. Most notably, it would not meet the primary objective of creating a mixed-use development or provide additional housing opportunities. Refer to responses to comments 63.177 and 63.179.

388.2 The traffic analysis completed for the Originally Proposed Project and Revised Project assumed signal timing needed to accommodate pedestrians crossing Del Mar Heights Road and El Camino Real for every cycle.

388.3 Neither the Originally Proposed Project nor the Revised Project would pose a significant safety risk to school children in the project area. Refer to responses to comments 7.4 and 9.1.

388.4 The Originally Proposed Project and Revised Project include parking for the planned residential units which satisfy the expected parking demands.

388.5 While a mixed-use development consistent with the General Plan is a project objective, mixed-use development on the site is also an objective of SANDAG's RCP, which specifically identifies the subject property as a "Town Center" smart growth opportunity area. Mixed-use is a fundamental objective of the City of Villages Strategy of the General Plan.

COMMENTS

RESPONSES

From: [Bob Poline](#)
To: [DSD EAS](#)
Cc: [Councilmember Todd Gloria](#); [Councilmember Sherri Lightner](#); [white@wwarch.com](#)
Subject: One Paseo
Date: Tuesday, December 10, 2013 10:48:31 AM
Importance: High

389.1

I have lived & worked in Carmel Valley for many years & this project will be very welcome in our community. I worked on High Bluff for many years & walked across that dirt lot at lunch past tons of squirrel holes, etc that served no purpose at all. Now we have a project that we can be very proud of for its ambience & function & it won't compete w/ any other projects near or far. I urge you to accept One Paseo & let Kilroy start construction ASAP. Thanks,

Bob Poline, President
 Bob Poline Associates Inc.
 7127 Camino Degrazia #124
 San Diego, CA 92111
 858.541.2500
bob@polineassociates.com
bpoline923@yahoo.com (alternate)
www.polineassociates.com

389.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

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Robert Poline

October 27, 2013

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 have read the re-circulated portions of the Draft Environmental Impact Report for One Paseo and would like to offer the following comments.

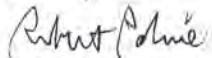
First, the re-circulated portion of the EIR provides the public with more than sufficient information regarding the project alternatives and their environmental merits and shortcomings. Based on what is provided, it is clear that the Project and the Mixed-Use Main Street Alternative are the only options that would provide a sense of place and a gathering point for the community. In fact, both would provide:

- A focal point with open space and gathering places;
- A distinctive design;
- Connections among the uses along Del Mar Heights and El Camino Real, bringing together the surrounding neighborhoods.
- Needed traffic improvements to address existing and future issues.

The other alternatives to the Project underutilize this vast site, and they also fail to provide Carmel Valley with substantial benefits befitting our growing community.

In summary, I offer my support for the One Paseo project's Reduced Main Street Alternative and strongly urge the City to approve it.

Sincerely,



Robert Poline

11256 Vista Sorrento Pkwy, Apt 202, San Diego, CA 92130

390.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

SheppardMullin

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December 4, 2013

File Number: 15BK-151316

VIA E-MAIL AND U.S. MAIL

Martha Blake
Environmental Planner
City of San Diego Development Services
Center
1222 First Avenue, MS 501
San Diego, CA 92101
E-Mail: dsdeas@sandiego.gov

Re: Recirculated Project Alternatives to the One Paseo Draft EIR (Project No. 193036/SCH No. 201051073)

Dear Ms. Blake:

On behalf of our client, Donahue Schriber, Inc., owner of Del Mar Highlands Town Center, we appreciate the opportunity to comment on the Recirculated Project Alternatives to the Draft Environmental Impact Report ("EIR") for the One Paseo Project ("Project") located at 12910 Del Mar Heights Place in Carmel Valley. Unfortunately, the Recirculated Alternatives do not cure the Draft EIR's failure to comply with the California Environmental Quality Act ("CEQA"), which was described in detail in our prior correspondence regarding the Draft EIR. (See Exhibit A.)

It is clear that the Project applicant has not taken the community's concerns into consideration based on the refusal to seriously consider development smaller than 1.4 million square feet as a feasible alternative. The lack of details and analysis provided shows little to no respect for the CEQA process. The recirculated document contains no genuine analysis of the Project alternatives, and therefore, no substantial evidence as to why all of the alternatives are not feasible.

Our conclusions are based on a peer review by the following team of experts: LSA Associates for traffic and Ziebarth Associates primarily for land use, visual impacts, and parking impacts. Attached as Exhibit B is a memorandum from LSA identifying the flaws in the Recirculated Alternatives' traffic analysis and attached Urban Systems memoranda. Attached as Exhibit C is a memorandum from Ziebarth Associates discussing the land use, visual, neighborhood character, parking and other inadequacies of the Recirculated Alternatives. In addition, Erik Bruvold of National University System Institute for Policy Research provided a peer review of the Kosmont Companies' January 3, 2013 Addendum to February 2012 Retail Market Analysis Conducted for the One Paseo Project and the City's March 26, 2013 memorandum entitled

391.1 Responses to the commenter's Exhibit A are provided in responses to comments 63.1 through 63.325. As described in those responses, the Draft EIR complies with all legal and substantive mandates of CEQA. Responses are provided below to specific substantive comments.

391.2 The comment inaccurately claims that the Recirculated Alternatives document contains no "genuine analysis." As discussed throughout that document, it included analysis of three additional, potentially feasible alternatives to the project, including one alternative specifically requested in public comments on the Draft EIR. The analysis of project alternatives is adequate and complies with CEQA. Detailed responses are provided below in response to specific comments raised by this comment letter.

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Martha Blake
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"Revised One Paseo Mixed Use Project – Economic Research Review PTS # 193036" commenting on the Kosmont Addendum. Attached as Exhibit D is the memorandum from National University System Institute for Policy Research.

The analysis by these experts supports our conclusion that each of the three new alternatives described in the Recirculated Alternatives is internally flawed and taken together with the existing alternatives in the EIR do not comply with CEQA's requirements regarding alternatives analysis. Therefore, the Draft EIR must be revised and recirculated in compliance with CEQA.

1. Entire EIR Must Be Recirculated

The City must recirculate the entire EIR. Without the context of the rest of the EIR, it is impossible to review the Recirculated Alternatives. For example, in order to determine whether the conclusions about whether the alternatives meet the basic project objectives, it is necessary to review the project objectives in the Project Description section of the EIR. Also, the alternatives analysis, unlike a stand-alone chapter analyzing an impact area, requires a review of the impact analysis chapters to provide context to the significance conclusions in the Recirculated Alternatives.

Moreover, recirculation of the entire EIR was required because of new significant impacts identified by many commenters including this firm. (See Exhibit A.) Recirculation is also required because the City released new economic and fiscal analysis in January and March of this year, after the release of the Draft EIR, and has not included this analysis in the Recirculated Alternatives. The peer review by National University System Institute for Policy Research constitutes new information of substantial importance to the Project that must be reviewed by the public through the EIR public review process. New information triggers further environmental review only if it is of substantial importance to the project.¹ New information requires preparation of a subsequent EIR if the new information raises significant questions about the key assumptions or information relied on in the previous environmental document.²

The National University peer review concluded that the transfer rate, meaning the estimate of economic activity at the project which already occurs within the City, is higher than assumed by the City and disclosed in the new economic analysis. The City and its economic expert concluded that only 25% of the shopping and economic activity of the Project would come from the City of San Diego. Without full disclosure of these economic reports along with the EIR, it is impossible to determine whether this new information results in increased traffic and land use impacts. For example, the public should have the chance to compare the 25% transfer rate number, meaning that 75% of the visitors to the Project will come from outside the City, with the traffic analysis in the EIR and the claims that the Project will be Carmel Valley's "main street." The City's new economic reports also disclosed that the City assumes the office portion of the Project will be "net new" base industry serving, meaning that the office tenants would come to

¹ 14 Cal Code Regs §15162(a)(3).

² *Security Env't'l Sys. v. South Coast Air Quality Mgmt. Dist.* (1991) 229 Cal.App.3d 110, 124.

391.3 The analysis of project alternatives is adequate and complies with CEQA. Detailed responses are provided below in response to specific comments raised by this comment letter.

391.4 Section 15088.5(c) of the CEQA Guidelines states: "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified". The City's decision to recirculate the three new reduced project alternatives is consistent with CEQA. Furthermore, the original Draft EIR was available for review in the offices of the DSD.

391.5 The City is unaware of any significant impacts discussed in Exhibit A that were not addressed in the Draft EIR. As the comment does not identify any significant impacts which were not addressed in the Draft EIR, no specific response can be offered. Refer to the responses to comment letter 63, which was attached as Exhibit A to letter 391. Also, contrary to the comment, the release by the City of additional economic data does not compel recirculation of the Draft EIR or Final EIR. An update to the RMA is included as Appendix B.1 of the Final EIR, and reaffirms the conclusions of the initial analysis: namely, that no significant impact related to urban decay would occur.

391.6 The impact of the reduced project alternatives on existing and future retail demand is not addressed in the Recirculated Alternatives because the Draft EIR concluded that the Originally Proposed Project would not result in significant impacts (e.g. urban decay). The updated information relative to the retail market analysis was prepared by Kosmont in response to questions raised during public comment. The updated Kosmont report is included as Appendix B.1 in the Final EIR. The report confirms the original conclusion that neither the Originally Proposed Project nor the Revised Project would result in urban decay.

The report referenced in this comment, and addressed in detail in responses to comments 391.98 through 391.102, does not constitute

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- 391.6 cont. “significant new information” under CEQA. CEQA Section 20192.1 and CEQA Guidelines Section 15088.5 provide the specific circumstances under which a City should recirculate all or portions of an EIR. These circumstances involve the provision of “significant new information.” The mere presence of any additional information does not satisfy that threshold inquiry; rather, that phrase refers to information regarding a significant environmental impact of the project, or a feasible way to mitigate or avoid such an effect that the project proponents have declined to implement and which is “considerably different” from others already provided. CEQA Guidelines §15088.5(a); see Laurel Heights Improvement Assn. v. Regents of the Univ. of Calif., 6 Cal. 4th 1112 (1993) (“Laurel Heights II”). In Laurel Heights II, the court specifically rejected the argument that recirculation is required whenever any arguably significant information is included, and concluded that reasonable doubts are to be resolved in favor of the agency’s determination and decision. 6 Cal. 4th at 1135; CEQA Guidelines § 15088.5(e). Moreover, where, as here, a mere disagreement among experts exists in the form of competing analyses, no requirement for recirculation arises. Cadiz Land Co. v Rail Cycle, 83 Cal. App. 4th 74, 97 (2000).
- 391.7 As discussed in responses to comments 391.98 through 391.102, the analysis and resulting conclusions presented in the RMA completed for the proposed project remain valid, no significant questions regarding the analysis are raised, and no significant impact would result. Therefore, recirculation of the information contained in the Draft EIR was not warranted.
- 391.8 As no specific areas of concern relative to those responses are identified, no specific response can be offered.
- 391.9 As discussed in responses to comments 391.98 through 391.102, the assumptions in the market analysis contained in Appendices B and B.1 of the Final EIR are appropriate. Thus, the assumptions of the traffic analyses prepared for the Originally Proposed Project and the Reduced Main Street Alternative would not change. Furthermore, the assumptions of the traffic analysis related to the number of automobile trips generated by office uses does not consider whether the office space would be “net new.”

SheppardMullin

Martha Blake
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391.9 cont. the Project from outside the City. The public should have the opportunity to review the EIR in the context of these assumptions because they are substantial importance.

391.10 Even if a recirculation of the full EIR were not required here, the City improperly circulated a supplement to the alternatives analysis chapter without recirculating the entire alternatives analysis. According to the leading CEQA treatise: "recirculation can involve making any of the following available for public review and comment: A revised portion of the draft or final EIR; The entirety of a revised draft EIR; or A draft of the final EIR."³ Here, the Recirculated Alternatives does none of these and instead appears to supplement the alternatives analysis. If it is a recirculation of the entire section, it omits the crucial "Summary of Project Objectives and Significant Effects" which provides important context to the remainder of the Recirculated Alternatives. It also eliminates the required "Alternatives Considered But Rejected" section as well as any discussion of the other five alternatives, leaving the public and the decision-makers with a fragmented and distorted view of the overall analysis.

2. The Alternatives Analysis Does Not Include a Reasonable Range of Alternatives

391.11 We previously commented that the Draft EIR's Alternatives Analysis was inadequate because it failed to provide a reasonable range of alternatives that meet most of the basic project objectives and reduce a significant environmental impact. Rather than correct the CEQA violations that we previously identified, the Recirculated Alternatives ignores the existing deficiencies and simply adds three more versions of the Project that do not meet the minimum criteria for inclusion in the "reasonable range."

The Draft EIR included the following alternatives:

- No Development
- No Project/Development Under Existing Plans
- Commercial Only
- Medical Office/Senior Housing
- No Retail

The Recirculated Alternatives added the following alternatives:

- Reduced Main Street Alternative
- Reduced Mixed-use Alternative
- Specialty Food Market Retail Alternative

³ Practice Under the California Environmental Quality Act (2d ed Cal CEB 2008), Sec. 16.17.

391.10 As indicated in response to comment 391.4, recirculation may involve chapters or portions of an EIR which have been modified. By referring specifically to "chapters or portions of the EIR," the CEQA Guidelines enable a lead agency to limit the scope of the recirculation to affected portions of the Draft EIR. The City's decision to circulate Sections 12.9 through 12.12 of Final EIR does not, as suggested by this comment, result in the elimination of any portion of the Chapter 12, which may be found in the Final EIR. Specifically, no additional alternatives were considered but rejected beyond those initially rejected in the Draft EIR, and all three additional alternatives developed in responses to comments were carried forward for full analysis in the Recirculated Alternatives discussion. Therefore, recirculation of that portion of the alternatives analysis is not required.

391.11 This comment suggests that the Draft EIR and additional alternatives circulated for public review and comment do not reflect a "reasonable range" of project alternatives as required by CEQA. For a discussion of the adequacy of the project alternatives, refer to responses to comments 63.177 and 63.179 specifically, and responses to comments 63.2, 63.5, 63.87, 63.177-63.190, and 15a.105-15a.115, generally.

SheppardMullin

Martha Blake
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The EIR sets out the following six "primary goals and objectives of the project"⁴:

1. Develop a mixed-use village consistent with the goals of the General Plan.
2. Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.
3. Provide additional housing types and employment opportunities within the Carmel Valley community.
4. Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.
5. Provide the community with a place for public gathering and social interaction, reinforcing a sense of community.
6. Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.

391.12 As applied to this Project, only if an alternative meets four of these six basic objectives and also reduces a significant environmental impact can it properly be considered among the reasonable range of alternatives. CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as the environmental aspects are concerned."⁵ The alternatives analysis must fulfill CEQA's mandate to examine a "reasonable range" of alternatives aimed at avoiding or reducing the significant impacts of the proposed project.⁶ An EIR's alternative's analysis should be rejected when it does not present a range of alternatives that avoid or reduce a significant effect of the project and meet most of the basic project objectives.⁷ In the *Watsonville Pilots* case, the court concluded the EIR was fatally flawed because it did not include a range of alternatives that would meet most of the project objectives without the level of significant environmental impacts that would result from the project.

Even as amended by the Recirculated Alternatives, the EIR fails to provide a reasonable range of alternatives that both reduce significant impacts and meet most of the basic project objectives. The Recirculated Alternatives concluded that only the Reduced Main Street Alternative meets most of the basic project objectives. This sole alternative does not cure the lack of a reasonable range defect we identified in our comments on the Draft EIR.

⁴ One Paseo Draft EIR, at p. 3-1.

⁵ *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-51.

⁶ CEQA Guidelines § 15126.6; *Laurel Heights, supra*, 47 Cal.3d at 403-04 ("[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles under the CEQA process"); CEQA § 21002 (An EIR must focus on alternatives that can avoid or substantially lessen a project's significant environmental effects).

⁷ See *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059 (EIR for new city general plan found legally inadequate because it did not consider a reduced development alternative even though it would have reduced significant impacts and met most of city's stated objectives).

391.12 This comment suggests that the Reduced Main Street Alternative is the only project alternative presented which meets most of the basic project objectives. The Reduced Mixed-use Alternative also satisfies a number of the project objectives. (See Section 12.10 of the Final EIR). Table 12-1 of the Recirculated Alternatives, which is included in the Final EIR as Table ES-4, has been revised to indicate that the Revised Mixed-use Alternative would meet most of the basic project objectives. Moreover, the Medical Office/Senior Housing Alternative and No Retail Alternative also would achieve certain project objectives. (See Sections 12.7.3 and 12.8.3 of the Final EIR). For example, such alternatives would (i) provide additional housing types and employment opportunities, (ii) provide a mix of land uses near major roads, regional freeways and existing community amenities, as well as (iii) promote the goals and policies of the General Plan and Community Plan to provide projects with an assortment of uses. The absence of a retail component from the Medical Office/Senior Housing and No Retail Alternatives prevents them from achieving all the project goals and objectives, or diminishes the degree to which they fully achieve certain policy objectives, yet these alternatives were determined to be potentially feasible and worthy of consideration in the EIR.

The Specialty Food Market Retail Alternative, analyzed at Section 12.11 of the Final EIR, was included at the suggestion of members of the public to study an alternative with commercial uses other than office and which would not exceed the traffic volumes anticipated to be

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391.12 generated under the No Project/Employment Center Alternative. The
cont. Final EIR concluded that, while this alternative would reduce or avoid significant impacts associated with the Originally Proposed Project and Revised Project, it would fail to achieve basic project objectives, such as the development of a mixed-use project to serve the community, the provision of additional housing types in Carmel Valley, the provision of a place for public gathering and social interaction, and the promotion of sustainable development principles and smart growth.

The discussion of alternatives in the Final EIR provides sufficient information about each alternative to allow the public and elected officials to evaluate the impacts of those alternatives in comparison to the proposed project. Rather than identifying potentially feasible alternatives for analysis in an EIR, the decision-making body evaluates whether the alternatives are actually feasible. When considering project approval, the City Council will consider a broad range of factors in the determination of feasibility, and may decide, for example, that an alternative is impractical or undesirable from a policy standpoint, and reject it as infeasible on that ground. An agency's ultimate findings rejecting the alternatives as infeasible do not imply that those alternatives were improperly included for discussion in the EIR. Broader considerations of policy are taken into account when a decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives.

SheppardMullin

Martha Blake
December 4, 2013
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- 391.13 The EIR and Recirculated Alternatives did not clearly disclose whether the alternatives meet these basic objectives, other than a conclusory determination for the three new alternatives in Table 12-1 in the Recirculated Alternatives.
- 391.14 Moreover, the Recirculated Alternatives applies the wrong criteria because it rejects alternatives for not meeting project objectives which are nowhere found in the EIR. For example, the Recirculated Alternatives claims that the Reduced Mixed-use Alternative is infeasible because it "would eliminate the critical mass necessary to implement the 'Main Street' concept," "would not generate the number of shoppers necessary to sustain and attract the desired class of retailers," and "would be at the expense of the vibrant critical mass created with the vertical mixed-use" even though none of these are project objectives. In addition, it rejects the Reduced Mixed-use Alternative based on another objective not found in the EIR, stating: "[t]he significant reduction in retail would preclude the ability to locate residential development over retail uses on the ground floor..." Instead, the Recirculated Alternatives was required to analyze whether the alternatives met the basic project objectives outlined in the EIR.
- 391.15 To remedy the EIR's lack of disclosure and error in applying the wrong project objectives, we have summarized information from the EIR and Recirculated Alternatives in the chart on the following page comparing the alternatives to the basic objectives.
- 391.16 On first impression, the EIR's consideration of eight alternatives might seem to constitute a thorough alternatives analysis solely based on the number of alternatives included. But as the chart demonstrates, upon further examination it is apparent that none of the eight alternatives meet the minimum requirements to be included in the "reasonable range." The EIR states that only one alternative, the Reduced Main Street, meets most of the basic project objectives. Yet the Reduced Main Street alternative fails the requirement that the alternative must avoid or reduce a significant impact. It actually increases traffic impacts during Phases 1 and 2, which could last many years and potentially forever if the applicant does not build Phase 3.
- 391.17 Therefore, based on the EIR's own conclusions as summarized in the chart, none of the alternatives meet the requirements necessary to constitute part of a "reasonable range" of alternatives. Even if the Reduced Main Street alternative did reduce a significant impact, it is the only alternative that meets most of the basic project objectives and could even arguably be included in the "reasonable range." But a range of one is not sufficient to constitute a range by any definition, let alone a reasonable range.
- 391.18 The EIR's determination that only one alternative meets most of the basic project objectives appears designed to constrain the ability of the decision-makers to weigh various alternatives and compare them to the proposed project. The EIR's alternatives analysis does not meet CEQA's purpose for an alternatives analysis which is to consider ways in which the project objectives might be achieved at less environmental cost. Here, it appears that the purpose of this alternatives analysis is to suggest alternatives that do not meet the basic project objectives, and then reject them for not meeting the basic project objectives, with the exception of the Reduced Main Street alternative, which is the preferred choice of the applicant.

- 391.13 The conclusion section in each of the Recirculated Alternatives discussions specifically address the relationship of each reduced project alternative to the objectives of the Originally Proposed Project. This discussion is the basis for Table 12-1.
- 391.14 As discussed in response to comment 330.6, the Reduced Mixed-Use Alternative could attempt to approximate the "Main Street" concept. However, as also stated in the same response, this alternative would not provide sufficient development intensity to be feasible.
- 391.15 Responses to the specific comments related to the referenced chart are provided in responses 391.16 through 391.25. No response is required to this comment.
- 391.16 As discussed in response to comment 63.179, that the Final EIR does provide a "reasonable range" of project alternatives. Contrary to the statement made in this comment, as discussed in Final EIR Section 12.9.2, the Reduced Main Street Alternative reduces impacts associated with traffic and neighborhood character, among others.

The changes in delay and LOS associated with the Reduced Main Street Alternative are slightly greater because the traffic analysis completed for the Reduced Main Street Alternative assumed the theater would be constructed in Phase 1, while the analysis of the Originally Proposed Project (Appendix C of the Final EIR) assumed that the theater would not be built until Phase 3. As discussed in Section 12.9 of the Final EIR, some of the impacts on intersections and roadway segments which would occur in Phases 2 and 3 of the Originally Proposed Project would occur in Phase 1 of the Reduced Main Street Alternative. As identified in the EIR, the mitigations for those impacts that would move to Phase 1 are already required to be implemented with Phase 1. Therefore, the degree of change is not sufficient to change the conclusions in the Draft EIR regarding traffic impacts upon project completion, and overall traffic at completion of the Reduced Main Street Alternative would be lower than under the proposed project.

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Comparison of Alternatives to Basic Project Objectives							
	1. Mixed Use Village Consistent with GP ⁸	2. Mixed-Use Project Consistent with CP ⁹	3. Additional Housing and Employment	4. Mix of Land Uses	5. Public Gathering Place	6. Mix of Employment, Housing, Dining, and Shopping	Meets Most of Basic Project Objectives?
No Project/ No Development	No	No	No	No	No	No	No
No Project/ Development Under Existing Plans	No	No	No	No	No	No	No
Commercial Only	No	No	No	No	No	No	No
Medical Office/Senior Housing	No	No	Yes	Yes	No	No	No
No Retail	No	No	Yes	Yes	No	No	No
Reduced Main Street	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Reduced Mixed-use	Yes	Yes	Yes	Yes	No ¹⁰	No ¹¹	No ¹²
Specialty Food Market Retail	No	No	No	No	No	No	No

⁸ Note that the General Plan does not designate a mixed-use village on the Project site so a mixed-use village would be inconsistent with the General Plan.

⁹ Note that the Community Plan does not designate a mixed-use village on the Project site so a mixed-use village would be inconsistent with the Community Plan.

¹⁰ This is the conclusion on page 22 of the Recirculated Alternatives. We question the accuracy of this conclusion.

¹¹ This is the conclusion on page 22 of the Recirculated Alternatives. We question the accuracy of this conclusion.

¹² Although this alternative appears to meet at least four of the six basic project objectives, the Recirculated Alternatives concluded that it does not meet most of the basic project objectives. Because the Recirculated Alternatives did not specifically disclose whether the alternative meets each of the basic project objectives, it is impossible to discern the basis of the Recirculated Alternatives' conclusion that this alternative does not meet most of the basic project objectives.

391.17 As discussed in response to comment 63.179, the comment does not accurately reflect the appropriate and permissible factors the lead agency may consider in its selection of project alternatives. Moreover, as discussed in the same response, the Final EIR contains a reasonable range of alternatives.

391.18 Refer to response to comment 63.179 for a discussion of the reasons for considering alternatives included in the Draft EIR.

391.19 This comment suggests that the development of a mixed-use village on the project site would be inconsistent both with the General Plan and Community Plan. The project description includes amendments to the General Plan and Community Plan to designate the project site for a mixed-use village development, and the alternatives also would require such plan amendments. The project, with such land use designations, would be designed to comply with the applicable goals and policies of the General Plan and Community Plan. A detailed consistency analysis is included in Table 5.1.1 of the Final EIR. Also, the comment ignores the discussion of the General Plan City of Villages Strategy, as defined in the General Plan Land Use and Community Planning Element, and the consistency of the project with the strategy, as discussed in Section 5.1 of the Draft EIR.

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391.20 Vertical integration of the uses proposed in the Reduced Mixed-use Alternative could allow for open space opportunities and/or public gathering spaces in the site design. However, as discussed in response to comment 330.6, the reduced intensity associated with this alternative would render it infeasible, irrespective of site design.

391.21 The comment mischaracterizes the conclusions in Section 12.10.3 of the Final EIR. The discussion does not state or imply that the Reduced Mixed-use Alternative would not provide a mix of employment, housing and retail opportunities. Such opportunities are present in this alternative, but to a lesser degree than the Reduced Main Street Alternative. Refer to response to comment 330.6 for a discussion of project objectives and the relationship of the Reduced Mixed-use Alternative to those objectives.

391.22 Refer to response to comment 391.12.

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391.23 Also, the selection of the objectives appears calculated to elicit the outcome desired by the applicant. Five of the six project objectives are variations in wording of the mixed-use objective. Consequently, seven alternatives automatically fail to meet most of the basic project objectives because they do not propose a mixed-use development as defined by the applicant. These alternatives should have been screened out in the first phase of the alternatives analysis as infeasible for not meeting the project objectives.

391.24 The EIR should have presented alternatives that meet most of the basic project objectives and reduce significant impacts. One such feasible alternative would be a mixed-use project that reflects the proposed land uses but with the traffic and bulk and scale impacts allowed in the entitlements. This alternative would meet most of the basic project objectives and reduce significant environmental impacts, such as traffic and visual quality. Because the EIR does not include a reasonable range of alternatives, it is fatally deficient and needs to be revised and recirculated.

3. Level of Analysis in Recirculated Alternatives is Deficient

391.26 The level of detail of the alternatives analysis is inconsistent and inadequate. Under CEQA, an EIR's analysis of alternatives must "explain in meaningful detail" a range of alternatives to the proposed project.¹³ The absence of comparative data precludes a meaningful consideration of alternatives.¹⁴ Here, there is not sufficient information to compare the alternatives to each other and to the project. The analysis for the Reduced Main Street alternative is much more detailed and thorough than the scant analysis of the Reduced Mixed-use and Specialty Food Market Retail alternatives. For example, there is a parking analysis in the Reduced Main Street alternative but not in the others. Mitigation measures are offered and discussed for the Reduced Main Street alternative but not for the others. This difference in the level of detail precludes a meaningful consideration of the alternatives and requires recirculation of the EIR to include more thorough analysis of the other alternatives.

4. Traffic Analysis is Flawed

391.28 The traffic analysis of the Recirculated Alternatives is flawed and does not provide substantial evidence for the conclusion regarding the traffic impacts of the three new alternatives. Attached as Exhibit C is a letter from expert traffic engineering firm LSA Associates, Inc. explaining the deficiencies of the Recirculated Alternatives traffic analysis. Among those flaws is that, according to the Recirculated Alternatives, the new traffic analysis "evaluated the reduced intensity and density using the same assumptions as the traffic study completed for the proposed project."¹⁵ As we explained in our prior comments on the EIR, the EIR's traffic analysis was fundamentally flawed for several reasons including the failure to consider the existing entitlements of Del Mar Highlands Town Center. Rather than correcting these flaws, the new traffic analysis repeats them, which in turn renders the new traffic analysis inadequate.

¹³ *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 406.

¹⁴ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

¹⁵ Recirculated Alternatives, at 8.

391.23 This comment states that the alternatives analysis is flawed because seven alternatives "automatically fail" to meet the basic project objective of a mixed-use development. Of the eight alternatives analyzed, four propose a mix of land uses (Medical Office/Senior Housing, No Retail, Reduced Main Street, and Reduced Mixed-Use). For a discussion of the Final EIR's analysis of a reasonable range of alternatives, refer to response to comment 63.179.

391.24 This comment suggests that any alternative which does not include a mix of uses should not have been analyzed in the Draft EIR. With regard to the No Project/No Development and No Project/Employment Center alternatives, these alternatives are required by CEQA to be included in the Draft EIR (See Section 15126.6(e) of the CEQA Guidelines). As discussed in response to comment 330.29, the Specialty Food Market Retail Alternative was included in response to specific public comments. With regard to the comment that certain alternatives should have been "screened out" and not included in the Draft EIR, refer to response to comment 63.179, and the discussion of "potential feasibility" and "actual feasibility" of alternatives.

391.25 This comment states that the EIR does not include a reasonable range of alternatives. Refer to response to comment 63.179. This comment also suggests the need for an additional mixed-use project alternative. As the EIR already contains several mixed-use project alternatives, including another variation on an alternative already presented is not necessary.

391.26 This comment asserts that the EIR lacks an adequate analysis of alternatives to the proposed project, suggesting the absence of "comparative data." The City believes that Chapter 12 of the Final EIR contains meaningful information with sufficient detail to allow an informed comparison of the impacts of the project with those of the alternatives. The analysis of each alternative contains an assessment of each impact area (for example, visual effects and neighborhood character, noise, paleontological resources, biological resources, health and safety, historical resources, and traffic). The analysis focuses upon the environmental advantages and disadvantages of each alternative in comparison to the proposed project, and contains a discussion of why the alternative was rejected by the project applicant. In summary, the analysis of alternatives contained

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391.26 in the Final EIR provides sufficient detail to enable the public and cont. decision makers to understand the relative merits of each alternative in comparison to the proposed project. In addition to written analysis, a matrix comparing the environmental impacts of each alternative to the proposed project is provided at Table 12.1, in accordance with CEQA Guidelines Section 15126.6(d).

391.27 The discussion of the potential impacts of the Reduced Main Street Alternative is more detailed than is required by the CEQA Guidelines because it is the project applicant's intent to pursue the Reduced Main Street Alternative, also referred to as the Revised Project. In order to facilitate the ability of the EIR to adequately address the Revised Project, the analysis of the Reduced Main Street Alternatives includes specific mitigation measures, which is also not required by the CEQA Guidelines.

The City believes the degree of detail provided for each alternative satisfies CEQA because Chapter 12 of the Final EIR contains meaningful information with sufficient detail to allow an informed comparison of the impacts of the project with those of the alternatives, even though more information than required was provided for the Reduced Main Street Alternative. As discussed in response to comment 391.26, the analysis of alternatives in the Final EIR reflects an objective, good faith effort to compare the proposed project with the alternatives, and the alternatives to each other.

391.28 As discussed in responses to the LSA letter included as Exhibit B (responses to comments 391.45 through 391.59) to this comment letter, the traffic analysis for the Recirculated Alternatives is not considered flawed.

391.29 As discussed in response to comment 10.158, the traffic modeling was re-run for the analysis of Recirculated Alternatives to verify that the Series 10 Model assigned adequate traffic volumes to the relevant traffic analysis zones to account for the Del Mar Highlands Town Center. Trip generation for the Town Center was manually coded into the model for this purpose. The updated results showed the same level of traffic impacts as the original traffic analysis (See Appendix C.4 of the Final EIR for the analytic assumptions and results).

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- 391.30 The significance conclusion of the Reduced Main Street Alternative is also defective because it does not make a conclusion. It states: "In summary, the Reduced Main Street Alternative would impact the same transportation facilities as the proposed project."¹⁶ That provides no information regarding the significance of the impacts or how the alternative compares to the project, but merely states that the alternative would be located in the same vicinity as the proposed project. It is akin to an air quality analysis significance conclusion stating that the alternative would impact the same planet's atmosphere as the proposed project. If the Recirculated Alternatives intended to state that the transportation impacts of the Reduced Main Street Alternative would be the same as the proposed project, it is also flawed because the analysis concludes that the alternative would have fewer ADTs compared to the proposed project. An EIR's alternative analysis should suggest alternatives that reduce significant impacts, not have the same impacts as the proposed project.
- 391.31
- 391.32
- 391.33 Moreover, recirculation of the entire EIR is required because the Recirculated Alternatives identifies a new significant impact, that the Specialty Food Market Retail alternative, which would not generate more ADT than the current land use designations, "would result in an approximately 76-percent reduction in daily traffic trips" compared to the proposed project.¹⁷ That means that the proposed Project would increase traffic by 417% compared to the development of the property consistent with the Community Plan. The EIR must be recirculated to fully analyze and disclose that impact.

5. Visual Effects and Neighborhood Character Analysis is Inadequate

- 391.34 The Recirculated Alternatives' visual analysis is flawed and lacks substantial evidence to support its conclusions. Attached as Exhibit B is a letter from expert land use, architecture, and planning firm Ziebarth Associates, Inc. explaining the deficiencies of the Recirculated Alternatives. In addition to those comments, the Visual Effects and Neighborhood Character analysis of the Specialty Market Retail alternative improperly claims that "this alternative would have a negative visual impact resulting from retaining the central and westerly portions of the property in their current state."¹⁸ It is impossible under CEQA to have a negative impact from a lack of environmental change. Activities that have no physical environmental change are not subject to CEQA,¹⁹ so the City cannot claim that leaving the site in its existing condition results in a negative visual impact. In addition, the Recirculated Alternatives inappropriately assumes that the remainder of the site needs to be unattractive, while it could be used as a neighborhood park in furtherance of the project objectives.
- 391.35
- 391.36 The Visual Effects and Neighborhood Character analysis of the Reduced Main Street alternative violates CEQA because it does not analyze the worst case scenario. CEQA requires that the EIR base its analysis on the reasonable worst-case scenario.²⁰ The Recirculated Alternatives'

¹⁶ *Id.*, at 10.

¹⁷ *Id.*, at 22.

¹⁸ *Id.*, at 25.

¹⁹ CEQA Guidelines §15002(d).

²⁰ *Planning & Conserv. League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210.

- 391.30 A more detailed comparison of the Reduced Main Street Alternative with the Originally Proposed Project can be found within the traffic analysis included in Appendix C.4 of the Final EIR. The analysis concludes that the impacts would not be substantially different.
- 391.31 The conclusions discussion on page 14 of the Recirculated Alternatives acknowledges that Reduced Main Street Alternative would result in fewer ADT than the Originally Proposed Project at buildout. However, it also correctly concludes that no substantial differences would occur in the LOS of impacted intersections with the Reduced Main Street Alternative in comparison with the Originally Proposed Project.
- 391.32 The Reduced Main Street Alternative reduces certain traffic and community character impacts, although such impacts remain significant. Refer to response to comment 391.30.
- 391.33 The comparison of traffic generated by this alternative and the Originally Proposed Project does not require recirculation of the EIR. The traffic impacts associated with the Originally Proposed Project are unchanged, and do not constitute significant new information under CEQA. Rather, such traffic impacts are fully disclosed in the Draft EIR. Calculation of the traffic generated by the Specialty Food Market Retail Alternative, as with traffic generated by all evaluated alternatives, is necessary and appropriate in order to evaluate the environmental impacts of each alternative.
- 391.34 Refer to responses to comments 391.60 through 391.97 for discussion of the visual resources analysis in the Recirculated Alternatives.
- 391.35 The comment correctly notes that existing conditions do not generally constitute significant environmental impacts, but incorrectly asserts that development of only a portion of the site cannot constitute any impact related to visual quality, and also incorrectly asserts that the discussion claims a significant impact would occur. Moreover, the comment incorrectly evaluates the impacts of the alternative based on stated preferences for components of the Specialty Food Market Retail Alternative, rather than the alternative itself.

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391.35 Regarding the potential impacts to visual character, the discussion for cont. this alternative on page 12-50 of the Final EIR acknowledges that the alternative would maintain a majority of the project site (13 of 23 acres) in its current state, which has a low aesthetic quality. Although that portion of the project site would not change, the aesthetic character of a partially developed site, in which the undeveloped portion has been graded, retains no natural character, and is unmaintained, can be less desirable than a site developed with landscaping and/or hardscaping.

Additionally, the comment ignores the claimed significance of the impact. As stated on page 12-50 of the Final EIR, the aesthetic impact would be “negative,” but does not claim the impact would be significant. On the contrary, the discussion on the same page specifically acknowledges that this alternative “would avoid significant impacts related to visual effects and neighborhood character” (emphasis added). Moreover, Table 12-1 further clarifies that no significant impact would occur, as it designates “Visual Effects and Community Character” as “NS [Not Significant].”

The assumption that the undeveloped portion of the property under this alternative should be a park is unfounded. First, no objective requires the provision of recreational uses. Rather, objectives relate to the provision of a mix of land uses that are proximate to facilities such as parks. Moreover, as this alternative would consist entirely of commercial retail and market uses and include no residences, it would generate no demand for recreational facilities, and no nexus would exist for a requirement to provide those facilities. Also, including a park in this alternative, which could arguably provide additional community gathering space, still would not result in any substantial change to the relationship of the impacts of this alternative to those discussed in the Draft EIR for the Originally Proposed Project. Lastly, this alternative would continue to provide less than one fifth of the commercial floor area allowed by the current zoning for the property. Thus, the addition of a park or of private landscaped open space would not increase the feasibility of this alternative and would not change the conclusion of the Final EIR with respect to this alternative.

391.36 As discussed in response to comment 391.37, the visual analysis regarding building height is considered appropriate.

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391.37 visual analysis is based on statements that certain buildings will not exceed certain heights. For example, it states that the residential in Block B "would not exceed five stories."²¹ Yet the small print in Footnote 2 to Table 12.9-6 reveals that in fact the Project may exceed these heights without any limit. It states: "Heights for Buildings 3, 4, 6 and 7 are based on conceptual plans prepared for the purposes of environmental analysis. Final building heights may vary, but would not exceed the height limits imposed by the applicable zone."²² The applicable zone has no height limit. Thus, the EIR is essentially claiming that for the purposes of its analysis, it used the number of stories presented in the Recirculated Alternatives, but for the purposes of actual construction, the number of stories is limitless. Instead, the Recirculated Alternatives should analyze the reasonable worst case scenario. In addition, it needs to provide substantial evidence to support the conclusion that "feasible mitigation measures are not available" to reduce visual impacts to below a level of significance.²³

6. Analysis of Cinema is Defective

391.39 Table 12.9-1, summarizing the Reduced Main Street Alternative, is inaccurate because it places all of the square footage of the cinema in Phase 1 but states in Footnote 1 that only 400 seats would occur in Phases 1 and 2, and the remaining 800 seats would occur in Phase 3. The Recirculated Alternatives should be revised to fix this error and state whether the traffic analysis and other analysis was depending on this error and should in turn be revised. For example, if the traffic analysis improperly assumed that the majority of the traffic from the cinema would occur in Phase 3, it would diminish the true impacts during Phases 1 and 2.

7. Noise Analysis Fails to Analyze Impacts of Project on Environment

391.40 The noise analysis in the Recirculated Alternatives only considers impacts of noise sources, both on-site and off-site, to the Project and its tenants and residents, and does not analyze impacts of noise generated by the Project to neighboring residents and businesses. The noise analysis is the opposite of what is required. A recent case held that identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes. *Ballona* invalidated CEQA Guidelines Section 15126.2, which was sometimes interpreted as requiring analysis of impacts of the environment on the project users.²⁴ Rather than just being concerned with the level of noise to be experienced by the Project's residents and tenants, the EIR must analyze and fully disclose the Project's noise impacts on surrounding neighbors.

8. Sound Wall Analysis is Insufficient

391.41 The Recirculated Alternatives fails to analyze the impacts of the sound wall mitigation in Mitigation Measure 12.9-1 implemented to reduce noise impacts of the Reduced Main Street

²¹ Recirculated Alternatives, p. 11.

²² *Id.*, at Table 12.9-6.

²³ *Id.*, at 11.

²⁴ *Ballona Wetlands Land Trust v. City of Los Angeles* ("Ballona") (2011) 201 Cal.App.4th 455, 474.

391.37 The comment attributes the wrong zone to the Reduced Main Street Alternative. The current CVPD-EC zoning designation for the project site has no height limit, but neither the Originally Proposed Project nor the Reduced Main Street Alternative would be constructed under that zoning designation. As a result, the comment incorrectly asserts the applicable zone includes no building height limit.

As stated in Table 3-5, and described on page 3-14 of the Draft EIR, the Originally Proposed Project would require, among other approvals, a rezone to CVPD-MC, which imposes height limitations varying from 100 to 199 feet, depending on the portion of the project site. As stated on page 12-32 of the Recirculated Alternatives section, "[t]he same discretionary actions associated with the proposed project would be necessary to implement [this alternative]." Thus, the same height limitations that apply to the Originally Proposed Project also would apply to this alternative.

As described on page 12-29 of the Final EIR, this alternative represents a 22 percent (nearly 1/4) decrease in gross floor area from the Originally Proposed Project. As noted in the comment, Table 12.9-6 of the Final EIR indicates that this reduction in floor area would likely result in reductions of one to four stories, depending on the building. The tallest building of the Originally Proposed Project (Building 9) is 11 stories, but would be reduced to 9 stories. Although, as noted in the comment, footnote 2 indicates that four of the buildings in this alternative have only conceptual designs with heights that could change, Building 9 is not among those. Consequently, the tallest building proposed under this alternative would be at least two stories shorter than its counterpart in the Originally Proposed Project, and heights are likely also reduced for four other buildings. Although the comment asserts that this alternative analysis does not include a "reasonable worst case" scenario for building height, that claim was based on the misinterpretation of the applicable

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391.37 zone. Consequently, in the absolute (though very unlikely) worst-case scenario, building heights under this alternative still would not exceed those associated with the Originally Proposed Project, and would almost certainly be less. Moreover, the reduction in gross floor area from the Originally Proposed Project yields the height reductions presented in Table 12.9-6, which range from potentially no reduction to 80 percent for one building, and represent a reasonable scenario for the purposes of this analysis, which is to inform the public and decision makers of the potential difference in impacts (here, aesthetics impacts) between the Originally Proposed Project and this alternative.

391.38 Mitigation for neighborhood character impacts primarily involves reducing the bulk and scale of the development to more closely reflect the character of the surrounding land use. Although the land use types around the project site are comparable to the proposed uses, the heights of the existing buildings in the immediate area do not exceed four stories. Thus, one of the key mitigation strategies for eliminating neighborhood character impacts is reducing building heights to reflect the surrounding development. Additional open space also would help reduce neighborhood character impacts.

As discussed in Section 12.9 of the Final EIR, the Reduced Main Street Alternative incorporates the concepts of reducing building heights and increasing open space. As discussed on page 12-35, the Reduced Main Street Alternative would contain seven buildings that would range between 1 and 4 stories, three buildings which would range between 5 and 6 stories, and two buildings which would have 9 stories. In addition, the Reduced Main Street Alternative would include 4.1 more acres of open space including a 1.5-acre park area. It would also include street-level entrances to some of the residential development fronting Del Mar Heights Road.

Full mitigation of the neighborhood character impacts would require substantially more reductions in building heights and increases in open space. The Reduced Mixed-use Alternative, discussed in Section 12.10 of the Final EIR, moves in this direction by reducing the building heights to a maximum of 6 stories. However, even these reduced building heights were determined to be out of character with surrounding development. Elimination of significant neighborhood character impacts would require the majority of the buildings to be four stories or less which would reduce the overall square footage of the development even more than the Reduced Mixed-use Alternative. Based on the conclusion in response to comment 330.6 that the Reduced Mixed-use Alternative would be

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- 391.38 infeasible, it follows that further reductions in square footage needed to cont. eliminate neighborhood character impacts would also be infeasible. On the basis of this fact, the Final EIR appropriately concludes that there are no feasible mitigation measures beyond those already included in the Revised Project.
- 391.39 All of the square footage is included in Phase 1 because it is more economical to build the entire space that would ultimately be needed for the cinema. However, buildout of the cinema seating would be phased to reflect anticipated demand, as indicated in the Table 12-9-2. Nevertheless, to provide a conservative analysis of the effects of cinema traffic, the traffic analysis in Appendix C.4 assumed that traffic generated by all 1,200 seats would exist in Phase 1. If trips from the cinema in Phase I are reduced to account for only 400 seats, a concomitant reduction in overall trips for the alternative also would occur, reducing traffic impacts associated with this alternative. Even in that case, however, recirculation still would not be required, as the relative impact in comparison to the proposed project (that is, an overall reduction) would not change.
- 391.40 Impacts of noise from the Recirculated Alternatives on off-site receptors are discussed for each alternative. These impacts are discussed on pages 12, 20 and 25 of the Recirculated Alternatives.
- 391.41 A series of cross-sections depicting the likely appearance of the sound attenuation barrier needed to protect the recreation area from roadway noise is presented in Exhibit 391.41-1. As this rendering illustrates, the noise barrier would generally range in height from 3 to 6 feet. The visual impact of the wall would be minimized by the curvilinear design, inclusion of transparent material, and landscaping. Thus, no significant visual impact would be related to the noise barrier.

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- 391.41 cont. alternative. The Recirculated Alternatives must include a rendering of the solid sound wall barrier to disclose its visual impacts because it is not consistent with the community character. In addition, the Recirculated Alternatives did not analyze the circulation and land use impacts of the construction of the sound walls, which is required because the sound walls will seal off the project and make the Project less accessible to pedestrians, contrary to smart growth principles and the project objectives.

9. City Must Extend Comment Period for the Recirculated Alternatives

- 391.43 The Recirculated Alternatives improperly constrained public comment by erroneously stating that "comments from the public during this recirculation review period must be limited to the three new alternatives."²⁵ The City cited CEQA Guidelines Section 15088.5(f)(2) as its justification for this assertion, but it omitted or misread the qualifier in Section 15088(f) which states: "In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues." The City's assertion misled the public into believing that commenting on other pertinent environmental issues was prohibited. Therefore, the Recirculated Alternatives should be recirculated for a new round of public review with an errata explaining that the public has a right to comment on the entire EIR, not just the three new alternatives.

10. Conclusion

- 391.44 The Recirculated Alternatives and the EIR fail to fulfill the basic purpose of an alternatives analysis which is to present a reasonable range of alternatives for consideration by the decision-makers that meet most of the basic project objectives and reduce environmental damage. Since the alternatives analysis is the heart of an EIR, the lack of a reasonable range renders the entire EIR legally defective and presents the City Council with an improperly constrained set of options for making a decision on the Project. The City must correct the errors and legal inadequacies identified above and recirculate the entire draft EIR before preparation of the final EIR so that the public has sufficient time to review and comment on a legally adequate environmental analysis.

Very truly yours,



John E. Ponder
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:412814829.3

Encl.: Exhibit A: Prior Sheppard Mullin EIR comments
Exhibit B: LSA Associates analysis, November 6, 2013
Exhibit C: Ziebarth Associates analysis, December 3, 2013

²⁵ Recirculated Alternatives, p. 1.

- 391.42 The sound wall would not preclude pedestrian access into the recreation area. It is anticipated that the walkway serving the recreation area parallel to Del Mar Heights Road would be located on the south side of the wall next to the recreation area. Refer to Exhibit 391.41-1.

- 391.43 This comment suggests that the City inappropriately limited public comment to the recirculated sections of the Draft EIR, citing Section 15088(f) of the CEQA Guidelines. CEQA Guidelines 15088 does not include a subdivision (f). The comment most likely is referring to Section 15088.5(f) of the CEQA Guidelines. Section (f) is intended to give guidance on how a lead agency can deal with multiple sets of comments which result from recirculation. Section 15088.5(f)(2) specifically authorizes a lead agency to limit public comment "to the revised chapters or portions of the recirculated EIR." Also note that the City has responded to all public comment received both on the Draft EIR and on the recirculated portions of Chapter 12, addressing alternatives.

- 391.44 This comment is a conclusion generally summarizing points made in the comment letter. For a detailed response to this conclusion, refer to the earlier comments and responses. In summary, the City believes that the Final EIR satisfies the requirements of CEQA with respect to the analysis of alternatives, and that the Final EIR contains a reasonable range of alternatives sufficient to educate the public and decision-makers with regard to the relative merits of the identified alternatives in comparison with the proposed project. Accordingly, there are no errors or legal inadequacies requiring the recirculation of alternatives, and that the Final EIR contains a reasonable range of alternatives sufficient to educate the public and decision-makers with regard to the relative merits of the identified alternatives in comparison with the proposed project. Accordingly, there are no errors or legal inadequacies requiring the recirculation.

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Exhibit D: National University System Institute for Policy Research analysis,
December 3, 2013

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COMMENTS

RESPONSES

EXHIBIT A

SheppardMullin

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File Number: 15BK-151316

April 11, 2013

VIA E-MAIL AND U.S. MAIL

Kelly Broughton
Director, Development Services Department
City of San Diego
1222 First Avenue, MS 301
San Diego, CA 92101
E-Mail: kbroughton@sandiego.gov

Re: Supplemental Information re Recirculation of One Paseo Draft Environmental Impact Report (Project No. 193036)

Dear Mr. Broughton:

I would like to take this opportunity to bring to your attention two pieces of misinformation regarding the Draft Environmental Impact Report (EIR) for the One Paseo project (the "Project"). This letter is submitted on behalf of our client, Donahue Schriber, owner of the adjacent Del Mar Highlands Town Center ("Town Center").

During the March Carmel Valley Community Planning Board meeting, City Staff inaccurately stated that the EIR traffic study included the remaining 145,000 square feet of entitled retail, which was approved more than 20 years ago at the Town Center. We understand that City Staff may have been working with incorrect information provided to them by the applicant, Kilroy Realty. However, the statement that the entitled development at the Town Center was included in the traffic projections is not true as the Draft EIR's traffic study did not include the remaining entitled square feet of the Town Center. Therefore, the Draft EIR traffic study is fundamentally inadequate. Expert analysis from the respected traffic engineering firm LSA Associates, Inc. supports this determination. This constitutes new information that discloses a substantial increase in the severity of the Project's environmental impacts.

Furthermore, the Draft EIR use of an ad hoc parking threshold is inappropriate under CEQA because it lacks substantial evidence and serves to diminish the true parking, traffic, air quality, GHG, noise and other impacts of the project. The EIR should be recirculated to provide the public with an opportunity to comment on the Project with the proper significance threshold for parking applied.

Because of these two new pieces of misinformation as well as the reasons we stated in the letter we submitted to you on January 11, 2013, we hope that after considering this information, the City will determine that recirculation of the Draft EIR is appropriate.

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I Draft EIR's Traffic Analysis Was Fundamentally Inadequate

In our January 11 letter, we stated that the Draft EIR should be recirculated because it omitted consideration of the Town Center's fully approved but not-yet-built remaining 145,000 square feet of retail in its cumulative traffic analysis. We asked the traffic engineering firm LSA Associates, Inc. to perform an expert review of the Draft EIR's traffic study to determine whether it improperly omitted analysis of the 145,000 s.f. expansion. Please find attached as Exh. 1 LSA's the results of that analysis.

LSA confirmed that the list of projects included in the traffic study's cumulative analysis did not include the Town Center and confirmed that the traffic model used in the Draft EIR's traffic study did not account for the trips from the 145,000 square feet of approved Town Center expansion. Specifically, the traffic study implemented the SANDAG model to define cumulative projects despite the fact this model omits the remaining 145,000 square feet of entitlement. Arthur Black, Senior Transportation Planner at LSA, stated: "These findings lead me to conclude that no additional trips from the Del Mar Highlands Town Center are included in the One Paseo cumulative traffic analysis."

If the applicant and the City believe that the Town Center's remaining 145,000 square feet were included in the traffic study calculations, then the Draft EIR needs to be revised to demonstrate such inclusion.

II Use of Ad Hoc Parking Threshold of Significance Is Not Supported by Substantial Evidence

The Draft EIR should be revised and recirculated to provide substantial evidence justifying application of an ad hoc shared parking threshold instead of the City's normal Significance Determination Thresholds. Under the normal thresholds, parking impacts are significant if a project would result in an on-site parking deficiency of more than 10 percent compared to the parking spaces required by the Land Development Code, and would substantially affect the availability of public parking in the vicinity.

Our architecture and planning expert, John Ziebarth of Ziebarth Associates, performed an analysis comparing the difference in the Project's parking requirements based on the shared parking methodology specified in the Municipal Code and the improvised Project-specific parking threshold used in the Draft EIR. His conclusions are attached as Exh. 2. Under the City's normal shared parking methodology, Mr. Ziebarth concluded that the Project's proposed parking would result in a deficiency of 729 parking spaces or 16.5 percent less than the required amount. This deficiency level would certainly impact the public street parking available in the surrounding Carmel Valley neighborhood, and would require a conclusion of significance.

Instead, the City applied a unique threshold to the Project, which is a modification of a threshold produced by the Urban Land Institute. Using this threshold, described in the One Paseo Shared Parking Analysis, the City managed to conclude that there was only a 9.5 percent deficiency, just a whisker below the normal 10% threshold of significance. This contrasts with the 16.5 percent deficiency using the City's normal shared parking methodology.

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The use of this ad hoc threshold is inappropriate under CEQA because it is not supported by substantial evidence. The CEQA Guidelines require an agency to support thresholds of significance with substantial evidence. 14 Cal. Code Regs. Sec. 15064.7(c). The Draft EIR is devoid of relevant information that could be used to support a conclusion that this ad hoc threshold is appropriate. Instead, it provides speculation, unsubstantiated opinion, and evidence, all of which is clearly erroneous or inaccurate. It only offers a brief and vague explanation as to why the City's normal threshold was inappropriate, for example referencing "the code's reliance on decades-old data and an incomplete methodology." Draft EIR Appendix D, Shared Parking Analysis, p. 5. There was no attempt to explain why the City's normal threshold would be inappropriate in regard to this project as the City customarily does when applying ad hoc thresholds.

For example, the ULI shared parking model was used in the San Diego Affordable Housing Parking Study but in that case the City justified the application of that threshold with project-specific evidence such as the location of affordable housing projects in dense urban areas where parking areas act as a shared parking pool with some visitors parking on the street and others using transit. Another example is the Comprehensive Parking Plan for Downtown San Diego prepared for CCDC, which also applied the ULI Shared Parking Second Edition but justified it with substantial evidence such as "the urban environment, mode share/transit use, time period, and other characteristics unique to downtown San Diego." Comprehensive Parking Plan for Downtown San Diego, p. E-4. This type of evidence is absent from the One Paseo Draft EIR. Notably, none of the factors that the City used previously to justify the use of the ULI threshold, such as a project's location in a dense urban environment and connection to existing public transit, apply to One Paseo and its suburban Carmel Valley location. The EIR must be revised to include substantial evidence justifying the application of an ad hoc threshold to the Project and must then be recirculated so the public has sufficient time and notice to comment on this information.

The Project's inappropriate use of significance thresholds masks the true parking impacts of the project and its related indirect impacts on traffic, air quality, GHG, and noise that result from increased idling and searching for parking spots in a project deficient by hundreds of parking spaces. These impacts were not disclosed in the Draft EIR, and need to be included in a recirculated EIR so that the public can comment on them.

The revised EIR must be subjected to the same "critical evaluation that occurs in the draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822.

Recirculation is further warranted because public interest in the Project is very high. Many community members commented on the Draft EIR, and many of them may have different comments now that the Project has changed significantly. For example, Donahue Schriber will certainly be impacted by the Project changes as an adjacent landowner and would like the opportunity to comment on a revised EIR analyzing the impacts of the substantial changes. The option of commenting on the Final EIR is insufficient because at that point the analysis will have been solidified. Moreover, the lack of a formal notice procedure absent recirculation would likely exclude comments from many interested parties.

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III. Conclusion

After considering this information, which may not have previously been available to staff, we believe it is evident that all of the criteria for recirculation set forth in CEQA Guidelines section 15088.5 are present with One Paseo. But recirculation may be required even if none of the elements of CEQA Guidelines section 15088.5 are met. See *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal App 4th 74 (court ordered recirculation without citing triggering events of CEQA Guidelines section 15088.5 based on comments pointing out a groundwater analysis flaw) and *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal App 4th 99 (court ordered recirculation without citing triggering events of CEQA Guidelines section 15088.5 based on disclosure of a new mitigation measure after completion of public review).

A determination not to recirculate could not be supported by substantial evidence because several qualified experts have presented evidence showing that significant impacts are likely to occur, as detailed in the analysis from Ziebarth Associates and LSA as well as our May 29, 2012 comment letter. Opinion evidence submitted by a qualified expert, showing that significant impacts may occur, is usually conclusive. *City of Livermore v. LAFCO* (1986) 184 Cal App 3d 531, 541. When there is conflicting evidence on the nature or extent of a project's impacts, an agency must accept the evidence tending to show that the impact might occur. Evidence to the contrary is irrelevant because the agency cannot weigh competing evidence. *Architectural Heritage Ass'n v. County of Monterey* (2004) 122 Cal App 4th 1095, 1114.

For all of these reasons, we request that the City recirculate the Draft EIR before preparation of the Final EIR. At the very minimum, the Final EIR should be circulated for public review and comment.

Additionally, in light of the misstatements made by City Staff at the March Carmel Valley Community Planning Board meeting, we would like to respectfully request that the City correct the mistake and either issue a letter to the board that contains the correct information or address the corrected information before the board at their April meeting.

COMMENTS

RESPONSES

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Kelly Broughton
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Please contact me if you have any questions regarding our analysis or request.

Sincerely,



John E. Ponder
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH408224386 5

cc: Martha Blake, Development Services Department - mblake@sanidiego.gov
Councilmember Sherri Lightner - sherrilightner@sanidiego.gov
Bob Fuchs - Bobfuchs@san.rr.com
Renee Mezo, Development Services Department - rmezo@sanidiego.gov
Elizabeth Schreiber, Donahue Schnber - ESchreiber@dsrg.com

COMMENTS

RESPONSES

EXHIBIT 1



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April 4, 2013

Elizabeth R. Schreiber, SCSM, CSM
Vice President and General Manager
Donahue Schreiber Realty Group
12925 El Camino Real, Suite J2-2
San Diego, CA 92130

Subject: Review of *Traffic Impact Analysis for One Paseo*, prepared by Urban Systems
Associates, Inc., March 23, 2012

Dear Ms. Schreiber:

LSA Associates, Inc. (LSA) was asked to review the *Traffic Impact Analysis for One Paseo* (TIA), prepared by Urban Systems Associates, Inc., March 23, 2012, to determine whether a 150,000-square-foot (sf) expansion of the Del Mar Highlands Town Center (Town Center) was included in the cumulative condition traffic base. The results of that review are summarized in this technical memorandum. This review used the resultant traffic forecasts and traffic volumes illustrated in the TIA Figures to confirm the absence of the Town Center expansion in the near-term cumulative horizon. Furthermore, LSA reviewed the underlying traffic model databases to determine whether an additional 150,000 sf could be accurately assigned to the area of the Town Center. The results of this analysis are documented as follows.

The TIA does not include any additional trips from the Del Mar Highlands Town Center in its cumulative traffic analysis. First, LSA examined Appendix F of the TIA, which contains information regarding the cumulative projects. Appendix F contains trip generation and trip assignment data for Flower Hill Promenade, Via de la Valle Townhomes, Rancho Del Mar, the Heights at Del Mar, Carmel Valley Residence Inn, Torrey Reserve and Torrey Reserve Phase IV, Torrey Hills, Gables, Seabreeze Carmel View, Pepper Tree Point, and the 22nd District Agricultural Association (DAA) Master Plan Update. Trip generation or trip assignment data for the Del Mar Highlands Town Center are not contained in Appendix F to the TIA.

Second, LSA took steps to confirm that the information contained in Appendix F of the TIA was a complete list of data included in the cumulative traffic analysis. Of the projects included in Appendix F, only the Heights at Del Mar was forecast to add trips to the intersection of El Camino Real and Del Mar Heights Road. Figure 7-2 in the One Paseo TIA (attached) illustrates the summation of all cumulative project traffic at study area intersections. Traffic volume shown on Figure 7-2 for Intersection 13, Del Mar Heights Road/El Camino Real, is entirely accounted for by trips forecast for the Heights at Del Mar. In addition, Figure 7-2 illustrates the cumulative traffic volume at Intersection 18, El Camino Real/Del Mar Highlands Town Center. The cumulative traffic analysis only analyzed the north-south through traffic volume added to this intersection. This north-south traffic is also the result of the Heights at Del Mar. No additional traffic on the west leg of the intersection was added to account for growth of Del Mar Highlands Town Center.

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04/04/17 09:14:00 AM

These findings lead to the conclusion that no additional trips from the Del Mar Highlands Town Center are included in the One Paseo cumulative traffic forecasts.

Additionally, LSA reviewed the underlying San Diego Association of Governments (SANDAG) traffic model database to attempt to locate any land use or socioeconomic data that would indicate the traffic model used for the One Paseo TIA including the Town Center expansion. Two traffic analysis zones (TAZs) are identified as comprising the Town Center (TAZs 1730 and 1742). Data from both the SANDAG Series 10 and Series 11 versions were reviewed for these TAZs. No change is evident in the number of uses in TAZ 1730 that could be attributable to a Town Center expansion. Within TAZ 1742, a change in the Community Commercial use may be a candidate for the growth in traffic attributable to a Town Center expansion. However, the amount of change in this use type is provided in acres (18.4 acres in 2010 and 22.2 acres in 2020 in the Series 10, 18.5 acres in 2010/2020, and 22.3 acres in 2030 in the Series 11), which is inconclusive in its association with Town Center, and the total change of roughly 3.8 acres is not sufficient growth (absent roadways, easements, parking and other dedications and intensity limits) to account for 150,000 sf of land use.

Therefore, LSA concludes, based on its review of the TIA output and the underlying SANDAG model database, that the Town Center expansion of 150,000 sf is not present in the near-term cumulative horizon.

Sincerely,

LSA ASSOCIATES, INC.



Anthony L. Petros
Principal

Attachment:

4/4/17 09:14:00 AM

2

Increase from prev. per.
decrease from prev. per.

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1742 (Balance of Town Center designated land)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1743 (Employment Center East of High Bluff Dr.)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1755 (Employment Center West of High Bluff North Section)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

1. Zone 1740-Code 5004, 5005, why do trips go up in 2010, 2020, and 2030 while acreage remains the same?
2. Zone 1742-Code 5003, does 3.8 acre increase from 2010 to 2020 correspond to currently vacant 3.84 acre parcel? (See data map & aerial photo)?
3. Zone 1730 & 1742-Code 5004 (Town Center), The Del Mar Highlands Town Center owner indicates that it has a remaining, unbuilt entitlement of approximately 150,000 SF of community commercial. Do the Series 10 projections appear to have included such a significant additional community commercial development over and above the 3.8 acres mentioned above?
4. Zone 1755-Code 6002, Trip/acre range from 195 to 200, why the difference? Employment Center land is zoned for 0.5 F46, and using City's logarithmic formula generates about 18 ADT/1000 SF or 371 ADT/acre (18,560 SF/acre X 51 ADT/1000 SF X 18,560) - even 12 ADT/1000 would go to 261 ADT/1000, why such a big difference relative to 200?
5. From a traffic projection perspective, does it make sense to add trip generation for a proposed additional entitlement using the City's Trip Generation Manual methodology to the 2030 SANDAG's projection to estimate a revised traffic

Excerpts from SANDAG Series 10 Traffic Projections

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1742 (Balance of Town Center designated land)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1743 (Employment Center East of High Bluff Dr.)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

Zone 1755 (Employment Center West of High Bluff North Section)

Code	Description	Unit	2000	2010	2020	2030	2040
4112	Right of Way	acre	4.3	4.3	4.3	4.3	4.3
5003	Community Cnl	acre	13.9	8,373	13.9	9,427	13.9
5004	Neighborhood Cnl	acre	5.3	5,204	5.5	5,854	5.5
Total			23.7	13,577	23.7	14,832	23.7

- A. Zone 1730-Code 5003, ADT/acre 1.5-5% higher than Zone 1742-Code 5003, why?
- B. Zone 1743-Code 5003 shows 11.8 acres Community Commercial being built by 2010, while Series 10 shows 0. Where is this Community Commercial? What change in the Community Plan supports this change and when did this take place?
- C. Zone 1755-Code 6002 shows ADT/acre 7.18% higher than Zone 1743 and 75-85% higher than Series 10 Trip Generation. Why? See Question 4 at left.
- D. Zone 1743-Code 5003, What does "under construction" traffic mean? It's not very significant, but to have the same acreage under construction for 20 years seems strange. It doesn't appear to move up to a completed status in subsequent years.
- E. Do SANDAG projections take into account recessionary periods that might increase vacancy which might decrease traffic?

One Paseo
Kilroy Realty

Urban Systems Associates, Inc.
March 23, 2012

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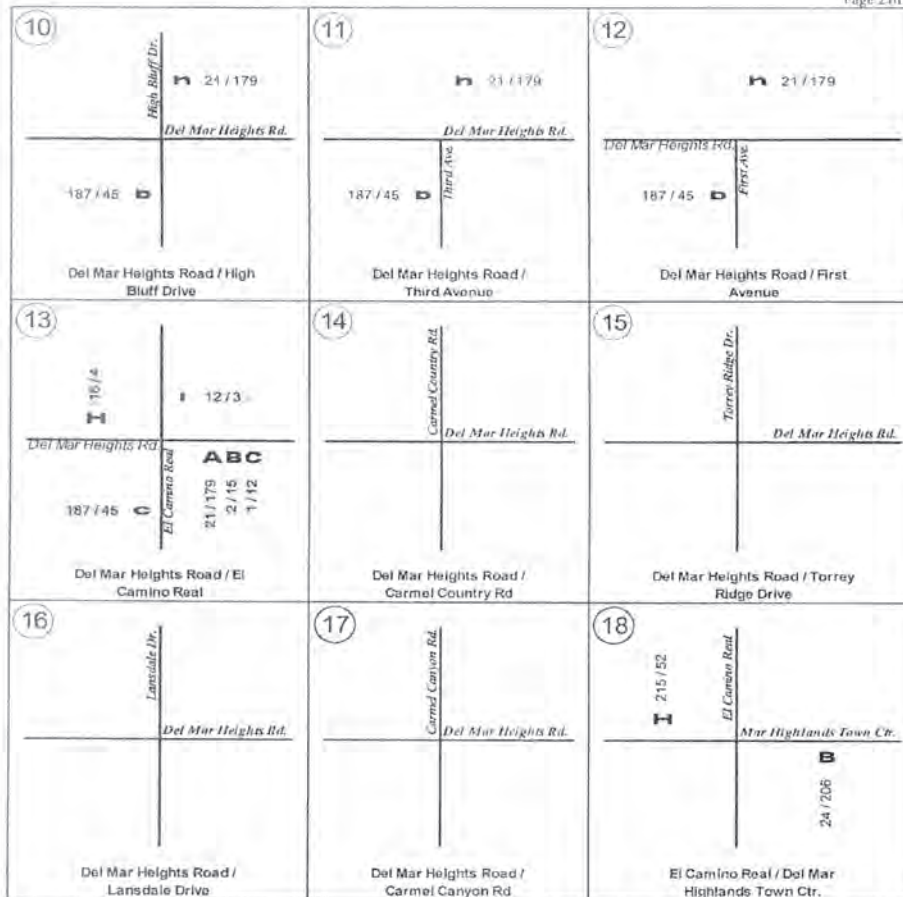


FIGURE 7-2

Cumulative Projects AM/PM Peak Hour Traffic Volumes

COMMENTS

RESPONSES

EXHIBIT 2



ZIEBARTH ASSOCIATES

April 4, 2013

John Ponder, Esq.
Sheppard, Mullin, Richier & Hampton, LLP
19th Floor
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San Diego, CA 92101

Re: One Paseo Shared Parking Analysis

The Draft Environmental Impact Report analyzed the potential significant impacts of shared parking proposed for the One Paseo project. The DEIR identified the City of San Diego threshold of significance for parking as follows:

DEIR 5.2.3 Impact

Issue 3: Would the proposed project result in effects on existing parking?

Impact Thresholds

In accordance with the City's Significance Determination Thresholds, parking impacts would be significant if the project would result in the following:

- *The on-site parking supply is deficient by more than 10 percent of the required amount of parking (per the LDC) and the parking shortfall would substantially affect the availability of public parking in the vicinity of the project.*

The DEIR identified a parking demand per the LDC of 4,511 spaces and One Paseo provided 4,089 spaces or a 9.4% deficiency which was below the threshold of significance identified above. Appendix D Shared Parking Analysis factored in a shared parking reduction for residential in the 4,511 spaces. However, One Paseo has stated that the residential parking is reserved and will not be shared with the non-residential. Thus, the DEIR understated the deficiency in parking between the LDC and the proposed Project.

The following is an analysis of the revised project parking requirements per the city's LDC shared parking methodology in Section 142.0545.

Use	Area	Park'g Rate	Park'g Demand	Peak %	Peak Noon Weekday
Office	198,840	3.3/1,000*	1,646	90	1,481
Retail	198,500	5/1,000	993	100	993
Restaurant	49,625	15/1,000	744	100	744
Cinema	1,200 seats	1/3.3 seats	364	30	109
Non Residential			3,747		3,327
Residential (per DEIR)			1,090		1,090
Parking Demand per LDC w/					
Shared Parking Methodology					4,417 spaces
One Paseo Providing					3,688 spaces
On-site Parking Supply Deficiency per LDC					729 spaces or 16.5%

Architecture / Planning

2900 Fourth Ave Ste 204 San Diego, CA 92103 Phone 619.233.6450 Fax 619.233.6449 2222336449

COMMENTS

RESPONSES

Conclusion: The proposed deficiency between the parking provided in One Paseo Project and the Land Development Code Shared Parking ordinance (16.5%) exceeds the 10% threshold of significance established by the City of San Diego. This is a change in the percentage of parking deficiency from the DEIR based on the revised project.

Respectfully,



John C. Ziebarth, AIA, LEED AP

SheppardMullin

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File Number: 15BK-151318

January 11, 2013

VIA E-MAIL AND U.S. MAIL

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Re: Recirculation of One Paseo Draft Environmental Impact Report (Project No. 193036)

Dear Mr. Broughton:

On behalf of our client, Donahue Schriber, Inc., owner of the Del Mar Highlands Town Center, we respectfully request that the City of San Diego recirculate the Draft Environmental Impact Report EIR for the One Paseo project (the "Project") located at 12910 Del Mar Heights Place in Carmel Valley. The Project's website and recent news articles report that the Project has undergone major changes in land uses, design, and environmental impacts since the Draft EIR was circulated for public review. Recirculation of the Draft EIR is now required for the following reasons.

- 1) The Draft EIR was fundamentally inadequate because the Draft EIR did not contain the bare minimum contents required by the CEQA Guidelines and because the Project has changed substantially from what was analyzed in the Draft EIR.
- 2) The project revision constitutes new information that discloses a substantial increase in the severity of environmental impacts and feasible alternatives and mitigation measures that would reduce impacts.
- 3) The public deserves the opportunity to comment on the new information before mitigation measures and alternatives are solidified in the Final EIR.

Failure to recirculate would violate the legal test as set forth by the California Supreme Court:

"[W]e conclude that the addition of new information to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement...[R]ecirculation is not required where the new information added to the EIR 'merely clarifies or amplifies...or makes insignificant modifications in...an adequate EIR.'" *Laurel Heights Improvement Association v. Regents of the*

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January 11, 2013
Page 2

University of California (Laurel Heights II) (1993) 6 Cal.4th 1112, 1129-30 (italics in original).

Recirculation is also required when a draft EIR is "so fundamentally and basically inadequate and conclusory in nature" that public comment on the draft EIR was essentially meaningless. *Laurel Heights II*, 6 Cal.4th at 1130. *Laurel Heights II* provided the basis for the recirculation criteria set forth in CEQA Guidelines section 15088.5. To comply with the case law and CEQA Guidelines requirements, the City must recirculate the Draft EIR prior to issuance of the Final EIR.

I. Draft EIR Was Fundamentally Inadequate

The Draft EIR was fundamentally inadequate because the Draft EIR did not contain the minimum required contents of an EIR set forth in CEQA Guidelines sections 15122-31 and because the Project has changed substantially from what was analyzed in the Draft EIR.

The Draft EIR lacks many of the most fundamental requirements of an EIR. The leading CEQA treatise states that if the Draft EIR lacks one of the basic components outlined in CEQA Guidelines sections 15122-31, "the defect(s) cannot be cured without recirculating the revised document for public review and comment prior to certification." *Guide to the California Environmental Quality Act*, 11th edition; by Michael H. Remy, Tina A. Thomas, James G. Moose, and Whitman F. Manley, at 356-57. Here, the Draft EIR lacks several of these basic components. It fails to include a general description of the Project's economic characteristics in the project description section, as required by CEQA Guidelines section 15124(c). This is especially concerning, because as the Draft EIR noted, urban decay is one of the main areas of controversy and economic characteristics are a primary basis for determining the existence of urban decay. Nor does the Draft EIR project description section contain a list of agencies that are expected to use the EIR in their decision-making or a list of environmental review requirements from other agencies, as required by CEQA Guidelines section 15124(d)(1). In addition, the Draft EIR includes an inadequate discussion of environmental effects, mitigation measures, alternatives, and cumulative impacts as required by CEQA Guidelines sections 15126.2, 15126.4, 15126.6, and 15130. For example, The Draft EIR omitted consideration of Del Mar Highland Town Center's fully approved but not built 150,000 s.f. of retail in its traffic analysis. Please see our May 29, 2012 comment letter on the Draft EIR for more detail regarding these inadequacies.

Public comment on the Draft EIR was of limited value because the Project presented in the Draft EIR no longer exists. In *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, the court indicated that any change to a proposed project that creates a "different" or "more severe" environmental effect triggers the requirement to recirculate. Here, the Project has changed its mix of uses, eliminating the hotel uses, reducing the corporate office and commercial retail uses, thus increasing the proportion of the overall square footage that is residential. These certainly create a "different" environmental effect and also create "more severe" effects as discussed in more detail below.

SheppardMullin

Kelly Broughton
January 11, 2013
Page 3

II. Project Revisions Disclose Substantial Increase in Impacts and New Feasible Mitigation

The project revision constitutes new information that is significant because it will substantially increase the severity of some environmental impacts and show that there are feasible mitigation measures and alternatives different than what was considered in the Draft EIR. It would be a flaw to conclude that the revised Project has lower impacts due to its lower density. Decreasing the Project's density and changing the mix of uses results in higher direct and indirect impacts.

The Project's mix of land uses has changed in a way that substantially increases environmental impacts. Corporate office was decreased, even though office is the most compatible use for the site given the existing entitlement for office and the location of the Project in the North City West Employment Center Precise Plan which requires office uses for the project site. The revised Project is much more residential in nature than the Project analyzed in the EIR. Residential is now the predominant land use at the Project making up 66% of the total, whereas the project analyzed in the Draft EIR was well under half residential. This converts the Project from a "Main Street" for Carmel Valley to just another home development with ancillary retail and office uses. Now the Project is much less compatible with the office and industrial uses that abut the Project on its southwestern boundary. As another example of the increased impacts resulting from the change in the land use mix, whereas previously residents could walk to much of the work and retail, now more of them will have to drive off-site and clog Carmel Valley's roads to reach other office and retail locations. The Project as proposed now is much less self-contained than the Project analyzed in the EIR, so fewer credit can be taken for pedestrian trips within the site. The EIR must be recirculated to analyze these substantially increased direct impacts.

The Project's revisions also disclose a substantial increase in the severity of indirect impacts. If not built at One Paseo, the retail, office, and hotel space will be built somewhere else, resulting in increased air quality, public services, traffic, and other impacts at that location. The EIR must be recirculated to include analysis of the reduced project's displacement impacts.

The changes in the Project have also disclosed that there are new feasible mitigation measures and alternatives that were not previously analyzed in the Draft EIR. For example, it may now be feasible to mitigate the Project's traffic impacts with a mitigation plan that was different than was proposed in the Draft EIR which assumed a higher density project. The deletion of the mitigation measures that were required for the higher density project should undergo public review because the deletion of these mitigation measures and replacement with other measures could have their own significant impacts, which must be analyzed in a recirculated EIR.

III. Public Must Have Opportunity to Comment on a Revised Draft EIR

The revised EIR must be subjected to the same "critical evaluation that occurs in the draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822.

Recirculation is further warranted because public interest in the Project is very high. Many community members commented on the Draft EIR, and many of them may have different comments now that the Project has changed significantly. For example, Donahue Schriber will certainly be impacted by the Project changes as an adjacent landowner and would like the

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opportunity to comment on a revised EIR analyzing the impacts of the substantial changes. The option of commenting on the Final EIR is insufficient because at that point the analysis will have been solidified. Moreover, the lack of a formal notice procedure absent recirculation would likely exclude comments from many interested parties.

IV. Conclusion

As demonstrated above, all of the criteria for recirculation set forth in CEQA Guidelines section 15088.5 are present with One Paseo. But recirculation may be required even if none of the elements of CEQA Guidelines section 15088.5 are met. See *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74 (court ordered recirculation without citing triggering events of CEQA Guidelines section 15088.5 based on comments pointing out a groundwater analysis flaw) and *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99 (court ordered recirculation without citing triggering events of CEQA Guidelines section 15088.5 based on disclosure of a new mitigation measure after completion of public review).

A determination not to recirculate could not be supported by substantial evidence because several qualified experts have presented evidence showing that significant impacts are likely to occur, as detailed in our May 29, 2012 comment letter. Opinion evidence submitted by a qualified expert, showing that significant impacts may occur, is usually conclusive. *City of Livermore v LAFCO* (1986) 184 Cal.App.3d 531, 541. When there is conflicting evidence on the nature or extent of a project's impacts, an agency must accept the evidence tending to show that the impact might occur. Evidence to the contrary is irrelevant because the agency cannot weigh competing evidence. *Architectural Heritage Ass'n v County of Monterey* (2004) 122 Cal.App.4th 1095, 1114.

For all of these reasons, we request that the City recirculate the Draft EIR before preparation of the Final EIR. At the very minimum, the Final EIR should be circulated for public review and comment.

Please contact me if you have any questions regarding our analysis or request.

Sincerely,



John E. Ponder
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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May 29, 2012

File Number: 158K-151316

Hand-Delivered

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Re: Draft Environmental Impact Report for One Paseo (Project No. 193036)

Dear Ms. Blake:

On behalf of our client, Donahue Schriber, Inc., owner of the Del Mar Highlands Town Center, we appreciate the opportunity to comment on the Draft Environmental Impact Report ("EIR") for the One Paseo Project (the "Project") located at 12910 Del Mar Heights Place in the Carmel Valley community of the City of San Diego (the "Project site"). We believe, as drafted, the EIR fails to fully comply with the California Environmental Quality Act of 1970 ("CEQA"), due to its failure to accurately and adequately discuss and analyze all of the components required under CEQA, including, but not limited to: (1) a reasonable range of alternatives; (2) traffic impacts and circulation issues; (3) consistency with the City of San Diego General Plan ("General Plan"), the Carmel Valley Community Plan ("Community Plan"), the Carmel Valley Precise Plan ("Precise Plan") and the community character; (4) water supply assessment and analysis; and (5) the potential for urban decay.

The proposed development includes 1,857,400 gross square feet consisting of 270,000 gross square feet of commercial retail, 557,440 gross square feet of commercial office, 100,000 gross square feet for a 150-room hotel, and 930,000 square feet for 608 multi-family residential units at full build out. The Project would also include public spaces, internal roadways, landscaping, hardscape treatments, utility improvements and parking facilities to support these uses. Currently, the Project site consists of primarily graded vacant land. As alternatives to the Project, the EIR considers No Project/No Development, No Project/Development Under Existing Plans Alternative, Commercial Only, Medical Office/Senior Housing Alternative, and No Retail Alternative. The City of San Diego (the "City") is the lead agency for the Project and Kilroy Realty LP is the "Applicant."

We previously submitted extensive comments on the Project's Notice of Preparation ("NOP"). Unfortunately, the EIR reflects many of the same deficiencies that existed in the NOP. The EIR continues to underestimate the serious impact that the Project will have for the Carmel

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Valley community. The EIR fails to fully analyze the Project's significant impacts and offers neither adequate mitigation nor a reasonable range of alternatives that can feasibly reduce its impacts to below a level of significance while preserving the primary goals of the Project and the applicable land use plans. Therefore, the EIR must be revised and recirculated in compliance with CEQA.

Land use experts have been peer reviewing the EIR, so the public and the decisionmakers at the City can adequately understand the environmental impacts, what mitigation measures are truly feasible and what alternatives are truly available to make this Project fit Carmel Valley's character. In conjunction with our extensive review and comments provided in this letter and incorporated attachments, we reserve the right to further comment on the EIR should we discover additional deficiencies.

Experts reviewing the Project along with this firm include Valorie Thompson, Bill Darnell, Gerald Trimble and John Ziebarth. Ms. Thompson is the owner and Principal Engineer of Scientific Resources Associated and is an expert air quality and greenhouse gas emissions engineer. Mr. Darnell is the Firm Principal and Project Manager for Darnell & Associates, Inc. and is an expert transportation planning and traffic engineer. Mr. Trimble is the Managing Principal of Keyser Marston Associates, Inc., San Diego and specializes in providing market and fiscal analysis of real estate development projects. Mr. Ziebarth is the owner and Principal Architect for Ziebarth Associates and is a licensed architect with expertise in land use planning, aesthetics and building design. Each of these experts provided an extensive technical analysis, which are attached hereto as Exhibits A through D. The comments contained in these reports have been incorporated into the body of this letter for your consideration.

Our primary concern is that the Project's massive density, at almost two million square feet on a constrained 23.6-acre site, is inconsistent with Carmel Valley's primary planning objective of providing a balanced community. The Applicant is proposing a high intensity urban development that is out of character and incompatible with the suburban nature of Carmel Valley. The Project's proposed land use change will result in significant impacts on the community's circulation system which were not planned, designed or constructed to accommodate the traffic generated from a project of this magnitude.

In addition to traffic, potential impacts arise due to the incompatibility of the proposed Project with the community in the areas of economic decay, visual quality, noise, air quality, recreation and water supply. Many of these impacts can be mitigated to below a level of significance by simply analyzing and adopting a reduced density, mixed-use Project alternative or the Development Under Existing Plans Alternative described in the EIR. Under the Existing Plans Alternative, the Project site would be developed with Employment Center uses (510,000 square feet of corporate office uses and associated parking) and would be consistent with the current land uses and zoning designations of the Community Plan, Precise Plan, and Carmel Valley Planned District Ordinance ("PDO").

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I. General Overview of CEQA

CEQA was enacted to ensure that state and local governmental agencies fully consider the environmental implications of their discretionary governing actions.¹ The California Supreme Court has repeatedly affirmed that CEQA must be interpreted liberally "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."²

Two of the central purposes of CEQA are to inform governmental decisionmakers and the public about the potential significant environmental effects of a proposed project and to identify ways that environmental damage can be avoided or significantly reduced.³ The EIR is the heart of CEQA.⁴ As noted by the California Supreme Court, the EIR:

"is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to 'take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' (§ 21001, subd. (a)). . . . Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. The EIR process protects not only the environment but also informed self-government."⁵

An EIR must 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."⁶ The EIR must contain facts and analysis, not just the bare conclusions of a public agency. An agency's opinion concerning matters within its expertise is of obvious value, but the public and decisionmakers, for whom the EIR is prepared, must also have before them the basis for that opinion so as to enable them to make an independent, reasoned judgment.⁷ The certification of an EIR constitutes a prejudicial abuse of

¹ 14 Cal. Code of Regs. §§ 15000 *et seq.* (the "Guidelines"); Selmi, *The Judicial Development of the California Environmental Quality Act*, 18 U.C.D. L. Rev. 197, 202 (1984).

² *Laurel Heights Improvement Ass'n. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 390 (*quoting Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259).

³ Guidelines §§ 15002(a) and (b).

⁴ Guidelines § 15003(a).

⁵ *Laurel Heights, supra*, 47 Cal.3d at 392.

⁶ Guidelines § 15151.

⁷ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (*quoting Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831).

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discretion if the failure to include relevant information precludes informed decisionmaking and informed participation, thereby thwarting the statutory goals of the EIR process.⁸

II. General Comments**A. The EIR Lacks of a Reasonable Range of Project Alternatives**

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as the environmental aspects are concerned." The alternatives analysis must fulfill CEQA's mandate to examine a "reasonable range" of alternatives aimed at avoiding or reducing the significant impacts of the proposed project. An EIR's alternatives analysis should be rejected when it does not include alternatives that would reduce significant impacts and achieve most Project objectives and when the EIR fails to include a reasonable explanation of the decision to exclude that alternative.

The Project's Alternative analysis fails to comply with the CEQA-mandated requirements because: (1) it contains an overly narrow range of alternatives in light of the primary Project objective and its environmental effects by omitting the consideration of a smaller mixed-use Project; (2) it lacks the required discussion of potential alternative locations for the Project; and (3) it cursorily rejects environmentally superior alternatives that meet most of the basic Project objectives without sufficient reasoning.

B. The Project is Inconsistent with Applicable Land Use Plans and Community Character

CEQA requires an EIR to discuss any inconsistencies between a proposed project and applicable general, specific and regional plans. As currently written, the Project's EIR contains a 105-page summary of the Project's consistencies with the General Plan but omits discussion of any inconsistencies. This ignores the Project's inconsistencies with multiple land use policies within the General Plan including, but not limited to: (1) the requirement to maintain community character; (2) the Project's designation as a "Village Center" when its characteristics match an "Urban Center"; (3) physical characteristics required of the site; and (4) required transit-oriented development.

The Community Plan and Precise Plan envision employment and industrial uses on the site. The low and moderate scale intended for these uses under the plans creates a horizontal mixed-use community village. The Project would create a dense vertical urban village, in stark opposition to the site's intended purpose. Furthermore, amending the applicable land use plans, as proposed by the EIR, would designate an urban village in a suburban area that would generate several inconsistencies with other elements of the applicable land use plans.

⁸ *Kings County, supra*, 221 Cal App.3d at 712.

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The Project's scale, at almost two million square feet on only a 23.6 acre site, is inconsistent with Carmel Valley's primary planning objective of providing a balanced community. The Project's density is nearly four times what is currently allowed and is unlike anything in Carmel Valley. Additionally, the Project's vertical design, consisting of two 199-foot tall buildings, a nine-story, a six-story and a five-story building, obviously contrasts with the community character and existing development, which contains nothing over four stories.

C. The EIR Does Not Fully Address the Cumulative Impacts of the Project

The EIR must analyze both the Project's direct and cumulative impacts.⁹ Failing to do so would constitute a form of "piecemealing" which would violate CEQA.¹⁰ "Under CEQA, the agency must consider the cumulative environmental effects of its action before a project gains irreversible momentum."¹¹ The cumulative impacts analysis should also consider the impacts of past projects.¹² Numerous projects within the Carmel Valley vicinity have already been constructed, approved or are currently pending, which, considered cumulatively, may have substantial environmental impacts. Such projects include the Pacific Highlands Ranch Project, Del Mar Fairgrounds Master Plan, University Town Center Revitalization Project and Black Mountain Ranch North Village Project, in addition to the approved and not built 150,000 square foot expansion of the Del Mar Highlands Town Center.

The Project may not avoid its fair share of mitigation by improperly relying on mitigation measures from approved projects. Several approved projects in the community have provided mitigation measures to offset full impacts from their entitlements, yet have not fully built out. The Project cannot reduce its legally required mitigation by using mitigation measures from approved projects to offset its environmental impacts.

D. The EIR Does Not Fully Analyze the Project's Indirect and Displacement Impacts

CEQA requires lead agencies to consider indirect impacts from a project.¹³ "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."¹⁴ An indirect environmental impact is a change in the physical environment that is not immediately related to

⁹ Guidelines §§ 15126.2(a), 15130.

¹⁰ See *Orinda Ass'n v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171; see also *Las Virgenes Homeowners Fed'n, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306.

¹¹ *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333.

¹² See *Env'tl. Prot. & Info. Ctr. v. Cal. Dept. of Forestry & Fire Prot.* (2008) 44 Cal.4th 459, 523.

¹³ *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 (EIR required for golf course project because adverse impacts would result indirectly from later residential development that might be attracted to area by development of golf course).

¹⁴ Guidelines § 15126.2(a).

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the project but that is caused indirectly by the project, occurs later in time or is farther removed in distance than direct effects.¹⁵ Additionally, CEQA requires analysis of whether a lead agency's action results in the displacement of development to other areas.¹⁶

There are several potentially significant indirect or displacement impacts that should have been fully analyzed in the EIR. For example, the Project could foster economic or population growth, which could encourage activities that have a significant effect on the environment, either individually or cumulatively. In addition, the Project could draw retail customers from great distances, thus indirectly causing increased greenhouse gas ("GHG") emissions and exacerbating impacts to air quality. Changing the zoning designation from Carmel Valley Planned District-Employment Center ("CVPD-EC") to Carmel Valley Planned District-Mixed-Use Center ("CVPD-MUC") could displace a commercial or industrial use that will then be sited in another location, with corresponding adverse environmental impacts in that area. However, the EIR does not adequately or correctly discuss and assess the potential for urban decay, increased GHG emissions or other related environmental impacts.

Appendix G to the CEQA Guidelines provides a list of issues that should be considered in preparation of an EIR, which includes "population and housing."¹⁷ The EIR failed to analyze whether the cumulative impacts of additional retail and office uses would induce substantial population growth within the region, or whether eliminating the employment/industrial designation and diverting jobs to other locations would displace substantial population growth to those other areas.¹⁸ Further, decreasing the job base in the City could have significant adverse fiscal, socioeconomic and physical impacts, and the Project could have a significant impact on affordable housing. The EIR failed to properly analyze these potential impacts.

E. The Project's Massive Size and Density Will Cause Economic and Urban Decay

The EIR violates CEQA by not fully considering potentially significant impacts to economic and urban decay. The Project could result in economic pressures to nearby and distant retail and office properties, potentially causing those users to go out of business, which could lead to deterioration and blight conditions resulting from vacant buildings and neglect. The City's Community and Economic Development Department has concluded that certain retail centers have the potential to cause urban blight.¹⁹ Moreover, elimination of the Employment Center land use designation and construction of new residential units could exacerbate the current decay resulting from unoccupied housing, partially-constructed developments and

¹⁵ Guidelines §§ 15064(d)(2), 15358(a)(2).

¹⁶ *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 383.

¹⁷ Guidelines, § 15000 et seq., Appendix G, § XII.

¹⁸ *Id.* at § XII.

¹⁹ Fiscal and Economic Impacts of Large Retail Establishments, City of San Diego Community and Economic Development Department, August 2004.

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foreclosed homes. Likewise, the construction of additional office and commercial square footage could compound the existing decay resulting from the high commercial office vacancy in Carmel Valley and surrounding areas.

The EIR dismisses economic and urban decay as a potentially significant impact based upon the false assumption that there will be excess retail demand in the market area once other planned commercial areas are built out. However, the market and fiscal impact study the Applicant uses to demonstrate excess retail demand is based on inaccurate data regarding retail sales per square foot. One critical inaccuracy regarding net supportable retail space deals with retail sales per square foot annually. The market study uses a sales per square foot ("sales/SF") annually number of \$300/square foot to illustrate a supportable demand of 1,699,300 square feet. If a realistic sales/SF number of \$500 - \$700/square foot is used it reduces the estimated demand by over 50 percent. The Project development of 220,000 square feet plus the approximately 800,000 square feet of proposed retail square feet in the Trade Area would exceed demand which could force retailers to close due to insufficient demand. Accordingly, the EIR provides no substantial evidence to justify a conclusion that there is excess retail demand and no potentially significant environmental impacts from urban decay. The Project proposes to drastically exceed the densities proposed in the applicable land use plans, despite the ongoing and severe economic crisis which has imposed enormous financial constraints on retail, office and residential users, and given that the Project development will admittedly be driven by market conditions. In contrast, a reduced density, mixed-use Project alternative or adoption of the Existing Plans Alternative described in the EIR would reduce potential impacts of urban decay.

F. The EIR Improperly Defers Analysis of Environmental Impacts

Moreover, to satisfy the informational requirements of CEQA,²⁰ the EIR must analyze all reasonably foreseeable impacts.²¹ Failing to analyze reasonably foreseeable impacts eviscerates one of CEQA's prime purposes, to have, "at the earliest feasible time, project sponsors . . . incorporate environmental considerations into project conceptualization, design, and planning."²² "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."²³ Accordingly, analysis of indirect and displacement impacts should not be deferred. If the EIR does not consider the potentially significant impacts induced

²⁰ It is noteworthy that when the informational requirements of CEQA are not complied with, an agency fails to proceed in a "manner required by law," and has therefore abused its discretion. Pub. Res. Code § 21168.5; see also *Galante Vineyards v. El Dorado County Water Agency* (1999) 78 Cal.App.4th 1428.

²¹ Guidelines § 15064(d); see also *City of Antioch*, *supra*, 187 Cal.App.3d 1325.

²² Guidelines § 15004(b)(1).

²³ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 282; *Mt. Sutro Defense Comm. v. Regents of the Univ. of Cal.* (1978) 77 Cal.App.3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where general flexibility remains").

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by, or indirectly caused by, approval of the Project, the EIR would impermissibly segment the whole of the Project.²⁴ Here, the EIR also does not address how traffic will be mitigated between the Project's construction and 2035, when transit is scheduled to be functional.

III. Specific Comments

The EIR is based on little or no analysis of numerous potential environmental impacts, and it misclassifies impacts based upon erroneous information. For example, the EIR does not sufficiently analyze Project impacts with respect to land use, transportation, air quality, water quality or recreation.²⁵

A. Project Description Violates CEQA

An accurate and stable project description is the *sine qua non* of an informative and legally sufficient EIR.²⁶ The courts have long held that "[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance."²⁷ In other words, without a stable project description, the entire EIR is rendered inadequate.

As the California Supreme Court has recognized, if the project description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake.²⁸ The absence of a definitive siting configuration, the contradictory statements regarding the scope of the Project, the failure to identify the basic technical and economic characteristics of transportation and circulation deficiencies, instead describing multiple and technically very different possibilities with respect to both, undermine the EIR's impact analyses. Without this technical information, it is impossible to adequately analyze the proposed Project when an infinite number of configurations are possible and its technical characteristics, as well as its timing, are in flux or unknown. Consequently, the Project description is inadequate and corrupts the remainder of the EIR.

Furthermore, the EIR's failure to include a stable Project description makes it impossible to determine whether the EIR includes a range of reasonable alternatives to the Project that

²⁴ See *Laurel Heights*, *supra*, 47 Cal.3d at 381 fn. 2.

²⁵ See, EIR, Vol. I.

²⁶ *Kings County*, *supra*, 221 Cal.App.3d at 739.

²⁷ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, 197 (CEQA requires that an EIR's project description, and the accompanying analysis, must be consistent throughout the EIR. If the project description is described differently in different sections of the EIR, these inconsistencies prevent the EIR from serving as a vehicle for intelligent public participation in the decision-making process).

²⁸ See *Laurel Heights*, *supra*, 47 Cal.3d 376.

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could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen its significant impacts.²⁹

As discussed below, the EIR's project description is littered with unstable elements and inconsistencies, which results in a failure to describe or analyze an important component of the Project. Thus, it is virtually impossible to decipher the true extent or likely configuration of the Project, preventing the EIR from serving as a vehicle for intelligent public participation in the decision-making process.³⁰

First, nowhere in the project description is it disclosed that part of the Project is an offsite pedestrian connection to the Neurocrine site, which includes grading and the construction of a ramp and stair system. This is only mentioned in passing in the Visual Effects section. Because this is a Project component, it should be included as part of the project description and its impacts must be analyzed throughout every section of the EIR and each technical study. This failure to consistently describe the Project improperly minimizes the Project's impacts.³¹ Therefore, the EIR's failure to analyze these potentially significant off-site impacts violates CEQA and requires recirculation of the EIR.

Second, as a fundamental matter, the project description must state the objectives sought by the proposed Project.³² Instead of including clearly written project objectives aimed at guiding the selection of alternatives to be evaluated, the EIR presents project objectives that have been contrived simply so that the Project can meet them. In the description of discretionary approvals, the EIR lists a Community Plan, Precise Plan³³ and General Plan amendments, thereby admitting that the Project is not fully consistent with any of these plans. However, the EIR lists consistency with these current documents as a key project objective within the project description.³⁴ If the Project's goal is to be consistent with these plans, then they need to be amended. Additionally, in the alternatives analysis, the EIR states that one objective is to "develop a mixed-use project that would adequately serve the community (which would include retail/commercial uses)..." This objective elsewhere in the EIR does not require the inclusion of retail or commercial uses. Either the project objectives should be revised to add the retail/commercial uses requirement or the alternatives analysis should be revised to conclude that the Medical Office/Senior Housing Alternative, which does not have retail/commercial uses, is indeed consistent with this project objective.

²⁹ Guidelines §15126.6(c).

³⁰ *County of Inyo, supra*, 71 Cal.App.3d at 197.

³¹ *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 655.

³² Guidelines § 15124(b).

³³ North City West Employment Center Precise Plan: Development Unit Number 2 ("Precise Plan").

³⁴ EIR, at p. 3-1.

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Third, the description of the physical environment should include both a local and regional perspective.³⁵ The description should also place special emphasis on environmental resources that are rare or unique to the region and that would be affected by the Project.³⁶ Here, the EIR only analyzes the environmental setting from a local perspective and omits any analysis from a regional perspective. The physical environment description in the EIR also omits any discussion or inclusion of environmental resources which may be rare or unique to the region that would be affected by the Project, despite the known existence of a historic ranch house and the subsequent acknowledgement of highly sensitive paleontological resources on-site.³⁷

B. The EIR Insufficiently Analyzes the Traffic Impacts and Circulation Issues Associated with the Project

While the EIR states that the Project will increase traffic volumes and result in direct or cumulative impacts to the local circulation network and the I-5 freeway,³⁸ the document fails to fully and adequately analyze these impacts, as well as impacts to mass transit and parking. Additionally, the Transportation section of the EIR contains a number of inaccurate statements and deficient assumptions that violate CEQA Guidelines. Such inaccuracies are discussed in more detail below.

Importantly, the EIR does not discuss the Project's integration with the *current* mass transit network, which is nonexistent in the area, despite the requirement of the applicable land use plans to reduce automobile dependence. The General Plan encourages the use of mass transit for compact, mixed-use communities such as the Project.³⁹ In addition, the Precise Plan states:

"A convenient system of public transportation serving the Industrial-Office Park is necessary if the goal of a balanced transportation network and therefore reduced automotive traffic is to be achieved."⁴⁰

Moreover, the Community Plan states:

"Although it is acknowledged that the automobile will play an important part in providing transportation needs for [Carmel Valley], the major

³⁵ Guidelines § 15125(a).

³⁶ Guidelines § 15125(a).

³⁷ EIR, at p. 2-1.

³⁸ *Id.* at p. 8.

³⁹ General Plan, at p. SF-3 to SF-5.

⁴⁰ Precise Plan, at p. 17.

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emphasis of the circulation element is to provide an alternative mode of transportation in order to implement a balanced circulation system.⁴¹

The EIR also fails to properly discuss the trip generation resulting from the Project. Specifically, the trip generation for the Project makes use of the office gross leasable area for the purpose of calculating trips generated for the office uses.⁴² The total gross square footage should have been used for this calculation which is a larger number and would result in more trips being calculated for the Project, and the impacts would be greater. The EIR should identify the trip generation for the 510,000 square feet of employment center office space allowed under the existing plan and compare that to the traffic generated with the proposed Project. The 536,000 square feet of office space in the Project generates 6,236 average daily trips ("ADTs") per Table 5.2-9 compared with 26,961 ADTs for the entire Project after factoring in a five percent mixed-use reduction factor. Thus, at a minimum the Project is anticipated to generate 4.3 times the amount of traffic than anticipated in the Precise Plan. Such a drastic increase must be disclosed within the EIR. Moreover, even after mitigation measures have been implemented, the Project will have a greater traffic impact on the community when compared to the currently approved 510,000-square-foot employment center.

The EIR discusses how the freestanding nature of the individual uses in a shopping center is eroded in developments over 100,000 square feet.⁴³ However, Tables 3-1 and 3-2 separate the individual retail uses to perform the trip generation calculations, as shown in the footnotes to the tables, even when the cumulative size exceeds that limit. This misstates the total trip-making potential of the Project. Furthermore, the method for applying mixed-use discounts to the trips is not reproducible with the information given, particularly for the retail uses.⁴⁴ More clarity on the exact mixed-use or other discounts needs to be provided, and the calculations need to be shown in the EIR.

The EIR also inaccurately discusses the existing conditions, resulting in a skewed baseline. Specifically, the discussion and analysis of intersections within and around the Project site are improper. For example, Intersection One at Via de la Valle at El Camino Real (west) is depicted with future capacity improvements that do not currently exist.⁴⁵ The improved condition was assumed in the 2030 base condition calculation of intersection operations, unlike what was assumed for the adjacent segments. It is not appropriate to assume the improvements in the baseline and then identify the improvements as a mitigation measure. Additionally, Intersection 26 at Carmel Valley Road and I-5 northbound ramps is depicted with four southbound approach lanes that do not exist. The inclusion of projects not in existence violates the recent decision *Sunnyvale West Neighborhood Association v. City of Sunnyvale*

⁴¹ Community Plan, at p. 99.

⁴² EIR, at p. 5.2-1.

⁴³ *Id.* at 5.2-2.

⁴⁴ *Id.*

⁴⁵ *Id.*

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City Council (2010) 190 Cal.App.4th 1351, which held that CEQA requires an EIR to compare the project's potential traffic impacts to the traffic conditions that currently exist. While a lead agency has some discretion in choosing the baseline used for a project's traffic analysis, it cannot select a point later than the certification of the EIR, even when the evidence shows that the project will not be built for a very long time.⁴⁶ However, this is precisely what the EIR has done in regards to traffic and circulation impacts. Under this recent case, the Project baseline and impacts need to be reassessed, and the EIR needs to be recirculated.

The future traffic volumes cited in the Project's traffic study are based on old data (SANDAG Series 10) from the I-5/SR 56 Northbound Connector Study (by LLG) for Caltrans that examined the effect of introducing the north-facing connectors at SR 56 and I-5, among other things.⁴⁷ These volumes differ substantially with subsequent SANDAG forecasts in Series 11 and in Series 12, particularly on El Camino Real and Del Mar Heights Road.

For Intersection Nine at Del Mar Heights and northbound I-5 ramps, the EIR calculates the intersection level of service ("LOS") and makes assumptions for the amount of existing plus Project westbound to northbound right turns on red. The EIR reports an excessive 500 plus vehicles per hour in the existing plus full Project scenario and the 2030 scenario.⁴⁸ The existing physical conditions could not allow this large amount of right-turning traffic, which inaccurately makes the intersection appear to operate better than it can. The EIR makes a mistake for the opposite left turn from eastbound to northbound to enter this ramp.

For Intersection 31 at Valley Center Drive at Carmel Creek Road, the calculation of LOS in the various scenarios uses incorrect signal timing and phasing that underestimates the true impact.⁴⁹ It also identifies some approaches creating an LOS F, which is not acceptable under the City's regulations.

For Intersection 14 at Del Mar Heights Road and Carmel Country Road, the calculation of intersection LOS conditions uses an inconsistent set of assumptions for the peak hour factor that if applied consistently would disclose a significant impact.⁵⁰ As calculated, both 0.95 and 0.90 are used, which underestimates the impact when the 0.95 is used. This Peak Hour Factor parameter in the software for determining intersection delay should be consistently applied in order to comply with City regulations.

Furthermore, due to incorrect analysis, the EIR also contains flawed mitigation measures. Specifically, the EIR states "[n]ear-term traffic volumes were derived by (1) adding volumes from other approved, pending, or planned projects in the project vicinity to existing

⁴⁶ *Sunnyvale West*, 190 Cal.App.4th at 1357

⁴⁷ EIR, at p. 5, 12-1.

⁴⁸ *Id.* at Appendix D.

⁴⁹ *Id.* at Appendix L.

⁵⁰ *Id.* at Table 13-2, Appendix L.

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volumes," but the Traffic Impact Analysis fails to identify approximately 150,000 square feet of additional development to the Del Mar Highlands Town Center that have been entitled and the mitigation already implemented per the conditions of approval.⁵¹ The Project's economic study recognized that Del Mar Highlands Town Center would be expanding.

Additionally, as a mitigation measure, a triple left turn is proposed for the intersection of Del Mar Heights Road and High Bluff Drive to accommodate northbound to westbound movements.⁵² If implemented, this would result in a dangerous condition where the vehicles opposing this movement going left from southbound to eastbound overlap with the northbound to westbound vehicles as assumed in the LOS calculations. This is particularly true for longer wheelbase vehicles. Also, the turning arcs for the inside lanes are too narrow to function safely. The mitigation, as proposed, is infeasible to implement safely.

In addition to the triple left turn infeasibility, the LOS calculations for Intersection 10 at Del Mar Heights Road and High Bluff Drive assume a turning lane capacity of 1,900 vehicles per hour per lane for the triple turn lanes. This is unrealistically high for any turn lane, much less a slow triple turn lane. Accordingly, this is not a feasible mitigation measure.

As mitigation, the EIR proposes an extension of the right turn lane on westbound Del Mar Heights Road to northbound I-5.⁵³ This improvement comes very close to and will conflict with an adjacent AT&T building's service driveway on the western end facing Del Mar Heights Road. Accordingly, this is not a feasible mitigation measure.

Furthermore, several substantial traffic improvement projects are proposed as mitigation measures that have not been programmed for construction.⁵⁴ Yet, a fair share contribution toward their hypothetical construction is proposed along with calculations of the amount of money the project applicant will pay. Paying the fair share percentage of a traffic project is only feasible mitigation once the environmental studies and designs are done, the commitment to construct the traffic project is made, and all the sources of funding have been identified.

The LOS and delay analysis of the two intersections forming the ramp junctures at I-5 and Del Mar Heights Road have been analyzed using different cycle times. The tables state they are coordinated.⁵⁵ Caltrans typically coordinates the signal cycles on either side of an interchange, which the calculations should reflect. Correcting this mistake would disclose longer delays than the EIR shows. In Table 1-3, section 14.2 and in Appendix N of the EIR, it states that the signals along Del Mar Heights Road are coordinated, but the Synchro work sheets show unrelated cycle timing, meaning they are not coordinated. Therefore, the software

⁵¹ *Id.* at 5.2-28.

⁵² *Id.* at Appendix N.

⁵³ *Id.* at Appendix N.

⁵⁴ *Id.* at p. 1-45.

⁵⁵ *Id.* at Appendix N.

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improperly optimized the timing to show a more advantageous result than otherwise would be obtained. This is particularly problematic when the calculations for the two proposed signals servicing the Project along Del Mar Heights Road are examined. These signals should be synchronized with the more substantial arterial intersection at El Camino Real, as well as the High Bluff Drive intersection.

The EIR also does not address parking issues inherent to the Project. Historically, parking has been a challenge at existing properties adjacent to the Project Site. Traditionally, office buildings almost always charge for parking as it's a significant revenue stream for property owners. Existing agreements strictly prohibit paid parking on these properties. Neither the parking analysis nor the EIR address whether or not the Project will charge for parking and unfortunately, the Applicant has offered no assurances. If the Project ends up charging for parking, visitors will likely park in adjacent residential areas or at the Del Mar Highlands Town Center.

Lastly, Attachment Six of the EIR's Appendix Q is supposed to be the intersection delay at build out for the "No Development/Existing Plan" alternative, but the results are exactly the same at every intersection location as those presented for the Project in the traffic study, Appendix C, Table 19-26.⁵⁶ This is incorrect given the dramatically differing size of trip making associated with the Project versus the existing plan alternative described. The EIR fails to provide backup details to explain why these values for two very different alternatives with different traffic volumes are the same. Due to these traffic analyses and mitigation inadequacies under CEQA, the EIR must be revised and recirculated.

C. The Project is Inconsistent with the Existing Visual Quality and Community Character

A lead agency must include a discussion and analysis of a project's aesthetic impacts in the EIR.⁵⁷ Specifically, the EIR must disclose a project's inconsistency with development standards that result in significant aesthetic impacts.⁵⁸ Such an analysis must contain substantial evidence supporting the lead agency's impact determination.⁵⁹

In regards to the Visual Effects/Aesthetic Impacts Section, the EIR is fatally deficient in a number of ways that include, but are not limited to: (i) failure to disclose inconsistency with the General Plan, Community Plan, Precise Plan and development patterns; (ii) inappropriate

⁵⁶ *Id.* at Appendix Q.

⁵⁷ *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (the court rejected a mitigated negative declaration based on claims that a housing development would degrade the existing visual character of a parkway greenbelt setting because of excessive massing, insufficient landscaping, and the creation of a tunnel effect by siting houses with minimal setbacks from a narrow street); *Santiago County Water Dist. v. County of Orange* (1981), *supra*, 118 Cal.App.3d 818.

⁵⁸ *Pocket Protectors, supra*, 124 Cal.App.4th 903.

⁵⁹ *Clover Valley Found. v. City of Rocklin* (2011) 197 Cal.App.4th 200, 243.

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significance determinations; (iii) internal inconsistency; and (iv) inadequate impact and mitigation measure analysis.

The EIR claims the Project site is located at a transition point between land uses within the community and illustrates how the surrounding uses within the community converge at the Project site.⁶⁰ However, this is a misrepresentation of the Project site and surrounding area. The surrounding uses converge at the intersection of El Camino Real and Del Mar Heights Road and not at the Project site. The Precise Plan identified this intersection as the convergence of employment center, commercial and multi-family residential uses to create a mixed-use horizontal village. As one approaches the Carmel Valley community from the I-5 east on Del Mar Heights Road, the visual prominence is the Del Mar Highlands Town Center that was envisioned in the Precise Plan. In contradiction to this, the Project proposes to create a singular high intensity "urban village," which duplicates the surrounding land uses within its boundaries and walls itself off from the rest of the community.

The EIR fails to adequately address the Project's impacts to the visual character of the community, in part because it fails to adequately describe the baseline. For example, the EIR claims the residential development in the community has followed the overall Community Plan principle of concentrating higher densities in the center of the community and lower density residential in surrounding areas, but the EIR fails to define "higher density."⁶¹ The EIR also claims the area is developed with multi-story office buildings ranging between two and twelve stories surrounded by surface parking lots.⁶² However, the EIR fails to disclose that the 12-story structure that is referenced is the Marriott Hotel (not a multi-story office building) and that it is located in the Visitor Commercial Zone (not the Employment Center zone) is not near or in sight of the proposed Project. To comply with CEQA, the EIR should identify the maximum height of the office buildings and how many are over four stories high in the area. If the City is using a one-mile threshold, it should also analyze impacts to other sites within one mile such as Torrey Pines High School, Del Mar Heights residential areas, Overlook Park, Crest Canyon Park, Carmel Valley Middle School and Del Mar Heights High School. Additionally, the EIR contains almost no discussion regarding existing civic uses in the vicinity,⁶³ which is inadequate given the many schools and parks in the area. These misrepresentations result in the EIR's failure to establish a workable baseline, thereby masking the aesthetic impacts.

1. *General Plan Inconsistency*

The visual impact is most striking when comparing the existing regulations under the General Plan to the proposed amendments. Existing development regulations for the Project

⁶⁰ EIR, at p. 5.3-4 ("The confluence of land uses at the project site in a central location within the community further contributes to the visual prominence of the location of the project site.")

⁶¹ *Id.*

⁶² *Id.* at 5.3-6.

⁶³ *Id.* at 5.3-8.

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site include no maximum structure height, a maximum Floor Area Ratio (FAR) of 0.5 and maximum lot coverage of 50 percent for interior lots and 60 percent for corner lots.⁶⁴ Existing setback requirements include no minimum or maximum front or street side setbacks and minimum 10 feet side and rear setbacks.⁶⁵ Residences, most commercial, wholesaling, churches, schools, warehousing and storage, and certain manufacturing operations are currently prohibited on the Project site.⁶⁶ Build out under the existing zoning and applicable plans would allow for approximately 510,000 square feet of employment center uses.⁶⁷ In stark contradiction to these existing regulations, the EIR proposes a maximum of one permitted residential dwelling unit per 1,500 square feet of lot area.⁶⁸ When proposing this amendment, the EIR fails to identify the residential density to the north and northwest and northeast of the Project site, which is MF-1 and MF-3 respectively. MF-1 zoning incorporates a seven du/ac minimum and a 15 du/ac maximum. MF-3 zoning incorporates a 15 du/ac minimum and a 29 du/ac maximum. The Project, under the proposed regulation, would result in 29 du/ac. Thus, the Project is at the upper end of the density even allowed in an MF-3 Zone and is well above the density in the surrounding area.

The visual impacts associated with the Project are also inconsistent with the General Plan despite the EIR's assertion to the contrary. The General Plan requires that buildings be designed to contribute to a positive neighborhood character and relate to neighborhood and community context.⁶⁹ With one- and two-story residential to the north, four-story office to the south and west, and one-story commercial to the east, the Project with its proposed 10-story, high-density mixed-use development⁷⁰ is outside of the bounds the neighborhood character by two and a half times the size of nearby buildings. The Project would destroy the current neighborhood character with its excessively tall buildings. The General Plan requires that developers recognize that the quality of a neighborhood is linked to the overall quality of the built environment, and the projects should not be viewed singularly but as part of the larger neighborhood or community plan instead.⁷¹ The goal of the General Plan is to ensure design continuity and compatibility. Instead of implementing the General Plan guidelines, the Project attempts to create a development well beyond the bulk and scale that is compatible with the community. The Project walls itself off from the neighboring residential, office and commercial uses by constructing tall buildings between the main street and Del Mar Heights Road.

⁶⁴ *Id.* at 5.3-11.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 5.3-12.

⁶⁹ General Plan, UD-A.5.

⁷⁰ EIR, at p. 5.3-13, 14.

⁷¹ General Plan, UD-B.1.

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Further, the EIR states the Project is consistent with the surrounding uses, in part because it "would connect to the adjacent Del Mar Highlands Town Center."⁷² The EIR does not contain any detail regarding this connection and lacks substantial evidence that, if such a connection existed, the linkage would be sufficient to establish consistency within the surrounding community.

The EIR does not include a discussion of signage, even though the NOP said that signage would be included at three access points. The EIR should analyze consistency with the General Plan's requirement to design signs to minimize visual impacts and complement the character of the setting, and include visual simulations of proposed signs, which should be subject to the community's sign ordinance.

Furthermore, the EIR attempts to assure the reader the Project is consistent with the General Plan because the Project is located in an identified transit corridor, and is intended to provide a mix of uses that create a vibrant, active place. The Project is neither located in a designated transit corridor in the Municipal Code, nor is a site designated to be a separate singular village.⁷³ Additionally, the EIR alleges that Project is consistent because it is designed as a village center that is integrated into existing neighborhoods.⁷⁴ As demonstrated above, this is just not true as the bulk and scale of the Project results in a unique island of intense development. Even though the Project may use similar colors and materials as neighboring buildings, colors and materials do not hide the bulk and scale of the Project's buildings, which will stand out as unique, stand-alone visual elements that are out of character with the surrounding community as far as the eye can see. There are no mitigating measures that would mask the fact that all of the buildings in the Project turn their back to the surrounding existing neighborhoods. Only an alternative, less dense, mixed-use project or development according to existing plans can mitigate this impact.

In an effort to shift focus from the admitted bulk and scale impacts, the EIR likens the Project to other urban buildings in the area.⁷⁵ There are issues with this statement for two reasons. First, other "urban" buildings in this community are not of this scale and bulk. Further, this statement demonstrates both the EIR's internal inconsistency and the Project's inconsistency with the General Plan. Earlier in the EIR this Project was called a "community village" and yet it has been designed at the scale of an "urban village," as classified in the General Plan.

⁷² EIR, at p. 5.3-19.

⁷³ *Id.* at UD-C.1

⁷⁴ *Id.* at UD-C.2

⁷⁵ *Id.*

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2. *Community Plan and Precise Plan Inconsistency*

The Project's visual impacts are also inconsistent with the Community Plan for a number of reasons. First, the EIR incorrectly claims the Project is consistent because it fulfills the Community Plan's goal of establishing self-containment and the feeling of community identity.⁷⁶ However, the self-containment in this goal referred to the entire community, and not within a singular project site. Second, the Project will require the removal of 498,400 cubic feet of dirt.⁷⁷ This action ruins the natural topography of the site and runs afoul of the Community Plan's goal of preserving the natural environment. Third, the EIR asserts consistency because there are hotels located within approximately one mile of the Project site.⁷⁸ However, the Community Plan and Precise Plan purposely sited in the hotel area, referenced as Visitor Commercial, next to the freeway and not in the middle of the community. The applicable plans' specific location of hotels in Visitor Commercial is not addressed in the EIR but must be disclosed as an inconsistency with the Project's location of its hotel.

Despite these glaring inconsistencies, the EIR claims the Project and its density (in terms of bulk and scale) would remain compatible with the broad pattern of development in the Community Plan Area, including nearby existing commercial development along El Camino Real.⁷⁹ The bulk and scale as well as the development pattern outlined within the Precise Plan and Community Plan would not be consistent.

The Precise Plan established an FAR of 0.5 for the Project site to limit the bulk and scale and limit the development intensity. However, the EIR attempts to skew the purpose and meaning of this FAR in an attempt to justify the Project. Moreover, the EIR's proposed amendments are an attempt to circumvent the limitations on bulk and scale. The EIR claims that the increase in FAR beyond existing and proposed development alone does not cause a project to be inconsistent with community character.⁸⁰ We strongly disagree. Increasing the FAR by 400 percent raises serious questions regarding inconsistency with the community character. In order to divert focus, the EIR highlights a remnant single-family ranch house that has a lower FAR than surrounding development and alleges this house is the different component in the existing neighborhood.⁸¹ However, using a remnant parcel that has not been redeveloped is a poor correlation. It is like saying that a vacant lot in Little Italy is the true character of the neighborhood when clearly the community plan envisions that property to be ultimately redeveloped consistent with the bulk, scale and intensity of the surrounding area as stipulated in the Precise Plan.

⁷⁶ *Id.* at 5.3-15.

⁷⁷ *Id.*

⁷⁸ *Id.* at 5.3-19.

⁷⁹ *Id.* at 5.3-23.

⁸⁰ *Id.* at 5.3-22.

⁸¹ *Id.*

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The proposed zone associated with the Project (CVPD-MC) has a maximum FAR of 2.0. The EIR claims Project is consistent because it would have a maximum FAR of 1.80 as calculated in accordance with the land development code and the proposed zone. The Carmel Valley PDO includes the following FAR maximums: Visitor Commercial (2.0), Mixed-Use (commercial with residential bonus) (1.5), Multi-family Residential (0.75), Commercial (0.75), and Employment Center (0.5).⁸² The EIR must note that Visitor Commercial is located at the perimeter of the community near the freeway, and thus its bulk and scale impact has less impact on the community. Therefore, it is not an appropriate comparison. Even if there was a proportionate allocation of the FAR by land use allowances and application of the mixed-use bonus at 50 percent commercial and 50 percent residential, the resultant FAR would be less than one and that assumes that hotels are an appropriate use outside the Visitor Commercial zone and away from freeways. Thus, the proposed maximum FAR of 2.0 and alleged FAR of 1.80 exceeds a proportionate FAR for the mix of uses.

3. Impact Thresholds

Third, the EIR cursorily rejects its responsibility to analyze the Project's impacts on private views by relying on the City's thresholds that do not require analysis of this subject.⁸³ However, this is a broad generalization. *Ocean View Estates Homeowners Association v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402, states that a local agency is not relieved from CEQA requirements when analyzing impacts to private views when the number of homes affected is significant.

The EIR omits further discussion relating to the visual impacts to scenic resources resulting from its community character inconsistencies. For example, the EIR claims that: (i) the removal of trees would not result in significant visual impacts to scenic resources;⁸⁴ and (ii) none of the proposed off-site roadway improvements would impact or block designated scenic routes.⁸⁵ These, however, are inaccurate statements that downplay the actual visual impacts related to tree removal. In reality, the EIR does not address the loss of the median trees on Del Mar Heights Road between High Bluff Drive and El Camino Real in order to accommodate the stacking lanes for the new signalized intersections. The removal of these trees, which exist in all other areas of the community, changes the physical image of Carmel Valley, especially when entering from the freeway. Further, the EIR completely omits any discussion on the impacts to views of the coastal bluffs, one of Carmel Valley's keynotes.⁸⁶ Lastly, the EIR does not analyze the visual impacts of the proposed parking structures.⁸⁷

⁸² *Id.*

⁸³ *Id.* at 5.3-16.

⁸⁴ *Id.* at 5.3-16.

⁸⁵ *Id.* at 5.3-18.

⁸⁶ *Id.*

⁸⁷ *Id.* at 5.3-25.

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While a lead agency is permitted to determine appropriate significance thresholds, the lead agency is not permitted to ignore the thresholds chosen. The EIR does just that. The City adopted the City's published CEQA Significance Determination Thresholds, which state neighborhood character impacts may be significant if the project would: (i) severely contrast with the existing or planned surrounding neighborhood character; or (ii) exceeds the allowable height or bulk of the existing patterns of development in the vicinity of the project area by a substantial margin.⁸⁸ Under these thresholds standards, the Project clearly creates a significant impact. The Project will be a stark contrast to existing and planned surrounding neighborhood character in both density and height. It exceeds the allowable bulk regulations as well as the height and bulk of the existing patterns of development in the vicinity of the Project area by 250 to 400 percent. Under any methodology, it should be safe to conclude that the doubling of height and quadrupling of bulk would be substantial. Further, the City's CEQA Significance Determination Thresholds also state that a significance threshold is met when "the project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections."⁸⁹ The EIR has made a point of the high visibility of this location as a justification for the intensification. This significance threshold indicates that it is especially important due to the visibility to avoid strong contrast with the surrounding development through excessive height and bulk. Therefore, the logical conclusion is that the height and bulk of the proposed Project is a significant impact.

4. *Inconsistency with Development Patterns*

The EIR asserts that the Project would be consistent with the broad pattern of development in Carmel Valley with respect to land use types and development patterns.⁹⁰ While there are similar land uses in the surrounding properties, the Project is not consistent with the broad development in Carmel Valley with respect to development patterns. The intensity, bulk and height are all substantially higher than any existing pattern of development. To be an informative document, the EIR should identify: (i) land area north of Del Mar Heights Road that equates to 608 residential units; (ii) land area to a similar commercial development of 220,000 square feet of commercial development and 50,000 square feet cinema;⁹¹ (iii) land area to accommodate a similar on 150-room hotel; (iv) land area for a similar 536,000 square feet of office use at an FAR of 0.5. The EIR should also identify the total land area associated with current development patterns in this area and analyze how it compares to the proposed development pattern of Project.

Moreover, the EIR claims that the retail proposed by the Project is merely an organic growth of nearby retail located near the eastern portion of the Project site along Market Plaza

⁸⁸ *Id.*

⁸⁹ City of San Diego CEQA Significance Determination Thresholds, 2(d).

⁹⁰ EIR, at p. 5.3-19

⁹¹ Approximately the size of the Del Mar Highlands Town Center on approximately thirty acres of land.

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and Market Street, directly across from the Del Mar Highlands Town Center.⁹² The EIR should accurately disclose that Market Street and Market Plaza are hidden behind an eight-story office building and that the vehicle connection to Del Mar Highlands Town Center actually is between two high office buildings. Therefore, the Project is not an extension of the retail to the east.

According to the EIR, the Project is compatible with surrounding uses because the Project is intended to serve as "in-fill development" and "would not introduce a new land use."⁹³ This statement is grossly misleading for two reasons. First, Carmel Valley has no other mixed-use infill, and this Project, if truly infill, would be the first of its kind. Second, if the Project were compatible, than the Applicant would not need to propose a completely new land use designation, CVPD-MUC.

The EIR contains a number of misleading and inaccurate statements, especially related to bulk and scale. These misstatements result in an incorrect visual impact analysis. First, the EIR states that the Project site was identified as a Town Center smart growth area on the SANDAG's Smart Growth Concept Map ("SGCM"), yet the text associated with the map discusses Del Mar Highlands Town Center as the future town center of Carmel Valley.⁹⁴ Second, the EIR claims that current CVPD-EC zone for the Project site does not specify a maximum structure height limit. This is misleading because the 0.5 FAR regulated a trade-off that is intended to achieve less lot coverage with greater height or greater lot coverage with less height, but not both greater lot coverage and greater height, as the Project proposes. Therefore, height limits are not intended for lots with low FARs. Importantly, the other commercial zones do have height limits, and Carmel Valley limits the height of multi-family to 50 feet or four stories, not 159 feet as proposed in the Project. The Town Center commercial zone is limited to 45 feet based on the CC-1-3 zone prescribed in the PDO. If the mixed use Town Center zone from the PDO is used, the height limit would be 45 feet, not 199 feet as proposed. Third, the EIR conjectures that the lack of a height limit at the Project site "indicates that varying scales were to be expected."⁹⁵ There is no basis for this statement, and it is just as likely could show that the planners expected only low height development. What is certain is that the combination of low FAR with no height limit would not allow the out-of-character Project currently proposed. Fourth, the EIR states that because El Camino Real is primarily a commercial corridor, the proposed height of the office buildings is not inconsistent with the character of the community.⁹⁶ There is no substantial evidence supporting this conclusion. To be informational, the EIR should also note that the Precise Plan established height restrictions for residential MF-1 and MF-3 as well as for the Town Center commercial zone. The Project would exceed both of those height restrictions.

⁹² *Id.*

⁹³ *Id.* at 5.3-20.

⁹⁴ *Id.* at 5.3-21.

⁹⁵ *Id.* at 5.3-22.

⁹⁶ *Id.*

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The EIR also makes misleading statements regarding the Project in order to downplay the stark contrast of the Project and the surrounding area. For example, the EIR points out that two proposed office buildings are located at the lowest elevations of the site in an apparent attempt to minimize the projected height of the buildings.⁹⁷ In reality, the 199-foot-high office tower building on El Camino Real is still approximately 160 feet above High Bluff Drive, which is approximately the equivalent of a 110-story residential building (159 feet) on High Bluff Drive. Regardless of the siting of the building, it remains out of character with the surrounding buildings. The EIR also asserts that since El Camino Real is primarily a commercial corridor, the taller office buildings in the Project are consistent with the character of the Community Plan Area.⁹⁸ These buildings are twice the height of surrounding buildings and are wholly out of the character anticipated by Community Plan for the low- and medium-story development. Additionally, the grade at the bottom of the office buildings is substantially above the grade of the adjacent roadway. Thus, the buildings will seem even taller and even more out of place. The EIR is internally inconsistent on this point as Figure 5.3.11 shows the residential buildings are still projecting up above the trees and the grade is sloping up to the buildings from the street. Thus, the buildings have greater prominence, not less. Despite topographical differences as well as setbacks, parkways and landscaping, the scale is a significant impact towering above the surrounding developments.

5. *The EIR Miscalculates the Allowable Density and FAR*

Additionally, the EIR miscalculated the Project's density, resulting in an understatement of its true visual impacts. The Project's methodology for calculating residential density understates the actual residential density of the Project. For example, the EIR asserts that, based on the 23.6-acre Project site, a maximum of 685 dwelling units is allowed, and the Project proposes a maximum of 608 residences.⁹⁹ The proposed zoning would allow 29 dwelling units per acre and the project proposes a density of 26 dwelling units per acre. However, the project's gross site area was used in calculating the dwelling units per acre (23.6 acres x 26 dwelling units per acre) to justify 608 dwelling units. The gross site area included 1,485 acres that is being dedicated for road widening to mitigate the impacts of the Project. Additionally, 2.81 acres of private streets (not including the sidewalks) are also included in the gross site area. Per Land Development Code Section 143.0410 (b)(4) Density and Intensity, "the areas of the premises that are designated for public or private streets may not be utilized in the calculations of maximum density." Therefore the net site area for calculating density is 19.385 acres. This 19.385 acres x 26 dwelling units per acre would allow 204 dwelling units. The maximum density of the Project (29 dwelling units per acre) would allow 562 dwelling units which is still almost 10 percent less than what the Project proposes.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.* at 5.3-33.

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The Project's approach fails to factor in that approximately half of the building area of the Project is not being used for residential. The calculation is based as if the total site was supporting just residential and not proportionate to the site area that residential is occupying. The site area that includes the office building, cinema, hotel and parking structure should not be used to calculate residential density when there is no residential occupying that area. Second, the office area of 536,000 square feet exceeds the FAR of 0.5 based on using the entire site for the calculations. The Project incorrectly treats each of the uses as if the allowable intensity of each should be allowed combined onto the same site. It is evident from properly calculating the densities that the Applicant has not determined a suitable site for this Project. Notably, the Project site is one third smaller than the Del Mar Highlands Town Center but proposes to include a commercial component of the same size as the Del Mar Highlands Town Center, plus a 536,000 square feet office complex as originally envisioned to occupy the entire site, plus a 150-room hotel and 608 residential units. Part of identifying a suitable site is identifying one that is big enough to accommodate the intensity in a development pattern that is consistent with the existing development pattern. One purpose of a Community Plan is to help the applicant select such sites.

Further, the Project proposes to use the site area allocated for only office and hotel development to justify the density of the Project. The site area including common area associated with the residential development retail is approximately 395,704 square feet or 9.08 acres. Utilizing the maximum density under the new proposed zoning (29 DU/acre), only 263 dwelling units would be allowed which is almost 57 percent less than what is proposed. Clearly, even with this proposed high density development, the Project has overstated the number of units that should be allowed.

Similar to the density analysis, the Project utilizes gross site area of 23.6 acres to justify the FAR of the Project. The methodology claims that the gross leasable area (1,857,400 square feet) divided by the gross site area (23.6 acres or 1,031,500 square feet), equals a FAR of 1.8. First, the Project uses gross leasable area instead of gross floor area as required in the land development code. The reason for utilizing gross floor area is to regulate the bulk and scale of the building. Gross leasable area would understate the impact of the bulk and scale of the buildings. Further, by basing the FAR on gross site area, the Project is allowed additional floor area for the public and private streets that are being dedicated and created which is contrary to the methodology in the land development code. The 1,857,400 square feet is a reduction of 337,460 square feet, or 18 percent less.

The 10-story office tower (291,000 square feet without ground floor retail) sits on a 38,861 square foot lot which creates a FAR of over 10 without factoring in the bulk and scale impact of the two levels of exposed parking structure or the 15-foot high roof parapet, which creates another story of impact. Even when considering all of the common lot area and surrounding development of Phase 1, it exceeds the 1.8 FAR claimed in the EIR.

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6. *Visual Analysis*

The Visual Analysis segment of this section also contains a number of inconsistencies and inaccurate statements. The EIR continues to minimize the impacts associated with the increased bulk and scale by asserting that the development footprint of the office buildings would be similar to the existing office buildings within the Community Plan Area.¹⁰⁰ The footprint might be the same, but the height is not. If the development footprint of the office building is the same and the other sites are also developed at a FAR of 0.5 without the same height, then the Project would have a complex of lower office buildings with the same footprint. Thus, to maintain the same development pattern as the surrounding office projects, the Project would have to sacrifice part of the other uses. The EIR also claims *the residential building would have a smaller footprint than the other three residential buildings, but would be taller with ten stories.*¹⁰¹ Despite its smaller footprint, the residential tower footprint is larger than the individual buildings in the surrounding area and is at least five times taller.

7. *Inadequate Impact and Mitigation Measures Analysis*

Despite admitting the Project entails significant visual impacts,¹⁰² the EIR contains an inaccurate impact and mitigation assessment for a myriad of reasons. First, the EIR issues a conclusory statement that the Project site is not visible from I-5.¹⁰³ However, the Project's tall buildings will be; thus, the Visual section should analyze impacts to views from I-5. Second, the EIR concludes that there is no feasible mitigation to reduce community character impacts to below a level of significance,¹⁰⁴ but the EIR fails to provide any evidence for why it cannot simply maintain a mixed-use project at a lower density with a lower height that would be consistent with the area's community character. The EIR must provide substantial evidence that there are no feasible mitigation measures or alternatives. Further, the City has an obligation to impose all feasible mitigation measures to reduce the impact even if it is not possible to reduce the impacts to below a level of significance.

Third, the EIR concludes: "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."¹⁰⁵ However, the EIR fails to explain how the architectural interest of the buildings as viewed by the surrounding area mitigates the significant negative visual appearance of the height, bulk, or coverage regulations which all exceed the zoning regulations as currently applied to this property. Fourth, the assertion that

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.* at 5.3-30.

¹⁰³ *Id.* at 5.3-29.

¹⁰⁴ *Id.* at 5.3-30.

¹⁰⁵ *Id.* at 5.3-31.

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because the Project includes a range of design features to minimize the perceived bulk and scale of the proposed structures, to respond to and harmonize it with adjacent development, and to provide visual interest from on-site and off-site viewsheds, this impact would be less than significant is internally contradicted by Figures 5.3-8 through 5.3-11.¹⁰⁶ The Figures demonstrate that an attempt has been made to use street trees to hide the five-story residential buildings along Del Mar Heights Road, while the eight- and 10-story office buildings and residential towers are not hidden from view. These structures have not been harmonized with adjacent development to less than significant levels. Lastly, the EIR does not analyze whether residents of the Project would be affected by the existing light and glare generated by the surrounding properties, or light and glare of the on-site commercial and retail uses.

D. Land Use

CEQA requires an EIR to discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.¹⁰⁷ An "applicable" plan is a plan that has already been adopted and thus legally applies to a project.¹⁰⁸ Thus, the Project EIR must adequately and sufficiently address inconsistency with the San Diego General Plan, Community Plan, Precise Plan and Comprehensive Regional Plan.

Courts have affirmed that, "[a]n action, program, or project is consistent with the [applicable] plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."¹⁰⁹ Under this rule, the Project is inconsistent with all applicable plans. Despite this, the EIR fails to identify these inconsistencies, as required by law, on a number of occasions.

Such inconsistencies are not automatically mitigated through General Plan and Community Plan amendments because state law still requires that "the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."¹¹⁰ Therefore, an amendment to a land use plan that creates an internal inconsistency is not legally valid. In *Families Unafraid to Uphold Rural El Dorado County (FUTURE) v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, the court invalidated the approval of a residential subdivision project and general plan land use designation amendment because the proposed land use designation was inconsistent with *other portions of the land use element* that allowed for use of the designated land use category only when the land was adjacent to land designated for certain other land use categories.¹¹¹ The

¹⁰⁶ *Id.* at 5.3-33.

¹⁰⁷ Guidelines § 15125(d).

¹⁰⁸ *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145 n2.

¹⁰⁹ *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.

¹¹⁰ Govt. Code § 65300.5.

¹¹¹ See also, *Hernandez v. City of Encinitas* (1994) 28 Cal.App.4th 1048, 1071; *Concerned Citizens of Calaveras County v. Bd. of Supervisors* (1985) 166 Cal.App.3d 90, 103.

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Project EIR suffers the same legal flaw because amending the General Plan and Community Plan to designate an Urban Village Center in a suburban area intended for a Community Village Center generates several inconsistencies with other elements of these plans.

Additionally, the EIR is fatally flawed in a number of other regards. The following discussion regarding the numerous fatal flaws in the Land Use section of the EIR is broken down into various components in order to provide some clarity.

1. *General Plan Inconsistency*

A city's general plan acts "as a 'constitution,' or perhaps more accurately a charter for future development."¹¹² Any decision by a city affecting land use and development must be consistent with the general plan.¹¹³ The EIR at Table 5.1-1 contains 105 pages of analysis summarizing why the City believes the Project is consistent with the General Plan. The City does not identify a single inconsistency with any policy of any applicable land use plan. However, because the purpose of CEQA is to be an accurate informational document for the public and the City's decision-makers, CEQA states, "The EIR shall discuss any *inconsistencies* between the proposed project and applicable general plans..."¹¹⁴

The Project is inconsistent with the General Plan on a significant number of land use elements. For example, the General Plan Land Use Policy LU A-2, which states, "[i]dentify 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."¹¹⁵ Additionally, the City correctly states that the Project was identified in the General Plan as having moderate village propensity but incorrectly identifies the Project as a "community village" instead of an "Urban Village."¹¹⁶ There are several issues associated with this designation, and the Project is an "Urban Village" for a number of reasons.

First, the General Plan City of Villages defines "village centers" as community- and neighborhood-oriented areas with local commercial, office and multi-family residential uses, including some structures with office or residential space above commercial space. Village centers are to contain public gathering spaces and/or civic uses. Uses will be integrated to the maximum extent possible in order to encourage a pedestrian-oriented design and encourage transit ridership. The mixed-use village as established by the existing Precise Plan and Community Plan¹¹⁷ establishes a "community village" of approximately 100 acres that is

¹¹² *Leshar Comm'n Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.

¹¹³ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570-71.

¹¹⁴ Guidelines § 15125(d) (emphasis added).

¹¹⁵ Emphasis added.

¹¹⁶ EIR, at p. 5.1-15.

¹¹⁷ As reflected in the SANDAG Smart Growth Concept Map.

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community-oriented in function and scale while providing a significant employment component. The Precise Plan established a Town Center Zone that allows residential or office above the ground floor commercial. As stated in the EIR, the Del Mar Highlands Town Center provides public gathering places in the plazas people areas while civic functions such as the library, school and park are along Townsgate Drive. Multi-family residential projects of various densities are established north of Del Mar Heights Road. Office employment centers are established west of El Camino Real. In the alternative, "Urban Village" are higher-density/intensity areas located in subregional employment districts. They are characterized by a cluster of more intensive employment, residential, regional and subregional commercial uses that maximize walkability and support transit. Carmel Valley is neither a subregional employment district nor an Urban Village area of the City.

Given these definitions, "community village" is not the proper designation for this Project, as the Project proposes higher density residential than exists in the surrounding area of the community. The PDO includes the following Floor Area Ratio ("FAR") maximums: Visitor Commercial (2.0), Mixed-Use (commercial with residential bonus) (1.5), Multi-family Residential (0.75), Commercial (0.75) and Employment Center (0.5). As evidenced, the FAR for the Project substantially exceeds the 0.5 FAR based on the net acreage allocated to the office buildings. More accurately, the density/intensity of the Project with its proposed FAR of 1.8 is over three times the FAR of any surrounding property. The intensification is consolidated onto 23.6 acres of land reflective of the density of an "urban village" rather than the 100 acres described in the definition of a "community village." The Project is clearly a significant intensification that represents the General Plan's City of Villages Strategy definition for an "urban village" rather than the "community village" that it claims to be. The Project's proposed zone (CVPD-MC) has a maximum FAR of 2.0. The proposed Project would have a maximum FAR of 1.80 as calculated in accordance with the land development code. Therefore, the proposed maximum FAR of 2.0 with an actual FAR of 1.8 exceeds a proportionate FAR for the mix of uses. Visitor Commercial is located at the perimeter of the community near the freeway and, thus, its bulk and scale impact has less impact on the community. Even if there was a proportionate allocation of the FAR by land use allowances and applied the mixed-use bonus at 50 percent commercial and 50 percent residential, the resultant FAR would be less than one, assuming arguendo that hotels are an appropriate use outside the Visitor Commercial and away from freeways.

Second, the Precise Plan created the Town Center zone based on the CC-1-3 zone which allows a mixed-used village with commercial, office, residential and civic facilities. The Project based the regulations on CC-5-5 which is intended for "a mix of heavy commercial and limited industrial uses and residential uses"¹¹⁸ in a "high intensity" development instead of the CC-1-3 zone that the Precise Plan Town Center Zone was based on. The CC-1-3 zone was intended to "allow a mix of community-serving commercial uses and residential uses."¹¹⁹ The

¹¹⁸ LDC, Purpose of the CC-zone

¹¹⁹ LDC, Purpose of the CC-zone

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Town Center zone CC-1-3 would be more in keeping with a "community village" concept of the General Plan and the CC-5-5 would be more in line with the intensive "urban village" concept.

Third, the Project site is identified in the EIR as having moderate village propensity in the General Plan.¹²⁰ However, the EIR fails to address that fact the Village Propensity Map¹²¹ identifies the Town Center, library, school and park area to the east of the Project site and El Camino Real combined as having high propensity for a village. Therefore, using the assertions contained in the EIR, the core of the mixed-use community village should remain in the location identified in the Community Plan and Precise Plan rather than in an area of moderate propensity to be a village, as proposed by the Project. Lastly, the EIR's claim that the Project would provide a village center unique to the Carmel Valley Community is unsupported because the Project is wholly out of character with the community goals outlined in the City of Villages Strategy. Therefore, its adoption would create an internal inconsistency with the General Plan in violation of Government Code Section 65300.5.

Furthermore, regardless of how the Project is labeled, the City incorrectly states in Table 5.1-1 that "[t]he project was designed to blend with the character of the community. The proposed uses of the project site are similar to surrounding uses, and have been sited so that the uses mirror adjacent off-site uses." In reality, the Project does not blend with the community character. On page 5.1-13, the EIR states:

"[t]he project would integrate land uses on a single site and introduce building forms that are characteristic of a village that would be unique and distinctive to Carmel Valley. As discussed above, the implementation of a mix of different uses on one site could result in development patterns that are different from the immediately surrounding environs. Such is the case for the proposed project. While the project would mirror the surrounding land uses, 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*. Project impacts on community Character are analyzed in detail in Section 5.3, *Visual Effects and Neighborhood Character*."¹²²

The aforementioned General Plan Land Use Policy LU A-2 explicitly makes community character part of the General Plan, not just a visual impact. It requires that the City identify only mixed-used sites that are suitable and will complement and achieve the community character.

¹²⁰ *Id.*

¹²¹ General Plan, Figure LU-1.

¹²² Emphasis added.

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Amazingly, the EIR Table 5.1-1 extols the virtues of the Project's consistency with Policy LU A-2, contradicting the earlier admission that the project's density, bulk and scale result in significant impacts to community character.

The Project is not consistent with the physical characteristics for a potential village site identified in Land Use Policy LU-A.3 because the EIR: (i) fails to analyze the capacity to expand existing shopping centers; and (ii) the remaining development capacity at the Project site is not based upon the adopted Community Plan. Specifically, Land Use Policy LU-A.3 states, "Identify and evaluate potential village sites considering the following physical characteristics: *Shopping centers, districts, or corridors that could be enhanced or expanded...* Areas that have significant remaining development capacity based upon *the adopted community plan.*"

With regards to the shopping center expansion characteristics, the EIR states, "[t]he Project site is located in an area adjacent to the Del Mar Highlands Town Center, a 31.97-acre shopping center. Proposed construction of additional commercial uses on the project site would result in the expansion of this shopping area." The EIR incorrectly interprets Land Use Policy LU-A.3 to mean the commercial uses should be expanded on the Project site, instead of the Del Mar Highlands Town Center site. The EIR land use analysis should to disclose that the City has already issued Del Mar Highland Town Center a permit allowing it to expand to 425,000 square feet of retail commercial (PDP 85-0178). The EIR should disclose that it is inconsistent with Policy LU-A.3 because it proposed expansion is not based upon the adopted Community Plan. It is based upon a proposed amended Community Plan that is out of character with the reduced density Community Village Center identified in the applicable Village Propensity Map and exports its significant unmitigated traffic, visual, land use and other environmental impacts on the rest of Carmel Valley's residential and commercial landowners.

One of the General Plan's central goals is to encourage transit-oriented development, defined by the City as "conceptual smart growth development alternatives and include elements such as mixed-use buildings, pedestrian-oriented streetscapes, public transit improvements, higher density and compact housing, and multimodal transportation options."¹²³ In regards to retaining consistency with the General Plan's transit-oriented development goals, the EIR claims that the Project will be responding to transit-oriented and alternative transportation as identified in the goals of the City of Villages Strategy to have mixed-use villages located throughout the City and connected by high quality transit. The claim that the Project incorporates this sort of development is inaccurate. In compliance with the City of Villages Strategy, a mixed-use village must be connected by high-quality transit. The EIR identifies that the 2050 Regional Transportation Plan ("RTP") envisions mass transit to the area in 2035.¹²⁴ However, the Project is scheduled to be completed well before 2035, with the first phase to be completed in 2015. There is currently no mass transit present in or near the Project Site as reflected in the EIR, and no guarantee that it will ever come to fruition. Furthermore, the proposed transit will be a single

¹²³ San Diego Transit-Oriented Development Design Guidelines, October 1992, pg. 3.

¹²⁴ EIR, at p. 5.1-12.

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regional line, rather than solely serving the immediate community. Further, if the mixed-used village designation relies on proximity to transit and transit is not scheduled in the RTP until 2035, then there will be a significant, temporary, land-use impact for 20 years until transit is provided, if it is ever provided. The land use section must disclose this inconsistency if the EIR is to serve as an accurate informational document.

Lastly, the EIR's land use analysis should have considered the "transformation" impacts caused by the Project.¹²⁵ This analysis must address the direct, indirect and cumulative impacts caused by adding residential and retail to an area that has been designated for industrial and office uses. Because the Project would eliminate the current employment/industrial designation, the General Plan requires an analysis of whether the property could still feasibly support industrial uses.¹²⁶ There are potentially significant land use and other environmental impacts resulting from the Project's transformational aspects that should be evaluated in the EIR. Despite these obvious impacts, the EIR improperly classifies the Project and its land use compatibility resulting in inaccurate impact analysis.

Therefore, instead of providing over 100 pages of self-contradicting and flawed analysis regarding the Project's consistency with the General Plan, the EIR must fulfill CEQA's informational purpose and comply with CEQA Guidelines Section 15125(d), which specifically requires the City to own up to where the Project is *inconsistent* with the General Plan. In addition, CEQA requires the EIR to be recirculated to correctly identify this new, significant land use impact related to significant visual and traffic impacts.

2. Community Plan and Precise Plan Inconsistency

The Community Plan and the Precise Plan envision employment and industrial uses on the Project Site. These plans carefully located the various components of housing, commercial and employment in an orderly fashion within the community and were the result of extensive research into the physical, social and economic elements of Carmel Valley.¹²⁷ Despite this requirement, the EIR fails to sufficiently analyze the impacts of the Project's change in use on these thoughtfully developed plans. Additionally, the Community Plan encourages less density to foster distinctiveness of the community, outside of community centers.¹²⁸

The Community Plan also states that employment centers, such as the Carmel Valley Employment Center where the Project is sited, "will give residents an opportunity to choose a realistic alternative to the typical commuting burden fostered by urban sprawl" by providing nearby employment areas.¹²⁹ Yet, the EIR replaces the "Employment Center" designation with

¹²⁵ Guidelines § 15355(b); see also *Env't Prot. Ctr. v. Johnson* (1985) 170 Cal.App.3d 604, 624-25.

¹²⁶ General Plan, at p. EP-8 to EP-9.

¹²⁷ Precise Plan, at Preface p. B.

¹²⁸ Community Plan, at p. 6; see also *id.* at p. 86 (map depicting Project site as outside of town center).

¹²⁹ *Id.* at p. 7.

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a "Mixed-Used Center" designation and adds 608 residential units. This will skew the jobs/housing balance that was carefully planned for Carmel Valley. Moreover, the Project will eliminate the employment/industrial designation of the site, which is in conflict with the Community Plan's description of the Project site as "an industrial-office park which emphasizes the area as a unique and permanent feature..."¹³⁰ While the EIR admits the Project is inconsistent with the Community and Precise Plans and will necessitate amendment of each, it fails to adequately address the direct and cumulative impacts of the Project's change in land use designation or address the internal inconsistencies such amendments will create. Further, the EIR should evaluate whether the Project would result in the introduction of sensitive receptor uses in an area with industrial operation into areas designated for commercial and industrial operations, which could limit the ability of nearby industrial uses to expand.¹³¹

3. *Regional Comprehensive Plan and Smart Growth Concept Map
Inconsistency*

The EIR states that SANDAG's SGCM, 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).¹³² However, the EIR fails to point out that the Town Center identified on the SGCM includes not only the Project site but also the Del Mar Highlands Town Center, the residential development to the north of the Town Center and the civic spaces to the south of the Town Center. To properly comply with CEQA, the EIR should identify that the Project Site is the missing employment center component needed to complete the much larger horizontal mixed-use village in the Town Center smart growth area on the SGCM.

The EIR correctly claims the Regional Comprehensive Plan ("RCP") specifically recognizes local planning efforts aimed at intensifying land use near designated Town Centers, but it fails to discuss the appropriate intensity level of development.¹³³ Such development is out of character with the low scale community village that has historically been developed consistent with the Precise Plan and Community Plan. Nor does the RCP indicate that this Project site should be a mixed village "town center" onto itself. In fact, the SGCM call for just the opposite.

4. *Proposed Amendments to Applicable Plans*

The Project proposes City approval of a General Plan amendment to change the Project site's land use designation in an effort to eliminate the Project's potential conflicts with the

¹³⁰ *Id.* at p. 88-90.

¹³¹ General Plan, at p. EP-8 to EP-9.

¹³² EIR, at p. 5, 1-10.

¹³³ *Id.*

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General Plan.¹³⁴ The Project also proposes amendment to the Precise Plan in order to create a new zone with a Planned District Ordinance to facilitate the "community village" that the EIR claims Carmel Valley needs.

If such amendments are passed, the EIR states the associated land use consistency impacts would be less than significant.¹³⁵ This is incorrect. The amendments cannot be adopted because they would transform the applicable plans into internally inconsistent plans in violation of the Government Code. Second, because they would create internal inconsistencies, the land use impacts would remain significant and unmitigated.

For example, the Economic Prosperity Element states, "[w]hen updating community plan or considering plan amendments, land use designations contained in the Land Use and Community Planning Element should be appropriately applied to provide for non-base sector employment uses."¹³⁶ It further states, "[i]ncrease the allowable intensity of employment uses in Subregional Employment Areas and Urban Village Centers where transportation and transit infrastructure exist."¹³⁷ Finally, it states, "[c]oncentrate more intense office development in Subregional Employment Areas and in Urban Villages with transit access."¹³⁸ While the EIR correctly states that implementation of the City of Village Strategy including the intensification of employment uses will necessitate community plan amendments, such amendments must be internally consistent with the Economic Prosperity Element's policies on how and where such intensification can be located. EP-A.7 is quite clear that this intensification is directed at Urban Village areas and Subregional Employment Areas where transit infrastructure "exists," not where transit infrastructure is planned to be implemented twenty years after build out of the Project. Furthermore, Figure EP-2 identifies the Subregional Employment Areas as Kearny Mesa, Midway-Pacific Highway, Otay Mesa, Mission Valley/Morena/Grantville and University/Sorrento Mesa, not Carmel Valley.

Therefore, just as the Court in *Families Unafraid to Uphold Rural El Dorado County (FUTURE)* held that El Dorado County could not approve a land use designation amendment that generated inconsistencies with other parts of its General Plan, likewise, the City of San Diego cannot create mixed-use zones to densify employment uses in areas outside of designated Urban Village and Subregional Employment Centers where no transit currently exists.

¹³⁴ EIR, at p. 5.1-15.

¹³⁵ *Id.*

¹³⁶ General Plan, Policy EP-A.6.

¹³⁷ General Plan, Policy EP-A.7 (emphasis added).

¹³⁸ General Plan, Policy EP-A.8.

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5. *Inconsistency with Community Character*

The EIR claims that the Project was designed to blend with the character of the community. The surrounding community consists of two- to three-story buildings, densities in conformance with or less than the community plan calls for. The Project is at odds with all of these characteristics. However, as discussed previously, the Project scale, design and intensity will create an internally focused mixed-use village site incorporating all of the surrounding land uses on a single project site rather than balancing the uses in the community and the needs of the community or blending with the visual character of the community. The EIR unsuccessfully attempts to assert the Project is consistent with the character of the community on numerous levels.

First, the EIR claims the area near the Project Site is developed with multi-story office buildings ranging between two and 12 stories surrounded by surface parking lots. However, the EIR fails to point out that the only 12-story structure is the Marriott Hotel located in the Visitor Commercial Zone and not a multi-story office building located in Employment Center zone. To be accurate, the EIR should identify the maximum height office building in the area and how many office buildings in the area are over four stories high. The EIR should also analyze whether the six-story Del Mar Highlands Corporate Center III, which is located at the far south end of the Employment Center District, is the only office building over four stories. Furthermore, the EIR should disclose the fact the Del Mar Highlands Corporate Center III is adjacent to the 12-story Marriott Hotel in the Visitor Commercial zone, which is far from the Employment Center and is not visible from the Project Site. It should also be noted in the EIR that the Marriott Hotel and Del Mar Highlands Corporate Center have parking structures. The EIR also fails to identify and analyze the following buildings in the area that are well below the bulk and scale the Project is proposing:

- i. East: Del Mar Highlands Town Center and Carmel Country Plaza (one and two stories).
- ii. South: Two office buildings at Heights at Del Mar site (three stories over parking).
- iii. West: Highlands Corporate Center and Highlands Plaza (two to four stories tall).
- iv. Northeast: Signature Point apartment complex (two-story multi-family residential).
- v. North: The East Bluff condominium complex (one- and two-story townhomes)

The Project with its 199-foot office building buildings is out of character with all of these nearby developments.

Second, the EIR's density and intensity is wholly inconsistent with the current community character. Based on the 23.6-acre Project Site, the EIR states a maximum of 685 dwelling units is allowed while Project proposes a maximum of 608 residences. The Project's approach fails to factor in that half of the net building area of the Project is being used for other land uses and

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internal roads rather than residential. The Project based the density of the entire 23.6 acres of gross site area and thus inflated the allowable density by approximately 50 percent. Even at the high density of 29 dwelling units per acre, only approximately 263 units could be developed.

Third, the Project proposes 536,000 square feet of new office area which exceeds the currently allowable office area of 510,000 and the 0.5 FAR currently allowed for the whole 23.6-acre site. However, if the office area was based on a 0.5 FAR for Block D and E where the office building is allowed, the allowable result would be an office building of approximately 160,000 square feet instead of 536,000 square feet. In any case, all of the densities in this Project are at multiples of two to three times or more the density of surrounding projects.

Fourth, the EIR claims landscaping around the perimeter of the site would provide a visual and physical buffer between the buildings and off-site viewers. The discussion following this claim is merely a justification to use visual mitigation to mitigate potential land use impacts. The EIR states, once mature, the trees would partially screen views of the upper stories of proposed buildings. Thus, the partial screening of the buildings only when the street trees mature is inadequate mitigation for the inconsistent bulk and scale impact created by the proposed Project. The EIR does not mitigate these impacts to below a level of significance.

6. *Environmental Impacts Related to Land Use Inconsistency*

Despite the admitted need for the City to approve a number of applicable plan amendments related to the Project, the EIR incorrectly claims the associated land use inconsistency impacts would be less than significant.¹³⁹ However, the EIR fails to include a proper assessment of land use impacts, which should be identified as "significant unavoidable." For example, the Precise Plan establishes a level of intensity that prevents land uses from adversely impacting the community, but the Project proposes to change drastically that intensity level and the EIR fails to assess these impacts to the Precise Plan. Specifically, the EIR fails to identify the part of the Precise Plan planning principles intended to establish a level of intensity for development so as not to adversely impact the community. Further, the EIR identified the impact of the Project on the visual character of the community as significant and unmitigable. For the reasons discussed above, this is both a significant land use impact and visual impact.

The EIR states the Project will integrate land uses on a single site and introduce building forms that are characteristic of a village that would be unique and distinctive *to* Carmel Valley.¹⁴⁰ In truth, the bulk and scale of the building forms introduced are unique and distinctive *from* the rest of Carmel Valley, not *to* Carmel Valley. The only comparable project in all of Southern California is the Hollywood and Highland development in the highly urbanized setting of Hollywood, along a heavy rail corridor. The EIR's omission of this fact violates CEQA.

¹³⁹ EIR, at p. at 5.1-17.

¹⁴⁰ EIR, at p. 5.1-13.

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7 *Other Notable Deficiencies Within the Land Use Section*

The Land Use section of the EIR contains a number of other deficiencies including: (i) the misrepresentation of the existing Precise Plan's conformity with the City of Villages Strategy; (ii) the misrepresentation of the Project site's topography; and (iii) the failure of the EIR to address the regional impacts of the Project's proposed land uses.

Despite requiring a General Plan amendment, the Project claims to be creating a vertical mixed-use "community village" in Carmel Valley in accordance with the General Plan's City of Villages Strategy. In reality, it is the existing Precise Plan that is in conformity with the City of Villages Strategy as it already created a horizontal mixed-use "community village" that is consistent with the goals and objectives of the City of Villages Strategy. The General Plan defines "village" as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located.¹⁴¹ The Carmel Valley Town Center as identified on the SGCM includes the residential to the north¹⁴² and to the south of the park. It includes the commercial element of the Del Mar Highlands Town Center and Carmel Community Center. It includes the employment center with the 510,000 square feet of anticipated office employment on the Project site combined with the existing office development to the south of the property. And finally it includes the civic uses of the Carmel Valley Library, school and Carmel Valley Park. The map identifies the mixed-use village as envisioned in the existing Precise Plan and Community Plan. The low and moderate scale of the village as prescribed in the Precise Plan creates a horizontal mixed-used community village that is a unique expression of Carmel Valley. The dense vertical urban expression of the Project is inconsistent with the General Plan's City of Villages Strategy precisely because it is out of character with the Carmel Valley community.

The Applicant's claim that the Project will be Carmel Valley's "Main Street," which would be lined with retail uses, is the unifying and organizing element of the Project that would connect to the adjacent Del Mar Highlands Town Center, as it would be constructed as the fourth leg of the existing intersection of El Camino Real and the Del Mar Highlands Town Center.¹⁴³ However, the EIR fails to explain what is meant as the fourth leg of the existing intersection of El Camino Real and the Del Mar Highlands Town Center. Per the Precise Plan, the Project Site is intended as the employment center which as the fourth leg completes the mixed-used village intersection with the residential to the north and the retail to the east. Contrary to the Project EIR, this would be a justification for keeping the existing employment center land use designation versus the proposed amendment. The EIR claims there is a "main street" retail connection to Del Mar Highlands Town Center,¹⁴⁴ but the EIR inaccurately describes the Project. In reality, as proposed, two tall office buildings would come between

¹⁴¹ General Plan City of Village Strategy, LU-6.

¹⁴² Signal Apartments.

¹⁴³ EIR, at p. 5.1-18.

¹⁴⁴ *Id.*

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"Main Street" and the entrance to Del Mar Highlands Town Center on El Camino Real. Thus, the retail component really turns down Market Street and dead ends at El Camino Real.

The Project claims that the varied site topography would largely be retained to reflect existing landforms within the community and that the Project's use of the existing topographic change on the site will help reduce the impact of the bulk and scale of the Project. However, the Project proposes a 10-story residential tower¹⁴⁵ at the high point of the site on High Bluff Drive. The Project also proposes another 10-story building¹⁴⁶ rising on elevated terrain above El Camino Real. This is the equivalent of 13-story office with 14'6" average floor to floor height. The EIR fails to identify that the 10-story office building is sitting on an exposed 32 feet of parking garage and that there is a 15-foot-high parapet on top of the building. Additionally, the EIR fails to point out that the topographic grade is adjusted up on Del Mar Heights Road to screen the parking structure under the level of retail and four stories of residential. The Project has used the topography by removing 498,400 cubic yards of dirt while doing nothing to reduce the height impact from the surrounding streets. In fact, the wall of buildings facing the surrounding community provides little if any indication of the 35 feet of topographic drop across the site. This is not a reduction in the bulk and scale of the Project.

As stated in the previous section, the EIR fails to assess the Project's impacts on a regional level, specifically as to land use elements. For example, the EIR claims "as a result, the proposed mixed-use project and the variety of uses that it would provide would result in a more internally well-balanced use compared to a single use on the project site."¹⁴⁷ This claim demonstrates that the focus of the EIR is squarely on the internal operation of the site and not the need for balancing the demands of the surrounding community. Despite the EIR's claims to the contrary, this focus results in an inconsistency between the proposed Project and the Community Plan goal of establishing a balanced community.

8. *Inconsistency with SB 375*

Lastly, the Land Use section of the EIR fails to analyze conformity with California's landmark planning law, SB 375.¹⁴⁸ SB 375 requires that SANDAG prepare a "Sustainable Communities Strategy," which must encourage development that reduces GHG emissions. Although the Project is dense and compact, it is inconsistent with SB 375 because the Project is automobile-oriented and aimed at drawing customers from distant areas, which would have an adverse impact on GHG emissions. The EIR must analyze and disclose these inconsistencies.

¹⁴⁵ 159 feet high.

¹⁴⁶ 199 feet high.

¹⁴⁷ *Id.*

¹⁴⁸ NOP at p. 6-7.

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E. Noise

EIRs should avoid vague, incomplete or untested mitigation measures because mitigation measures must not be remote and speculative.¹⁴⁹ A mitigation measure identified in an EIR will be legally inadequate if it is so undefined that it is impossible to gauge its effectiveness.¹⁵⁰ Thus, to properly reduce the identified significant impacts, the Project must incorporate feasible mitigation measures. In violation with the above-reference requirements, the EIR lists potential mitigation measures for the Project's significant impacts but does not specify which, of any, will be implemented.¹⁵¹

Further, the EIR does not adequately address any mitigation measures for the noise impacts on the adjacent properties, as well as noise impacts to an early phase of development from the construction of a later phase of development. It does not analyze operational noise impacts internal to the Project such as truck, restaurant, or bar noises on the residential uses and surrounding area.¹⁵² The EIR also does not properly evaluate the mixed-use related noise impacts, such as noise from loading areas and hours of use for certain types of uses and the spatial separation between industrial and residential land uses, as is required by the General Plan.¹⁵³ Furthermore, the EIR also fails to analyze the relative amount of Project-generated traffic noise compared with existing cumulative traffic noise.¹⁵⁴

Lastly, the analysis does not use the City's CEQA Significance Determination Threshold for noise/ land use compatibility. Instead the EIR claims this section was updated and superseded by the Noise Element of the 2008 General Plan.¹⁵⁵ However, the Significance Determination Thresholds were effective as of January 2011.

¹⁴⁹ *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260.

¹⁵⁰ *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County, supra*, 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement groundwater supplies without specifying whether water was available was inadequate measure for mitigating project's effect on groundwater supplies)

¹⁵¹ EIR, at p. 5.4-7 through 5.4-10, 5.4-16 through 5.4-17.

¹⁵² General Plan, at p. NE-5, NE-15.

¹⁵³ *Id.* at NE-15 to NE-16.

¹⁵⁴ *Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019 (an EIR's discussion of noise impacts was inadequate for failure to evaluate whether the additional traffic noise should be considered significant in light of the serious existing noise problem).

¹⁵⁵ *Id.* at 5.4-5 through 5.4-6, 5.4-12.

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F. Air Quality

The EIR contains a number of deficiencies that result in CEQA violations. First, the information in Table 5.5.01 is outdated and presents old air quality standards.¹⁵⁶ This leads to inaccurate analysis and impact assessment. Second, the EIR states that the San Diego Air Basin's State Implementation Plans ("SIP") has not been updated since 1994.¹⁵⁷ This statement is not correct as the latest version of the SIP for the San Diego Air Basin ("SDAB") is 2007. An analysis based off such a belief fails to disclose the true air quality impacts. Third, the statement that says that the SDAB has "achieved its attainment goals in a timely manner" is also outdated. Therefore, the Project would conflict with or obstruct implementation of the applicable air quality plan.¹⁵⁸

Further, the EIR analysis states that "this proposed change in land uses would result in additional traffic trips and associated air emissions that were not accounted for in the ozone attainment demonstration within the SIP."¹⁵⁹ This admission demonstrates the Project conflicts with and obstructs implementation of the applicable air quality plan. Further, no evaluation or demonstration has been made that the construction impacts would be less than significant. The EIR makes no demonstration that this Project is accounted for in the SIP.

Furthermore, the EIR does not properly or sufficiently demonstrate the rationale regarding the Project's dust control measure. Specifically, it does not demonstrate why the Applicant is only proposing to water the site twice daily during grading and cut and fill operations.¹⁶⁰ Further, the construction scenario is based on the assumption that 1.5 acres would be the maximum amount of grading that would occur on any single day at the site.¹⁶¹ This amount of site grading then results in low emissions of particulate matter. However, there is no enforceable provision requiring the Applicant to limit grading to 1.5 acres a day. This fugitive dust control measure does not appear in the document and is not included as a mitigation measure, but the impact conclusion ignores this.

Table 5.5-7 indicates it is presenting the maximum daily construction emissions during simultaneous construction of Phases 1, 2, and 3. This table contradicts the emissions presented in Table 5.5-5, which presents construction for Phase 1 only, as it is higher than the "maximum daily" emissions presented in Table 5.5-5, which assumes three phases would be constructed simultaneously. This same concern is applicable to Table 5.5-6, which presents construction emissions for simultaneous construction of Phases 1 and 2, and yet presents lower

¹⁵⁶ EIR, p. at 5.5.-5.

¹⁵⁷ *Id.* at 5.5-6.

¹⁵⁸ *Id.* at 5.5-10.

¹⁵⁹ *Id.* at 5.5-11.

¹⁶⁰ *Id.* at 5.5-13.

¹⁶¹ *Id.*

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emissions for construction of two phases simultaneously than construction of a single phase. This sort of internal inconsistency undermines the EIR accuracy and the accuracy of its impact conclusions.

As referenced in our NOP comments, the EIR should fully analyze emissions resulting from construction and increased traffic. Exhaust emissions from diesel trucks have been identified as toxic air contaminants by the California Air Resources Board and are of particular concern. The EIR must include a health/ risk assessment for diesel particulates, including PM₁₀ and PM_{2.5}.

Lastly, the Neurocrine Biosciences site is located immediately south of the project.¹⁶² Also, a school is located near the Project site, which is a sensitive receptor. Because the Project cannot mitigate its park requirement by paying a fee toward construction of a park that has not been programmed in the Community Plan or Capital Improvement Plan, a park must be conditioned on-site to accommodate the Project's residents. This park site is another sensitive receptor that must be analyzed. The EIR fails to thoroughly analyze whether and to what extent the nearby industrial and commercial users emit pollutants that could be potentially harmful, distasteful or cause other concerns to future residents of the Project, including sensitive receptors such as children at the school, in the on-site homes, and at the future on-site park.

G. Greenhouse Gas Emissions Analysis is Inadequate

The Project's GHG analysis is inadequate because (i) it lacks enforceable measures proposed to reduce GHG emissions; (ii) it uses 1993 data that contradicts the EIR's definition of "business as usual" thus setting an incorrect baseline; (iii) it overestimates and double counts reductions in GHGs used thereby failing to demonstrate there is substantial evidence to support the conclusion that the Project reduces GHG emissions by at least 28.3 percent below "business as usual"; and (iv) it uses a GHG model that fails to analyze the categories of GHG emissions the City's Interim GHG Guidelines require.

The EIR states that GHG emissions were calculated using URBEMIS 2007.¹⁶³ Under this methodology, the EIR should have disclosed that URBEMIS does not include calculations for many of the GHG-generating activities associated with Project development, such as indirect emissions from electricity use, water and wastewater use, and solid waste handling. According to the City's August 18, 2010 GHG Interim Guidelines, the GHG "analysis should include, but is not limited to the five primary sources of GHG emissions: vehicular traffic, generators of electricity, natural gas consumption/combustion solid waste generation, and water usage." The URBEMIS Model also does not include San Diego-specific emission factors. This was also not disclosed within the EIR. Not only does the EIR not disclose these important exclusions, but the EIR also does not indicate why the URBEMIS Model was used in this analysis. Furthermore,

¹⁶² NOP, at p. 2.

¹⁶³ EIR, at p. 5.7-16

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URBEMIS has been superseded by CalEEMod, which has been available since February 2011. Thus, the EIR should discuss why the CalEEMod was not considered or used for the analysis.

The entire analysis is based on outdated information overestimates "business as usual" ("BAU") energy use, allowing the applicant to take credit for large reductions in GHG emissions.¹⁶⁴ The EIR does not address why electricity use and natural gas use rates from the South Coast Air Quality Management District's 1993 reference document was used to calculate BAU emissions. These values do not reflect Title 24 as of 2005 despite the definition on Page 5.7-16 indicating that BAU condition is defined as the emissions that would have occurred in the absence of reductions mandated under AB 32 (based on the 2005 Building Code standards).¹⁶⁵ There are more recent documents published by the CEC that provide more accurate estimates of energy use from residential and commercial land uses.

The EIR's analysis of the Project's GHG impact is further inadequate because it relies upon implementation of Rapid Bus Route 473 in Project Design Feature LUT-3 to help achieve a mixed-used development-related reduction in vehicle miles traveled.¹⁶⁶ Table 5.7-8 attributes an annual 828.96 MTCO2E reduction from implementation of Project Design Feature LUT-3. The EIR cites to the 2050 RTP for its evidence that the Project will be served by Rapid Bus Route 473.¹⁶⁷ However, the RTP indicates such bus transit service is not planned until at least 2035. A GHG-reducing project design feature not scheduled to be implemented until 2035 cannot logically provide a GHG reduction necessary to assist in meeting AB 32's GHG threshold for 2020. AB 32 establishes an emission target of achieving 1990 levels of GHG by the year 2020. The City's GHG threshold requires project's to demonstrate that their annual GHG emissions will be 28.3 percent of BAU emissions levels in 2020 in order to be consistent with AB 32.¹⁶⁸

The EIR adopts the City of San Diego's interim GHG threshold of 28.3 percent below BAU for projects, such as the Project whose annual GHG emissions exceed 900 MTCO2E. The EIR states that this BAU percentage is derived from the California Air Resources Board ("CARB") December 11, 2008 Scoping Plan as the percentage reduction in GHG necessary from a project to achieve AB 32's goal of reducing GHGs to year 1990 levels by the year 2020.¹⁶⁹ The EIR fails to inform decision-makers and the public that CARB abandoned the 2008 Scoping Plan after a group of environmental justice advocates sued the state on behalf of a group called the Association of Irrigated Residents ("AIR") alleging that the Scoping Plan's cap and trade program violated state law in a number of ways. The trial court in the case, *Association of Irrigated Residents v. CARB*, issued a ruling upholding much of the state's plan but also held that the board's environmental review of the scoping plan was flawed. More

¹⁶⁴ *Id.* at 5.7-19.

¹⁶⁵ EIR, at p.5.7-26, 5.7-27.

¹⁶⁶ *Id.* at 5.1-10.

¹⁶⁷ *Id.* at 5.7-16.

¹⁶⁸ EIR, at p. 5.7-16, 5.7-10.

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specifically, the trial court held that CARB had failed to thoroughly analyze alternatives to the cap and trade program, including a carbon tax. During the period of time this case has been on appeal, CARB has completed a new environmental review that more extensively analyzes alternatives to cap-and-trade and approved both the new assessment and a new scoping plan in late August 2011. The August 2011 Scoping Plan establishes a new BAU threshold, but assumes implementation of Pavely, the Renewable Portfolio standard and 2008 Title 24 Building Code standards. The EIR does not indicate whether it is above or below the new BAU standards once Pavely, Renewable Portfolio Standard, 2008 Title 24 Building Code standards and the enjoined Low Carbon Fuel Standard are removed from the project's BAU calculation. While the CEQA Guidelines allow the City of San Diego flexibility to establish a GHG threshold based upon expert opinion and substantial evidence, where the experts at CARB violated the law in establishing a BAU percentage in Scoping Plan that they have since abandoned, there is inadequate substantial evidence to support demonstration that a 28.3 percent BAU standard (using Pavely, RPS, but not LCFS) would provide a fair share contribution toward achievement of the AB 32's emission's target.

Additionally, the EIR discusses assumptions regarding reductions in GHGs from state and federal programs to reduce GHG emissions from vehicles. There is no substantial evidence these reductions add up to "as much as 33 percent" as stated in the document.¹⁶⁹ It is also stated in this paragraph that "the determination of whether the project would meet the 28.3-percent reduction target is evaluated both with and without the LCFS," yet there is no further evaluation of this in the document. The LCFS was taken into account in the analysis.

The EIR's GHG impact analysis is further inadequate because it fails to analyze the project's cumulative contribution to global warming through its changes to the albedo effect. There is an albedo effect from the conversion of fallow, light – colored, graded land to one occupied by darker surfaces, such as buildings, streets and landscaping. Albedo is the function of solar radiation reflected back into space by an area of the earth's surface. On a large scale, such a change affects the radiative balance of the earth's surface, and thus contributes to global warming by reducing the amount of sunlight reflected back to outer space, as the project's dark surfaces absorb more and reflect less solar energy than the underlying ground. Historical changes in earth-surface albedo, both positive and negative, have occurred from a number of other human-induced changes, for example, from the conversion of forests to farmland or from the construction of roads and buildings.

Typical surface albedo values range from 0.05 for asphalt to 0.95 for fresh snow, within a global mean planetary albedo of about 0.3 (BLM, 2010). An albedo for desert, which is similar to the project's barren graded surfaces, ranges from 0.2 to 0.4, meaning that 20 to 40 percent of incident radiation is reflected back into space. Dark-colored sunlight-absorbing surfaces contemplated through the site's development, by comparison typically reflect less solar radiation. The EIR fails to identify the project's existing albedo condition and the degree to which the Project reduces the existing albedo effect and the cumulative effect net reductions in

¹⁶⁹ *Id.*, at p. 5.7-23.

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albedo from other planned development within the Project vicinity. City, County, and state will have on the earth reflectivity and thus global warming. Several modeling tools are available for such measurements, none of which were implemented in the EIR assessment.¹⁷⁰

Further, the discussion of solid waste GHG emissions does not provide any information on the methodology used to calculate these emissions.¹⁷¹ Again, the EIR does not discuss why the URBEMIS Model used as the sole source of emissions from waste management activities. This calculation does not account for the generation of methane from waste handling and does not provide a complete analysis of the overall GHG emissions from this activity.

The EIR stated that "the difference between cumulative trips and driveway trips was considered in the analysis to account for the placement of mixed office and retail in the vicinity of residential and commercial uses, which would allow for internal trips."¹⁷² There is no documentation of whether reductions were taken in the analysis for this, and what level of reductions was assumed.

The EIR lacks the quantitative analysis that justifies the assumptions made in the reductions in energy use and natural gas use.¹⁷³ The analysis counts twice reductions from energy efficiency, and overestimates the reductions that would be achieved. In fact, the California Energy Commission has published analyses showing the estimated reductions in electricity and natural gas usage that contradict the information in this table; for example, reductions in natural gas usage for meeting Title 24 Energy Code as of 2008 versus 2005 are only in the range of 7.2 to 7.4 percent for a project such as the Project, yet it appears that the analysis took credit for a 15 percent reduction. The reductions assumed in the analysis are not justified and no enforceable measures have been proposed to support the conclusions of the analysis. Furthermore, the category "Electricity Energy Efficiency (AB 32)" is not explained or identified, yet a reduction of 11.67 percent is assumed without any justification. The EIR must discuss how such a reduction could be implemented for the Project.

Under Project Design Feature BE-1, it is stated that the Project would exceed Title 24 energy efficiency requirements by twenty percent.¹⁷⁴ The analysis already assumed a 15 percent reduction in energy use from Title 24 as of 2005 in Table 5.7-7, which, as stated above, is disputable. The measures identified in the EIR are qualitative and no analysis is provided that shows the energy use reductions that would be achieved. No enforceable measures have been proposed under Project Design Feature BE-1, yet Table 5.7-8 assumes an additional 20 percent reduction from "BAU" energy use, for which credit is taken on top of the 15 percent reduction as

¹⁷⁰ See http://prhouser.com/houser_files/developmentlandsurface.pdf.

¹⁷¹ *Id.* at p. 5.7-21.

¹⁷² *Id.* at p. 5.7-22.

¹⁷³ *Id.* at p. 5.7-24.

¹⁷⁴ *Id.* at p. 5.7-24.

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shown in Table 5.7-9. Also, the CAPCOA reference document cited in the EIR¹⁷⁵ contradicts the reduction assumed in the analysis. According to the CAPCOA reference document, for a 10 percent improvement beyond Title 24, the effectiveness ranges from 0.2 to 5.5 percent reduction in energy use for electricity, and the effectiveness ranges from 0.7 to 10 percent for natural gas use. Between double-counting reductions in energy use and overestimating the reduction that would be achieved through exceeding Title 24 standards, the GHG emissions reductions have been greatly overstated in the EIR.

Moreover, the EIR claims that implementation of "one or more of these GHG emissions reductions features in this category would result in a 20-percent reduction from BAU".¹⁷⁶ However, there is no substantial evidence to support such an assessment. If only one of the measures is implemented (for example, prohibit HVAC, refrigeration, and fire suppression equipment that contain banned chlorofluorocarbons), this will not result in a 20 percent reduction in electricity and natural gas use on top of the reductions already assumed for implementing Title 24 as of 2008 and other unspecified measures listed in Table 5.7-7 as "Electricity Energy Efficiency (AB 32)" but not quantified or identified.

The EIR analysis takes credit for a 30-percent reduction in water use for the project.¹⁷⁷ The statement is made that the Project "could include" certain measures to reduce indoor and outdoor water use, but no quantification of individual measures or assurance that the measures will be implemented is provided. In fact, the Project Design Feature WUW-1 in the CAPCOA reference document that is cited in the EIR only applies to indoor water use. The reference document provides a means of calculating GHG emission reductions from each of the measures proposed. If a 30-percent reduction in water use is assumed, this measure needs to be enforceable. No justification is provided for the statement on the following page that "implementation of one or more of these water conservation features would result in a 30-percent reduction from BAU". With only one of the measures employed, it is not possible to result in a 30-percent reduction in water use.

Further, the EIR does not demonstrate how the five-percent reduction in solid waste generation, and therefore GHG emissions, was calculated.¹⁷⁸ According to the CAPCOA reference document, under Measures SW-1 and SW-2, "no literature references exist which provide default values for percent of waste diverted." The reference goes on to state "To take credit for this measure, the Project applicant would need to provide detailed and substantial evidence supporting the amount of waste reduced or diverted to recycling or composting due to the institution of extended recycling and composting services." No such detailed and substantial evidence is provided in the EIR, yet credit has been taken for the measure.

¹⁷⁵ California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010).

¹⁷⁶ *Id.* at p. 5.7-25.

¹⁷⁷ *Id.* at p. 5.7-25.

¹⁷⁸ *Id.* at p. 5.7-26.

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H. Paleontological Resources

While the EIR provides mitigation for impacts to the Project site's paleontological resources, there is no *de minimus* level of impact once a paleontological site is disturbed because future technology and advances in science could discover things about these sites that are lost forever once they are disturbed. Thus, the Project contains unmitigated significant impacts, rather than mitigated impacts as suggested by the EIR.

I. Hydrology/Water Quality

The EIR failed to disclose the Project's non-compliance with the California Regional Water Quality Control Board's storm water standards. On July 14, 2010, the Regional Board adopted Resolution No. R9-2010-0066 establishing hydromodification requirements to control pollutant discharges into watersheds, which became effective in the City of San Diego on January 14, 2011. The EIR evades analysis of these potentially significant water quality impacts by wrongly asserting that the hydromodification requirements do not apply to the Project because the City deemed the Project Application complete before January 2011. This conclusion is contrary to the Regional Board's regulations and the City's hydromodification guidelines. Therefore, the failure to include any analysis of these pollutant discharge impacts violates CEQA, requiring recirculation of the EIR.

The City's hydromodification guidelines state that if a project has vested rights from a vesting tentative map application that was deemed complete prior to January 14, 2011, applicants must submit an infeasibility analysis documenting why hydromodification compliance is infeasible. The EIR makes several errors in relying on this exemption to avoid analysis and disclosure of water quality impacts. First, the EIR cites to no evidence that the Applicant demonstrated that hydromodification is infeasible, as is required by the City's Guidelines for Determining Exemptions and Infeasibility.

But even if the Applicant were able to demonstrate infeasibility of compliance, it would not exempt the Project from the hydromodification requirements because the Project does not have a vested right to violate these important state pollution control laws. Because the Regional Board's hydromodification requirements are imposed by the state, the Project cannot possibly have a vested right to evade them. A vesting tentative map vests only rights relating to the conditions and requirements of the local agency that approves the map, and does not authorize the local agency to disregard any state laws, regulations, or policies.¹⁷⁹

In addition, the Project does not have a vested right to avoid important water pollution laws, such as the hydromodification requirements, because they are necessary to protect the public's health, safety, and welfare. Vested rights are often impaired when the new regulations

¹⁷⁹ Govt. Code § 86498.1(b); see, e.g., *Charles A. Pratt Constr. Co. v. Cal. Coastal Comm'n* (2008) 162 Cal.App.4th 1068, 1075.

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are sufficiently important to the public health, safety, or welfare.¹⁸⁰ Here, complying with the hydromodification requirements is of sufficient importance to the public health as to impair any vested rights the applicant might have to follow the prior water quality laws. As the Regional Board stated in its Order No. R9-2007-0001 imposing the new hydromodification requirements, "[p]ollutants in urban runoff can threaten human health. Human illnesses have been clearly linked to recreating near storm drains flowing to coastal waters. Also, urban runoff pollutants in receiving waters can bioaccumulate in the tissues of invertebrates and fish, which may be eventually consumed by humans." Allowing the Applicant to evade these important pollutant control laws would have a serious risk to the public's health. Therefore, the EIR's conclusion that it can rely on a vested rights exemption is deeply flawed and requires recirculation.

The EIR also improperly concludes that because the existing storm system was designed for ultimate build out of Carmel Valley, including development of the Project site, there is adequate capacity for storm water impacts. There is no substantial evidence to support this assumption. The proposed Project greatly exceeds what was planned for in the ultimate build out of Carmel Valley, so the EIR's conclusion is flawed and is a violation of CEQA.

Finally, even if the Applicant had a right to evade the hydromodification rules, this legal right is only a consideration for the City to include in a Statement of Overriding Considerations. The underlying significant environmental impact to water quality from implementation of the new water quality control features on this site must be disclosed with or without a vested right.

J. Public Utilities

By statute, an EIR for certain large projects must include an assessment of water supply information.¹⁸¹ The water supply assessment ("WSA") must discuss whether projected water supplies will meet projected water demands for the Project and other planned growth, and describe its plans for acquiring additional water supplies if it concludes that its existing water supplies are not sufficient to serve the project.¹⁸² The water supply assessment must be included in the EIR prepared for the project.¹⁸³ When taking action on the project, the lead agency then must "determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses."¹⁸⁴ If the lead agency determines that water supplies will not be sufficient, it "shall include that determination in its findings for the project."¹⁸⁵ Thus, analyzing the impact of supplying water to a project can be critical to achieving CEQA's goals of informing the public

¹⁸⁰ *Davidson v. County of San Diego* (1996) 49 Cal.App.4th 639, 649.

¹⁸¹ Pub. Res. Code § 21151.9; Guidelines § 15155(b)(1).

¹⁸² Water Code §§ 10910(b), 10911(a).

¹⁸³ Water Code § 10911(b).

¹⁸⁴ Water Code. § 10911(c)

¹⁸⁵ *Id.*

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and decision-makers about environmental impacts.¹⁸⁶ Here, the EIR and related WSA are deficient for the following reasons: (i) the documents fail to identify and analyze future water supplies that are reasonably likely to prove available; (ii) the documents lack discussion of possible replacement or alternative supply sources in the event the Quantification Settlement Agreement is invalidated; (iii) the EIR fails to identify the environmental consequences of implementing water supply projects; (iv) the WSA includes a water supply verification, which negates the fail safe mechanisms associated with producing two documents analyzing the water supply; and (v) the EIR violates City Council Policy 400-15, which Commissioner Lightner voted to adopt following San Diego's recent development.

In *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court identified specific requirements for an adequate analysis of water supply issues in an EIR. The court explained that future water supplies identified and analyzed in an EIR must be reasonably likely to prove available. Speculative sources and unrealistic allocations do not provide an adequate basis for decision making. When a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of future supplies, the EIR must discuss possible replacement or alternative supply sources, and the environmental effects of resorting to those alternative supply sources. It is not sufficient to address issues relating to future water supplies by providing that future development will not go forward in the absence of a sufficient water supply.¹⁸⁷

The court recognized that the ultimate question under CEQA "is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project."¹⁸⁸ Accordingly, if uncertainties inherent in long-term planning make it impossible to identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives—including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases—and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact.¹⁸⁹

The Project documentation, as written, does not comply with the requirements outlined in the California statutes or in *Vineyard*. First, both the EIR and corresponding WSA claim the Project's increased water demand is accounted for in the 2010 Urban Water Management Plan ("UWMP").¹⁹⁰ However, nothing in chapter six of the WSA indicates the tables are based on the accelerated growth forecast instead of the community plan based forecast. Instead, the City merely relies on Chapter 6 of the City's UWMP, which provides a table comparing demand and

¹⁸⁶ *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182.

¹⁸⁷ 40 Cal.4th at 431.

¹⁸⁸ *Id.* at 450.

¹⁸⁹ *Id.* at 434.

¹⁹⁰ WSA, at pg. 25.

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supply, in the WSA and the EIR.¹⁹¹ These water supply demand comparisons are based on the SANDAG Series 12: population and development forecasts based on approved community plans. Therefore, the WSA does not provide any evidence that there is adequate water supply for the Project that exceeds the community plan's development density and water supply.

The EIR is apparently referencing the 10 percent buffer within the UWMP, but does not include any substantial evidence to support whether the buffer exists, how much has been used, and whether the City has a vested right to use up more of the buffer. The public has the right to know how the buffer is used and how it is managed, particularly when it does not appear in any of the UWMP or WSA supply and demand tables. Additionally, neither the WSA nor the EIR provide an accounting for replenishment of this buffer or supply of the increased water demand necessitate by the Project. In short, none of the documents in either EIR or the WSA provide any proof that demand from the Project was accounted for and can support the finding that there is adequate water supply for this and future planned projects for the next twenty years, since it exceeds the development levels assumed in SANDAG Series 12 population forecasts.

Thus, in violation of the *Vineyard* requirement to identify and analyze future water supplies in an EIR that are reasonably likely to prove available, the WSA is simply a boilerplate with an introduction making an unsupported claim that San Diego County Water Authority accounted for the water supply.¹⁹² No effort was made to truly document and show the evidence for how the Project's water supply was planned for.

Regardless of whether the Project's increased water demand is within the forecasted demand, the EIR and WSA still violate *Vineyard*. Specifically, the WSA relies on water provided by the Quantification Settlement Agreement for the Colorado River ("QSA"). While the WSA does disclose the legal risks associated with the QSA,¹⁹³ it fails to designate future water supplies should the QSA remain invalidated. In this instance, the WSA states the "impact, if any, which the ruling might have on waters suppliers, cannot be adequately determined at this time."¹⁹⁴ Pursuant to *Vineyard*, when, despite a full analysis, "it is impossible to confidently determine that anticipated future water sources will be available," CEQA requires some discussion of possible replacement or alternative supply sources, and of the environmental consequences of resorting to those sources.¹⁹⁵ Neither the EIR nor the WSA contain any discussion regarding replacements or alternative sources of water. Thus, the Project documentation is inadequate and should be revised and recirculated.

¹⁹¹ EIR, at p. 5.11-10.

¹⁹² *Vineyard*, 40 Cal.4th at 432 (speculative sources and unrealistic paper allocations do not provide an adequate basis for decision making under CEQA).

¹⁹³ WSA, at p. 14.

¹⁹⁴ *Id.* at 15.

¹⁹⁵ *Vineyard*, 40 Cal.4th at 432.

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Assuming arguendo the EIR and/or WSA does identify alternative or replacement water sources, the EIR fails to identify and assess the environmental consequences of implementing these water supply projects or required by *Vineyard*. Thus, the EIR still violates a fundamental purpose of CEQA, which is to provide an informational document that discloses the potential significant environmental effects of a proposed Project and to identify ways that environmental damage can be avoided or significantly reduced.¹⁹⁶

Furthermore, by linking the water supply verification to the WSA, the EIR eliminates the fail safe mechanism that would ensure accountability and existence of an adequate water supply. Senate Bill 221 ("SB 221") mandates developers to obtain affirmative written verification of sufficient water supply prior to approval by a city or county or final map. SB 221 is intended to serve as a mechanism to ensure that collaboration for finding the needed water supplies to serve a new large subdivision occurs before construction begins. A separate water supply verification must be prepared prior to approval of the final map. Due to the deficiencies inherent in the WSA, the verification linked to the WSA is equally flawed. Without a working water supply document, there is no substantial evidence the Project will have access to water that would meet its increased demands, when combined with existing demands and other foreseeable projects.

City Council Policy 400-15, Comprehensive Policy for a Sustainable Water Supply in San Diego ("Policy 400-15"), was recently enacted in order to prepare the City for challenges facing the City and region. The purpose of this policy was to implement comprehensive policies that contain performance measures and regular review to ensure that they are up-to-date.¹⁹⁷ As of the date the EIR was available for public comment, the UWMP contained the most up-to-date water demand forecasts. The Project exceeds these forecasts. Thus, approving the Project will violate Policy 400-15 by exceeding the performance measures set forth therein. By definition, the Project fails to comply with one of the key objectives of Policy 400-15, which is to balance the water demand and water supply in all future land-use decisions.¹⁹⁸ The Project's increased water demand exceeds what is contained in the UWMP, which is the City's mechanism for balancing the water demand and water supply for future land-use projects. Moreover, by the Policy's very language the EIR and WSA cannot be supported by City Council. First, Policy 400-15 tasks City Council with the responsibility of only supporting decisions that are aligned with the City's UWMP.¹⁹⁹ As demonstrated, the Project is outside the bounds of the water demand forecasted by the UWMP. Second, the Mayor and Intergovernmental Relations Director are responsible for monitoring and reporting court decisions that could affect the City's water supply.²⁰⁰ A report to City Council pursuant to Policy 400-15 would surely include

¹⁹⁶ Guidelines §§ 15002(a) and (b).

¹⁹⁷ Policy 400-15, p. 1

¹⁹⁸ *Id.* at p. 2.

¹⁹⁹ *Id.* at p. 3.

²⁰⁰ *Id.* at p. 2.

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Vineyard and its WSA-related requirements. Thus, the City Council will be aware of the court's decision and be bound to follow the mandates articulated in *Vineyard* as described above.

For the foregoing reasons, the WSA and EIR violate CEQA requirements related to water supply, and therefore the EIR should be recirculated.

K. Public Services and Facilities/Recreation

Under CEQA's definition of environmental impacts, increases in demands on public facilities, services, and utilities that will result from a project are not environmental impacts that must be evaluated in an EIR. An EIR must, however, consider the effects of changes to the environment that can result from an expansion of facilities, services, or utilities.²⁰¹ While the EIR states that the Project does not create a direct impact to police and fire services and facilities near the Project site, which the EIR states are able to meet response times to the Project,²⁰² the EIR lacks data on what the fire response times are throughout the community plan and how the Project will affect these times. Thus, the EIR fails to describe the indirect impacts of the Project on response times to the existing development. Additionally, the EIR provides data on the police response times within the beat, but does not describe what indirect impacts the Project may have on response times to the existing development. For example, because the Project will create and exacerbate significant traffic impacts so the area streets are a failing Level of Service, this will impact police and fire services near the Project from reaching the rest of the County. The EIR does not address response times from police and fire stations operating under a mutual aid agreement.

Moreover, the cumulative analysis states that future development will pay impact fees and property taxes necessary to adequately fund the services and facilities needed for new development.²⁰³ However, the EIR also states that the City is below its goal for fire and police staff per 1000 residents. What evidence is there that this development will provide sufficient funds to cover its fair share of staff and operating costs for police and fire stations to meet this goal?

The EIR violates the above-stated rule in its discussion of the recreational facilities. Specifically, the EIR states that the Project will generate 1,666 residents, requiring 4.6 acres of usable parkland to serve this population.²⁰⁴ This is a net population increase to the Community Plan, which assumed build out of the Community Plan would generate 13,773 new residents from the other vacant parcels within the community plan.²⁰⁵ Zoned as industrial, the Community

²⁰¹ *Goleta Union Sch. Dist. v. Regents of Univ. of Cal.* (1995) 37 Cal.App.4th 1025; *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123.

²⁰² See EIR, at § 5.12.

²⁰³ EIR, at p. 8-11.

²⁰⁴ *Id.* at p. 5.12-7.

²⁰⁵ Carmel Valley Community Plan, at p. 8, Table 1

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Plan assumed the Project site would generate no residents.²⁰⁶ Therefore, Community Plan must be amended to provide public facilities to serve 15,439 new residents (13,773 + 1,666), a 12 percent increase from the planned 13,773 new residents.

The EIR states that "[a]dequate public parks currently exist to serve the proposed Project population increase."²⁰⁷ The Project would be conditioned to pay applicable FBA fees to fund its park obligations.²⁰⁸ However, the EIR provides no substantial evidence to support this conclusory statement. If the City calculated that the parks planned in the existing community plan were oversized to accommodate 1,666 new unplanned residents, then the final EIR needs to disclose the analysis that supports this. In addition, if the existing park facilities in Carmel Valley were overbuilt by at least 4.6 net usable acres, then the existing Carmel Valley residents and developer who paid the existing Facilities Benefit Assessments ("FBA") were overcharged since the cost of the planned parks was spread out over 13,773 residents, not 15,439 residents. Through the EIR, the City implies that there has always been a 4.6-acre parkland "buffer" in the Carmel Valley Public Facilities Financing Plan ("PFFP") to accommodate the needs of 1,666 new residents. If such a buffer exists, then the City violated the Mitigation Fee Act when it established the FBA for the PFFP.

The Mitigation Fee Act requires public agencies imposing fees on the development projects to identify the use of a fee with reference to a capital improvement plan that describes the public facilities for which the fee is charged.²⁰⁸ It also requires such a fee have a reasonable relationship between the fees use and the type of development for which the fee is imposed. Finally, it needs to determine how there is a reasonable relationship between the need for the public facility and the type of development for which the fee is imposed.²⁰⁹ Here, if the City identified that the planned parks were really designed for 15,439 residents, instead of the 13,773 residents at the time the FBA was established, then there was no reasonable relationship between the development projects generating 13,773 residents and the need for parks built to serve 15,439 residents.

Conversely, without evidence to support that Carmel Valley planned parks were improperly oversized to account in advance for 1,666 new residents, then adding 1,666 new residents will lead to a deficit in parkland. As written, the EIR contains no evidence of a plan demonstrating how an Applicant's payment of FBA fees will lead to the creation of the 4.6 acres of parkland necessary to serve its new population. The Courts have found that without an approved plan, there is no evidence in the record that payment of fees would provide effective mitigation.²¹⁰

²⁰⁶ *Id.*

²⁰⁷ EIR, at p. 5.12-7.

²⁰⁸ Govt. Code Sect. 66001(a)(3).

²⁰⁹ Govt. Code Sect. 66001(a)(4).

²¹⁰ *Cal. Native Plant Soc'y v. County of El Dorado* (2009) 170 Cal.App.4th 1026.

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Therefore, the City either needs to condition the Project to provide 4.6 acres of parkland on-site or bring forth PFFP Amendment identifying the location and plan for providing an additional 4.6 acres somewhere in Carmel Valley. There is no basis for deferring this analysis into the future and claiming the location of new public facilities is too speculative. As the Court found in *CBE v. City of Richmond* (2010) 184, Cal App.4th 96, "we agree with the trial court that the City's decision to approve the Project, after giving the City Council final approval over a mitigation plan that Chevron formulates a year later outside the EIR process, does not satisfy CEQA's requirements. We emphasize once again that the time to analyze the impacts of the Project and to formulate mitigation measures to minimize or avoid those impacts is during the EIR process, before the Project is brought to the Planning Commission and City Council for final approval." In *CBE v. City of Richmond*, the City belatedly acknowledged at the very end of the EIR process that the project's GHG emissions would constitute a significant impact on the environment. The City was obviously unable to gather sufficient information during the EIR process to develop specific mitigation measures. The court's solution was not to defer the specification and adoption of mitigation measures until a year after Project approval; but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment.²¹¹ Thus, the EIR should include the appropriate mitigation measures now in order to be compliant with CEQA.

L. Health and Safety

The EIR should carefully consider the impacts of the Project on public health, safety, and welfare, including hazards and hazardous materials. The Project is located near industrial and commercial uses which could potentially expose Project residents, hotel guests, and shoppers to health and safety hazards. Located near the Project are both the Neurocrine Biosciences site and a school, which is a sensitive receptor.²¹² The Project's need to develop an on-site 4.6 park to accommodate its new residents will become a sensitive receptor site. Particulate Matter and fugitive dust emission from the Project's construction will also impact the school and new park. The EIR fails to include a health risk assessment that analyzes the potential risk of locating residents near existing industrial and commercial uses.

M. Urban Decay

Changes to the physical environment caused by a project's economic effects are an indirect effect that must be analyzed in an EIR if they are significant.²¹³ When evidence suggests that a project's economic effects could ultimately result in urban decay or deterioration, the lead agency must assess any indirect physical impacts rather than "summarily

²¹¹ *Id.*

²¹² NOP, at p. 2.

²¹³ Guidelines §§ 15064(e), 15131(a).

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dismissing the possibility" of urban decay as a social or economic effect that is outside the scope of CEQA.²¹⁴

The Project contains a number of issues related to urban decay. First, the Kosmont Retail Market Analysis related to the Project ("KRMA") states the estimated percentage of income spent on retail goods is 30.95 percent of income plus fifteen percent for visitor spending, totaling 49.95 percent.²¹⁵ In reality, the percentage is actually 49.76 percent. This results in a \$700,000 drop in 2015 secondary market area ("SMA") sales.²¹⁶

Second, in determining the sales figures for the primary market area ("PMA") and SMA, the KRMA employs an improper methodology based on land area for each municipality. This is an incorrect methodology because land use has little basis in determining prorated sales, specifically due to varying land uses and densities throughout the County.

Third, the KRMA allocated sales of future retail shopper goods based on the 2009 figures from the State Board of Equalization.²¹⁷ Only the use of historical averages from the market area provides an accurate estimate of retail sales. Thus, the KRMA does not reflect a decrease in average from the amount of retail sales in categories that already are indicating a surplus versus leakage amount.

Fourth, there are number of mathematical errors and inconsistencies. Specifically, these errors are evidenced in KRMA's expected sales capture. For example, the KRMA includes the incorrect number for actual food sales and for eating/drinking sales. Inconsistencies can also be found in the Building/Hardware and Service Station Categories.

Lastly, the expected sales per square foot is grossly underestimated by the KRMA. The trade area commands one of the highest lease rates in the county and proposed development with its high acquisition and development costs would require high lease rates and correspondingly higher sales to support development. KRMA's projected expected sales at \$300 per square foot is infeasible to support lease rates and proposed development costs. Sales at the Del Mar Highlands Town Center and other lifestyle centers show sales between \$600 - \$700 per square foot annually. Furthermore, with the correct \$700 sales per square foot, the Project's development of 220,000 square feet plus 800,000 square feet of proposed retail square feet in the Trade Area would exceed demand, thereby forcing retailers to close due

²¹⁴ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207; *Am. Canyon Cmty. United for Responsible Growth v. City of Am. Canyon* (2006) 145 Cal.App.4th 1062, 1072; *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445 (negative declaration case noting that rezoning parcel for commercial and manufacturing uses could cause loss of business and resulting physical deterioration of existing business areas).

²¹⁵ Kosmont Retail Market Analysis at pg. 15.

²¹⁶ From \$9,000,000 to \$8,300,000.

²¹⁷ *Id.* at 17-18.

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to insufficient demand, creating visual impacts and health and safety impacts from abandoned store fronts, crime and vandalism.

While the courts review an EIR using an "abuse of discretion" standard, the "reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"²¹⁸ As the court state in *Berkeley Jets*:

"A prejudicial abuse of discretion occurs 'if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.'"²¹⁹

N. Alternatives Analysis

The Project's Alternative analysis is inadequate because: (i) it contains an overly narrow range of alternatives that reduces significant impacts that omits the consideration of smaller mixed-use projects; (ii) it lacks the required discussion of potential alternative locations for the project; and (iii) it cursorily rejects environmentally superior alternatives that meet most of the basic Project objectives without providing substantial evidence of infeasibility.

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as the environmental aspects are concerned."²²⁰ The alternatives analysis must fulfill CEQA's mandate to examine a "reasonable range" of alternatives aimed at avoiding or reducing the significant impacts of the proposed project.²²¹ An EIR's alternative's analysis should be rejected when an alternative that would reduce significant impacts and achieve most Project objectives is excluded from the analysis and the EIR fails to include a reasonable explanation of the decision to exclude that alternative.²²²

²¹⁸ *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Laurel Heights*, 47 Cal.3d at 391, fn. 12).

²¹⁹ 91 Cal.App.4th at 1355 (quoting *San Joaquin Raptor*, 27 Cal.App.4th at 722; *Galanje Vineyards v. Monterey Peninsula Water Mgmt. Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 78 Cal.App.4th at 946).

²²⁰ *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-51.

²²¹ Guidelines § 15126.6; *Laurel Heights*, *supra*, 47 Cal.3d at 403-04 ("[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles under the CEQA process").

²²² See *Ctr. for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866 (EIR for outdoor composting facility found legally inadequate because it did not consider an enclosed facility that would significantly reduce air quality impacts); *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059 (EIR for new city general plan found legally inadequate because it did not consider a reduced development alternative even though it would have reduced significant impacts and met most of city's stated objectives).

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In addition, the EIR failed to describe the City's rationale for selecting the alternatives that are discussed, as required by CEQA Guidelines Section 15126.6(c). Merely stating that the alternatives were selected to comply with CEQA, as the EIR does, is not sufficient detail to inform the City Council and the public why these, and no other, alternatives were analyzed.

An EIR will be found legally inadequate if it contains an overly narrow range of alternatives in light of the nature of the project and its environmental effects. Thus, in *Watsonville Pilots Association*, the EIR for a new city general plan included two alternatives with the same level of increased development as the proposed plan, but did not consider any reduced development alternatives.²²³ Recognizing that the project's environmental impacts would flow largely from growth, the court concluded the EIR was fatally flawed because it did not include a reduced development alternative that would provide information about how most project objectives could be satisfied without the level of environmental impacts that would result from the project.

Under the *Watsonville Pilots* standard, the Project EIR fails to provide a reasonable range of alternatives. Instead, because it fails to analyze a project that both reduces density (to mitigate significant bulk and scale and traffic impacts) and promotes the office/retail/residential mixed-use goal that is central to the Project objectives, the Applicant has improperly narrowed the consideration of alternatives to the Project.²²⁴ Specifically, three of the four alternatives are not mixed-use projects. The only mixed-use alternative analyzed (medical office/senior housing) purposefully excludes the stated Project goal to provide a "mix of employment, housing, dining and shopping within the same development."²²⁵ In reality, the alternatives presented in the EIR are just strawman alternatives that do not comply with the requirements outlined in the CEQA Guidelines.

Under CEQA, the basic purpose of an EIR's discussion of alternatives is to suggest ways Project objectives might be achieved at less environmental cost.²²⁶ Here, it appears that the basic purpose of this EIR's discussion of alternatives is to suggest alternatives that do not meet the fundamental Project objective, and then reject them for not meeting the fundamental Project objective.

Courts have held that an EIR should not present alternatives that are incompatible with the fundamental Project objectives, but that is precisely what the EIR did here. The project's underlying purpose "to create a 'Main Street' and village center for the Carmel Valley community,"²²⁷ yet only one alternative – the Commercial Only Alternative – includes a Main

²²³ 183 Cal.App.4th at 1087.

²²⁴ *Rural Lendowners Ass'n. v. Lodi City Council* (1983) 143 Cal.App.3d 1013, 1024 ("[r]esponsibility for a project cannot be avoided merely by limiting the title of description of the project").

²²⁵ EIR, at p. 12-1, 12-18.

²²⁶ *Mira Mar Mobile Cmty. v. City of Oceanside* (2004) 119 Cal.App.4th 477.

²²⁷ P. 5.1-13.

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Street and village center. None of the other alternatives include a Main Street and village center, so they should have been screened out in the initial review and not included in the more detailed alternatives analysis. This alternatives analysis is similar to an EIR for a football stadium preparing an alternatives analysis with a basketball arena alternative, a baseball ballpark alternative, and a tennis stadium, and then rejecting those alternatives for not meeting the purpose of creating a football stadium.

In addition, the other alternatives are insufficient to meet CEQA's requirement of a range of reasonable alternatives because, apart from the No Project alternatives, only two alternatives – Commercial Only and Medical Offices/Senior Housing – meet "most of the basic project objectives" as is required.²²⁸ The No Retail Alternative should have been screened out and rejected because it meets only three of the six basic Project objectives, not "most" as is required by CEQA. The EIR should be revised to include a properly prepared alternatives analysis that considers a range of alternatives that meet the fundamental purpose of the Project and most of the basic Project objectives, and reduces significant effects of the Project.

Additionally, an EIR must include a discussion of potential alternative locations for the project, when any of the project's significant impacts would be avoided or substantially lessened by locating the project elsewhere.²²⁹ The EIR must first address whether any of the project's significant impacts would be avoided or substantially lessened by locating the project elsewhere.²³⁰ Locations that would be environmentally superior to the project site should be included in the EIR. Only alternative sites that would not eliminate or substantially reduce significant adverse effects should be rejected.²³¹ When a lead agency concludes that no feasible alternative locations exist, it should include its reasons in the EIR.²³² An agency may determine that no feasible locations exist either because basic project objectives cannot be achieved at another site, or because there are no sites meeting the criteria for feasible alternative sites.²³³

For example, the EIR should consider alternative locations for the Project which would substantially lessen the Project's impacts.²³⁴ It is apparent that the Project is a mixed-used

²²⁸ Guidelines § 15126.6(a).

²²⁹ Guidelines § 15126.6(f)(2); *Citizens of Goleta Valley, supra*, 52 Cal.3d 553.

²³⁰ *Id.*

²³¹ Guidelines § 15126.6(f)(2)(A).

²³² Guidelines § 15126(f)(2)(B).

²³³ *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 921.

²³⁴ Pub. Res. Code § 21001(g); see also *See Laurel Heights, supra*, 47 Cal.3d at 403 (noting that EIR, which stated that no feasible alternative sites were available for relocation of university facilities other than site it owned, did not assess possibility of expanding or remodeling other facilities or possibility of purchasing or leasing other facilities).

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urban village, and would actually be better suited for an urban setting with existing transit. An urban location is particularly warranted because the Project proposes to amend the Community Plan and Precise Plan in a suburban area to fit an urban-sized project. The EIR failed to evaluate alternative locations closer to the urban core of the City.²³⁵ Community Plan requires the careful consideration of "locations that can most readily accommodate and support realistic future alternative modes of transit other than the automobile."²³⁶ When analyzing the Project's alternative locations, the EIR should evaluate a broad study area, because the Project draws from locations far outside Carmel Valley. In direct contradiction of these requirements, the EIR states that there are no other vacant 23.6 acre sites in the area to suitable for the Project. Other large sites suitable for mixed-use development closer to the City's urban core include the Sports Arena site, the Old County Administration Center site, and the Postal Center site, among others.

Furthermore, the EIR failed to describe the City's rationale for not including several alternatives that would meet most Project Objectives and reduce significant impacts. Courts have deemed an EIR's analysis of alternatives defective when an alternative that would reduce significant impacts and achieve most of the basic Project objectives is excluded from the analysis and the EIR fails to include a reasonable explanation of the decision to exclude that alternative.²³⁷ The EIR should have included the following alternatives: Reduced Retail, Non-Retail Mixed-used with a Main Street, Reduced Bulk, and a Project alternative site. The EIR's failure to do so renders the alternatives analysis defective under CEQA.

The EIR also inappropriately rejected an alternative site without doing an analysis of such an alternative. The EIR rejects an alternative location because it determines that another location is "not applicable." Applicability is not a valid basis for rejecting an alternative under CEQA or CEQA case law. Alternative sites may, however, be rejected if they are "infeasible." If the City meant to reject an alternative location because it is not "feasible" rather than not "applicable," the EIR should correct this error.

Assuming that the City meant to reject an alternative location due to infeasibility, the EIR does not provide a sufficient basis for doing so. The EIR rejects an alternative location "[b]ecause no other vacant approximately 23.6-acre site exists in the area that is suitable for the project." This is an extremely narrow way to define a suitable location for the Project, and the EIR does not explain why only such a site could meet most of the basic Project Objectives. The EIR thus improperly dismisses, without doing any analysis, all alternative locations because they are not "vacant" and "approximately 23.6-acres" and "in the area that is suitable for the project." The EIR should explain why a vacant 25-acre site, or 50-acre site with 23.6 vacant acres, would be unsuitable for the Project. It must also define what is meant by "area" because

²³⁵ See *Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1179.

²³⁶ Community Plan, at p. 7.

²³⁷ *Ctr. for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 886; *Watsonville Pilots Ass'n, supra*, 183 Cal.App.4th 1059.

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It is conclusory to declare that an alternative site is unsuitable because it is not "in the area that is suitable." Without further information, the EIR's definition of a suitable site is without any relevance to the basic Project Objectives. Apparently the EIR would deem an alternative site unsuitable even if it would fully meet all of the Project objectives and substantially reduce significant environmental impacts.

In addition, the entire analysis of an alternative site comprises just one sentence, which is insufficient to permit an evaluation of its merits. In fact, this one sentence analysis is at odds with the prior sentence in the EIR, a restatement of the law which requires that an alternative site analysis consider Project Objectives, land use designations, and availability of infrastructure. The EIR considered none of these factors. Therefore, the EIR should be revised to include a thorough analysis of an off-site alternative, including whether an alternative site could substantially reduce significant environmental impacts, attain most of the basic Project Objectives, and be consistent with existing land use designations.

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects.²³⁸ It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives...can substantially lessen such effects."²³⁹ An EIR may not provide such a cursory rejection of an environmentally superior alternative without supporting analysis.²⁴⁰ In violation of this mandate, the Applicant has determined that the "No Project/Development Under Existing Plans Alternative" is the environmentally superior alternative,²⁴¹ but has not provided substantial evidence that this alternative is infeasible or impractical.

The EIR should have disclosed that this No Project/Development Under Existing Plans Alternative, as pointed out previously, is already in conformity with the goals and objectives of the Project via the Precise Plan. This alternative would create a "horizontal community village" consistent with the City of Villages Strategy and the General Plan as reflected in the SGCM, which includes a number of developments including this Project Site as an employment center and office building. Therefore, to complete this community village, the Project Site should provide the development under the existing plans as envisioned in the Precise Plan and the Community Plan. The result would be the completion of the Carmel Valley "community village" without the significant and unmitigatable impacts of the Project as described in the EIR.

As the EIR does not include the appropriate alternative analysis, it is fatally deficient and needs to be revised and recirculated.

²³⁸ *Mountain Lion Found. v. Fish & Game Comm.* (1997) 16 Cal.4th 105, 1343; Pub. Res. Code § 21002.

²³⁹ *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41.

²⁴⁰ *Pac. Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 178.

²⁴¹ See EIR, at § 12.9.

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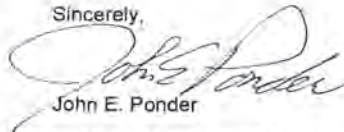
Martha Blake
May 29, 2012
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Conclusion

As set forth above, in the record of the Project, and in the prior proceedings, all of which are incorporated herein, the proposed Project is based on an inadequate environmental document and is inconsistent with the General Plan, Carmel Valley Community and Precise Plan. The conclusions upon which the proposed actions are based are inadequate, arbitrary and capricious, and unsupported by the record.

For these reasons, Donahue Schriber respectfully requests that the City of San Diego, as lead agency, adequately describe the Project, recirculate the EIR, analyze alternative locations, and fully and adequately analyze the potential, significant impacts of the Projects in compliance with CEQA, including analyzing feasible project alternatives that actually meet the project objectives. To the extent not already addressed by this letter, please address all points raised in the attached exhibits.

Sincerely,



John E. Ponder

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH-404958326.11

cc: Councilmember Sherri Lightner, District 1
Council President Pro Tem Kevin Faulconer, District 2
Councilmember Todd Gloria, District 3
Council President Tony Young, District 4
Councilmember Carl DeMaio, District 5
Councilmember Lorie Zapf, District 6
Councilmember Marti Emerald, District 7
Councilmember David Alvarez, District 8
David Graham, Office of the Mayor
Cecilia Gallardo, AICP, Assistant Deputy Director, Development Services Department

SheppardMullin**Exhibit A****Valorie Thompson / Scientific Resources Associated Technical Analysis**

April 26, 2012

Mr. John Ponder
Sheppard Mullin Richter & Hampton
501 West Broadway
19th Floor
San Diego, CA 92101

Dear Mr. Ponder:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (Draft EIR)¹ published by the City of San Diego (City) as the lead agency under the California Environmental Quality Act (CEQA) for the One Paseo Project (the Project).

My qualifications include a doctorate in Chemical Engineering from Purdue University and 23 years of environmental consulting experience in the preparation of CEQA and NEPA documents throughout the western United States. I have prepared and reviewed numerous project and plan documents for commercial projects, industrial projects, and infrastructure projects, and am very familiar with the state and local requirements for evaluating air quality and greenhouse gas impacts. My resume is attached to this letter.

Comments

SRA is providing comments on both the Air Quality Analysis (Section 5.5) and the Greenhouse Gas Analysis (Section 5.7) presented in the Draft EIR. In my opinion, the Draft EIR does not sufficiently analyze Project impacts on air quality or global climate change. The following are specific comments on the analyses.

Air Quality
5.5-2, ¶ 4

On April 15, 2004, the SDAQ was classified as a basic non-attainment area for the 8-hour NAAQS for ozone.

¹ City of San Diego, 2012, *One Paseo: A Main Street For Carmel Valley, Draft Environmental Impact Report*, SCH No. 2010051073, Project No. 193036, March...

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The information presented in the Air Quality discussion is outdated. The "basic" classification has been eliminated. Based on this outdated information, it is unclear whether the project's impacts have been evaluated on the basis of the current attainment status of the San Diego Air Basin.

Page 5.5-5, Table 5.5-1 The information in this table is outdated and presents old air quality standards. Based on this outdated information, it is unclear whether the project's impacts have been evaluated on the basis of the current ambient air quality standards.

Page 5.5-6, ¶ 1 *Since then, SIP revisions have been developed and approved for non-attainment areas throughout the state; however, the SIP for the SDAB was not required to be updated, as it has achieved its attainment goals in a timely manner.*

Is this section stating that the San Diego Air Basin's SIP has not been updated since 1994? That is not correct. The latest version of the SIP for the SDAB is 2007.² The statement that says that the SDAB has "achieved its attainment goals in a timely manner" is also outdated. Based on this outdated information, it is unclear whether the project's impacts have been evaluated on the basis of the current attainment status, and the current air quality plans for the San Diego Air Basin.

Page 5.5-10, ¶ 1 *The SDAB is considered to be a basic non-attainment area for the 8-hour NAAQS for ozone and a non-attainment area for the CAAQS for both ozone and PM₁₀.*

The information presented in this discussion is incorrect. Since the Impact Analysis for this issue reflects whether or not the project would conflict with or obstruct implementation of the applicable air quality plan, given the discussion on Page 5.5-6, it is unclear whether the analysis addressing the current, up to date SIP, or whether it is evaluating outdated air quality plans.

Page 5.5-11, ¶ 2 *This proposed change in land uses would result in additional traffic trips and associated air emissions that were not accounted for in the ozone attainment demonstration within the SIP.*

In that case, it is unclear how an affirmative conclusion can be made that the project would not conflict with or obstruct implementation of the applicable air quality plan. No

² San Diego Air Pollution Control District. 2007. *Eight-Hour Ozone Attainment Plan for San Diego County*. May.

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demonstration has been made that this project would not conflict with the SIP.

Page 5.5-11, ¶ 2

General estimated basin-wide construction-related emissions are included in the SDAPCD emission inventory (which, in part, forms the basis for the air quality plans cited above) and are not expected to prevent attainment or maintenance of the ozone and particulate matter standards within the SDAB. Therefore, construction impacts related to air quality plans for these pollutants from the proposed project would be less than significant, since they are presently estimated and accounted for in the emission inventory.

No evaluation or demonstration has been provided to reach the conclusion that the construction impacts would be less than significant. No attempt has been made to identify the emissions from this project, and to demonstrate that they are specifically accounted for in the SIP. The conclusion is therefore unsupportable.

Page 5.5-13, ¶ 5

It was assumed that dust control measures (watering two times daily) would be employed to reduce emissions of fugitive dust during site grading and cut and fill operations.

The applicant is only proposing to water the site twice daily during grading and cut and fill operations. A standard fugitive dust control measure would require site watering a minimum of three times daily, and implementation of additional fugitive dust measures.

Page 5.5-13, ¶ 5

Other detailed assumptions used on the construction emissions analysis and a copy of the URBEMIS model runs are contained in the Air Quality and Greenhouse Gas Technical Report (Draft EIR Appendix G).

Because the construction scenario is based on the assumption that 1.5 acres would be the maximum amount of grading that would occur on any single day at the site. This amount of site grading then results in low emissions of particulate matter. It is unclear whether the applicant proposing to limit grading to 1.5 acres on a daily basis. If this is correct, this fugitive dust control measure does not appear in the document and is not included as a mitigation measure, but the applicant must be limited to grading 1.5 acres on a daily basis to support the conclusions made in the document. Otherwise, the PM₁₀ and PM_{2.5} emissions are underestimated in the

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Draft EIR and the Draft EIR has not made a full disclosure of the impacts to air quality.

Page 5.5-17, Table 5.5-7 This table indicates it is presenting the maximum daily construction emissions during simultaneous construction of Phases 1,2, and 3. Based on the information presented in the table, the emissions presented in Table 5.5-5, which presents construction for Phase 1 only, are higher than the "maximum daily" emissions presented in Table 5.5-5, which assumes three phases would be constructed simultaneously. The same question applies to Table 5.5-6, which presents construction emissions for simultaneous construction of Phases 1 and 2 and yet presents lower emissions for construction of two phases simultaneously than construction of a single phase. It appears that the maximum daily emissions associated with simultaneous construction of 2 or 3 phases have not been fully disclosed in the Draft EIR.

Page 5.5-27, ¶ 1 *The predicted level of emissions of PM₁₀ during all of the analyzed construction phasing scenarios of the proposed project would be below the City of San Diego's significance criteria. Thus, the project construction-related dust emissions would be less than significant.*

If the conclusion is made that emissions will remain below 100 lbs/day of PM₁₀, there needs to be an enforceable condition that limits the amount of grading that can be conducted on any single day. As shown in the URBEMIS model runs, this amount is 1.5 acres/day.

Greenhouse Gas Analysis

Page 5.7-15, ¶ 4 *In order to serve as a guide for determining when a project triggers the need for a GHG significance determination, the City of San Diego has established an interim screening threshold for GHG emission analysis. Based on guidance in the CAPCOA report "CEQA & Climate Change," dated January 2008, the City is using an annual generation rate of 900 MT of GHG emissions to determine when further GHG analysis is required.*

The City of San Diego has issued guidelines for the analysis of greenhouse gas impacts¹. This guidance post-dates the 2008

¹ City of San Diego. 2010. "Addressing Greenhouse Gas Emissions from Project Subject to CEQA". August 18.

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CAPCOA report. It is unclear whether the analysis utilized the City's latest recent guidance in the greenhouse gas analysis.

Page 5.7-16, ¶ 5

GHG emissions were calculated using URBEMIS 2007.

The report states that GHG emissions were calculated using URBEMIS 2007. URBEMIS does not include calculations for many of the GHG-generating activities associated with a development such as the One Paseo project, such as indirect emissions from electricity use, water and wastewater use, and solid waste handling. The URBEMIS Model does not include San Diego-specific emission factors; yet this was not noted in the document, and no discussion of how the URBEMIS Model was used in the analysis (i.e., which emission factors) were used. Furthermore, URBEMIS has been superseded by CalEEMod, which has been available since February 2011. It is unclear, therefore, that the analysis presented in the Greenhouse Gas Emissions evaluation reflects conditions in San Diego, or current approaches to calculating GHG emissions.

Page 5.7-19, ¶ 4 & 5

GHG emissions from the proposed project were estimated based on an annual energy use of 13,55 kilowatt-hours (kWh) per sf for commercial and 5,627 kWh per dwelling unit for residential units.... Emissions associated with natural gas usage were calculated based on South Coast Air Quality Management District (SCAQMD) estimated natural gas usage of 2.9 cf of natural gas per sf per month (cfsf) for commercial, 2.0 cfsf per month for retail, and 4,012 cf per dwelling unit for residential units.

The entire analysis is based on outdated information which likely results in overestimating "business as usual" energy use, allowing the applicant to take credit for large reductions in greenhouse gas emissions. The SCAQMD's 1993 reference document⁴, which is the source of the energy use estimates, does not represent conditions based on Title 24 as of 2005 despite the definition on Page 5.7-16 indicating that "BAU condition is defined as the emissions that would have occurred in the absence of reductions mandated under AB 32 (based on the 2005 Building Code standards)." There are more recent documents published by the CEC^{5,6} that provide more accurate estimates of energy use from residential and commercial land uses.

⁴ SCAQMD, 1993. *CEQA Air Quality Handbook*.

⁵ KEMA-XENERGY, Iron, Ropes ASW, 2004. *California Statewide Residential Appliance Saturation Survey, Volume 2, Study Results Final Report*. CEC-300-00-004, June.

⁶ Iron, 2006. *California Commercial End-Use Survey*. CEC-400-2006-003, March.

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Page 5.7-19, ¶ 4 *Emissions were estimated based on factors from the California Climate Action Registry General Reporting Protocol (Protocol), which assumes that energy use (electricity) would have emissions of 804.54 pounds per MWh (lbs/MWh) of CO₂, 0.0067 lbs/MWh of CH₄, and 0.0037 lbs/MWh of N₂O.*

The emission factors are not based on the latest emission factors recommended for California in the latest version of the General Reporting Protocol.⁷ These outdated emission factors were used throughout the analysis and do not reflect "business as usual" conditions. The January 2009 GRP provides updated emission factors for California.

Page 5.7, ¶ 5 *Solid waste generation rates were estimated from the CIWMB's Solid Waste Characterization: Guidelines for Preparation of Environmental Assessment for Solid Waste Management (CIWMB 2010). Based on data from the CIWMB, the residential/commercial mixed uses were assumed to generate 0.0108 tons/sf/year. Waste collection trucks are accounted for in the URBEMIS2007 model, which incorporates diesel trucks that would visit and service the proposed project site. As shown in Table 5.7-5, it is estimated that approximately 90 MT per year of GHG emissions would be generated from the waste collection activities at the project site.*

The discussion of solid waste greenhouse gas emissions does not provide any information on the methodology used to calculate these emissions. If the URBEMIS Model was used as the sole source of emissions from waste management activities, this calculation does not account for the generation of methane from waste handling and does not provide a complete analysis of the overall GHG emissions from this activity.

Page 5.7-22, ¶ 3 *In addition, the difference between cumulative trips and driveway trips was considered in the analysis to account for the placement of mixed office and retail in the vicinity of residential and commercial uses, which would allow for internal trips.*

There is no documentation of whether reductions were taken in the analysis for this, and what level of reductions were assumed.

Page 5.7-22, ¶ 3 *Based on the San Diego County GHG Inventory (SDCGHI), the percent reductions in GHG emissions anticipated through implementation of the Federal CAFE standards, LCFS, and AB*

⁷ California Climate Action Registry. 2009. *General Reporting Protocol*. Version 3.1. Table C.2, Page 95.

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1493 fuel efficiency standard (analogous to the Federal CAFE standard), as well as the effect of light/heavy vehicle efficiency/hybridization programs can be estimated. Based on that study, emissions from vehicles would be reduced by 14.06 percent through implementation of the Federal CAFE standard/AB 1493 standard, 6.6 percent through LCFS, and 0.62 percent by the light/heavy vehicle aerodynamic efficiency/hybridization standard. Emissions from vehicles would therefore be reduced by as much as 33 percent from state and federal programs by the year 2020.

This paragraph discusses assumptions regarding reductions in GHGs from state and federal programs to reduce GHG emissions from vehicles. The reductions cited in the paragraph do not add up to "as much as 33 percent" as stated in the document. It is unclear how the reductions were calculated, and on what basis the reductions were assumed.

Page 5.7-23, Table 5.7-7 The analysis appears to be double-counting reductions from energy efficiency, and overestimating the reductions that would be achieved. In fact, the CEC has published analyses⁵ showing the estimated reductions in electricity and natural gas usage that contradict the information in this table; for example, according to the CEC reference, reductions in natural gas usage for meeting Title 24 Energy Code as of 2008 versus 2005 are only in the range of 7.2 to 7.4 percent for a project such as the One Paseo project, yet it appears that the analysis took credit for a 15% reduction. The reductions assumed in the analysis are not justified and no enforceable measures have been proposed to support the conclusions of the analysis. Furthermore, the category "Electricity Energy Efficiency (AB 32)" is not explained or identified, yet a reduction of 11.67% is assumed without any justification. No information is provided to justify how such a reduction would be implemented for the project. The Draft EIR therefore overestimates and double-counts GHG emission reductions that would be achieved through state energy efficiency programs.

Page 5.7-24, ¶ 2
Page 5.7-25, ¶ 2

Construction of new buildings shall exceed Title 24 (2005) energy requirements by 20 percent.... As shown in Table 5.7-8, implementation of one or more of these GHG emissions reductions features in this category would result in a 20-percent reduction from BAU (sector specific) and an annual reduction in GHG emissions by approximately 1,573 MT CO₂e.

⁵ Architectural Energy Corporation. 2007. 2008 Update to the California Energy Efficiency Standards for Residential and Nonresidential Buildings. Prepared for the California Energy Commission. November 7.

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Under Project Design Feature BE-1, it is stated that the project would exceed Title 24 energy efficiency requirements by 20%. The analysis already assumed a 15% reduction in energy use from Title 24 as of 2005 in Table 5.7-7 (which, as stated above, is disputable). The measures identified in the Draft EIR are qualitative and no analysis is provided that shows the energy use reductions that would be achieved. No enforceable measures have been proposed under Project Design Feature BE-1, yet Table 5.7-8 assumes an additional 20% reduction from "business as usual" energy use, for which credit is taken on top of the 15% reduction as shown in Table 5.7-9. It appears that these reductions are double-counted in the GHG analysis. Also, the CAPCOA reference document cited in the EIR (Quantifying Greenhouse Gas Mitigation Measures)³ contradicts the percent reduction assumed in the analysis. According to the CAPCOA reference document, for a 10% improvement beyond Title 24, the effectiveness ranges from 0.2 to 5.5% reduction in energy use for electricity, and the effectiveness ranges from 0.7 to 10% for natural gas use. Between double-counting reductions in energy use and overestimating the reduction that would be achieved through exceeding Title 24 standards, it appears that the GHG reductions have been overstated in the Draft EIR.

The statement is also made that implementation of "one or more of these GHG emissions reductions features in this category would result in a 20-percent reduction from BAU". If only one of the measures is implemented (for example, "prohibit HVAC, refrigeration, and fire suppression equipment that contain banned chlorofluorocarbons"), how does that result in a 20% reduction in electricity and natural gas use on top of the reductions already assumed for implementing Title 24 as of 2008 and other unspecified measures listed in Table 5.7-7 as "Electricity Energy Efficiency (AB 32)" but not quantified or identified? It appears that the GHG emission reductions have been overstated in the Draft EIR.

Page 5.7-25, ¶ 2
Page 5.7-26, ¶ 1

Project Design Feature WUW-1: The proposed project can achieve energy savings and emissions reduction through indoor and outdoor water conservation measures. By specifying the indoor and outdoor water conserving fixtures below, the proposed project would reduce potable water consumption by approximately 30 percent (equivalent to the performance level required to receive

³ CAPCOA. 2010. *Quantifying Greenhouse Gas Mitigation Measures*. Page 85. August.

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water efficiency credit under the US Green Building Council Leadership in Energy and Environmental Design for New Construction (version 2.2) (Water Efficiency credit 3.1). Installation of new water features shall exceed the water conservation requirements by 30 percent.... As shown in Table 5.7-8, implementation of one or more of these water conservation features would result in a 30-percent reduction from BAU (sector specific) and an annual reduction in GHG emissions by 106 MT CO₂e.

The analysis takes credit for a 30% reduction in water use for the project. The statement is made that the project "could include" certain measures to reduce indoor and outdoor water use, but no quantification of individual measures is provided. In fact, the Project Design Feature WUW-1 in the CAPCOA reference document¹⁰ that is cited in the EIR only applies to indoor water use. The reference document provides a means of calculating GHG emission reductions from each of the measures proposed. If a 30% reduction in water use is assumed, this measure needs to be enforceable. No justification is provided for the statement on the following page that "implementation of one or more of these water conservation features would result in a 30-percent reduction from BAU". If only one of the measures is employed, how does that translate into a 30% reduction in water use?

Page 5.7-26, ¶ 2

As shown in Table 5.7-8, implementation of one or more of these waste management practices would result in a five-percent reduction from BAU (sector specific) and an annual reduction in GHG emissions by 4.5 MT CO₂e.

No information has been provided as to how the 5% reduction in solid waste generation, and therefore GHG emissions, was calculated. According to the CAPCOA reference document¹¹, under Measures SW-1 and SW-2, "no literature references exist which provide default values for percent of waste diverted." The CAPCOA reference goes on to state "To take credit for this measure, the Project applicant would need to provide detailed and substantial evidence supporting the amount of waste reduced or diverted to recycling or composting due to the institution of extended recycling and composting services." No such detailed and substantial evidence is provided in the EIR, yet credit has been taken for the measure.

¹⁰ CAPCOA. 2010. *Quantifying Greenhouse Gas Mitigation Measures*. Page 348. August.

¹¹ CAPCOA. 2010. *Quantifying Greenhouse Gas Mitigation Measures*. Page 392. August.

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Page 5.7-28, Table 5.7-9

Based on the comments provided above, the Draft EIR does not provide adequate justification for the reductions in GHG emissions assumed in the analysis. There are no enforceable measures proposed to reduce GHG emissions. Furthermore, due to the use of 1993 data in the calculation of baseline "business as usual" emissions and overestimations in the amount of GHG reductions that would be achievable through state and federal programs, it has not been demonstrated conclusively in the analysis that emissions would be reduced by 28.3% below "business as usual" levels.

Conclusions

In conclusion, the Draft EIR published by the City for the One Paseo does not adequately disclose impacts to air quality or greenhouse gas emissions. The Draft EIR does not support the conclusion that these impacts are less than significant, and does not specify enforceable mitigation measures that would reduce the significant impacts to a less than significant level. In my opinion the City must disclose all significant impacts, and must include a complete analysis of mitigation measures that will be implemented to reduce or avoid the Project's impacts, and provide a demonstration that the mitigation measures will be effective in reducing the significant impacts for the project.

Sincerely,



Valorie L. Thompson, Ph.D.
Principal

1328 Kalmallino Lane

San Diego, CA 92109

(619) 488-2987

SheppardMullin**Exhibit B****Bill Darnell / Darnell & Associates, Inc. Technical Analysis****Darnell & ASSOCIATES, INC.**
TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

May 29, 2012

John Ponder, Esq.
Sheppard Mullin Richter & Hampton LLP
501 West Broadway, 19th Floor
San Diego, CA. 921031

D&A Ref. No: 120507

Subject: Review of Traffic Impact Analysis for the One Paseo Project in Carmel Valley.

Dear Mr. Ponder,

As requested, we have examined the Traffic Impact Analysis (TIA) Report for One Paseo dated March 23, 2012 presented in Appendix C of the EIR documents.

Our review included review of project trip generation, existing conditions, cumulative conditions, buildout conditions and the Appendix Q of the TIA addressing the DEIR Project Alternative Analysis.

Our review focused on elements of what goes into a project traffic impact study, but it was not a complete review of every detail. Rather, we put our attention to the project trip generation, trip distribution, Intersection Capacity Worksheets, the conclusion and recommended mitigation measures. With respect to the detailed calculations of levels of service on streets and intersections, we sampled a number of locations, particularly where the level of service (LOS) was approaching a critical level but didn't quite reach it. Generally we found that the report was accurate and reasonable, but we did find a number of things to bring to the attention of the City in our comments that should be addressed since there could be additional impacts that result. Those issues are detailed herein.

Section 3.1 Trip Generation

The trip generation for the project makes use of gross leasable area (GLA) for the purpose of calculating trips generated for the office uses. The total gross square footage (GSA) should have been used and would result in more trips being generated.

The project trip generation for office use shown on Table 3-1 shows 245,000 square feet of Corporate Office use and 291,000 square feet of Multi-Tenant Office space. Use of the Corporate Office rate results in fewer trips being generated when compared to the Multi-Tenant Office rate. How will the City monitor and control the Corporate Office space to insure additional trips are not generated?

Also on Tables 3-1 and 3-2 the report utilizes a Specialty Retail Store rate of 40 trips per KSF for the 100,650 square feet of retail space. Due to the size of the retail space City's Community Shopping Center Rate of 70 trips per KSF should have been used for the Phase Analysis. This will result in 3,020 additional Daily vehicle trips being generated by the project. Correction of Phase I trip generation will require the TIA to be revised to reflect the increased traffic volumes.

Trip Generation, Section 3.1 beginning on pg. 3-1

The trip generation for the project makes use of the office gross leasable area (GLA) for the purpose of calculating trips generated for the office uses. The total gross square footage (GSA) should have been used for this calculation which is a larger number and would result in more trips being calculated for the project, and the impacts would be greater.

All Materials and Records shall be kept in controlled access files marked "Privileged and Confidential Attorney - Client Communications and Privileged Attorney Work Product".

Exhibit B-1

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Trip Generation, Section 3.1, page 3-2 and tables 3-1 and 3-2

The discussion on page 3-2 explains how the freestanding nature of the individual uses in a shopping center begins to be lost in developments over 100,000 sf. But tables 3-1 and 3-2 separate the individual retail uses to perform the trip generation calculations as shown in the footnotes to the tables even when the cumulative size exceeds that limit. This misstates the total trip making potential of the project, especially when the ultimate tenants may not be known, nor should the rate be dependent on a particular tenant.

Trip Generation, Section 3.1, tables 3-1 and 3-2

The method for applying mixed use discounts to the trips is not reproducible with the information given, particularly for the retail uses. More clarity on the exact mixed-use or other discounts needs to be provided and the calculations needs be shown.

Section 5.0 Existing Conditions

The Level of Service (LOS) reported for the 36 intersections listed on Table 5-2 is based on the Highway Capacity Manual (HCM) using operational analysis procedures. Synchro, a computer program was used for the calculations. Based on our knowledge of the area and discussions with Traffic Engineering staff it was determined that the traffic signal along Del Mar Heights Road and El Camino Road are interconnected and coordinated. Because of the existing coordination of these roadways the analysis of existing conditions in the study area needs to be based on the City of San Diego and Caltrans signal timing plans. Based on my review of the Synchro Intersection Capacity Worksheets for the existing conditions and all subsequent analyses needs to be updated to include:

- * City/Caltrans Signal Timings
- + Pedestrian Walk Timings
- * Pedestrian Clearance Timings
- + Coordination Cycles represented for each Corridor.

Review of the Synchro Worksheets identify a variety of actuated cycles along Del Mar Heights Road ranging from a low of 63.3 seconds at El Camino Real, 90.4 seconds at High Bluff Drive, 120 seconds at the I-5 NB ramps and 78.9 seconds at the I-5 SB ramp. The resulting LOS reported for the intersection is therefore suspect and does not reflect the actual operating conditions along each transportation corridor.

Existing Conditions, Table 5-1, page 5-7

Del Mar Heights Road west of I-5 is described as being a 5 lane major east of Mango and a 5 lane primary arterial roadway east of Portofino. The adopted Torrey Pines Community Plan describes this entire roadway as a four lane major, which is also an identified cross section in the City's Street Design Guidelines. It happens to have an additional turn-right turn lane in the EB direction east of Portofino leading to the I-5 SB ramps. However, to invent a 5 lane major definition for this entire length of roadway is incorrect, particularly for the portion west of Portofino, and it results in overstating the capacity.

Existing Conditions, Figure 5-2, page 5-8

Intersection 1 at Via de la Valle at El Camino Real (west) is depicted with future capacity improvements that do not currently exist. The improved condition was assumed in the 2030 base condition calculation of the intersection operations. It would be appropriate to not assume the improvements in the baseline and then identify the improvements as a mitigation measure.

Intersection 26 at Carmel Valley Rd and I-5 NB ramps is depicted with four SB approach lanes that do not exist.

All Materials and Records shall be kept in controlled access files marked "Privileged and Confidential Attorney - Client Communications and Privileged Attorney Work Product".

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Section 6.0 Existing with Project Analysis

Based on our review of Section 5.0, we found that the same discrepancies that need correction. The deficiencies we identified in 5.0 carry over into this section and all the following analyses.

8.0 Near Term without Project and Section 9.0 Near Term with Project

The process used to develop near term traffic volumes is reasonable. However the intersection LOS analysis presented on the Synchro Worksheets is flawed and needs to be revised to incorporate:

- City/Caltrans Signal Timings
- Pedestrian Walk Timings
- Pedestrian Clearance Timings
- Appropriate Coordination Signal Cycles
- Use of consistent Peak Hour Factors at all intersections.

The comments above also are applicable to each of the remaining intersection analysis of the TIA.

Section 12.0 Long Term Cumulative (Year 2030) without Project

This section establishes the year 2030 conditions for the area without the proposal project. The study on page 12-1 identifies that the project site is represented by Traffic Analysis Zones 4606-4607 of the SANDAG Year 2030 Series 11 Regional Traffic Forecast Model. To confirm this statement the land uses contained in TAZ 4606 and 4607 needs to be provided documenting that accurately depicts the current adopted and permitted land use. A readable copy of SANDAG Model run needs to be provided.

Also as stated previously the intersection analysis needs to be updated to include:

- Pedestrian Walk Timings
- Pedestrian clearance Timings
- Appropriate Coordination Cycle Lengths

With these updates the analysis of the projects impact on the adjusted community and land use plan can be identified in Section 13.

Chapter 12, page 12-1

The future traffic volumes that are the background to the study are described as being based on some work done a few years ago called the I-5/SR-56 Northbound Connector Study (by LLG) for Caltrans which were, in turn, based on SANDAG Series 10 work to examine the effect of introducing the north facing connectors at SR-56 and I-5 among other things. These volumes differ substantially with subsequent SANDAG forecasts in Series 11 and in Series 12, particularly on El Camino Real and Del Mar Heights Rd. The differences need to be discussed with Caltrans and corrected.

Section 13.0 Long Term Cumulative (Year 2030) with Project (Build Out)

This section may require corrections based on any changes that occur to update section 12 of this report.

All Materials and Records shall be kept in controlled access files marked " Privileged and Confidential Attorney - Client Communications and Privileged Attorney Work Product".

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Section 15.0 Construction Traffic Analysis/ Adaptive Traffic Control (ATCS)

The Adapted Traffic Control System Section of this report identifies the use of an ATCS System to be considered to be incorporated into various improvements to be constructed along Del Mar Heights Road to El Camino Real. However there is no documentation of the benefits of implementing such a system and or necessity. Before and after studies have not been completed.

Figure 19-2A-Del Mar Heights Rd and High Bluff Drive

One of the projects mitigation measures identifies the creation of a triple left turn lanes for northbound High Bluff Drive to westbound Del Mar Heights Rd. Review of this proposal finds that it proposes to construct improvements without obtaining the necessary rights of way to properly construct the improvements. Review of the drawing indicates that the design exceptions will be required.

The reason for the need to provide the triple left turn lane is caused by the increased east west traffic on Del Mar Heights Road created by the project which creates the suggested the triple left turn lane proposal. A detailed preliminary design needs to be provided to document the actual requirements of the proposal and to be used to quantify any environmental impacts of constructing the project.

Appendix D Intersection LOS Worksheets

At intersection 9 at Del Mar Heights at NB I-5 in the calculations of intersection LOS an assumption existing plus project amount of WB to NB right turns on red is excessive at 500 plus vph in the existing plus I I project scenario and the 2030 scenarios. The existing physical conditions could not allow this large amount of right turning traffic which makes the intersection appear to operate better than it otherwise would be showing. A similar situation exists for the opposite left turn from EB to NB to enter this ramp.

Appendix I Synchro Sheets

For intersection 31 at Valley Center Drive at Carmel Creek Rd, the calculation of LOS in the various scenarios uses incorrect signal timing and phasing that masks an impact were it properly done. It shows some approaches with an LOS of F which is not acceptable in the City's guidelines and would require mitigation.

Table 13-2 on page 13-9 and Appendix I.

At intersection 14 at Del Mar Heights Rd and Carmel Country Rd the calculation of intersection LOS conditions uses an inconsistent Synchro Sheets set of assumptions for the peak hour factor that if applied consistently would indicate an impact. As calculated both 0.95 and 0.90 are used which underestimates the impact when the 0.95 is used. This PHF parameter in the software for determining intersection delay should be consistently applied at all intersections with City approval.

Mitigation and Appendix N

As mitigation a triple left turn is proposed for the intersection of Del Mar Heights and Highbluff Drive to accommodate NB to WB movements. If implemented this would result in a potentially dangerous condition where the vehicles opposing this movement going left from SB to EB potentially overlap with the NB to WB vehicles as assumed in the LOS calculations, particularly longer wheelbase vehicles. Also, the turning arcs for the inside lanes appear too narrow to function safely. The mitigation as-proposed appears inappropriate to implement.

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In addition to the practicality of the triple left turn concept, the LOS calculations for intersection 10 at Del Mar Heights and Highbluff Drive makes use of a turning lane capacity of 1900 vph per lane for the triple lanes, or any turning lane, which is unrealistically high. This makes the likely operation not as acceptable as the calculation would make it appear, and impacts could have been identified.

As mitigation an extension of the right turn lane on WB Del Mar Heights Rd to NB I-5 is proposed. This improvement comes very close to an adjacent AT&T building that may be functionally affected since it has a service driveway on the western end facing Del Mar Heights Rd. If so, the cost estimate for this improvement and possible effect upon the building would appear to be understated.

Several substantial projects are proposed as mitigation that does not yet have any official project status. Yet, a fair share contribution is proposed along with calculations of the amount of money that could be paid by the project applicant to satisfy the condition. Paying the fair share percentage of a project should only be acceptable once the environmental and design is done, the required improvements and the commitment to construct made, and all the funding is available.

The LOS and delay analysis of the two intersections forming ramp junctures at I-5 and Del Mar Heights Rd have been analyzed using different cycle times for these intersections. The tables state they are coordination. It would be typical for Caltrans to coordinate the signal cycles on either side of an interchange, and the calculations should reflect this. The results for delay would therefore change.

Table 1-30 and Appendix N

In table 1-30, page 1-14 and sections 14.2 and in Appendix N states that the signals along Del Mar Heights Road are coordinated, but the Synchro work sheets show unrelated cycles timing suggesting that they are not coordinated. Instead, the software was allowed to optimize the timing to show a more advantageous result than otherwise would be obtained.

This particularly is problematic when the calculations for the two 'proposed signals servicing the project along Del Mar Heights Road are examined. These signals should be synchronized with the more substantial arterial intersection at El Camino Real as well as the Highbluff Drive intersection and with the I-5 on/off ramp signals.

Appendix Q DEIR Project Alternative Analysis

The One Paseo – EIR Alternatives Analysis prepared by Urban System Associates Inc. dated March 5, 2012 contains discussions on five alternatives. EIR Alternative 2 is described as representing the projects approved land use. Based on Attachment 1 the development of the approved land use is 500,000 square feet of Commercial, Office and Multi-Tenant Office space would generate 6,497 daily trips. The alternative represents a significant reduction of 20,464 daily vehicles when compared to the proposed project.

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In Summary

In Summary the TIA for One Paseo project requires corrections and updates to the TIA to adequately address the projects direct and cumulative and buildout impacts. The approval of the proposed project when compared to the approved land uses will result in adding 20,464 (26, 691- 6,497) additional vehicles to Del Mar Heights Rd and El Camino Real with the approved plan for the property. This additional traffic will create significant impacts to the roadways in the area.

We reserve our right to review the corrected document and make additional comments as needed.

Sincerely,

Sincerely,

DARNELL & ASSOCIATES, INC.



Bill E. Darnell, P.E.
RCE: 22338

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Exhibit C

Gerald Trimble / Keyser Marston Associates, Inc. Technical Analysis



KEYSER MARSTON ASSOCIATES
SPECIALISTS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

MEMORANDUM

To: John E. Ponder, Esq.
Sheppard Mullin Richter & Hampton, LLP

From: Gerald M. Trimble

Date: May 4, 2012

Subject: Issues and Questions
One Paseo – Economic Benefits and Fiscal Impact

Per your request, Keyser Marston Associates, Inc. (KMA) has reviewed the Kosmont Retail Market Analysis dated February 9, 2012. The following are Issues and questions regarding the report:

- As stated on page 15 of the report, the estimated percentage of income spent on retail goods for the SMA & PMA is 30.95% of income plus 15% for visitor spending and business for a total of 45.95%. But as shown below, the SMA percentage is 49.76%. Potential impact: If 45.95% was applied, 2015 SMA sales would drop from \$9.0 Billion to \$8.3 Billion.

	2000	2005	2010	2015	2016	2017	2020
Total Income (000's)							
PMA	\$ 1,081,302	\$ 3,622,051	\$ 4,194,855	\$ 4,852,638	\$ 5,043,407	\$ 5,196,914	\$ 5,694,656
SMA	\$12,660,410	\$14,477,533	\$16,502,000	\$18,240,341	\$18,484,138	\$18,834,302	\$19,925,192
Retail Sales							
PMA	\$ 1,415,767	\$ 1,609,709	\$ 1,927,535	\$ 2,248,176	\$ 2,317,474	\$ 2,388,908	\$ 3,008,631
SMA	\$ 6,299,822	\$ 7,204,022	\$ 8,211,415	\$ 9,026,666	\$ 9,197,688	\$ 9,371,951	\$ 9,926,015
% of Sales							
PMA	45.95%	45.95%	45.95%	45.95%	45.95%	45.95%	53.89%
SMA	49.76%	49.76%	49.76%	49.76%	49.76%	49.76%	34.76%

- In extrapolating prorated sales figures for the PMA & SMA, Kosmont prorated sales based on land area for each municipality. KMA questions whether this is the proper methodology. Land area has little basis in determining prorated sales, due to varying land uses and densities throughout the County, i.e., 5 acres in Lakeside vs. 5 acres in downtown San Diego. A better approach may be to use the number of

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households in the PMA. Kosmont estimated that based on land area, the PMA contains 7.37% of the City of San Diego's land area but only 5.3% of total households which would reduce expected sales.

- As shown on page 17 & 18 of the Kosmont report, Kosmont allocated sales of future retail shopper goods based on the latest 2009 figures from State Board of Equalization. KMA believes that using the historical averages from last 10 years or 5 years would be more appropriate. For example, apparel goods percentage of retail sales in 2009 rose from 6.1% in 2008 to 8.9% in 2009 but the average from 2005 to 2009 is 6.1%. Utilizing the average would decrease the amount of retail sales in categories that already are indicating a surplus versus leakage. For example, in 2015, apparel sales are estimated to generate \$207M in sales based on 8.9%, this would decrease to \$137M if 6.1% was applied which would only increase current surplus of sales projected in that category.

Retail Sales (000's)	2000	2005	2010	2015	2016	2017
PMA	\$ 1,415,767	\$ 1,659,709	\$ 1,927,535	\$ 2,248,176	\$ 2,317,474	\$ 2,388,908
Apparel	\$ 70,263 5.0%	\$ 81,461 4.9%	\$ 101,964 5.3%	\$ 201,165 8.9%	\$ 213,757 8.9%	\$ 234,140 7.0%
GM	\$ 158,601 11.2%	\$ 161,436 9.7%	\$ 191,779 9.9%	\$ 192,663 8.6%	\$ 204,723 8.6%	\$ 224,244 7.3%
Home Furnishings & Ap	\$ 69,446 4.9%	\$ 70,322 4.2%	\$ 71,582 3.7%	\$ 128,462 5.7%	\$ 136,504 5.7%	\$ 149,520 4.9%
Other	\$ 346,962 24.5%	\$ 379,214 22.8%	\$ 414,907 21.5%	\$ 366,080 16.3%	\$ 377,364 16.3%	\$ 388,996 16.3%
Eating & Drinking	\$ 212,386 15.0%	\$ 238,879 14.4%	\$ 298,082 15.5%	\$ 444,024 19.8%	\$ 457,711 19.8%	\$ 471,819 19.8%
Food	\$ 203,327 14.4%	\$ 305,607 18.4%	\$ 369,363 19.2%	\$ 395,991 17.6%	\$ 408,197 17.6%	\$ 420,779 17.6%
Bldg Mat & Farm	\$ 90,048 6.4%	\$ 106,907 6.4%	\$ 100,531 5.2%	\$ 106,134 4.7%	\$ 108,375 4.7%	\$ 111,715 4.7%
Auto Dealers & Supp	\$ 166,066 11.7%	\$ 191,130 11.5%	\$ 218,521 11.3%	\$ 230,369 10.2%	\$ 237,470 10.2%	\$ 244,790 10.2%
Service Stations	\$ 98,686 7.0%	\$ 124,574 7.5%	\$ 160,807 8.3%	\$ 184,283 8.2%	\$ 189,969 8.2%	\$ 195,824 8.2%

- There appears to be math errors or inconsistencies in Kosmont's expected sales capture. The projected 65% sales capture rate for the PMA, GAFO category is correct on page 20 of the Kosmont Market report but for food, actual sales are 70.5% vs. 65%, for eating drinking 61% vs. 65%. These inconsistencies are also found in

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Bldg/Hardware and Service Station categories. In the SMA, the math differences are smaller at 9.1% vs. 10% except for the food category which is showing a 21.45% capture rate vs. the stated 5% capture rate.

- Expected Sales per SF – The expected sales per SF assumed by Kosmont is non-supportable and infeasibly low. The trade area commands one of the highest lease rates in the county and proposed development with its high acquisition and development costs would require high lease rates and correspondingly higher sales to support development. Kosmont's projected expected sales at \$300 per SF are infeasible to support lease rates and proposed development costs. Sales at the Del Mar Highlands and other lifestyle centers show sales exceeding \$600/SF annually. As shown below, KMA has revised expected sales per SF.

Expected Sales per SF	Kosmont	KMA	Diff
Apparel	\$300.00	\$500.00	67%
GM	\$300.00	\$500.00	67%
Home Furnishings & App	\$400.00	\$500.00	25%
Other	\$300.00	\$500.00	67%
Food	\$400.00	\$750.00	88%
Eating & Drinking	\$300.00	\$700.00	133%
Bldg Mat & Farm	\$300.00	\$500.00	67%
Auto Dealers & Supp	\$600.00	\$600.00	0%
Service Stations	\$1,200.00	\$1,200.00	0%

- Based on revised KMA sales per SF, supportable retail SF would drop as shown below.

	2010	2015	2016	2017	2020
Kosmont Supportable Retail SF	489,231	1,699,300	1,581,159	2,067,420	2,658,045
KMA Revised Supportable SF @ \$500/SF	274,983	929,511	1,035,082	1,143,221	1,486,097
Diff	(214,248)	(769,789)	(546,077)	(924,199)	(1,171,948)
% Diff	44%	45%	45%	45%	44%

- If GAFO sales were increased to \$600 and \$700 per SF, supportable retail SF would drop as shown below.

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	2010	2015	2016	2017	2020
Kosmont Supportable Retail SF	889,231	1,699,300	1,881,159	2,087,420	2,658,045
KMA Revised Supportable SF @ \$600/SF for GAFO	204,219	817,013	911,221	1,011,751	1,324,174
Diff	(285,012)	(882,288)	(967,938)	(1,055,669)	(1,333,871)
% Diff	58%	52%	51%	51%	50%
Kosmont Supportable Retail SF	889,231	1,699,300	1,881,159	2,087,420	2,658,045
KMA Revised Supportable SF @ 700/SF for GAFO	151,874	736,656	826,178	917,844	1,208,534
Diff	(135,557)	(962,644)	(1,054,962)	(1,149,576)	(1,449,530)
% Diff	69%	57%	56%	56%	55%

As shown at \$700/SF, the proposed One Paseo development of 220,000 SF plus the approximately 800,000 SF of proposed retail SF in the Trade Area would exceed demand which could force retailers to close due to insufficient demand.

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SheppardMullin**Exhibit D****John Ziebarth / Ziebarth Associates Technical Analysis****Ziebarth Associates**

May 4, 2012

John Fonder, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
19th Floor
501 W. Broadway
San Diego, CA 92101

Re: One Paseo Land Use Inconsistency Table

Per your request, I have reviewed the One Paseo Project ("Project") Draft EIR to determine whether it is consistent with the applicable land use policies. It is my expert opinion based on my experience as a planner and licensed architect for 29 years, who has spent 8 years on the Citizen's Advisory Committee on developing the current San Diego Land Development Code, 12 years on the Code Monitoring Committee for the City of San Diego, and my familiarity with the facts of the Project, the vicinity of the Project, the City's General Plan, Carmel Valley Precise Plan, and other applicable land use plans, that the One Paseo Project is overall incompatible with the applicable land use plans.

The Project's proposed amendments to the applicable plans make those plans internally inconsistent with the plan's goals and policies. Among the most critical inconsistencies are that (1) the Project proposes an Urban Mixed-Use Village in an area the planning documents designated for a horizontal Community Mixed-Use Village and (2) the EIR mislabels the Project as a Community Mixed-Use Village even though its densities are characteristic of an Urban Mixed-Use Village. This Project is ill-suited for the site in Carmel Valley and should have been proposed in the City of San Diego's downtown core or a Sub-regional Employment Centers. The table below identifies how the project is overall inconsistent with the applicable land use goals and policies and the resulting significant environmental impact.

If you have further questions or comments, please do not hesitate to contact me.

Sincerely,

John Ziebarth, AIA, LEED AP

Architecture / Planning

2900 Fourth Ave Ste 204 San Diego, CA 92103 Phone 619.233.6450 Fax 619.233.6449

Exhibit D-1

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Ziebarth Associates

One Paseo Consistency with San Diego Land Use Plans

Land Use Plan	Consistent
City of San Diego General Plan	No
Carmel Valley Community Plan	No
Carmel Valley Employment Center Precise Plan	No
San Diego Land Development Code/ Carmel Valley Planned District Ordinance	No
Regional Comprehensive Plan	No

One Paseo Significant Environmental Effects

EIR Element	Significant	Unmitigated
Land Use	Yes	Yes
Transportation/Circulation/Parking	Yes	Yes
Visual Effect and Neighborhood Character	Yes	Yes
Public Utilities – Water, etc.	Yes	Yes
Public Services and Facilities/Recreation	Yes	Yes

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Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES
CONSISTENCY EVALUATION

<u>Land Use Plan Policy</u>	<u>Inconsistency</u>	<u>Resulting Significant Impact</u>
<i>Policy LU-A.1: The project site is currently identified in the General Plan (Figure LU-1 in the Land Use and Community Planning Element) as having moderate village propensity.</i>	The DEIR fails to point out that the Village Propensity Map (Figure LU-1 in the General Plan) identifies the Town Center, library, school and park area to the east of the project Site and El Camino Real all as having high propensity for a village. The sites are not intended for high-density mixed use product on each site, but rather to work together as a horizontal Community Mixed-Use Village. The planning documents reflect the Kilroy site was one part (the office use part) of the larger Community Mixed Use Village involving the Town Center, library, school and park area.	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character
<i>City of Villages Strategy Goal: Mixed-use villages throughout the City connected by high-quality transit.</i>	The DEIR states: <i>The rapid bus route is planned in the RTP 2050 but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar Highlands Town Center, but has never been implemented.</i>	It is highly speculative to say that this project is meeting the goal of being connected with high-quality transit.
<i>Policy LU-A.1: Designate a hierarchy of village sites for citywide implementation. c. Designate Neighborhood, Community, and Urban Village Centers, as appropriate, in community plans throughout the City, where consistent with public facilities adequacy and</i>	The DEIR states: <i>The project site is currently identified in the General Plan (Figure LU-1 in the Land Use and Community Planning Element) as having moderate village propensity. However this is a misrepresentation, because the DEIR fails to point out that Figure LU-1 identifies the</i>	The creation of a stand-alone mixed use village undermines the current mixed use village envisioned in the Precise Plan consisting of the high village propensity currently represented with the Del Mar Highlands Town Center and the civic uses such as the

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other goals of the General Plan.	Project Site has only having an moderate village propensity, while it identifies the other side of El Camino Real as having a high village propensity which reflects the goals and objectives of horizontal mixed use village envisioned in the Precise Plan. The DEIR fails to point out that the Village Propensity Map (Figure LU-1 in the General Plan) identifies the Town Center, library, school and park area to the east of the project Site and El Camino Real all as having high propensity for a village. The sites are not intended for high-density mixed use product on each site, but rather to work together has a horizontal Community Mixed-Use Village. The planning documents reflect the Kilroy site was one part (the office use part) of the larger Community Mixed Use Village involving the Town Center, library, school and park area.	library, school, and park. Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character
Policy LU-A.2: 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.	The DEIR states: <i>The project site is proposed to be designated as a village site and developed as a Community Village. The project site is currently identified in the General Plan (Figure LU-1 in the Land Use and Community Planning Element) as having moderate village propensity. The project was designed to blend with the character of the community. The proposed uses of the project site are similar to surrounding uses, and have been sited so that the uses mirror adjacent off-site uses. Actually, the Village Propensity</i>	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.

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	<p>Map indicates that the DMHTC combined with the library and rec center actually is identified as the higher village propensity location. The DMHTC is already approved for an additional 150,000 sf. The Precise Plan refers to it and not the project site as the Town Center.</p> <p>The project was designed to mirror the adjacent land uses, but as acknowledged later in the DEIR it does not blend with the character of the community.</p>	
<p><i>Policy LU-A.3: Identify and evaluate potential village sites considering the following physical characteristics:</i></p> <p><input type="checkbox"/> Shopping centers, districts, or corridors that could be enhanced or expanded;</p> <p><input type="checkbox"/> Community or mixed-use centers that may have adjacent existing or planned residential neighborhoods;</p>	<p>DEIR implies that the existing commercial and residential in the area needs to be enhanced or expanded beyond what was envisioned in the Precise Plan.</p> <p>An additional 150,000 sf of commercial development has already been approved at the Del Mar Highlands Town Center. No explanation has been given to justify the location of a 150 room hotel outside of the Visitor Commercial Zone along the freeway. No explanation is given for the creation of a stand-alone mixed use center when the Precise Plan has already created a horizontal mixed use village with the Project site serving as part of the employment center component.</p>	<p>Impact is to create a duplication of the existing village functions identified in the Precise Plan.</p>
<p><i>Policy LU-A.4: Locate village sites where they can be served by existing or planned public facilities and services, including transit services.</i></p>	<p>There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050 but it is not estimated to be implemented until maybe 2035. A bus transit center</i></p>	<p>It is highly speculative to say that this project is meeting the goal of being connected with high-quality transit.</p>

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	was planned over 20 years ago at the Del Mar Highlands Town Center, but has never been implemented.	
<i>Policy LU-A.6:</i> Recognize that various villages or individual projects within village areas may serve specific functions in the community and City; some villages may have an employment orientation, while others may be major shopping destinations, or primarily residential in nature.	The DEIR and the project fails to recognize that this individual project serves a specific function in the village, the community, and the City as an employment center.	The attempt to create a stand-alone village onto itself which mirrors the surrounding uses undermines the horizontal mix use village that has been planned in the Precise Plan.
<i>Policy LU-A.7:</i> Determine the appropriate mix and densities/intensities of village land uses at the community plan level, or at the project level when adequate direction is not provided in the community plan. a. Consider the role of the village in the City and region; surrounding neighborhood uses; uses that are lacking in the community; community character and preferences; and balanced community goals (see also Section H).	Nothing in this policy indicates or prescribes the intensity level as proposed by this project. In fact the intensity level of the proposed project is more in keeping with the "urban village" concept rather than a "community village." Existing land uses already create a balance of land uses. Which uses are lacking in this community? In fact the project states that it is mirroring and therefore duplicating the existing land use functions in the community.	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character. Impact is to create a duplication of the existing village functions identified in the Precise Plan.
LU-A.7 b. Due to the distinctive nature of each of the community planning areas, population density and building intensity will differ by each community.	DEIR fails to address LU-A.7.b. One Paseo does not reflect the distinctive nature of the Carmel Valley community nor the building intensity of this community as stated in the Visual Impact section of the DEIR.	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.
<i>Policy LU-A.7 c:</i> Evaluate the quality of existing and planned transit service.	The DEIR fails to address Policy LU-A.7.c. There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050 but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar</i>	It is highly speculative to say that this project is meeting the goal of being connected with high-quality transit.

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	Highlands Town Center, but has never been implemented.	
Policy LU-8 Determine at the community plan level where commercial uses should be intensified within villages and other area served by transit, and where commercial uses should be limited or converted to other uses.	The DEIR fails to address Policy LU-8. Should 220,000 sf of new commercial be built prior to building the balance of the 150,000 sf at DMITC? Is there really a community demand for 700,000 sf of combined commercial development? Community commercial centers are typically less than 300,000 sf. Is there a need for a 50,000 sf cinema to serve the community?	The volume of commercial activity will result in a regional draw and impact to the community. The 50,000 sf cinema which is almost twice the size of the one at the Del Mar Highlands Town Center will become a regional draw to this theoretical "community village."
Policy LU-A.9: Integrate public gathering spaces and civic uses into village design (see also Urban Design Element, Policies UD-C.5 and UD-E.1).	General plan refers to civic uses such as fire, police, libraries, parks and schools. None of these are proposed in One Paseo to complete the community village. One Paseo will create similar outdoor gathering plazas similar to the outdoor plazas and amphitheater described by the DEIR at the Del Mar Highlands Town Center.	One Paseo will duplicate existing functions.
LU-A.10 Design infill projects along transit corridors to enhance or maintain a "Main Street" character through attention to site and building design, land use mix, housing opportunities, and streetscape improvements. --	The DEIR fails to address LU-A.10. Project proposes to create a "Main Street" that is not along a transit corridor. Policy recommends creating "Main Street" along transit corridors.	This is an infill project creating a intense urban "main street" that is not located along a transit corridor and thus creates significant traffic impacts on the surrounding roadways.
Policy LU-B.3: Plan for and develop mixed-use projects where a site or sites are developed in an integrated, compatible, and comprehensively planned manner involving two or more land uses.	The DEIR states: <i>Specifically, one of the project objectives is to provide a "village like" "mix of land uses within proximity to existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers."</i> This project objective was already addressed in the Precise Plan, so there is not a need to duplicate it. These amenities are not integrated in a compatible or comprehensive planning	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.

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	<p>manner.</p> <p>The General Plan states 2 or more land uses. The project proposes 4 very intense uses. It is internally integrated but is not consistent nor compatible with the surrounding development pattern of the community.</p> <p>The DEIR further states: <i>The project proposes General Plan/land use plan amendments to consistently reflect these mixed uses.</i></p> <p>Why are amendments needed to create a village that the Precise Plan has already created?</p>	
<p><i>Plan Amendment Process Goal:</i> Approve plan amendments that better implement the General Plan and community plan goals and policies.</p>	<p>The Community Village is already identified in the Precise Plan. The purpose of this Plan Amendment is to justify amending the existing Community Village identified in the Precise Plan to approve this project.</p> <p>It is not necessary to model the zone after a CC-5-5 zone to accomplish the mix of uses identified in the General Plan for "community village." It is only necessary to achieve the intensity level of this project which would represent an "urban village."</p>	<p>Unnecessary duplication of existing planning goals and policies.</p>
<p>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.</p>	<p>There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050</i> but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar Highlands Town Center, but has never been implemented.</p> <p>No bike lanes are accommodated with the lane configuration of the internal streets.</p>	<p>This level of intensity for a development without an integrated transit system creates a significant impact on the overall transportation system.</p> <p>Bikes and cars are forced to share the road creating potential conflicts and accidents. This risk is increased due to the increased intensity of the project.</p>
<p><i>Policy LU-H.7: Provide a variety of different types of land</i></p>	<p>The DEIR states: <i>The project proposes a mixed-use</i></p>	<p>The result is an extremely</p>

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uses within a community in order to offer opportunities for a diverse mix of uses and to help create a balance of land uses within a community (see also LU-A.7).	<i>Community Village within Carmel Valley that would provide a variety of land uses on site, including retail, office, residential, hotel, and public spaces.</i> The DEIR fails to acknowledge that the policy intends for "a variety of different types of land uses within a community." The project's focus is to provide all of the different types of land uses within a given single piece of property by mirroring the variety of balanced existing land uses already existing in the community village.	intensive "urban village" on a single piece of property that is out of scale with the community character and creates significant traffic impacts in an unnecessary effort to duplicate the existing variety of land uses in the community.
<i>Policy LU-I.12: Ensure environmental protection that does not unfairly burden or omit any one geographic or socioeconomic sector of the City.</i>	DEIR states: <i>The project site, . . . does not propose features or actions which would unfairly result in undesirable environmental impacts on any geographic or socioeconomic sector of the City.</i> The intensity of the development with its level of commercial development, cinema, and hotel would draw more traffic and people from outside of the community.	The intensity of the development with its level of commercial development, cinema, and hotel could be viewed as a regional impact on this community.
<i>Policy ME-B.2: Support the provision of higher-frequency transit service and capital investments to benefit higher density residential or mixed-use areas; higher-intensity employment areas and activity centers; and community plan identified neighborhood, community, and urban villages; and transit-oriented development areas.</i>	There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050 but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar Highlands Town Center, but has never been implemented.</i>	To create this level of "urban village" intensity with no assurance of transit creates a significant impact on the surrounding roadway system.
<i>Policy ME-B.9: Make transit planning an integral component of long range planning documents and the development review process.</i> a. Identify recommended transit routes and stops/stations as a part of the preparation of community	There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050 but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar Highlands Town</i>	To create this level of "urban village" intensity with no assurance of transit creates a significant impact on the surrounding roadway system.

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plans and community plan amendments, and through the development review process. b. Plan for transit-supportive villages, transit corridors, and other higher-intensity uses in areas that are served by existing or planned higher quality transit services, in accordance with Land Use and Community Planning Element, Sections A and C.	Center, but has never been implemented.	
<i>Policy ME-C.2:</i> Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system.	No are no designated bike lanes in the internal street system. The significant unmitigable traffic impacts are inconsistent with this policy.	Traffic congestion and safety issues especially for bike movements.
<i>Policy ME-C.3:</i> Design an interconnected street network within and between communities, which includes pedestrian and bicycle access, while minimizing landform and community character impacts.	There are no designated bike lanes identified in the lane configurations of the internal road system. 489,400 cy of dirt export is not an insignificant amount when trying to minimize landform changes.	Safety issues for bikes. Significant land form modifications based on dirt export.
<i>Policy ME-C.3:</i> Install traffic calming measures as appropriate in accordance with site-specific recommendations which may include, but are not limited to, those identified on Table ME-2, to increase the safety and enhance the livability of communities.	The DEIR states: <i>The project would incorporate traffic calming measures identified in Table ME-2 into the design, including curb extensions, gateway entrance treatments, and signage.</i> Is the project proposing to slow the access off the busy streets into the site at the gateway into the sites? In other words, create additional traffic on the city roadways but slow the access into the site?	Potential traffic impacts with back up of traffic on the streets requiring deceleration lanes.
<i>Policy ME-E.1:</i> Support and implement TDM strategies including, but not limited to: alternative modes of transportation, alternative work schedules, and telework.	Alternate modes such as bus transit does not exist. Designated bike lanes do not exist in the internal road system. Alternative work schedules and telework is not addressed.	The intensity of this project creates even more significant impacts if there is not an effective TDM strategy in place.

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	A shuttle system is mentioned by no information is provided on where it will service. Is it simply internal. There is no shuttle system currently. Who will pay, manage, and maintain this shuttle service.	
<i>Policy ME-E.3:</i> Emphasize the movement of people rather than vehicles.	Emphasis on pedestrian is internal to the project.	Due to the intensity of the project the external vehicular impacts will compound the pedestrian / vehicle conflicts.
<i>Policy ME-E.6:</i> Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing TDM strategies such as car sharing vehicles and parking spaces, bike lockers, preferred rideshare parking, showers and lockers, on-site food service, and child care, where appropriate.	The DEIR states that bicycle network internally is being created and connected to the external network, but there are no bike lanes designated in the internal street system.	Internal vehicle/ bike conflicts will exist especially with the traffic volume due to the intensity of the project.
<i>Bicycling Goal:</i> A city where bicycling is a viable travel choice, particularly for trips of less than five miles. <i>Bicycling Goal:</i> A safe and comprehensive local and regional bikeway network. The project promotes bicycle transportation by providing safe bicycle routes through the site and connecting to off-site routes. Yes <i>Bicycling Goal:</i> Environmental quality, public health and mobility benefits through increased bicycling. <i>Policy ME-F.3:</i> Maintain and improve the quality, operation, and integrity of the bikeway network and roadways regularly used by bicyclists.	The DEIR states that bicycle network internally is being created and connected to the external network, but there are no bike lanes designated in the internal street system.	There is no bicycle network for the community roadways to connect to onsite.
Urban Design Element (cont.)	The DEIR in Section 5.3 the	Significant Visual Impacts

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<p><i>Policy UD-A.5: Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.</i></p> <p>a. Relate architecture to San Diego's unique climate and topography.</p> <p>b. Encourage 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.</p> <p>c. Provide architectural features that establish and define a building's appeal and enhance the neighborhood character.</p>	<p><i>Visual Effects and Neighborhood Character</i> identifies that the bulk and scale of 8 and 10 story structures are out of character with the surrounding development patterns. The architecture of the buildings fail to relate to San Diego's unique climate. Architectural features including the attempt to use street trees to screen the visual impact of the bulk and scale fail to reduce the visual impacts to insignificant.</p>	<p>from its high density bulk and scale to Carmel Valley's Community Character</p>
<p><i>Policy UD-A.10: Design or retrofit streets to improve walkability, bicycling, and transit integration; to strengthen connectivity; and to enhance community identity. Streets are an important aspect of Urban Design as referenced in the Mobility Element (see also Mobility Element Sections A, B, C, and F).</i></p>	<p>The project requires the creation of left turn pockets which eliminates large portion of the tree line median along Del Mar Heights Road to accommodate the two new signalized access points into the project.</p>	<p>The elimination of the tree line median to accommodate the two traffic signal access points on Del Mar Heights Road impact the visual character of the community.</p>
<p><i>Distinctive Neighborhood/Residential Design Goal: A city of distinctive neighborhoods.</i></p>	<p>The project proposes to construct a distinctive mixed-use village center within the Carmel Valley community on a 23.6-acre graded and vacant site in a high-activity area at a transition point between land uses.</p>	<p>The project's mixed use village creates a distinctive neighborhood that is out of character with the community in respect to the bulk and scale.</p>
<p><i>Residential Design Policies Policy 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</i></p>	<p>The DEIR states: <i>While 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</i></p>	<p>Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.</p>

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<p>compatibility.</p> <p>a. Integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower density neighborhoods but must be designed with sensitivity to existing development.</p>	<p><i>visual diversity and reduce massing.</i></p> <p>Project intensity and bulk and scale is reflective of the singular project site and is inconsistent with the development pattern of the larger neighborhood and community plan area. Not just some of the buildings are taller than the surrounding buildings but all of the buildings appear to be taller. The DEIR understates the facts.</p> <p>a. It fails to integrate with the existing fabric and scale of development in the surrounding neighborhood. The 10 story office tower over 2 stories of exposed parking structure to El Camino Real are not designed with any sensitivity to the 4 story office complex to the south—nor the ten story residential on the high side of the site—nor the 4 story of residential over retail along Del Mar Heights Road opposite the one and two story residential multifamily residential development. The DEIR talks of using street trees to screen the project which doesn't work very well.</p>	
<p><i>Policy UD-B.8:</i> Provide useable open space for play, recreation, and social or cultural activities in multi-family as well as single-family projects.</p>	<p>The DEIR cites in one location that there is 7.6 acres of usable open space in the 23.6 acres of the project. Please identify how approximately 1/3 of this site is usable open space. In this section, the DEIR indicates that there is a surplus</p>	<p>Lack of usable open space within the project places higher demand on the amount existing open park land anticipated in the Community Plan.</p>

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	of park land in the community and the project doesn't need to provide useable park land.	
<i>Mixed-Use Villages/Commercial Areas Goal:</i> Vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system.	There is no existing transit services. The DEIR states: <i>The rapid bus route is planned in the RTP 2050</i> but it is not estimated to be implemented until maybe 2035. A bus transit center was planned over 20 years ago at the Del Mar Highlands Town Center, but has never been implemented. Simply putting in a transit stop for a transit system that won't exist for at least 20 years doesn't mitigate the issue.	Lack of conduits to regional transit system creates a stress on the roadway system when this level of "urban village" intensity is built.
<i>Mixed-Use Villages/Commercial Areas Goal:</i> Attractive and functional commercial corridors which link communities and provide goods and services.	Main Street is internal to the project and does not link communities or link the Carmel Valley community.	The duplication of land uses and internal orientation of the One Paseo mixed-use project undermines the horizontal "community village" intended in the Community and Precise Plans.
<i>Policy UD-C.1:</i> In villages and transit corridors identified in community plans, provide a mix of uses that create vibrant, active places in villages. a. Encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development.	Precise Plan already plans for a horizontal mixed use community village with this site providing the employment center component of the village. The Town Center also currently allows vertical mix-use.	Project changes the balance of the current mixed use village in the Community Plan.
e. Utilize existing or create new Land Development Code zone packages or other regulations as needed for mixed-use development. 1. Provide standards that address the particular design issues related to mixed-use projects, such as parking, noise attenuation and security measures, and minimize negative impacts on the community. 2. Provide standards that address bulk, mass, articulation, height, and transition issues such as the interface with surrounding or	How do the new standards minimize the negative impacts of bulk, mass, height and transition issues on the community? The Town Center Zone is based on CC-1-3 Zone which allows mixed use development without the intensity of CC-5-5 Zone. The CC-5-5 zone being used is intended for very intense development which is not in keeping with the character of the surrounding adjacent development.	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.

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adjacent development and uses, and minimize negative impacts on the community.		
f. Encourage location of mixed-use projects in transition areas and areas where small-scale commercial uses can fit into a residential neighborhood context.	Is this a transition area and is this 220,000 sf of retail, 50,000 sf cinema, 150 room hotel, and 536,000 sf considered small scale commercial uses that fits into a residential neighborhood context?	Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.
<i>Policy UD-C.2:</i> Design village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points.	How is this village center integrated into the existing neighborhood or is it a village unto itself?	As an internally oriented stand-alone mixed use village, the vertical oriented One Paseo has a negative impact on the overall horizontal mixed-use village established in the Community and Precise Plan.
<i>Policy UD-C.6:</i> f. Incorporate design features that facilitate transit service along existing or proposed routes, such as bus pullout areas, covered transit stops, and multimodal pathways through projects to transit stops.	Creation of a bus stop for a non-existent bus line, fails to establish the site as transit oriented. The site is not identified as a transit overly zone in the Land Development Code.	Without a guaranteed transit system, the intensity of the project creates significant traffic and circulation impacts.
<i>Policy UD-C.7:</i> Enhance the public streetscape for greater walkability and neighborhood aesthetics (see also UD-A.10 and Section F.).	DEIR states: <i>Main Street would function as the unifying element of the project and proposed uses and roadways would be centered about this pedestrian-scaled activity center.</i> Total project focus of Main Street is internally oriented and fails to enhance the public streets around the project for greater walkability and neighborhood aesthetics.	Due to the internal focus of One Paseo, the pedestrian and neighborhood aesthetic impacts are relatively ignored.
<i>Economic Prosperity Element Commercial Land Use Goal:</i> Economically healthy neighborhood and community	Economically healthy neighborhood and community commercial areas are currently easily accessible to residents	The establishment of additional commercial area draws clientele from the surrounding area and thus adds additional traffic

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commercial areas that are easily accessible to residents.	without One Paseo.	impacts within the community and neighborhood.
<i>Commercial Land Use Goal:</i> New commercial development that contributes positively to the economic vitality of the community and provides opportunities for new business development.	Please identify what commercial uses are not already provided in the Del Mar Highlands Town Center and are thus missing from this community or is this a statement that there is not enough commercial development in the area.	Simple repetition of similar commercial services and products fails to contribute positively to the economic vitality of the community.
Carmel Valley Community Plan Overall Goal: Goal 1: To establish a physical, social, and economically balanced community.	Issue: Doesn't the Precise Plan and Community Plan already adequately establish a physical, social, and economically balanced community? Physical—Doesn't the intensity of the uses in the One Paseo project undermine physical balance of the community? Socially—Aren't the social gathering spaces of the Rec Center, Library and DMHTC already providing a balanced community? Economically—Did the Precise Plan underestimate the economic balance of hotels, office employment centers and commercial retail such as to create an unbalanced community?	One Paseo's high density bulk and scale alters the balanced physical community character of Carmel Valley. One Paseo alters the social and economic balance of the community.
Goal 4: To establish a balanced transportation system to be used as a tool for shaping the urban environment.	There is no existing mass transit and there is no designated bike lanes identified on the internal street system of One Paseo. The increased intensity will generate 4 times the anticipated traffic volume based on developing 510,000 sf of office space?	The extreme increase in intensity of One Paseo creates an unbalanced additional impact on the vehicular component of the transportation system. The increased intensity of the project impact the balanced transportation system envisioned in the

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<p>Housing and Residential Land Use Element <i>Objective 2:</i> The community must be designed as a total physical-social-economic unit.</p> <p><i>Objective 4:</i> In order to promote a balanced transportation network, the residential aspect of the plan must take into consideration the need to <u>provide for separate pedestrian and bicycle systems</u>. Such pedestrian and bicycle systems should utilize open space areas and connect the various activity nodes of the community such as the town center, schools, parks, and the neighborhood commercial complexes.</p>	<p>The DEIR response is addressing the Retail Market Study by Kosmont rather than the housing component of the project. The project proposes a higher residential density than is in the surrounding area and compounds the density by basing the allowable dwelling units density on the entire site rather than the land allocated in One Paseo to residential development.</p> <p>One Paseo fails to provide separate designated bicycle lanes in the internal roadway system.</p>	<p>community plan.</p> <p>The increased density based on the utilizing the whole site creates a residential density that is more than twice the surrounding area. The ten story residential tower has a physical impact on the community.</p> <p>Impacts the balanced transportation network.</p>
<p>Industrial-Office Park Land Use Element <i>Objective 1:</i> Diverse job opportunities must be achieved within the industrial-office park.</p>	<p>The DEIR addresses commercial and hotel jobs and fails to identify the diverse job opportunities within the industrial-office park.</p>	<p>One Paseo's focus on the commercial and hotel component fails to address the impact on balance of diverse industrial and office job opportunities.</p>
<p>Circulation (Transportation) Element <i>Objective 2:</i> Transportation systems must be designed to complement the planning concept and land use.</p>	<p>The DEIR fails to address the traffic impacts resulting from the increased intensity.</p>	<p>Significant traffic impacts are resulting from the increased intensity of the project.</p>

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<p><i>Objective 4:</i> Dependence on the private automobile as the dominant mode of transportation must be reduced by developing and integrated system of pedestrian, bicycle, local transit and automobile facilities.</p>	<p>Greater demand on the private automobile as the dominant mode of transportation results from the lack of mass transit in the area and the increase (intensity of development results in 4 times the originally anticipated demand on private automobile.</p>	<p>Significant traffic impacts on the surrounding roadway system is the result.</p>
<p>Carmel Valley Employment District Precise Plan <i>Plan Implementation 2:</i> Grading has been designed based on the concept of multi-terraced sites with low embankments of varying slope. The land forms will be comprised of smooth flowing slopes and terraces that have been derived from the existing terrain. Erosion control will be accomplished through a system of individual site controls and overall systems concurrent with the best ecological practices.</p>	<p>One Paseo proposes to export 489,400 cy of dirt to fit the previously grades multi-terraced site to the project. With the size of the buildings, the terrace concept land forms of the site are not visible from the surrounding area.</p>	<p>The intensity of the project undermines the open terraced land forms intended in the Precise Plan.</p>
<p><i>Design Element Guidelines</i> Prominent and visible location dictates that the design and construction be accomplished in the best manner possible. Individual buildings should be designed to fit into park-like surroundings, with <u>particular attention paid to the appearance of the facility and its scale.</u></p>	<p>Little attention was given to the scale of the 8 and 10 story structures compared to the surrounding 1 to 4 story structures.</p>	<p>Significant Visual Impacts from its high density bulk and scale to Carmel Valley's Community Character.</p>

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May 23, 2012

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Re: One Paseo Land Use Inconsistency Table

Per your request, I have reviewed the One Paseo Project ("Project") Draft EIR Traffic Impact Analysis and Shared Parking Study. It is my expert opinion based on my experience as a planner and licensed architect for 29 years who has processed general plan amendments and rezones, as well as who has spent 8 years on the Citizen's Advisory Committee on developing the current San Diego Land Development Code, 12 years on the Code Monitoring Committee for the City of San Diego, and my familiarity with the facts of the Project, the vicinity of the Project, the City's General Plan, Carmel Valley Precise Plan, and other applicable land use plans, that the One Paseo Project reflects significant inconsistencies in the calculations of density, intensity, and floor area ratios as defined by the Land Development Code. The purpose of lot coverage as a tool for controlling bulk and scale is not addressed by the project.

Density:

One Paseo's methodology for calculating residential density understates the actual residential density of the Project. The proposed zoning would allow 29 dwelling units per acre and the project proposes a density of 26 dwelling units per acre. The project took the gross site area of the site (23.68 acres x 26 dwelling units per acre to justify 608 dwelling units. However, the gross site area included 1.485 acres that is being dedicated for road widening to mitigate the impacts of the Project. Additionally, 2.81 acres of private streets (not including the sidewalks) are also included in the gross site area. Per Land Development Code Section 143.0410 (b)(4) Density and Intensity, "the areas of the premises that are designated for public or private streets may not be utilized in the calculations of maximum density." Therefore the net site area for calculating density is 19.385 acres. This 19.385 acres x 26 dwelling units per acre would allow 204 dwelling units. The maximum density of the proposed Project (29 dwelling units (DU) per acre) would allow 562 dwelling units which is still almost 10% less than what the Project proposes.

Further, the Project proposes to use the site area allocated for office and hotel only development to justify the density of the Project. The site area including common area associated with the residential development of the residential development over retail is approximately 395,704 sf or 9.08 acres. Utilizing the maximum density under the new proposed zoning (29 DU/acre), only 263 dwelling units would be allowed which is almost 57% less than what is proposed. Clearly, even with this proposed high density development, the Project has overstated the number of units that should be allowed.

Floor Area Ratio Analysis:

Similar to the density analysis, the Project utilizes gross site area of 23.68 acres to justify the Floor Area Ratio (FAR) of the Project. Their methodology claims that the gross leasable area (1,857,400 sf) / gross site area (23.68 acres or 1,031,500 sf) = an FAR of 1.8. First, the Project uses Gross Leasable Area (GLA) instead of Gross Floor Area (GFA) as required in the Land Development Code (LDC). The reason for utilizing GFA is to regulate the bulk and scale of the building. GLA would understate the impact of the bulk and scale of the buildings. Further, by basing the FAR of Gross Site Area, the Project is allowed

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additional floor area for the public and private streets that are being dedicated and created which is contrary to the methodology in the LDC. If the 1.8 FAR is applied to the Net Site Area (19.385 acres) instead of Gross Site Area the Project, the 1.8 FAR would allow 1,519,940 sf of building instead of 1,857,400 sf which is a reduction of 337,460 sf or 18% less.

The 10 story office tower (291,000 sf without ground floor retail) sits on a 38,861 sf Lot 10 which creates a visual bulk and scale impact for this individual building of an FAR of over 10 without factoring in the bulk & scale impact two levels of exposed parking structure or the 15' high roof parapet which creates another story of impact. Even when considering all of the common lot area and surrounding development of Phase 1 it exceeds the 1.8 FAR claimed in the project.

Height:

The CC-5-5 zone is an intensive development zone by definition in the Land Development Code. The zone allows a mix of heavy commercial and limited industrial uses and residential uses. The zone further limits the height to 100'. The Project proposes to increase the allowable height to as much as 199' which is almost double the allowable. In fact, the total exposed vertical height of the 10-story (?) office building as viewed from El Camino Real is 197'. Is this really a 10 story building or is this an understatement of the vertical impact of the building. The average floor height of the office floors is 14'-6" which would generate a height of 145' for 10 stories. Yet the building height is 197'. Height combined with FAR and Lot Coverage are the three tools in the Land Development Code to control bulk and scale of a project. The Project's proposal to double the height that is allowed even in the CC-5-5 zone would effectively double the bulk and scale impact on the community.

Lot Coverage:

The Project points out that the current employment center zoning has no height limit, but fails to point out that the CVPD-EC zone had a 60% lot coverage maximum. How much of the site is not covered by streets, buildings, and parking structures? The project claims to have 413,222 sf (9.5 acres) of total open space or 49% of the net site area. Where is this open space? Did the project include the private streets as open space? Is it on roof tops and therefore negates the use of lot coverage to regulate bulk and scale. In fact, the project claims to have 331,295sf or 7.6 acres of usable open space. Where is this area?

The analysis identifies a series of significant inconsistencies in One Paseo's methodology for calculating density, intensity, and floor area ratios with the methodology allowed in the Land Development Code resulting in a misrepresentation of what the project is entitled to.

If you have further questions or comments, please do not hesitate to contact me.

Sincerely,



John Ziebarth, AIA, LEED AP

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Ziebarth Associates

May 23, 2012

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Re: One Paseo Land Use Inconsistency Table

Per your request, I have reviewed the One Paseo Project ("Project") Draft EIR Traffic Impact Analysis and Shared Parking Study. It is my expert opinion based on my experience as a planner and licensed architect for 29 years who has processed general plan amendments and rezones, as well as who has spent 8 years on the Citizen's Advisory Committee on developing the current San Diego Land Development Code, 12 years on the Code Monitoring Committee for the City of San Diego, and my familiarity with the facts of the Project, the vicinity of the Project, the City's General Plan, Carmel Valley Preciso Plan, and other applicable land use plans, that the One Paseo DEIR has significant deficiencies and inconsistencies in Appendix C and Q Traffic Impact Analysis and Appendix D Shared Parking Study

Appendix C & Q Traffic Impact Analysis

1. The Traffic Impact Analysis (TIA) fails to factor in that traffic from projects that have been entitled, yet unbuilt, and have already implemented their traffic mitigation measures. This projected additional traffic should be factored in prior to the additional traffic being added by the One Paseo project. For example the Del Mar Highlands Town Center has been approved for approximately 150,000 square feet of additional retail area and all of the traffic mitigation for that additional square footage has been implemented. One Paseo should not be based on the mitigation that was created for other approved projects in the Near Term analysis. Please verify that the SANDAG model used for cumulative analysis has included the additional 150,000 sf of commercial development.
2. A variety of mix-use reduction ratios have been used during different phases of the project. Please explain the methodology and rationale for each phase of the project and why the ratios are different.
3. Page 1-3 states that Phase 1 would be 515,000 sf of corporate office and 25,000 sf of professional office. Cover sheet on the latest submitted drawings reflect the same. Yet page 1-1 says that they would be 245,000 sf of corporate office and 291,000 of professional office. What was actually used? Table 2-1 indicates 515,000 sf of corporate office and 25,000 sf of professional office. Whether the corporate office is 96% or 46% of the office development can have a significant impact on the traffic generation of the project since corporate trip generation rates are lower. The TIA illustrates this problem very well. The TIA claims that the 536,000 sf of office in One Paseo will generate 6,236 ADTs but according to Appendix Q of the TIA prepared by the same consultant, the originally entitled project of approximately 500,000 sf of office would generate 6,497 ADTs. Why does 500,000 sf generate 260 more ADTs with 36,000 sf less of office space? What assurance does the community have that there will actually even be 46% corporate office use in the project? Please address the inconsistency.

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4. The TIA proposes to use a blended rate for traffic assuming that the 100,650 sf with the first 100,000 sf being treated as Specialty Retail with a trip generation rate of 40 ADTs/ 1,000 sf and a Community Commercial Rate of 70 ADTs/ 1,000 sf for the area over 100,000 sf. Per the City's Trip Generation Table (May 2003), Specialty Retail is 40 ADTs per 1,000 sf which goes up to 30,000 sf. Neighborhood Commercial is defined as 30,000 sf to 100,000 sf with a trip generation rate of 120 ADTs per 1,000 sf. Therefore, the TIA has underestimated the traffic that will be generated from the retail component in the first phase. Even the alternative in Appendix B of using the Community Commercial Rate of 70 ADTs per 1,000 sf is suspect. The type of retail proposed in this location is similar to Grove in L.A., the Americana at Brand in Glendale, and Santana Row in San Jose which are all nationally known and draw traffic from a much larger area than just the community. To use a blended rate of 40 ADTs per 1,000 sf for the first 100,000 sf would clearly seem to be an underestimation of the traffic volume that will be generated.
5. Figure 14-7 Indicates One Paseo has road segment traffic of 9,167, First Avenue has road segment volumes of 8,627 ADTs and Third Avenue has road segment volumes of 8,080 ADTs. These exceed the acceptable Level of Service Road Segments for 2 lane collector streets with commercial fronting property by as much as 40%. This is not identified in the EIR. The only thing that is addressed is intersection analysis as if vehicular circulation is the only issue. If the One Paseo is intended to be pedestrian oriented, how unacceptable traffic road segments are consistent with the village concept of pedestrian and bike circulations.
6. The road striping plan does not indicate designated bike lanes so do the bikes share the road with these high traffic volumes.
7. Figure 14-9 raises questions about the alignment impacts of the triple left northbound aligning with the single left south bound at intersection 10. There are three left turn lanes lining up across from one left turn lane heading south. The result is some of the left turn lanes will align with oncoming through traffic raising serious safety concerns.
8. How are the significant traffic impacts on Del Mar Heights Road between I-5 and High Bluffs Drive during construction being mitigated?
9. The project calls for the widening of roadways and the implementation of additional right turn lanes along property that is not adjacent to the Project. Is their existing right-of-way or does additional property need to be acquired? Can the project acquire the property and is it physically feasible to build these road widenings?
10. Many of the significant traffic impacts propose for the project to pay a fair share percentage. What is the commitment that these improvements will ever be built. Is there additional funding or an identified project. If not the project may create significant impacts that the community will have to deal with forever.
11. Section 18 talks about alternate transportation such as bike and transit. Figure 18-1 shows a bike route with no bike lane designation within the roadway striping. There is more to creating a bike route than simply designating something on paper.
12. Figure 18-2 shows shuttle stops to surrounding areas. Will One Paseo be creating and managing this non-existent shuttle system? Which surrounding areas will be served? Creating a space doesn't create alternate transportation.
13. Figure 18-3 shows potential transit routes with no assurance of implementation. These have not been implemented in the last 20 years and what assurance is there that the transit route identified within the Regional Transportation Plan will be implemented in the next 20 years.

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14. Appendix C Table 19-26 reflects Year 2030 With & Without Project (Build-out) Intersection Summary for One Pasco. Appendix Q Attachment 7 reflects Year 2030 With & Without Project (Build-out) Intersection Summary for Alternate 2-No Project/ Development Under Existing Plan. The delay impacts are the same despite the fact that Development under the Existing Plan generates approximately 1/4 of the traffic. How is this possible?

Appendix D Shared Parking

1. The DEIR needs to identify that a deviation from the Land Development Code is required to approve the Shared Parking Study.
2. The DEIR should identify the amount of parking required by the Land Development Code (LDC) based on individual uses without shared parking reduction already provided in the LDC. Currently the analysis shows the parking required with already taking a shared parking reduction. The significance threshold is 10% reduction. The project currently proposes a 9% (just under the 10% significance threshold) reduction below the currently allowed shared parking reduction in the code. What percentage reduction is this below the parking required based on each of the individual use?
3. Where does the DEIR address the impacts of paid versus free parking. If paid parking is provided, would this not potential create an impact on the free parking provided at the Del Mar Highlands Town Center. Should free parking be a required mitigation measure of the project?

The analysis identifies a series of significant inconsistencies and conflicts in the appendices which need to be addressed.

If you have further questions or comments, please do not hesitate to contact me.

Sincerely,



John Ziebarth, AIA, LEED AP



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Our File Number: LSBK-151316

June 24, 2010

VIA E-MAIL AND U.S. MAIL

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Re: Notice of Preparation for the Draft Environmental Impact Report for the
San Diego Corporate Center (Project No. 193036)

Dear Ms. Smit-Kicklighter:

On behalf of our client, Donahue Schriber, Inc., owner of the Del Mar Highlands Town Center, we appreciate the opportunity to respond to the Notice of Preparation of a Draft Environmental Impact Report for the San Diego Corporate Center project (dated May 25, 2010). The Notice of Preparation ("NOP") announces that the City of San Diego will be the lead agency for preparation of an Environmental Impact Report ("EIR") in connection with a proposed mixed-use development project located at 12910 Del Mar Heights Place in the Carmel Valley community of the City (the "Project"). The EIR is intended to satisfy the requirements of the California Environmental Quality Act ("CEQA").

Since the inception of the Del Mar Highlands Town Center more than 20 years ago, we have strived to be a good neighbor to the community. Our foremost goal is to ensure that Carmel Valley remains a comprehensively planned community with a high quality of life. We have been monitoring the Project closely for over a year and to that end, we submit this letter offering constructive comments that could be used to improve the EIR.

Our primary concern is that the Project's massive density, at over 2 million square feet on a constrained, 23.6-acre site, is inconsistent with Carmel Valley's primary planning objective of providing a balanced community. The Project's proposed land use change will result

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in significant impacts on the community's circulation system which was not planned, designed or constructed to accommodate traffic generated from a project of this magnitude.

In addition to traffic, potential environmental impacts that may arise due to the incompatibility of the proposed project with surrounding uses include economic decay, visual quality, noise and air quality.

We look forward to continuing this cooperative dialogue with the City throughout the preparation of the EIR to ensure that the Project does not adversely impact Carmel Valley's high quality of life and distinctive community character.

I. General Comments

A. The Project's Massive Size and Density May Cause Economic Decay

CEQA requires an analysis of the Project's potential to cause economic and urban decay. Changes to the physical environment caused by a project's economic effects are an indirect effect that must be analyzed in an EIR impact if they are significant.¹ The Project would include a very large amount of retail and office square footage in an area already served by substantial retail and office. The City should prepare an Economic Impact and Urban Decay Analysis to identify potential adverse impacts.

The project description in the NOP is inadequate because it states that the Project has 1,143,200 square feet of retail/commercial,² but does not distinguish between the uses or specify gross leasable area. Gross leasable area is relevant to the assessment of environmental impacts such as traffic and urban decay, and is necessary to determine the retail classification of the Project. Because the NOP does not set forth this information, the Project could be classified as anything from a "community shopping center" to a "superregional center."³

The Project could result in economic pressures to nearby and distant retail and office properties, potentially causing those users to go out of business, which could lead to deterioration and blight conditions resulting from vacant buildings and neglect. The City's Community and Economic Development Department has concluded that certain retail centers have the potential to cause urban blight.⁴ Moreover, elimination of the Employment Center land use designation

¹ 14 Cal. Code Regs. §§15064(e), 15131(a).

² NOP, at p. 3.

³ See International Council of Shopping Centers, Shopping Center Definitions, at <http://www.icsc.org/srch/lib/SCDefinitions99.pdf> (defining "community center" as 100,000-350,000 s.f., "regional center" as 400,000-800,000 s.f., and "superregional center" as over 800,000 s.f.)

⁴ Fiscal and Economic Impacts of Large Retail Establishments, City of San Diego Community and Economic Development Department, August 2004.

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and construction of new residential units could exacerbate the current decay resulting from unoccupied housing, partially-constructed developments, and foreclosed homes. Likewise, the construction of additional office and commercial square footage could compound the existing decay resulting from the high commercial office vacancy in Carmel Valley and surrounding areas.

To fully analyze these potential economic decay and urban blight impacts, the City should prepare an Economic Impact and Urban Decay Analysis. It should evaluate whether the Project would draw away business from existing retail centers thereby increasing vacancy and deterioration, strain the existing street network, discourage pedestrian travel, and otherwise aggravate traffic congestion and undermine the usability of existing retail centers

The NOP's omission of economic and urban decay as a potentially significant impact appears to summarily dismiss the possibility of urban decay, despite the ongoing and severe economic crisis which has imposed enormous financial constraints on retail, office, and residential users and despite the Project's proposal to drastically exceed the densities proposed in the applicable land use plans. Please ensure that the EIR fully complies with CEQA's requirement to analyze potentially significant impacts to urban decay resulting from economic pressure. Please commission an Economic Impact and Urban Decay Analysis to assess the Project's impacts to economic and urban decay.

B. The EIR Must Fully Address Cumulative Impacts of the Project

The EIR must analyze both the Project's direct and cumulative impacts.⁵ Failing to do so would constitute a form of "piecemealing" which would violate CEQA.⁶ "Under CEQA, the agency must consider the cumulative environmental effects of its action before a project gains irreversible momentum."⁷ The cumulative impacts analysis should also consider the impacts of past projects.⁸ Numerous projects within the Carmel Valley vicinity have already been constructed, approved, or are currently pending, which considered cumulatively, may have substantial environmental impacts. Such projects include the Pacific Highlands Ranch project, Del Mar Fairgrounds Master Plan, University Town Center Revitalization Project, and Black Mountain Ranch North Village project, in addition to the approved 150,000 square foot expansion of the Del Mar Highlands Town Center.

⁵ 14 Cal. Code Regs. §§ 15126.2(a), 15130.

⁶ See *Orinda Ass'n v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171; see also *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306.

⁷ *City of Antioch v. City Counsel* (1986) 187 Cal.App.3d 1325, 1333.

⁸ See *Environmental Protection & Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 523.

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The Project may not avoid its fair share of mitigation by improperly relying on mitigation measures from approved projects. Several approved projects in the community have provided mitigation measures to offset full impacts from their entitlements, yet have not fully built out. The Project cannot reduce its legally required mitigation by using mitigation measures from approved projects to offset its environmental impacts.

C. The EIR's Study Area Should Be Broadly Defined So As to Fully Consider All Potentially Significant Impacts from Construction of a "Superregional Center" or "Regional Center"

The EIR's study area should be broadly defined because the large size of the Project is likely to draw traffic from far outside the immediate Carmel Valley community and would thus potentially result in environmental impacts to more distant areas. The NOP indicates that the Project will consist of approximately 2,044,200 square feet of which 1,143,200 square feet is proposed for retail/office use, but does not differentiate between the uses or define the gross leasable area.⁹ Disclosure of the gross leasable area is important for a full understanding of the project and to determine the traffic trip generation rate for the project's land uses. If the details of the Project reveal that it is a superregional center, it would primarily draw customers from between 5 and 25 miles away.¹⁰ If the gross leasable area square footage of the Project defined it as a "regional center," it would attract most of its customers from a distance of between 5 and 15 miles away.¹¹

Because most of the customers, employees, and hotel guests may be drawn to the Project from a considerable distance, the EIR's study area should consider a broad area to ensure that all potentially significant environmental impacts, such as traffic, air quality, and land use, are analyzed in accordance with CEQA. For the same reason, the cumulative impacts analysis should also include projects from a broad study area. Because of the large size of the retail/office component of the Project, a narrowly-drawn study area would misleadingly present diminished environmental impacts to the public and decision-makers.

⁹ NOP, at p. 3.

¹⁰ See International Council of Shopping Centers, Shopping Center Definitions, at <http://www.iesc.org/srch/lib/SCDefinitions99.pdf>.

¹¹ *Id.*

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D. The EIR Should Fully Analyze the Project's Indirect and Displacement Impacts

CEQA requires lead agencies to consider indirect impacts from a project.¹² "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."¹³ An indirect environmental impact is a change in the physical environment that is not immediately related to the project but that is caused indirectly by the project, occurs later in time, or is farther removed in distance than direct effects.¹⁴ Additionally, CEQA requires analysis of whether a lead agency's action results in the displacement of development to other areas.¹⁵

There are several potentially significant indirect or displacement impacts that should be fully analyzed in the EIR. For example, the Project could foster economic or population growth, which could encourage activities that have a significant effect on the environment, either individually or cumulatively. In addition, the Project could draw retail customers from great distances, thus indirectly causing increased greenhouse gas emissions and exacerbating air quality impacts. Changing the zoning designation from Carmel Valley Planned District-Employment Center ("CVPD-EC") to Carmel Valley Planned District-Mixed Use Center ("CVPD-MUC") could displace a commercial or industrial use that will then be sited in another location, with corresponding adverse environmental impacts in that area.

The CEQA Guidelines, Appendix G, provides a list of issues that should be considered in preparation of an EIR, which includes "population and housing."¹⁶ The EIR should analyze whether the additional retail and office uses would induce substantial population growth, or whether eliminating the employment/industrial designation and diverting jobs to other locations would displace substantial population growth to those other areas.¹⁷ Further, decreasing the job base in the City could have significant adverse fiscal, socioeconomic, and physical impacts, and the Project could have a significant impact on affordable housing. The EIR should fully analyze these potential impacts.

¹² *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 (EIR required for golf course project because adverse impacts would result indirectly from later residential development that might be attracted to area by development of golf course).

¹³ 14 Cal Code Regs § 15126.2(a).

¹⁴ 14 Cal Code Regs §§ 15064(d)(2), 15358(a)(2).

¹⁵ *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 383.

¹⁶ 14 Cal. Code Regs. § 15000 et seq, Appendix G, § XII.

¹⁷ *Id.* at § XII.

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E. The EIR Should Not Improperly Defer Analysis of Environmental Impacts

Moreover, to satisfy the informational requirements of CEQA,¹⁸ the EIR must analyze all reasonably foreseeable impacts.¹⁹ Failing to analyze reasonable foreseeable impacts eviscerates one of CEQA's prime purposes, to have, "at the earliest feasible time, project sponsors . . . incorporate environmental considerations into project conceptualization, design, and planning."²⁰ By failing to distinguish between retail and office uses and identify the amount of development for those uses,²¹ and by failing to fully describe the proposed CVPD-MUC designation,²² the NOP appears to avoid analysis of reasonably foreseeable impacts. This mistake should not be made in the EIR. Instead, the EIR should provide more specific information identifying the particular land uses and zoning changes proposed by the Project.

Moreover, analysis of indirect and displacement impacts should not be deferred. If the EIR does not consider the potentially significant impacts induced by, or indirectly caused by, approval of the Project, the EIR would impermissibly segment the whole of the project.²³ Here, the NOP did not specifically identify the amount of residential and other development that would inevitably result from approval of the Project, nor did it specify even the most basic characteristics of the Project such as the amount of retail or office or the nature of the proposed land use designation. The EIR must provide more specific information regarding the reasonably foreseeable development that would occur as a consequence of adopting the Project. The EIR cannot defer analysis of potentially significant environmental impacts until some future date or event. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."²⁴

¹⁸ It is noteworthy that when the informational requirements of CEQA are not complied with, an agency fails to proceed in a "manner required by law," and has therefore abused its discretion. (Pub. Resources Code, § 21168.5; see also *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 1428.)

¹⁹ 14 Cal. Code Regs. § 15064(d); see also *City of Antioch, supra*, 187 Cal.App.3d 1325.

²⁰ 14 Cal. Code Regs. § 15004(b)(1).

²¹ See NOP, at p. 2.

²² *Id.*

²³ See *Laurel Heights Improvement Assoc. v. Regents of the Univ. of California* (1988) 47 Cal.3d 376, 391 fn. 2.

²⁴ *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Bozung, supra*, 13 Cal.3d at p. 282; see also *Mt. Sutro Defense Committee v. Regents of the Univ. of Cal.* (1978) 77 Cal.App.3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where general flexibility remains").

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II. Specific Comments

A. Land Use

In the description of discretionary approvals, the NOP lists a Carmel Valley Community Plan ("Community Plan") amendment and Carmel Valley Precise Plan²⁵ ("Precise Plan") amendment but does not list a General Plan amendment, implying that the Project is fully consistent with the General Plan. CEQA requires the discussion of the Project's consistency with existing plans and land uses. Please analyze the Project's consistency with all existing land use plans including, but not limited to, the General Plan, Community Plan, and Precise Plan.

The Carmel Valley Community Plan and the Precise Plan envision employment and industrial uses on the Project site. These plans carefully located the various components of housing, commercial, and employment in an orderly fashion and was the result of extensive research into the physical, social, and economic elements of Carmel Valley.²⁶ Please analyze the impacts of the Project's change in use on these thoughtfully developed plans. The Community Plan encourages less density to foster distinctiveness of the community, outside of community centers.²⁷ The Community Plan also states that employment centers, such as the Carmel Valley Employment Center where the Project is sited, "will give residents an opportunity to choose a realistic alternative to the typical commuting burden fostered by urban sprawl" by providing nearby employment areas.²⁸ Yet, the NOP indicates that the Project will replace the "Employment Center" designation with a "Mixed Use Center" designation and adds 608 residential units.²⁹ This would skew the jobs/housing balance that was carefully planned for Carmel Valley. Moreover, the Project proposes to eliminate the employment/industrial designation of the site, which is in conflict with the Community Plan's description of the Project site as "an industrial-office park which emphasizes the area as a unique and permanent feature."³⁰ The EIR must consider whether the Project would be consistent with the existing Community Plan.

The EIR's land use analysis should also consider the "transformation" impacts caused by the Project.³¹ This analysis must address the direct, indirect, and cumulative impacts caused by

²⁵ North City West Employment Center Precise Plan: Development Unit Number 2 ("Precise Plan").

²⁶ Precise Plan, at Preface p. B.

²⁷ Community Plan, at p. 6; *see also* p. 86 (map depicting Project site as outside of town center).

²⁸ *Id.* at p. 7.

²⁹ NOP, at p. 2.

³⁰ Community Plan, at p. 88-90.

³¹ 14 Cal. Code Regs. § 15355(b); *see also Environmental Protection Center v. Johnson* (1985) 170 Cal.App.3d 604, 624-25.

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adding residential and retail to an area that has been designated for industrial and office uses. Because the Project would eliminate the current employment/industrial designation, the General Plan requires an analysis of whether the property could still feasibly support industrial uses.³² There are potentially significant land use and other environmental impacts resulting from the Project's transformational aspects that should be evaluated in the EIR.

Please address all impacts of the Project on the General Plan including addressing section EP-L-2, which states: "Prepare a Community and Economic Benefit Assessment (CEBA) process focusing on economic and fiscal impact information for significant community plan amendments involving land use or intensity revisions. A determination of whether a CEBA is required for community plan amendments will be made when the community plan is initiated."³³ The Project appears to be a significant land use and intensity revision as defined in the General Plan, requiring preparation of a CEBA.

The NOP states that the EIR should describe how it is in conformance with the new Regional Commercial and CVPD-MUC designations.³⁴ It also states that the proposed CVPD-MUC designation would be similar to the Community Commercial 5-5 ("CC-5-5") zone, but with certain deviations.³⁵ Please describe these deviations in the EIR.

Please also analyze the Project's impacts on existing and proposed nearby land uses. The EIR should analyze whether the project physically divides an established business community by locating substantial retail and residential development in an industrial and commercial area.³⁶ The Project site is located within the Carmel Valley Employment Center, and the proposed land uses could potentially conflict with the surrounding uses. The EIR should evaluate whether the Project would result in the intrusion of sensitive receptors into areas designated for commercial and industrial operations, which could limit the ability of nearby industrial uses to expand.³⁷

Additionally, the Land Use section of the NOP fails to mention whether the EIR will analyze conformity with California's landmark planning law, SB 375.³⁸ It requires that SANDAG prepare a "Sustainable Communities Strategy," which must encourage development that reduces GHG emissions. Although the Project is dense and compact, it appears to be automobile-oriented and aimed at drawing customers from distant areas, which would have an

³² General Plan, at p. EP-8 to EP-9.

³³ *Id.* at p. EP-36.

³⁴ NOP, at p. 7.

³⁵ *Id.* at p. 2.

³⁶ See 14 Cal. Code Regs. § 15000 et seq, Appendix G, § IX(a).

³⁷ General Plan, at p. EP-8 to EP-9.

³⁸ NOP at p. 6-7.

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adverse impact on GHG emissions. Moreover, the legislative intent of SB 375 is to integrate housing and transportation planning, yet the NOP omits discussion of transit connectivity to the Project, which includes housing. Please ensure that the EIR fully analyzes the Project's consistency with the Sustainable Communities Strategy and fully complies with SB 375.

B. Transportation/Circulation/Parking

The NOP states that the Project will increase traffic volumes and has the potential to result in direct or cumulative local circulation network and the I-5 freeway.³⁹ Please ensure that the EIR fully analyze these impacts, as well as impacts to mass transit and parking.

The NOP does not discuss the Project's integration with the mass transit network, despite the requirements of the applicable land use plans to reduce automobile dependence. The General Plan encourages the use of mass transit for compact, mixed-use communities such as the Project.⁴⁰ In addition, the Precise Plan states:

"A convenient system of public transportation serving the Industrial-Office Park is necessary if the goal of a balanced transportation network and therefore reduced automotive traffic is to be achieved."⁴¹

Moreover, the Community Plan states:

"Although it is acknowledged that the automobile will play an important part in providing transportation needs for [Carmel Valley], the major emphasis of the circulation element is to provide an alternative mode of transportation in order to implement a balanced circulation system."⁴²

The Project could potentially increase dependency on the automobile, thus having a deleterious effect on air quality and surrounding neighborhoods. Additionally, the EIR should analyze the impact of the reconstruction of Del Mar Heights Road to provide two traffic signals and the shifting of the median and lanes to accommodate dual left turn lanes on the community and existing business in the area. Please also consider the use of traffic calming features and the impact on surrounding streets caused by direct access of circulation into the Project's parking structures.

³⁹ *Id.* at p. 8.

⁴⁰ General Plan, at SF-3 to SF-5.

⁴¹ Precise Plan, at p. 17.

⁴² Community Plan, at p. 99.

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Because residential uses are incompatible with industrial uses, the Project's EIR needs to analyze the increased hazards posed to both industrial trucking and residential traffic by siting residential in an area with industrial uses. Trucks making deliveries or taking away hazardous materials for disposal, for example, are not accustomed to conducting such operations in areas frequented by residential traffic. Residential drivers are also not accustomed to accommodating the needs of trucks. The potential for accidents to occur involving a truck serving a commercial or industrial facility, as well as the severity of the accident, is increased by the introduction of residential uses to the area.

The NOP does not specify a minimum number of parking spaces proposed.⁴³ The Project must provide appropriate parking for employees, residents, shoppers, and hotel guests. Inadequate parking has the potential to impact transportation and circulation, so the EIR should fully analyze these impacts.

C. Visual Quality/Neighborhood Character

We request that the EIR discuss the implications of altering the existing character of the business area by introducing retail and residential development. Please also discuss whether the height of the proposed buildings adjacent to low-rise buildings would degrade the quality of the skyline, and obscure views of Carmel Valley's signature landforms. In addition, the EIR should discuss the visual impacts from the Project's parking structures on neighboring public viewpoints.

The existing office and industrial character of the surrounding properties is not sensitive to light and glare. The Project would, however, bring residents to the area who could be affected by the existing light and glare generated by the surrounding properties. The EIR must discuss whether residents would be disturbed by the existing light and glare.

The NOP states that the Project will include signage at three access points,⁴⁴ yet discussion of signage is absent from the NOP's description of visual quality impacts.⁴⁵ Please ensure that the EIR analyzes impacts of the proposed signage on community character, in accordance with the General Plan's requirement to design signs to minimize visual impacts and complement the character of the setting.⁴⁶ Please incorporate visual simulations of all potentially significant visual quality impacts in the EIR.

⁴³ NOP at p. 3.

⁴⁴ *Id.*

⁴⁵ *Id.* at p. 8-9.

⁴⁶ General Plan, at UD-A.14.

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D. Air Quality

The EIR should fully analyze emissions resulting from construction and increased traffic. Exhaust emissions from diesel trucks have been identified as toxic air contaminants by the California Air Resources Board and are of particular concern. The EIR should include a health/risk assessment for diesel particulates, including PM₁₀ and PM_{2.5}.

The NOP notes that the Neurocrine Biosciences site is located immediately south of the project.⁴⁷ Also, a school is located near the Project site, which is a sensitive receptor. We request that the EIR thoroughly analyze whether and to what extent the nearby industrial and commercial users emit pollutants that could be potentially harmful, distasteful or cause other concerns to future residents of the Project, including sensitive receptors such as children.

E. Health and Safety

The EIR should carefully consider the impacts of the Project on public health, safety, and welfare, including hazards and hazardous materials. The Project is located near industrial and commercial uses which could potentially expose Project residents, hotel guests, and shoppers to health and safety hazards. Located near the Project are both the Neurocrine Biosciences site and a school, which is a sensitive receptor.⁴⁸ The EIR should include a health risk assessment that analyzes the potential risk of locating residents near existing industrial and commercial uses.

F. Noise

In accordance with the General Plan, please address the noise impacts on the adjacent properties as well as internal to the Project such as truck, restaurant, or bar noises on the residential uses and surrounding area.⁴⁹ We also request that the EIR evaluate the mixed use impacts of noise loading areas and hours of use for certain types of uses and the spatial separation between industrial and residential land uses, as is required by the General Plan.⁵⁰ The EIR must also analyze the relative amount of Project-generated traffic noise compared with existing cumulative traffic noise.⁵¹ To reduce significant impacts, the Project should incorporate feasible mitigation measures such as a sound wall to screen the Project's residential uses from the noise on Del Mar Heights Road.

⁴⁷ NOP, at p. 2.

⁴⁸ NOP, at p. 2.

⁴⁹ General Plan, at p. NE-6, NE-15.

⁵⁰ *Id.* at NE-15 to NE-16.

⁵¹ *Los Angeles Unified Sch. Dist. v City of Los Angeles* (1997) 58 Cal.App.4th 1019. (An EIR's discussion of noise impacts was inadequate for failure to evaluate whether the additional traffic noise should be considered significant in light of the serious existing noise problem).

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G. Alternatives Analysis

The alternatives analysis must fulfill CEQA's mandate to examine a "reasonable range" of alternatives aimed at avoiding or reducing the significant impacts of the proposed project.⁵² Please ensure that the EIR does not improperly constrain the range of alternatives by eliminating options that would provide substantial reductions in the impacts of the Project. For example, the EIR should consider alternative locations for the Project which would substantially lessen the Project's impacts.⁵³ This is particularly warranted because the Project proposes to amend the Community Plan and Precise Plan, and the City should evaluate alternative locations in order to fully consider other planning options.⁵⁴ Thus, the EIR should analyze whether a compact, dense, mixed-use community may be better located in areas with existing mass transit, or whether expansion of existing neighboring uses would have fewer environmental impacts. The Community Plan requires the careful consideration of "locations that can most readily accommodate and support realistic future alternative modes of transit other than the automobile."⁵⁵ When analyzing the Project's alternative locations, the EIR should evaluate a broad study area, because the Project is likely to draw from locations far outside Carmel Valley.

III. Conclusion

Thank you for the opportunity to comment on the NOP. We respectfully request that you review each of these concerns in the EIR and ensure that the Project's impacts do not degrade Carmel Valley's high quality of life and distinctive community character. Donahue Schriber plans to stay involved throughout the Project's planning process to ensure the impacts to the community are thoroughly analyzed, the business of its tenants and center is conducted, and the concerns discussed in this letter are addressed.

⁵² 14 Cal. Code Regs. § 15126.6.

⁵³ Pub. Res. Code § 21001(g); see also *See Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403 (noting that EIR, which stated that no feasible alternative sites were available for relocation of university facilities other than site it owned, did not assess possibility of expanding or remodeling other facilities or possibility of purchasing or leasing other facilities).

⁵⁴ See *Citizens of Goleta Valley v Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179.

⁵⁵ Community Plan, at p. 7.

COMMENTS

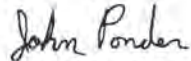
RESPONSES

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Holly Smit-Kicklighter
June 24, 2010
Page 13

On behalf of Donahue Schriber, Inc., we look forward to discussing these issues with you further. Please do not hesitate to contact us if you require information regarding the nature and scope of our comments.

Sincerely,



John E. Ponder

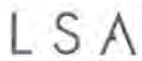
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST.8MSH11402708897.9

COMMENTS

RESPONSES

EXHIBIT B



LSA ASSOCIATES, INC.
22 EXECUTIVE PARK, SUITE 100
IRVINE, CALIFORNIA 92614

TEL: 949.260.1171
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BERKELEY
CARMEL
COSTA MESA

CHATTANOOGA
PALM SPRINGS
PUEBLO

SAN ANTONIO
SAN JOSE
SAN LEANDRO

November 6, 2013

John Ponder, Esq.
Sheppard Mullin Richter & Hampton LLP
501 West Broadway, 19th Floor
San Diego, CA 92103

Subject: Review of Recirculated Project Alternatives to the Draft Environmental Impact Report
and Reduced Main Street Alternative Traffic Memo for the One Paseo Project

Dear Mr. Ponder:

As requested, LSA Associates, Inc. (LSA) has conducted a review of the Recirculated Project Alternatives (RPA) to the Draft Environmental Impact Report (EIR) for the One Paseo Project (Project No. 193036), State Clearinghouse (SCH) No. 201051073, October 2013; and the One Paseo Reduced Main Street Alternative Traffic Memo, Urban Systems Associates, September 14, 2013. Our comments to these documents are provided in summary below.

GENERAL

The recirculated analyses have been conducted using the Existing, Near Term, and Long Term baseline traffic conditions as originally disclosed in the Draft EIR for the proposed project. As such, the flaws in the original Draft EIR traffic analysis of the proposed project persist in these recirculated analyses. These include, but are not limited to:

1. Lack of accounting for unbuilt yet entitled intensity and traffic volume at the Del Mar Highlands Town Center. While the Pacific Highlands Ranch project may have been considered, the additive effects of these two projects are not disclosed in the recirculated analyses. This issue was raised in previous comments to the Draft EIR.
2. The commitment and phasing of freeway projects at State Route 56 (SR-56) and Interstate 5 (I-5) have not been addressed in the recirculated analyses. In written and verbal public comments to the Draft EIR, LSA and others raised concerns with the phasing assumptions regarding freeway interchange improvements at I-5/SR-56. If the recirculated analyses rely on the previous baseline conditions, the absence of the ramp improvements is not addressed and potential spillover traffic has not been considered and analyzed.
3. Specific technical issues raised by Darnell & Associates, Inc. in their May 29, 2012, letter regarding individual Highway Capacity Manual (HCM) intersection and signal timing errors still persist in the recirculated analyses. A copy of this letter is provided as an attachment.
4. The lack of demonstration of the Automated Traffic Surveillance and Control (ATSAC) improvement as mitigation still persists in recirculated analyses.
5. The question of payment of fees for major future, unfunded California Department of Transportation (Caltrans) projects along the I-5 as deferral of mitigation measures has not been addressed by the continued use of that strategy for the alternative land use plans.

11/6/13 10:00 AM DSR1301 Recirculated Comments.docx

PLANNING | ENVIRONMENTAL SERVICES | DESIGN

391.45 As discussed in response to comment 10.158, a new traffic model run was completed to assess the traffic impacts associated with the Reduced Main Street Alternative to confirm that the Series 10 Model assigned adequate traffic volumes to the relevant traffic analysis zones to account for the Del Mar Highlands Town Center and Pacific Highlands Ranch (see Attachment 46 of Appendix C.4 of the Final EIR).

391.46 Refer to response to comment 351.1.

391.47 Refer to response to comment 63.33.

391.48 The comment incorrectly states that the traffic analysis for the Recirculated Alternatives relies upon ATSAC as mitigation to reduce the impacts identified. ATSAC is not a recommended mitigation measure in the Draft EIR, and the analysis does not include credit for the system.

391.49 Refer to response to comment 387.6.

COMMENTS

RESPONSES

LAN ASSOCIATES, INC.

- 391.50 6. The absence of an engineering drawing (required by the City of San Diego traffic study guidelines) for the recommended triple left turn at Highbluff and Del Mar Height Road to demonstrate the feasibility of its implementation is still outstanding, meaning no evidence is provided in the record that this mitigation measure is actually feasible.

PARKING

- 391.51 In the October 2013 RPA, reference is made that the Reduced Main Street Alternative would provide 3,688 parking spaces. Yet this potential parking supply is based on a 2012 Walker parking study. This is indicated in a simple Table 12.9-4 with no substantiating data or analysis. This would imply that no parking analysis has been conducted for the new alternative land use plans. As a public disclosure document, the recirculated materials should include evidence of the parking required by the new alternative land use plans and how the projects will satisfy that requirement.

PROJECT TRIP GENERATION

Trip generation is described in the traffic memorandum for the Main Street Alternative. A similar trip generation has been prepared for the Mixed-Use Alternative in a separate traffic memorandum. The issues expressed here regarding the calculation of trip generation for the Main Street Alternative is relevant to the Mixed-Use Alternative as well. Attachments 3, 4, and 5 illustrate the trip generation estimate for Phases 1, 1 and 2, and build out of the Main Street Alternative, respectively. Comments on this calculation are provided as follows.

- 391.52 1. The use of a blended rate for the Community Shopping Center use is questioned. First and foremost, the project includes a retail use using a normative of "Community Shopping Center." The City of San Diego has a trip rate schedule for a land use type, "Community Shopping Center."¹ In order to be consistent with the definitions in the City code and the City methodology, this singular rate should be used. By blending the rate, the effective rate is diminished from 70 trips per day per thousand square feet to 66 trips per day per thousand square feet, or a roughly 5 percent reduction in trip-making potential.
- 391.53 2. In the blended rate approach, the traffic memorandum applies the Specialty Retail rate to 100,650 square feet (sf), the Supermarket rate to 30,000 sf, and the Community Shopping Center rate to 67,850 sf. This is inconsistent with the definitions of these individual land uses and guidance for use of the manual. The Specialty Retail rate is intended for use when evaluating free-standing buildings of less than 100,000 sf. Yet the trip generation has been calculated for aggregated retail of more than 100,000 sf. The Supermarket rate should be used when the known operator is a supermarket vendor of food and beverages. Without the precise knowledge of a market vendor, the use of the lower rate is speculative and may underestimate the trip-making potential of that square footage. The Community Shopping Center rate is intended for the use of retail centers greater than 100,000 sf with major retail outlets. The trip generation rates have been applied inconsistently with the prescribed method of the City of San Diego and should be recalculated using the proper approach.

¹ San Diego Municipal Code, Land Development Code, Trip Generation Manual, revised May 2003, pg. C-2.

- 391.50 A conceptual design drawing has been prepared to demonstrate the feasibility of the recommended triple left turn at High Bluff Drive and Del Mar Heights Road intersection and it is included in Figure 14-9 of Appendix C of Final EIR.

- 391.51 The alternatives evaluated in the Recirculated Alternatives discussion were all developed to reduce the density and intensity of the proposed development. The Originally Proposed Project was the basis of the Shared Parking Analysis, dated December 16, 2011, which was submitted to the City. An update to the analysis was provided with the Final EIR (Appendix D.1) to evaluate the adequacy of parking for the Reduced Main Street Alternative. The updated analysis was performed using the same methodology and Urban Land Institute (ULI)/Walker Shared Parking model that was employed in the initial Shared Parking Analysis. The shared parking assumptions and ratios employed in Appendix D.1 remain applicable because the general mix of the project has not substantially changed with the exception of the elimination of the hotel.

For the Originally Proposed Project and the Reduced Main Street Alternative, the number of spaces in their respective parking inventories represents the number of spaces that are projected to be necessary to accommodate the design day peak parking demand. A total of 3,688 spaces are proposed for the Reduced Main Street Alternative. Compared to the projected parking demand of 3,520± spaces for the design day peak the result is a net parking surplus for the Reduced Main Street Alternative at build out of 168± spaces. This compares to a surplus of 207± spaces that was projected previously for the Originally Proposed Project. These conclusions are summarized in the Walker shared parking analysis.

- 391.52 As discussed in response to comment 10.158, the analysis of the traffic impacts associated with the Reduced Main Street Alternative in Appendix C.4 of the Final EIR did not use the "blended" trip generation rates used for the Originally Proposed Project.

- 391.53 Refer to responses to comments 10.158 and 391.52.

COMMENTS

RESPONSES

LSA ASSOCIATES, INC.

- 391.54 3. Mixed-Use Reductions have been applied in the lower frame of each of the three tables. Percentages are illustrated for Commercial Office Reduction and Residential Reduction. No citation or source is provided for these percentages. No calculation demonstrating they are appropriate or supported by City approved methodologies is provided.
- 391.55 4. Commercial Retail Reduction volumes are provided in these tables as well. Total volumes are shown rather than percentages, as in the previous comment. The source of these reduced volumes is not provided. Demonstration that these reductions are consistent with City-approved methodologies is not provided.
- 391.56 5. These Commercial Retail Reductions range from 3 percent to 50 percent of the trip generation, depending on the phase or combination of phases and the time period considered. It is our professional experience that a mixed-use reduction of 50 percent is highly irregular and rarely evidenced in the industry research and documentation. These anomalies overestimate the reduction in trips that may occur from the project and should be addressed and restated, providing a more accurate calculation of trip making of the alternative land use mix.

PROJECT TRIP ASSIGNMENT

- 391.57 The volume of peak-hour traffic entering and leaving the site by phase of development cannot be determined from the materials provided. The public has no means by which to determine that the total number of trips generated has been accounted for in the calculation of level of service or the determination of significance of impact.
- 391.58 The traffic memorandum includes no discussion or, more importantly, no graphic depiction of the access assumptions for each phase of the development analyzed. The public has no means of determining which driveways will be present with each phase of development, or what construction impacts may arise due to implementation of access driveways and detours through each phase of project implementation.
- 391.59 Traffic signal warrants have not been prepared for this lower intensity development. It has not been demonstrated that the lower intensity project alternative would continue to warrant additional traffic signals along Del Mar Heights Road.

LSA has reviewed the cited materials and offers these comments for consideration. Based on our review, the recirculated materials and traffic memorandum should be revised and recirculated for public review.

Sincerely,

LSA ASSOCIATES, INC.



Anthony Petros
Principal

Attachment

11/6/13 #P-BSR1301 Recirculated Comments.docx

3

391.54 Mixed-use reductions have been applied to trip generation tables in each project phase per Table 4 of the City of San Diego Traffic Impact Study (TIS) Manual, July 1998. As indicated in Table 4, a 10% daily trip reduction can be applied for residential land uses in a mixed-use development. A 3% daily trip reduction can be applied for commercial office. Peak hour reductions are also provided in Table 4.

391.55 For commercial retail, the reduction for mixed-use development equals the sum of the total mixed-used reductions in residential, industrial, and commercial office per the notes below Table 4 in the TIS Manual. This calculation was used in each trip generation table by phase. The note also applies to the AM and PM peak hour trip reductions as shown in Table 4.

391.56 The City agrees that a 50% reduction is inappropriate. As mentioned in response to comment 391.54, a range from 3% to 10% daily trip reductions can be applied for residential, industrial, and commercial office land uses in a mixed-used development per Table 4 in the City's TIS Manual.

391.57 Project-only daily and peak hour traffic volumes by phase are provided in Attachment 6 through Attachment 11 of Appendix C.4 of the Final EIR.

391.58 Project-only traffic volumes by phase at signalized project access points are provided in Attachments 7, 9, and 11 of the Reduced Main Street Alternative Analysis in Appendix C.4 of the Final EIR. Construction traffic impacts are discussed in Chapter 15 of the March 23, 2012 traffic study (Appendix C of the Final EIR).

391.59 Traffic signal warrants for the two proposed intersections on Del Mar Heights were calculated; the results are included in Appendix C.4 of the Final EIR. Based on those calculations, it is determined that traffic signals are warranted at First Avenue and Third Avenue with Phase 1 of the proposed development.

LSA ASSOCIATES, INC.

3. Mixed-Use Reductions have been applied in the lower frame of each of the three tables. Percentages are illustrated for Commercial Office Reduction and Residential Reduction. No citation or source is provided for these percentages. No calculation demonstrating they are appropriate or supported by City approved methodologies is provided.
4. Commercial Retail Reduction volumes are provided in these tables as well. Total volumes are shown rather than percentages, as in the previous comment. The source of these reduced volumes is not provided. Demonstration that these reductions are consistent with City-approved methodologies is not provided.
5. These Commercial Retail Reductions range from 3 percent to 50 percent of the trip generation, depending on the phase or combination of phases and the time period considered. It is our professional experience that a mixed-use reduction of 50 percent is highly irregular and rarely evidenced in the industry research and documentation. These anomalies overestimate the reduction in trips that may occur from the project and should be addressed and restated, providing a more accurate calculation of trip making of the alternative land use mix.

PROJECT TRIP ASSIGNMENT

The volume of peak-hour traffic entering and leaving the site by phase of development cannot be determined from the materials provided. The public has no means by which to determine that the total number of trips generated has been accounted for in the calculation of level of service or the determination of significance of impact.

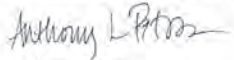
The traffic memorandum includes no discussion or, more importantly, no graphic depiction of the access assumptions for each phase of the development analyzed. The public has no means of determining which driveways will be present with each phase of development, or what construction impacts may arise due to implementation of access driveways and detours through each phase of project implementation.

Traffic signal warrants have not been prepared for this lower intensity development. It has not been demonstrated that the lower intensity project alternative would continue to warrant additional traffic signals along Del Mar Heights Road.

LSA has reviewed the cited materials and offers these comments for consideration. Based on our review, the recirculated materials and traffic memorandum should be revised and recirculated for public review.

Sincerely,

LSA ASSOCIATES, INC.



Anthony Petros
Principal

Attachment

Darnell & ASSOCIATES, INC.

TRANSPORTATION PLANNING & TRAFFIC ENGINEERING

May 29, 2012

John Ponder, Esq.
Sheppard Mullin Richter & Hampton LLP
501 West Broadway, 19th Floor
San Deigo, CA. 921031

D&A Ref. No: 120507

Subject: Review of Traffic Impact Analysis for the One Paseo Project in Carmel Valley.

Dear Mr. Ponder;

As requested, we have examined the Traffic Impact Analysis (TIA) Report for One Paseo dated March 23, 2012 presented in Appendix C of the EIR documents.

Our review included review of project trip generation, existing conditions, cumulative conditions, buildout conditions and the Appendix Q of the TIA addressing the DEIR Project Alternative Analysis.

Our review focused on elements of what goes into a project traffic impact study, but it was not a complete review of every detail. Rather, we put our attention to the project trip generation, trip distribution, Intersection Capacity Worksheets, the conclusion and recommended mitigation measures. With respect to the detailed calculations of levels of service on streets and intersections, we sampled a number of locations, particularly where the level of service (LOS) was approaching a critical level but didn't quite reach it. Generally we found that the report was accurate and reasonable, but we did find a number of things to bring to the attention of the City in our comments that should be addressed since there could be additional impacts that result. Those issues are detailed herein.

Section 3.1 Trip Generation

The trip generation for the project makes use of gross leasable area (GLA) for the purpose of calculating trips generated for the offices uses. The total gross square footage (GSA) should have been used and would result in more trips being generated.

The project trip generation for office use shown on Table 3-1 shows 245,000 square feet of Corporate Office use and 291,000 square feet of Multi-Tenant Office space. Use of the Corporate Office rate results in fewer trips being generated when compared to the Multi-Tenant Office rate. How will the City monitor and control the Corporate Office space to insure additional trips are not generated?

Also on Tables 3-1 and 3-2 the report utilizes a Specialty Retail Store rate of 40 trips per KSF for the 100,650 square feet of retail space. Due to the size of the retail space City's Community Shopping Center Rate of 70 trips per KSF should have been used for the Phase Analysis. This will result in 3,020 additional Daily vehicle trips being generated by the project. Correction of Phase 1 trip generation will require the TIA to be revised to reflect the increased traffic volumes.

Trip Generation, Section 3.1 beginning on pg. 3-1

The trip generation for the project makes use of the office gross leasable area (GLA) for the purpose of calculating trips generated for the office uses. The total gross square footage (GSA) should have been used for this calculation which is a larger number and would result in more trips being calculated for the project, and the impacts would be greater.

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John Ponder
Sheppard Mullin Richter & Hampton LLP
May 29, 2012
Page 2

Trip Generation, Section 3.1, page 3-2 and tables 3-1 and 3-2

The discussion on page 3-2 explains how the freestanding nature of the individual uses in a shopping center begins to be lost in developments over 100,000 sf. But tables 3-1 and 3-2 separate the individual retail uses to perform the trip generation calculations as shown in the footnotes to the tables even when the cumulative size exceeds that limit. This misstates the total trip making potential of the project, especially when the ultimate tenants may not be known, nor should the rate be dependent on a particular tenant.

Trip Generation, Section 3.1, tables 3-1 and 3-2

The method for applying mixed use discounts to the trips is not reproducible with the information given, particularly for the retail uses. More clarity on the exact mixed-use or other discounts needs to be provided and the calculations needs be shown.

Section 5.0 Existing Conditions

The Level of Service (LOS) reported for the 36 intersections listed on Table 5-2 is based on the Highway Capacity Manual (HCM) using operational analysis procedures. Synchro, a computer program was used for the calculations. Based on our knowledge of the area and discussions with Traffic Engineering staff it was determined that the traffic signal along Del Mar Heights Road and El Camino Road are interconnected and coordinated. Because of the existing coordination of these roadways the analysis of existing conditions in the study area needs to be based on the City of San Diego and Caltrans signal timing plans. Based on my review of the Synchro Intersection Capacity Worksheets for the existing conditions and all subsequent analyses needs to be updated to include:

- City/Caltrans Signal Timings
- Pedestrian Walk Timings
- Pedestrian Clearance Timings
- Coordination Cycles represented for each Corridor.

Review of the Synchro Worksheets identify a variety of actuated cycles along Del Mar Heights Road ranging from a low of 63.3 seconds at El Camino Real, 90.4 seconds at High Bluff Drive, 120 seconds at the I-5 NB ramps and 78.9 seconds at the I-5 SB ramp. The resulting LOS reported for the intersection is therefore suspect and does reflect the actual operating conditions along each transportation corridor.

Existing Conditions, Table 5-1, page 5-7

Del Mar Heights Road west of I-5 is described as being a 5 lane major east of Mango and a 5 lane primary arterial roadway east of Portofino. The adopted Torrey Pines Community Plan describes this entire roadway as a four lane major, which is also an identified cross section in the City's Street Design Guidelines. It happens to have an additional trap-right turn lane in the EB direction east of Portofino leading to the I-5 SB ramps. However, to invent a 5 lane major definition for this entire length of roadway is incorrect, particularly for the portion west of Portofino, and it results in overstating the capacity.

Existing Conditions, Figure 5-2, page 5-8

Intersection 1 at Via de la Valle at El Camino Real (west) is depicted with future capacity improvements that do not currently exist. The improved condition was assumed in the 2030 base condition calculation of the intersection operations. It would be appropriate to not assume the improvements in the baseline and then identify the improvements as a mitigation measure.

Intersection 26 at Carmel Valley Rd and I-5 NB ramps is depicted with four SB approach lanes that do not exist.

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Page 3

Section 6.0 Existing with Project Analysis

Based on our review of Section 5.0, we found that the same discrepancies that need correction. The deficiencies we identified in 5.0 carry over into this section and all the following analyses.

8.0 Near Term without Project and Section 9.0 Near Term with Project

The process used to develop near term traffic volumes is reasonable. However the intersection LOS analysis presented on the Synchro Worksheets is flawed and needs to be revised to incorporate:

- City/Caltrans Signal Timings
- Pedestrian Walk Timings
- Pedestrian Clearance Timings
- Appropriate Coordination Signal Cycles
- Use of consistent Peak Hour Factors at all intersections.

The comments above also are applicable to each of the remaining intersection analysis of the TIA.

Section 12.0 Long Term Cumulative (Year 2030) without Project

This section establishes the year 2030 conditions for the area without the proposal project. The study on page 12-1 identifies that the project site is represented by Traffic Analysis Zones 4606-4607 of the SANDAG Year 2030 Series 11 Regional Traffic Forecast Model. To confirm this statement the land uses contained in TAZ 4606 and 4607 needs to be provided documenting that accurately depicts the current adopted and permitted land use. A readable copy of SANDAG Model run needs to be provided.

Also as stated previously the intersection analysis needs to be updated to include:

- Pedestrian Walk Timings
- Pedestrian clearance Timings
- Appropriate Coordination Cycle Lengths

With these updates the analysis of the projects impact on the adjusted community and land use plan can be identified in Section 13.

Chapter 12, page 12-1

The future traffic volumes that are the background to the study are described as being based on some work done a few years ago called the I-5/SR-56 Northbound Connector Study (by LLG) for Caltrans which were, in turn, based on SANDAG Series 10 work to examine the effect of introducing the north facing connectors at SR-56 and I-5 among other things. These volumes differ substantially with subsequent SANDAG forecasts in Series 11 and in Series 12, particularly on El Camino Real and Del Mar Heights Rd. The differences need to be discussed with Caltrans and corrected.

Section 13.0 Long Term Cumulative (Year 2030) with Project (Build Out)

This section may require corrections based on any changes that occur to update section 12 of this report.

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Sheppard Mullin Richter & Hampton LLP
May 29, 2012
Page 4

Section 15.0 Construction Traffic Analysis/ Adaptive Traffic Control (ATCS)

The Adapted Traffic Control System Section of this report identifies the use of an ATCS System to be considered to be incorporated into various improvements to be constructed along Del Mar Heights Road to El Camino Real. However there is no documentation of the benefits of implementing such a system and or necessity. Before and after studies have not been completed.

Figure 19-2A-Del Mar Heights Rd and High Bluff Drive

One of the projects mitigation measures identifies the creation of a triple left turn lanes for northbound High Bluff Drive to westbound Del Mar Heights Rd. Review of this proposal finds that it proposes to construct improvements without obtaining the necessary rights of way to properly construct the improvements. Review of the drawing indicates that the design exceptions will be required.

The reason for the need to provide the triple left turn lane is caused by the increased east west traffic on Del Mar Heights Road created by the project which creates the suggested the triple left turn lane proposal. A detailed preliminary design needs to be provided to document the actual requirements of the proposal and to be used to quantify any environmental impacts of constructing the project.

Appendix D Intersection LOS Worksheets

At intersection 9 at Del Mar Heights at NB 1-5 in the calculations of intersection LOS an assumption existing plus project amount of WB to NB right turns on red is excessive at 500 plus vph in the existing plus 11 project scenario and the 2030 scenarios. The existing physical conditions could not allow this large amount of right turning traffic which makes the intersection appear to operate better than it otherwise would be showing. A similar situation exists for the opposite left turn from EB to NB to enter this ramp.

Appendix L Synchro Sheets

For intersection 31 at Valley Center Drive at Carmel Creek Rd, the calculation of LOS in the various scenarios uses incorrect signal timing and phasing that masks an impact were it properly done. It shows some approaches with an LOS of F which is not acceptable in the City's guidelines and would require mitigation.

Table 13-2 on page 13-9 and Appendix L

At intersection 14 at Del Mar Heights Rd and Carmel Country Rd the calculation of intersection LOS conditions uses an inconsistent Synchro Sheets set of assumptions for the peak hour factor that if applied consistently would indicate an impact. As calculated both 0.95 and 0.90 are used which underestimates the impact when the 0.95 is used. This PHF parameter in the software for determining intersection delay should be consistently applied at all intersections with City approval.

Mitigation and Appendix N

As mitigation a triple left turn is proposed for the intersection of Del Mar Heights and Highbluff Drive to accommodate NB to WB movements. If implemented this would result in a potentially dangerous condition where the vehicles opposing this movement going left from SB to EB potentially overlap with the NB to WB vehicles as assumed in the LOS calculations, particularly longer wheelbase vehicles. Also, the turning arcs for the inside lanes appear too narrow to function safely. The mitigation as-proposed appears inappropriate to implement.

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John Ponder
Sheppard Mullin Richter & Hampton LLP
May 29, 2012
Page 5

In addition to the practicality of the triple left turn concept, the LOS calculations for intersection 10 at Del Mar Heights and Highbluff Drive makes use of a turning lane capacity of 1900 vph per lane for the triple lanes, or any turning lane, which is unrealistically high. This makes the likely operation not as acceptable as the calculation would make it appear, and impacts could have been identified.

As mitigation an extension of the right turn lane on WB Del Mar Heights Rd to NB 1-5 is proposed. This improvement comes very close to an adjacent AT&T building that may be functionally affected since it has a service driveway on the western end facing Del Mar Heights Rd. If so, the cost estimate for this improvement and possible effect upon the building would appear to be understated.

Several substantial projects are proposed as mitigation that does not yet have any official project status. Yet, a fair share contribution is proposed along with calculations of the amount of money that could be paid by the project applicant to satisfy the condition. Paying the fair share percentage of a project should only be acceptable once the environmental and design is done, the required improvements and the commitment to construct made, and all the funding is available.

The LOS and delay analysis of the two intersections forming ramp junctures at 1-5 and Del Mar Heights Rd have been analyzed using different cycle times for these intersections. The tables state they are coordination. It would be typical for Caltrans to coordinate the signal cycles on either side of an interchange, and the calculations should reflect this. The results for delay would therefore change.

Table 1-30 and Appendix N

In table 1-30, page 1-14 and sections 14.2 and in Appendix N states that the signals along Del Mar Heights Road are coordinated, but the Synchro work sheets show unrelated cycles timing suggesting that they are not coordinated. Instead, the software was allowed to optimize the timing to show a more advantageous result than otherwise would be obtained.

This particularly is problematic when the calculations for the two ' proposed signals servicing the project along Del Mar Heights Road are examined. These signals should be synchronized with the more substantial arterial intersection at El Camino Real as well as the Highbluff Drive intersection and with the 1-5 on/off ramp signals.

Appendix Q DEIR Project Alternative Analysis

The One Paseo – EIR Alternatives Analysis prepared by Urban System Associates Inc. dated March 5, 2012 contains discussions on five alternatives. EIR Alternative 2 is described as representing the projects approved land use. Based on Attachment 1 the development of the approved land use is 500,000 square feet of Commercial, Office and Multi-Tenant Office space would generate 6,497 daily trips. The alternative represents a significant reduction of 20,464 daily vehicles when compared to the proposed project.

COMMENTS

RESPONSES

John Ponder
Sheppard Mullin Richter & Hampton LLP
May 29, 2012
Page 6

In Summary

In Summary the TIA for One Paseo project requires corrections and updates to the TIA to adequately address the projects direct and cumulative and buildout impacts. The approval of the proposed project when compared to the approved land uses will result in adding 20,464 (26, 691- 6,497) additional vehicles to Del Mar Heights Rd and El Camino Real with the approved plan for the property. This additional traffic will create significant impacts to the roadways in the area,

We reserve our right to review the corrected document and make additional comments as needed.

Sincerely,

Sincerely,

DARNELL & ASSOCIATES, INC.



Bill E. Darnell, P.E.
RCE: 22338

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I:20507_One Paseo EIR Review.doc



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COMMENTS

RESPONSES

EXHIBIT C



Ziebarth Associates

December 3, 2013

Johri Ponder, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
19th Floor
501 W. Broadway
San Diego, CA 92101

Re: One Paseo DEIR Recirculation for New Alternatives

Though not required, it would be beneficial if the Recirculation included all of the Alternatives from the original DEIR with these Alternatives in one location for the decision makers to compare the Alternatives and the Proposed Project with the impacts of the existing approved Alternative which is a 510,000 sf. Employment Center. A detailed matrix beyond Table 12-1 which identified the specific impacts (including height in feet and traffic delay times at each intersection) of the various Alternatives would be a beneficial comparison.

The One Paseo DEIR Recirculation for New Alternatives (Recirculation) is lacking in some of its analysis:

1. Why wasn't a Mix-Use Main Street Alternative analyzed that would not increase the peak hour traffic above the current entitled traffic volume nor the entitled FAR?
2. The Recirculation makes assertions about the range of square footage necessary for a successful Main Street to be feasible without providing any supporting documentation.
3. The Recirculation provides no supporting documentation for its assertions that *the Reduced Mixed-use Alternative is not considered feasible as it would not meet the "main street" development concept. Yet the "main street" development concept is not one of the "project objectives."*
4. The Recirculation should use the same methodology to identify the relative impacts of the Alternatives on Bulk & Scale.
5. The Recirculation doesn't provide the same basic information for each Alternative, because the Reduced Mixed-use Alternative and the Specialty Market Alternative doesn't meet the "main street" development concept. All information should be provided so decision makers can evaluate the impacts and benefits of the Project as well as its goals and objectives.
6. The Recirculation fails to analyze the potential traffic benefit by eliminating one of the signalized mid-block intersections on Del Mar Heights Road by reducing the size of the Project as proposed in Reduced Mix-use Alternative or the Specialty Market Alternative.
7. Table 12-1 Comparison of Significant Environmental Effects of the Proposed Project with New Alternatives identify that the alternatives create the same or less impacts than the Proposed Project. The real question is: which alternative would create a significant reduction in impacts?
8. Other impacts not discussed.

Below is a more detailed explanation of the points made above:

1. *Why wasn't a Mix Use Main Street Alternative analyzed that would not increase the traffic above the current entitled traffic volume and FAR?*
For example: Why wasn't a mix-use project of potentially 100,000 sf. of community retail, 200,000 sf. of office, and 200 residential units analyzed which would equate to approximately .51 FAR and have approximately the same peak hour traffic as 510,000 sf. of office? This would facilitate approximately 2 floors of residential over a retail creating a "Main Street." The bulk & scale would be similar to the 2-3 stories established in the Precise Plan for the Town Center and the 2- to 4-story office building(s) would be similar to the surrounding office buildings. It could also be designed to create a horizontal mix use village with a "main street" feel in the retail component.

Architecture / Planning

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391.60 The Final EIR includes all project alternatives, including the Recirculated Alternatives, in Section 12.

391.61 As indicated in response to comment 330.1, CEQA does not require the analysis of project alternatives to have the same level of specificity as the proposed project.

391.62 Responses to this list of issues are provided in the following responses.

391.63 The FEIR contains a reasonable range of alternatives. Refer to responses to comments 63.5, 63.177 and 63.17. Please also refer to response to comment 330.6 regarding the inability of the Reduced Mixed-use Alternative to satisfy the minimum critical mass required to sustain the project and satisfy project goals and objectives as well as relevant General Plan policies. The alternative proposed by this comment propose even less density, and therefore suffers from similar deficiencies.

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<p>391.64</p> <p>2. The Recirculation makes assertions about the range of square footage necessary for a successful Main Street without providing any supporting documentation. The Recirculation asserts that a successful "Main Street" needs 150,000 sf. to 500,000 sf. to create the synergy. Yet the Reduced Mix-Use Alternative would create 110,000 sf. of Retail and 30,000 sf. of Cinema totaling 140,000 sf. of commercial retail which falls just under this range. How was the area of land uses established? The distribution of the square footage of the uses could be modified slightly to add 10,000 sf. of retail and reduce the office component by 10,000 sf. in order to meet the "theoretical range" for a successful "Main Street." That is unless the goal is not to meet the criteria, so the Alternative can be rejected.</p>	<p>391.64 Refer to responses to comments 330.6 for discussions of the required critical mass for project feasibility.</p>
<p>391.65</p> <p>Typically, the type and size of the anchor is typically related to the size of a retail center and equally as important to the success of the center as the overall area. A typical anchor for a neighborhood shopping center of 100,000 sf. or less is a supermarket. Major supermarket prototypes for Vons, Ralphs, and Albertsons currently range in size from 50,000 sf. to 58,000 sf. The Recirculation identifies a 30,000 sf. specialty market anchor is the anchor for this community center which is to be over 100,000 sf. Is a 30,000 sf. specialty market, which is maybe 60% of a typical supermarket, a large enough draw to anchor the 246,500 sf. Commercial Retail Center identified in Table 12.9-3?</p>	<p>391.65 The size of the specialty market was determined by the overall goal of this alternative to generate the same number of trips as development of an employment center on the property. Due to the low number of ADT generated by an employment center, the site could only support a 30,000 square-foot market and some associated retail.</p>
<p>391.66</p> <p>The Recirculation provides no supporting documentation to justify the basis for the square footage assertions nor any indication of what type of anchor or anchor size is necessary to make a successful "Main Street."</p>	<p>391.66 Refer to response to comment 330.6 for a discussion of the relationship of the Main Street concept to the project objectives.</p>
<p>391.67</p> <p>3. The Recirculation provides no supporting documentation for its assertions that <i>the Reduced Mixed-use Alternative is not considered feasible as it would not meet the "main street" development concept. Yet the "main street" development concept is not one of the "project objectives."</i></p> <p>The justification used in the Recirculation to reject the Reduced Mix Use Alternative is that it would eliminate the "Main Street" concept based on amount of retail. Santana Row's "Main Street" in San Jose is a .82 FAR which is similar to the .8 FAR in the Reduced Mix-use Alternative. (See photo of Santana Row) Similar "Main Street" project is Bay Street in Emeryville, CA.</p>	<p>391.67 The question relates to a project referenced in Exhibit 15A.110-1. While the question states that Santana Row has a floor area ratio (FAR) of 0.82, it doesn't provide evidence of the acreage or square footage applied to the calculation. However, the retail alone at Santana Row is 300% s.f. more (0.45 FAR on 32 acres) than proposed with the Reduced Main Street Alternative (0.19 FAR on 23 acres). This illustrates that FAR alone is not a consistent comparison. Refer to response to comment 330.6.</p>
<p>391.68</p> <p>The Recirculation asserts that the Main Street needs retail combined with residential above the retail, and yet Otay Ranch Town Center created a "Main Street" without it. The Recirculation asserts that the Reduced Mix-use Alternate would create horizontal mix use, but not vertical mix use. Mike Stepner, a One Paseo's consultant at the last community planning group meeting, cited how the horizontal mix-use at the Uptown Center is a national example of successful mix use. Horizontal mix use is part of the vision of the Carmel Valley Community Plan and Precise Plans.</p>	<p>391.68 For a discussion of vertical mixed-use, refer to response to comment 330.5.</p>
<p>391.69</p> <p>391.70</p> <p>391.71</p> <p>The entire concluding paragraph to section 12.10.3 is highly debatable. How does the Recirculation conclude that small centers such as the 74,631 sf. Del Mar Plaza cannot create a vibrant pedestrian oriented gathering place which would promote social interaction, nor would this project provide the "village" amenities and experience offered by the proposed Project? Do the two 9-story office buildings and 6-story residential tower in the Reduced Main Street Alternative contribute to the low scale village atmosphere identified in the Carmel Valley Community Plan and Precise Plan? How does the Recirculation conclude that the Reduced Mix-use Alternative will not advance sustainable development</p>	<p>391.69 Retail developments can create a pleasant pedestrian environment but they lack the synergy that comes from a mixed-use development. See response to comment 330.6.</p> <p>391.70 As indicated in Section 5.3 of the Final EIR, building heights in excess of four stories contribute to the conclusion that the proposed project would result in a significant impact on neighborhood character.</p>

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391.71 cont.		391.71 As discussed in response to comment 330.8, the Reduced Mixed-use Alternative could vertically integrate residential, retail and/or office to create an interactive mixed-use project. However, as discussed in response to comment 330.6, this alternative would not be feasible.
391.72		
391.73		
	<p>principles? To imply that 1.4 million square feet of development is needed to be sustainable ignores the number of small LEED certified projects that have been built all over the country. The Proposed Project generates 245% more than the reduced Mix-use Alternative and the Reduced Main Street Alternative generates 215% more. How does the Recirculation conclude that you are less auto-oriented if the project is generating more than twice the amount of traffic?</p> <p>Ironically, the premise for rejection of the Reduced Mix-use Alternative is that it doesn't facilitate a "main street" development. Yet, the project goals calls for a "mixed-use" project (no mention of a "main street" development concept) as stated in Section 3.1 PROJECT GOALS AND OBJECTIVES of the DEIR:</p> <p><i>The primary goals and objectives of the project are to:</i></p> <ol style="list-style-type: none"> 1. <i>Develop a mixed-use village consistent with the goals of the General Plan.</i> 2. <i>Develop a mixed-use project to serve the community that is consistent with the goals of the Community Plan.</i> 3. <i>Provide additional housing types and employment opportunities within the Carmel Valley community.</i> 4. <i>Provide a mix of land uses within close proximity to major roads and regional freeways and existing community amenities, such as libraries, schools, recreational facilities, parks, and shopping centers.</i> 5. <i>Provide the community with a place for public gathering and social interaction, reinforcing the sense of community.</i> 6. <i>Promote sustainable development principles and smart growth by providing a mix of employment, housing, dining, and shopping within the same development.</i> <p>Thus, a "main street" development concept is not a basis for rejecting the alternative.</p>	391.72 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
391.74		391.73 In light of the fact that the Reduced Mixed-use Alternative could include vertically integrated residential, residential, and/or office (see discussion in response to comment 330.8), the conclusion in the Recirculated Alternatives was too generalized. With vertical integration, the Reduced Mixed-use Alternative would encourage occupants to reach employment, entertainment, and retail opportunities without relying on private automobiles in the same manner as the Originally Proposed Project and Reduced Main Street Alternative. The conclusions in Section 12.10 of the Final EIR have been revised to reflect this fact.
	<p>4. <i>The Recirculation should use the same methodology to identify the relative impacts of the Alternatives on Bulk & Scale.</i></p> <p>For example, Bulk & Scale Reduced Main Street Alternative reduces maximum height from 199' to 170' (Table 12.9-6.) No vertical height is given for the Reduced Mix-use Alternative to provide a comparison. Even assuming vertical mix use in the Reduced-Mix-use Alternative of the same height as the vertical mix-use in the Reduced Main Street Alternative, the height of the Reduced Mix-use Alternative would be between 67 and 90 feet such as Buildings 3 & 4. of the First Alternative rather than 170' to 199'. Thus, the Reduced Mix-use Alternative would reduce the maximum Proposed Project's height in half from 199' to at most 90.' The Reduced Mix-use Alternative would reduce the maximum Reduced Main Street Alternative height in from 170' to at most 90.' The Recirculation analysis for each Alternative should identify the maximum height in feet not just stories.</p> <p>The Recirculation assert that the Reduced Mix-use Alternative would not have commercial and residential uses located within the same building as Reduced Main Street Alternative does (page 12-40). Yet, the Recirculation concludes that the Reduced Mix Use alternative would create buildings up to 6 stories (Page 12-44) which would exceed the 2- to 4-story surrounding office buildings. Even the vertical "Main Street" retail with residential above is only 5-stories in the Reduced Main Street Alternative. Please explain the rationale for asserting the Reduced Mix-use Alternative which will not have retail and residential in the same building would be potentially one story taller than the vertical mix-use in the Reduced Main Street Alternative.</p> <p>Five story mix Use is not necessary for vertical mix-use. There is currently vertical mix use with retail below and 2-stories of residential above throughout San Diego, which would indicate that lower scale vertical mix use is possible.</p>	391.74 As discussed in response to comment 391.73, the absence of vertical integration of land uses in the Reduced Mixed-use Alternative is no longer considered an appropriate basis for rejecting this alternative. Refer to response to comment 330.6 for more discussion of the basis for determining the Reduced Mixed-use Alternative to be infeasible.
391.75		391.75 Refer to Section 12.10 of the Final EIR. While the Reduced Mixed-use Alternative would reduce bulk and scale in comparison to the Originally Proposed Project and the Reduced Main Street Alternative, the overall height and mass would contrast with the existing community such that a significant neighborhood character impact would remain. The use of building stories, rather than height measured in feet is sufficient to support the FEIR analysis and conclusion with regard to this issue.
391.76		391.76 Refer to response to comment 330.6 for a discussion regarding the irrelevance of the horizontal or vertical mixed-use design, in the absence of adequate critical mass, to the feasibility of the Reduced Mixed-use Alternative.
391.77	<p>5. <i>The Recirculation doesn't provide the same basic information for each alternative because the Reduced Mixed-use Alternative and the Specialty Market Alternative doesn't meet the "main street" development</i></p>	391.77 Refer to response to comment 330.6 for a discussion regarding the irrelevance of the horizontal or vertical mixed-use design, in absence of adequate critical mass, to the feasibility of the Reduced Mixed-use Alternative.

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concept. All information should be provided so decision makers can evaluate the impacts and benefits of the Project and its goals and objectives.

- 391.78 The Recirculation discussion for the Reduced Main Street Alternative addresses Parking, Circulation/ Access (Vehicular and Pedestrian/ Bicycles), Landscape and Open Space, Utilities, Off-site Improvements, Grading, and Sustainable Design Features. The Recirculation fails to address any of those categories for the Reduced Mix-use Alternative and the Specialty Market Alternative.
- 391.79 The Reduced Mix-use Alternative is 56% less in building area than the Proposed Project and resulting in approximately 60% less vehicles. The Reduced Main Street alternative is 22 % less in building area and 10% less in traffic generated. The reduced Main Street is providing 10% less parking which is directly related to the decrease in traffic. Therefore, it is reasonable to conclude that the Reduced Mix-use Alternative will require approximately 60% less parking. Thus, parking structures will be smaller and the amount of grading will be reduced. The Reduced Main Street Alternative will export 9% less dirt than the Proposed Project (from 498,400 cy to 452,600 cy). Thus, it is reasonable to conclude that the Reduced Mix-use Alternative will reduce grading by approximately 60% from 498,400 cy. to 200,000 cy?
- 391.80 But neither the parking nor the grading is discussed in the Reduced Mix-use Alternative and Specialty Market Alternative.
- 391.81
- 391.82 The shared parking study for the Reduced Main Street Alternative reserves 1216 parking spaces for residential at 2 spaces per dwelling unit, which leaves 2,472 spaces for the office and commercial retail uses. This would equate to approximately 3 parking space per 1,000 sf. for the office use and approximately 4 parking spaces per 1,000 sf. for the commercial retail. To put this in perspective, the mixed use ratio in the Municipal Code without a detailed parking study is 5 spaces per 1,000 sf. and the Del Mar Highlands Town Center is currently providing parking at 5.7 spaces per 1,000 sf.
- 391.83 The Shared Parking Study for the Reduced Main Street Alternative makes certain assumptions such as the percentage of restaurants, cinema, market, retail, offices, and other uses. Further, it assumes that with the exception of the parking reserved for residential, all other parking is available for joint use. To ensure the assumptions, it would be necessary to condition the project to not exceed the assumptions related to percentage of uses and to condition that parking spaces for shared parking are not reserved and that the access to the parking is free all the time. Paid parking during office hours and free after office hours could create an impact on parking during the day in the surrounding areas such as Del Mar Highlands Town Center. To avoid this a condition should be made part of the project.
- 391.84 The reduction of the traffic volume by the Proposed Project by almost 60% or 75% with the Reduced Mix-use Alternative or the Specialty Market Alternatives versus 10% with the Reduced Main Street Alternative should allow for better vehicular circulation as better pedestrian/ bicycle circulation on site and off. Yet, this is not part of the Reduced Mix-use Alternative and Specialty Market Alternative Project Description as it was for the Reduced Main Street Alternative.
- 391.85 The Reduced Mix-use and Specialty Market Alternatives are smaller in size, but the associated benefit on Landscaping and Open space is not discussed. In fact the 13 acres of "open space" with the Specialty Market Alternative is a basis for rejection because it is unused, while the Reduced Main Street Alternative touts the 10.7 acres of "open Space" that it creates.

- 391.78 As discussed in responses to comments 330.1 and 391.27, the discussion of the potential impacts of the Reduced Main Street Alternative is more detailed than is required by the CEQA Guidelines due to the fact that it is the project applicant's intent to pursue a Revised Project which is comparable to the Reduced Main Street Alternative. The City believes the degree of detail provided for each of the other alternatives satisfies CEQA because Chapter 12 of the Final EIR contains meaningful information with sufficient detail to allow an informed comparison of the impacts of the project with those of the alternatives.
- 391.79 As discussed in Final EIR Section 12.9, the Reduced Main Street Alternative is expected to result in less parking requirements and less grading in comparison to the Originally Proposed Project. Thus, it is reasonable to assume that the Reduced Mixed-use Alternative would require even less parking. As the analysis of alternatives is not required to be as detailed as the proposed project, it cannot be determined whether the parking for the Reduced Mixed-use Alternative would be 60% less than the Originally Proposed Project, as suggested in this comment.
- 391.80 As indicated in response to comment, 391.79, it is reasonable to assume that the Reduced Mixed-use Alternative would require less grading. However, without detailed engineering plans, it is not possible to estimate exactly how much less grading would be required.
- 391.81 As discussed in responses to comments 330.1 and 391.27, the level of detail related to the Reduced Mixed-use and Specialty Market Retail Alternatives need not be as detailed as for the Reduced Main Street Alternative.
- 391.82 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 391.83 The project applicant has indicated, and the parking analysis in Appendix D assumed, that no charge will be assessed for parking within the proposed development. Thus, charging for parking will not contribute to parking issues being experienced by surrounding development.

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391.84 As discussed in responses to comments 330.1 and 391.27, the level of detail related to the Reduced Mixed-use and Specialty Market Retail Alternatives need not be as detailed as for the Reduced Main Street Alternative.

391.85 As discussed in response to comment 330.1 and 391.27, the level of detail related to the Reduced Mixed-use and Specialty Market Retail Alternatives need not be as detailed as for the Reduced Main Street Alternative. The reference to the disadvantage related to open space with the Specialty Market Retail Alternative is based on the fact that the open space would be the unused portion of the site which is not considered aesthetic. The advantage of the open space associated with the Reduced Main Street Alternative is based on the fact that the open space would be enhanced and landscaped to improve its aesthetic value and public use. As indicated in response to comment 330.8, the Reduced Mixed-use Alternative could also include enhanced open space.

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- 391.86 [] Public service demands are not addressed.
- 391.87 [] Is only the Reduced Main Street Alternative proposing sustainable features?
- 391.88 [] Why is the Discretionary Actions not addressed for the other alternatives?
- 391.89 [] The analysis for each alternative must be balanced and comparable.
6. *The Recirculation fails to analyze the potential benefit on traffic by eliminating one of the signalized mid-block intersections on Del Mar Heights Road by reducing the size of the Project as outlined in Reduced Mix-use Alternative or the Specialty Market Alternative.*
- Environmental Impact Report EQD No. 84-0683, SCH No. 84110708 for North City West Town Center (PDU9) states (page 65) *Ingress/ egress from the Town Center to adjacent arterial streets has been designed to minimize adverse effects on the operating characteristics (capacity) of those streets. Too many access points could lead to too many traffic signals in the future and the concomitant disruption of traffic flow; therefore the number and location of access points was minimized in preparing the Precise Plan (USA, Inc., 1985). The Town Center was limited to one access point on Del Mar Heights Road as was the One Paseo property which relinquished all but one access point. USA, Inc. is also the traffic consultant for One Paseo. The Proposed Project and the Reduced Main Street Alternative will generate traffic volumes, which warrant or need two traffic signals on Del Mar Heights Road simply to get the number of vehicles going in and out of the project. The Recirculation fails to analyze that the reduction of traffic by approximately 60 to 75% would eliminate the warrants for the second traffic signal on Del Mar Heights Road. Thus, meet the objective previously stated by One Paseo's consultant, USA, Inc., in the EIR for North City West Town Center (PUD 9). Logically, only one signalized driveway interruption on Del Mar Heights Road, as USA, Inc. indicated, will reduce traffic impacts on the roadway.*
7. *Table 12-1 Comparison of Significant Environmental effects of the Proposed Project with New Alternatives identify that the alternatives create the same or less impacts than the Proposed Project. The real question is: which alternative would create a significant reduction in impacts?*
- 391.91 [] How significant is the reduction in time delays at the intersections, if the traffic volumes are reduced by approximately 60% or 75% with the other Reduced Mix-use or Specialty Market Alternatives versus 10% with the Reduced Main Street Alternative?
- 391.92 [] How significant is a reduction in the Bulk and Scale impacts of at least 50% or 100 feet in building height reduction?
- 391.93 [] How significant is the improvement to air quality and to the reduction of Green House Gas emissions by reducing the traffic volumes by approximately 60% or 75% with the Reduced Mix-use Alternative or the Specialty Market Alternative versus 10% reduction in traffic with the Reduced Main Street Alternative?
8. *Other impacts not discussed.*
- 391.94 [] What is the relative impact of reducing grading as well as reducing construction time and phases if a reduced scale project would be built? The "Main Street" design concept is the main justification and goal for this project and yet the construction of the north half of Main Street is not a priority of the construction phasing as proposed with the Proposed Project and the Reduced Main Street Alternative. It is identified to be completed in the last phase. A reduced scale project should allow Main Street to become the focus of the construction schedule and phasing. Why isn't this benefit identified?
- 391.95 []

- 391.86 The CEQA Guidelines only require the discussion of alternatives to focus on significant impacts associated with a proposed project. As no significant public service impacts are associated with the Originally Proposed Project, public services need not be addressed in the alternatives discussion.
- 391.87 The Reduced Mixed-use Alternative would also offer sustainable features including vertical integration of residential, retail and/or office uses, and proximity to planned bus service.
- 391.88 As discussed in responses to comments 330.1 and 391.27, the level of information presented in the alternatives section need not be as detailed as for the proposed project. Identifying the discretionary actions associated with the alternatives is not considered essential to the discussion of the potential for the alternatives to lessen significant impacts associated with the proposed project.
- 391.89 As discussed in responses to comments 330.1 and 391.27, the discussion of alternatives is considered appropriate.
- 391.90 In light of the fact that the Reduced Mixed-use Alternative is considered infeasible (refer to response to comment 330.6), signal warrant analyses were not prepared for this alternative.
- 391.91 As discussed in the Recirculated Alternatives, the trip reductions associated with the Reduced Mixed-use Alternative would reduce the magnitude of the traffic impacts in the interim. In the existing and near-term condition, the Reduced Mixed-use Alternative would avoid the significant impact associated with the proposed project on the Del Mar Heights Road bridge, between the I-5 NB and SB ramps. In addition, although Del Mar Heights Road, between the I-5 NB ramp and High Bluff Drive, would continue to be significantly impacted by the Reduced Mixed-use Alternative, the LOS would be E rather than F in the existing and near-term scenarios. However, as with the proposed project, the LOS on this segment would be F with the Reduced Mixed-use Alternative in the long-term condition. In the existing plus project condition, the Reduced Mixed-use Alternative would avoid the impact to the Carmel Creek Road/Del Mar Trail intersection.

Trip reductions associated with the Specialty Food Market Retail Alternative would avoid impacts to some of the roadway segments and intersections impacted by the proposed project. In the existing plus

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391.91 project scenario, impacts to Del Mar Heights Road would be eliminated, and no intersections would be impacted. In the near-term scenario, this alternative would avoid impacts to the El Camino Real/SB 56 eastbound on-ramp and the intersection of Carmel Creek Road and Del Mar Trail. In the long-term scenario, this alternative would avoid impacts on Del Mar Heights Road over I-5 and the intersection of Carmel Creek Road and Del Mar Trail.

391.92 The value of the reduced bulk and scale is difficult to quantify. However, the Final EIR concludes the value would not be sufficient to reduce bulk and scale impacts to less than significant because, even with the reduced building heights, they would still exceed the height of surrounding buildings.


391.93 Air quality and GHG impacts associated with individual developments are nominal. Consequently, reductions in air emissions with the reduced project alternatives would not be substantial.

391.94 As grading quantities and construction time and phasing are not related to significant impacts, they need not be considered in the discussion of alternatives. Refer to response to comment 391.86.

391.95 The Main Street elements of the project will evolve throughout all three phases. It is anticipated that the project will be built out within 3-5 years.

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- 391.96 **Summary:**
The comments above addressed the adequacy of the analysis in the One Paseo DEIR Recirculation for New Alternatives which indicates that the Recirculation makes unsubstantiated assertions, fails to provide a complete analysis of the alternatives.
- 391.97 However, the real issue in the Recirculation is the absence of the most basic Alternative. **What are the significant impacts associated with an Alternative Project that creates a "Main Street Village" or a "Mixed-Use Village" comprising of retail, residential and office, which is substantially consistent with the FAR (Bulk & Scale) originally approved for the site and the peak hour traffic originally approved for the site?**
- If you have further questions or comments, please do not hesitate to contact me.
- Sincerely,
- 
- John C. Ziebarth, AIA, LEED AP

- 391.96 This comment summarizes the points raised in earlier comments. Responses to the issues summarized in this comment have been provided.
- 391.97 The range of alternatives provided in the FEIR is adequate. Refer to response to comment 330.6.

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EXHIBIT D



December 3, 2013

John Ponder, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
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501 W. Broadway
San Diego, CA 92101

Mr. Ponder,

I have reviewed several documents pertaining to the One Paseo project, including the following:

- March 26, 2013 Memo (and background documents) from Toni Dillon, Economic Research Coordinator, Development Services, City of San Diego to Renee Mezo, Development Project Manager, Development Services, City of San Diego with the subject Mixed Use Project – Economic Research Review PTS# 193036;
- January 3, 2013 memo from Kosmont and Associates to Toni Dillon;
- The Recirculated Alternatives for the One Paseo Draft Environmental Impact Report. Project No. 193036, SCH No. 201051073 from October 2013
- The original Net Fiscal Impact and Economic Benefit Analysis and Retail Market Analysis dated February 9, 2012 prepared by Kosmont and Associates.

We found the following to be questionable assumptions in the analysis.

391.98 First, Kosmont assumes (and Dillon supports) the assumption that visitor and business spending the PMSA and SMA will equate to 15% of household *INCOME* (February 2012 Retail Market Analysis, Kosmont, pg. 15). This is not supportable. By 2020 it overestimates total retail demand in the PMS by at least \$495,630 million. A somewhat more defensible calculation should be to FIRST calculate household spending on goods (Kosmont assumes 31.22% of spending) and then take 15% of that subtotal as the rough estimate for visitor and business spending. That method would be consistent with prior City of San Diego practices.

391.99 Secondly, Kosmont assumes a fairly low (\$300) "sales-per-square-foot" number in its original analysis. Data from Del Mar Highlands shopping center indicated a much higher level of sales. Use of higher figures would reduce the overall demand for new retail square footage in the PMS and SMA. We would want to review the correct calculations in full before opining as to whether the lower retail spending and higher sales-per-square foot would or would not support additional retail development in the PMSA.

391.98 In the model used for the RMA, a factor is applied to gross household income to estimate potential additional visitor and business demand, in essence, utilizing total area income as a proxy/correlation for visitor and business purchasing power and demand. This method is preferred as it serves to isolate business and visitor spending from the impact of differentiated household expenditure ratios that occur for differing household incomes.

Through an evaluation of the economic profile of the Trade Area, including atypically high visitor rates and expenditure patterns, proximity to major tourism drivers, regional transportation networks, and both existing and proposed commercial office space, a 15% factor was tested and ultimately utilized. While lessor percentages are not warranted, an evaluation of the factors of 10%, 5% and 0% were analyzed; the results of this evaluation are presented in Appendix B.2 of the Final

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391.98 EIR. Additionally, in consideration of previous comments on the Draft cont. EIR pertaining to required sales volumes per square foot, the analysis assumed retail sales volumes of \$300, \$500, and \$700 per square foot under the four visitor and business factors evaluated (15%, 10%, 5%, and 0%). These assumption variations all reached the same conclusion that retail demand would continue to exceed supply.

391.99 As discussed in response to comment 391.98, an evaluation of retail demand versus supply using higher sales per square foot factors resulting in the same conclusion that retail demand would exceed supply with the proposed project.

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391.100 Third, Kosmont uses a 25% "transfer" rate in its January 2013 report. This essentially is the estimate for the shopping/economic activity at the retail portion of the project which ALREADY occurs within the City of San Diego. "Transfer" activity creates no net new economic or fiscal impact to the City – being economic activity that is simply shifting one area in the City to another. The higher this number is, the less the *net* positive fiscal and economic impact to the City.

391.101 Dillon states in her March memo that Kosmont's 25% rate is too low, suggesting a 40% number. We find even that number to be too conservative. 75% of the households in the PMA are within the City of San Diego and households to the north of the development in Rancho Santa Fe and Solano Beach would need to brave traffic congestion and a circuitous route to arrive at the center, passing by closer and more proximate retail competitors. We have also reviewed proprietary data from nearby retail centers that suggest up to 80% of shoppers are from the City. We therefore think a 66% number is more justified – thus indicating that only 1/3 of the activity at One Paseo would be "net new" to the City, with 2/3 of it being activity that already is occurring at retail locations within the City of San Diego's boundaries. Use of that number would proportionately reduce the positive fiscal and economic impact to the City to relatively insignificant levels. One Paseo could reposition the project to be more of a regional or even mega-regional attraction (thus generating 75% of its activity as net "new" to the City of San Diego) but that would seem at tension with their self-proclaimed goal of being a "Main Street" for nearby City of San Diego residents. We would also caution that such a repositioning might have implications for the project's traffic consultants if they are assuming a relatively high number of visitors to the center will be walking.

391.102 Finally, The City and Kosmont assume that the office portion of the project will be "net new" base industry serving. Again, we find that questionable and more likely that the center would compete for other office tenants with other Carmel Valley University Town Center, Sorrento Mesa, and SR-56 office projects. The City seems to believe that "if you build it, they will come" (from outside the City) but this seems to fly in the face of continued economic sluggishness in the City and a significant amount of sub-lease space on the market and continued sluggishness in office rents. Therefore, we would use at *least* a 50% "transfer rate" to account for office tenants relocating from other places in the City of San Diego to the One Paseo office complex. As expressed in the previous paragraph, the greater the "transfer rate" the less the net economic benefit from base sector employment. This is especially true since there is no data to suggest that the office project being contemplated will be relatively more attractive to "base industries" than local population service industries or that One Paseo has secured an anchor tenant(s) that would represent additions to the City's economic base industries..

Please do not hesitate to call if you have any questions or if we can be of further assistance.

Sincerely,



W. Erik Bruvold
President

National University System Institute for Policy Research

391.100 The fiscal aspects of the proposed project are not required to be discussed in the Draft EIR because no physical changes in the environment would be related to fiscal considerations.

391.101 The fiscal aspects of the proposed project are not required to be discussed in the Draft EIR because no physical changes in the environment would be related to fiscal considerations.

391.102 The fiscal aspects of the proposed project are not required to be discussed in the Draft EIR because no physical changes in the environment would be related to fiscal considerations.

COMMENTS

RESPONSES

November 22, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I am an enthusiastic supporter of One Paseo and I have reviewed the City's additional alternatives to this project.

It is clear from the analysis of the alternatives that significantly reducing the project's density to the point of surface parking and stand-alone buildings is a drastic overreach and would be a grave error that is inconsistent with the Precise Plan. Not only would the appeal of mixed-use and sustainable, smart growth principles be lost, but Carmel Valley would surely miss out on finally creating a focal point and sense of place in the community.

I appreciate your consideration of these comments, and I urge the City to approve the Project or at the very least the Reduced Main Street alternative.

Sincerely,



CC:

The Honorable Todd Gloria, City Council President: toddgloria@sandiego.gov
The Honorable Sherri Lightner, City Council Member, District 1: sherrilightner@sandiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

392.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

TELEPHONE
(858) 792-1300

LAW OFFICES OF
MICHAEL E. RIPLEY
12520 HIGH BLUFF DRIVE
SUITE 110
SAN DIEGO, CALIFORNIA 92130

E-MAIL ADDRESS:
mrpleyesq@aol.com

TELECOPIER
(858) 793-1235

December 5, 2013
Sent via U.S. Mail and Email
DSDEAS@sanidiego.gov

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

Re: Project No. 193036; One Paseo Project

Dear Ms. Blake:

I have reviewed the update to the environmental report, provided by Kilroy with regard to its One Paseo Project. It is obvious that Kilroy is continuing with its effort to maximize its profit at the expense of the residents who live nearby.

I have been a Carmel Valley resident since 1992, and have had my law office on High Bluff Drive since then as well. The increased traffic and congestion that has occurred since then is unfortunate, but it has happened gradually, overtime, and is bearable. On the other hand, the One Paseo Project, as the developer wants it, is not.

Kilroy is now claiming to offer three alternatives, that it refers to as "Reduced Main Street," "Reduced Mixed Use," and "Specialty Food Market Retail." The first option generates four times as much traffic as should be allowed. The second option increases the traffic by twice the allowed amount. By its own admission, Kilroy wants the first alternative. As stated in the second and third paragraphs of the "Re-circulated Project Alternatives...", Kilroy does not want either the second or third alternative because they do not meet the "Main Street" development concept. Simply put, what Kilroy is saying is that it does not want them because they do not maximize Kilroy's profits. Instead, Kilroy wants the first alternative, which again, increases traffic by four times the allowed amount. Given the circumstance, why is Kilroy's first alternative even being considered?

According to Kilroy's plan, the noise that would be generated by its first alternative would require Kilroy to build a massive sound wall. That is hardly the aesthetic quality that Kilroy had previously been promising. In fact, since Kilroy already states it does not want the two lesser alternatives, because they do not meet its "Main Street" concept, how is it that Kilroy can justify an enormous sound wall that would have to be created? How does that come within the "Main Street" concept that Kilroy advocates when it suits its purposes, but ignores when it does not?

MER/cn/OnePaseoProjectLtr.120513

- 393.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 393.2 The applicant proposed this alternative for analysis to reduce impacts associated with the project in response to public comments. However, the City is under no obligation to approve the Revised Project, and will weigh environmental and public concerns prior to making a decision whether to approve or deny the project or any alternative.
- 393.3 As discussed in response to comment 391.41, the noise barrier proposed to protect the recreation area for roadway noise would not have a significant visual impact.

COMMENTS

RESPONSES

393.4 The impact of proposing buildings which are taller than the buildings which surround the subject property is identified as a contributor to the conclusion in the Final EIR that the Originally Proposed Project and Revised Project would have a significant impact on neighborhood character. To the extent the comment states that buildings associated with the Reduced Main Street Alternative would exceed the building heights of the originally proposed project, that statement is incorrect. As noted in Table 12.9-6, footnote 2, heights under the Reduced Main Street Alternative would not exceed the building heights proposed under the originally proposed project.

COMMENTS

RESPONSES

One Paseo Project Letter
December 5, 2013
Page 2

393.4 [Third, the office towers that Kilroy proposes have gone from eight stories to nine stories. There is nothing like that anywhere else in Carmel Valley. Why should Kilroy be able to put something like that in Carmel Valley?

Request is made that the City do what is right for the neighborhood of Carmel Valley, and disallow Kilroy from going forward with Main Street under its new proposal.

Sincerely,



Michael E. Ripley

Cc: sherrilightner@sandiego.gov
white@wwarch.com
dennisridz@hotmail.com
bfulton@sandiego.gov
tgloria@sandiego.gov
Dave.Roberts@sdcountry.ca.gov
nancy@nancynovak.net

COMMENTS

RESPONSES

October 25, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

Regarding the One Paseo project in Carmel Valley, I would like to offer the following comments.

I am a supporter of the One Paseo project and its goal to be a gathering place for our community. Of particular interest to me has been the concept of the Main Street in Carmel Valley. I was therefore pleased to see the developer provide an alternative that addressed some people's concern about the size and density of the project, while adding more open space and maintaining the Main Street element.

It is clear to me that the Reduced Main Street Alternative is unequivocally the best project for Carmel Valley. This alternative reduces environmental impacts of the Project, provides significantly more open space area, and creates a public gathering area that would become the focal point for our community.

In my opinion there is no reasonable alternative but the Reduced Main Street Alternative and the City should pursue this option as soon as possible. Our area is underserved and the current retail options at the Highlands Center are overcrowded. Simple adding another strip mall or office space will not address these issues. Missing the opportunity to develop this plot will put our community at a great disadvantage for many years to come since there is nowhere else to add these amenities! Our community deserves it.

Sincerely,



Adam Roark
6122 Galante Pl
San Diego, CA 92130

394.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: Brooks
To: DSD_FAS
Cc: Councilmember Todd Gloria; Councilmember Sherri Lighner; white@wwarch.com
Subject: Project #193036/SCH # 2010051073 - One Paseo
Date: Wednesday, December 11, 2013 9:51:06 PM

Dear Ms. Blake

Over the past few years, a group opposed to the One Paseo proposal has laid claim to represent the interests of the Carmel Valley community. It is widely known that this group, What Price Main Street (WPMS) has been sponsored by Donahue Schriber, the owners of neighboring Del Mar Highlands Town Center and does not represent the majority of Carmel Valley residents.

For those of us who support One Paseo, and are versed on the history and facts of the project and it's alternatives, it is evident that most of what WPMS asserts is the opposite of their stated presumption that they are not opposed to the development of the project site. WPMS's objective becomes quite clear: nothing but what was originally entitled for that site will be acceptable. Which is simply a way to limit competition for Del Mar Highlands.

To this end, WPMS provided a counter proposal to One Paseo. According to WPMS, their proposal would provide for a "mixed-use development that is already allowed on this site by Municipal Code, then provides for the developer to exchange uses between office, retail and residential, as long as the total project remains within the existing traffic limitations."

This was clearly a strategic proposal as it is simply not possible to create a true mixed use development that provides for a vibrant walkable community gathering place with retail, office and residential under their proposed parameters. For example, the neighboring Del Mar Highlands Town Center is about 270,000 square feet in size (with an additional 150,000 square feet still undeveloped) and generates nearly 20,000 car trips per day. The cars in-and-out of the property, essentially a strip mall, coupled with the severe lack of convenient parking, make the center a hassle for even the occasional customer. Getting to Ralph's is particularly tough for moms toting youngsters around.

Under the existing traffic cap of 6,500 car trips, it would be simply impossible to have a meaningful retail (e.g. top brands) development at the One Paseo site, which is what we'd like to see right down the street. But then that seems to be precisely WPMS's intent.

It must be noted that the DEIR's New Alternatives attempted to address the WPMS proposal as evidenced by the "Specialty Food Market Retail Alternative" currently being circulated for public review and comment. In this Alternative, the retail use simply eats away the allowable trips in the WPMS proposal and as allowed under current entitlement. Thus the applicant would either have to build only retail, or so significantly limit the retail that it would pose no threat of competition to the existing strip mall.

That is precisely WPMS's goal. Without a significant retail component as well as the residential and commercial uses, the critical mass needed to attract top retail brands cannot be met. Thus no competition to the Del Mar Highlands Town Center which, naturally is the objective of its owner.

The Specialty Food Market Alternative is what WPMS asked to be analyzed. To me, the Alternative is not feasible and is not in line with the vision of One Paseo – to create a Main Street, mixed use, walkable community center for me and my kids to spend some time in, right down the street, without driving to La Jolla, Del Mar, Solana Beach, Encinitas or Carlsbad. It really boils down to an attempt to limit competition on an existing property.

Let's not be afraid of growth. In my opinion, growth will happen. I'd prefer to see it here in a walkable neighborhood at a walkable distance than developing more open land east of I-15.

Thank you for your consideration. Happy Holidays!

Brooks Roffey
 Carmel Valley Resident
 Kerwood Court
 San Diego, CA 92130

395.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: mlsscreen-comments@yahoo.com
To: [DSD EAS](#)
Subject: Project Number 193036 - One Paseo
Date: Monday, December 02, 2013 5:47:14 PM

City of San Diego Development Services Center,

I am writing to voice my concern about the proposed One Paseo project in Carmel Valley. The latest update to the Environmental Report provides an analysis of the impacts of three possible alternative developments: a Reduced Main Street option (mixed use, generates about FOUR TIMES the allowed traffic), a Reduced Mixed-use option (mixed use, generates about TWICE the allowed traffic), and a Specialty Food Market Retail option (it's really just a strip mall, but has no traffic increase).

Some problems are evident from the analysis:

1. Even the smallest alternative appears to cause traffic gridlock on Del Mar Heights Rd. It makes you wonder why we're even considering 4x the traffic.
2. It looks like the noise from Del Mar Heights Rd and El Camino Real is so loud, they will have to build a massive sound wall to make adjacent areas usable public space.
3. The office towers appear to have grown a floor. What were presented as "8 story" buildings are now described as 9 stories tall.
4. Finally, the two smaller alternatives are badly designed and the developer decided they just weren't feasible. Given that the developer wants to build a larger project, it's really no surprise that they couldn't come up with a reasonable smaller project.

As a concerned Carmel Valley resident, I oppose this development and am very concerned about the impact on traffic, noise and congestion. There are several schools in close proximity and they will be affected as well. Thank you for your attention and continued work for a version of One Paseo that is appropriate for Carmel Valley and our community.
Melissa Sage

- 396.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 396.2 As discussed in response to comment 391.41, the noise barrier proposed to protect the recreation area for roadway noise would not have a significant visual impact.
- 396.3 To the extent the comment states that buildings associated with the Reduced Main Street Alternative would exceed the building heights of the originally proposed project, that statement is incorrect. As noted in Table 12.9-6, footnote 2, heights under the Reduced Main Street Alternative would not exceed the building heights proposed under the originally proposed project.
- 396.4 Refer to response to comment 330.6 for additional discussion relative to the applicant's conclusion that the Reduced Mixed-use Alternative is infeasible.
- 396.5 The EIR acknowledges that the proposed development would have significant impacts related to traffic and noise. As indicated in response to comment 7.11, the applicant's payment of school fees is considered adequate mitigation for impacts to schools. As discussed in response to comment 5.3, the school traffic is considered in the traffic analysis completed for the project.

COMMENTS

RESPONSES

December 10, 2013

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I am an enthusiastic supporter of the One Paseo project as currently proposed.

I live and work in Carmel Valley and have been a resident for nearly a decade. When I first moved to Carmel Valley, I found the relative absence of local retail and dining establishments quite surprising in light of the population and affluence in the area. Since my family's move to Carmel Valley, the Del Mar Highlands center has renovated and expanded its offerings, to the delight of our community. But we want more. The demand for retail and dining is so great that the Del Mar Highlands center cannot accommodate all of the need at peak hours, nor does the Del Mar Highlands have enough space to address our retail and entertainment needs generally.

I have long believed that the Carmel Valley community has a significant unmet demand for retail and dining options for Carmel Valley residents and surrounding areas. Even with the Del Mar Highlands expansion, our community remains vastly underserved and we take a significant amount of our shopping and dining business outside of Carmel Valley to meet our needs. I believe the One Paseo project would answer that unserved demand and provide the sense of place and additional quality of life and entertainment options that are sorely missing from this wonderful community. Please do not make the mistake of reducing the One Paseo project to something that won't meet that demand or that leaves the community with inadequate parking to serve the population. Carmel Valley is ready for One Paseo and we have been waiting for a place like this for a long time.

I appreciate your consideration of these comments, and I urge the City to approve the Project or at the very least the Reduced Main Street alternative.

Sincerely,



Nadia Sager
5492 Coach Lane
San Diego, CA 92130

CC: Todd Gloria, Interim Mayor, City of San Diego: toddgloria@sanidiego.gov
Sherri Lightner, City Council Member, District 1: sherrilightner@sanidiego.gov
Hollie Kahn, Neighborhood 4 Representative, CV Planning Board c/o: white@wwarch.com

397.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

13914 Boquita Drive
San Diego, CA 92014

dscheffler@san.rr.com

December 10, 2013

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

DSDEAS@sanidiego.gov

Subject: Project 193036/SCH No. 201051073
Recirculated Project Alternatives to the DEIR for the One
Paseo Project

Dear Ms Blake

In its Recirculated Draft Environmental Impact Report (DEIR) on the One Paseo project, Kilroy Realty proposes three new alternatives. One of these, the Reduced Main Street Alternative, Kilroy accepts as meeting its stated goal of a Main Street development. Two other alternatives, the Reduced Mixed Use and Specialty Food Market Retail options are dismissed without any detailed analysis.

Overview

- 398.1 I submit that this Recirculated DEIR is a sham. The first alternative is only slightly smaller than originally described in the first DEIR. The traffic impact is only slightly reduced and the traffic impact admitted to be significant. I would suggest that the additional alternatives are added to flesh out the requirement that options be given. The Reduced Mixed Use alternative has significantly less environmental impact, but is dismissed because it does not meet the Developer's objective of a Main Street. The Specialty Food Market Retail
- 398.2
- 398.3

- 398.1 The Reduced Main Street Alternative is designed to be a feasible reduced version of the Originally Proposed Project. As discussed in response to comment 330.6, further reductions in the intensity of the development would not be feasible.
- 398.2 As discussed in response to comment 63.179, the Final EIR includes a reasonable range of alternatives and provides decision makers and the public with adequate information to judge the relative impact of additional variations on and among the alternatives analyzed. As discussed in

COMMENTS

RESPONSES

398.2 response to comment 330.6, further reductions in the intensity of the
cont. development, particularly retail development, below that provided in the
Reduced Main Street Alternative would not be feasible.

398.3 Refer to response to comment 330.6 for further discussion regarding the
basis for the project applicant's conclusion that the Reduced Mixed-use
Alternative would be infeasible. The comment regarding the Specialty
Food Market Retail Alternative does not raise any concerns regarding the
analysis. Thus, no response is warranted.

COMMENTS

RESPONSES

398.3 cont. alternative is poorly and unimaginatively conceived as if to demonstrate that there is no alternative that would not produce environmentally and socially unacceptable consequences.

Questions:

- 398.4 1. In Section 12.10.1 of the Recirculated Alternatives, Kilroy describes its Main Street concept as providing an opportunity for vertical mixed use that will attract sufficient customers to enable high end retail establishments to thrive. Is this the Main Street concept definition for purposes of the Recirculated DEIR? If not, then what is the definition?
- 398.5 2. The Reduced Main Street alternative “meets most of the basic objectives of the applicant”. In light of the applicant’s description of the concept, we must conclude that the applicant is primarily interested in a return on investment rather than the interest of the community? Is this in fact the goal of the One Paseo development?
- 398.6 3. If so, should the financial interest of the developer be considered before the environmental quality of the community?
- 398.7 4. Why could the Reduced Mixed Use alternative not provide for vertical mixed use?
- 398.8 5. Why is it acceptable for a developer to design a project based on drawing customers from a 10 mile radius, without measuring the traffic impact on that wider region and seeking public input from that wider region?

Traffic and its environmental impact

398.9 The Recirculated DEIR identifies a significant traffic impact on nearby freeway interchanges, having proposed mitigation to the impact on Del Mar Heights Road in Carmel Valley. The mitigation proposed is entirely focused on making more traffic flow smoothly without any effort to reduce the amount of automobile traffic. Yet the developer claims that the project meets sustainability goals.

The reduction of automobile traffic was a primary concern of San Diego’s City of Villages plan, outlined in the 1992 Strategic Framework element of the General Plan, and incorporated into the current General Plan. Villages were to be denser mixed use areas to be served by existing transit routes, so as to provide for the development required for an increasing population, while minimizing automobile traffic impact.

398.4 Refer to response to comment 330.5 for a description of the Main Street concept.

398.5 Refer to response to comment 63.179 for a discussion of feasibility generally, and to response to comment 330.6 for a discussion of the feasibility of the Reduced Mixed-use and Reduced Main Street Alternatives.

398.6 In accordance with CEQA, the Final EIR limits its focus to the environmental issues associated with the proposed project, and, as discussed in response to comment 63.179, provides a number of factors in determining the feasibility of each alternative. If the City Council determines that the benefits of a project or any alternative outweigh the significant environmental effects, the City must, in accordance with the requirements of CEQA, state its reasons for doing so, and support those reasons with substantial evidence, as part of the approval process.

398.7 As discussed in response to comment 330.6, a vertical mixed-use development would be feasible at this reduced square footage but would not provide adequate density to provide a robust, vibrant Main Street experience, or feasibly achieve City of Villages Strategy and other policies of the General Plan.

398.8 As discussed in response to comment 10.4 on the Draft EIR, while a 10-mile radius trade area could potentially be considered regional, approximately two-thirds of the retail draw is expected from within four miles of the proposed development. Additionally, the Draft EIR did study the effects of a potentially regional draw. Please see Section 5.2 Transportation/Circulation/Parking, and 5.12 Public Services and Facilities/Recreation of the Draft EIR.

COMMENTS

RESPONSES

398.9 In addition to the referenced improvements to facilitate traffic flow on Del Mar Heights Road, the project includes a comprehensive TDM Plan to promote sustainability by encouraging the use of alternatives to the private automobile (refer to response to comment 6.7). In addition, the mixed-use nature of the project serves to allow people to live, work, and obtain goods and services without relying on the private automobile, which further reduces vehicle trips.

COMMENTS

RESPONSES

398.10 Further consideration was given to the village concept in SANDAG's long range planning. Urban nodes near One Paseo and identified in SANDAG's Smart Growth outline are the Del Mar Highlands Town Center, categorized as a Town Center, and Del Mar Heights Village, a Community Center, both categories to be served by local transit and to draw from the immediate area. These existing centers still lack the transit considered necessary for smart growth.

Additional reasons for reducing traffic have since been identified by State law, SB 375. Greenhouse gasses are generated by automobile traffic and contribute to climate change.

398.11 SANDAG responds to State Law in its 2050 Regional Transit Plan where the potential village sites are again identified. But no additional public transit is planned for the Carmel Valley area until 2035 when a rapid bus line is planned for Oceanside to San Diego via Carmel Valley. This line will do nothing to alleviate traffic in the Del Mar Heights Road corridor.

398.12 Also responding to State law, the City of San Diego has adopted a Climate Action Plan and revised the General Plan to be in accordance with it. This plans to reduce Vehicle Miles Travelled to meet California Air Resources Board targets of a 7% per capita reduction in Greenhouse Gasses from passenger vehicles by 2020. The City of Villages strategy is emphasized as promoting the integration of land use and transit planning.

398.13 One Paseo is touted as consistent with the City of Villages concept, yet there is no question that the One Paseo project will increase automobile traffic. A Village takes advantage of, and facilitates public transit. One Paseo does so only within its boundaries, attracting traffic from a 10 mile radius and creating significant impact.

398.14 Others have questioned the validity of the traffic analysis, claiming it would be greater than stated in the DEIR. They cite flaws in the analysis and point out that the analysis was applied too restrictively to the immediate vicinity while depending on customers travelling from a 10 mile radius to the high end retail in One Paseo. There is no room for doubt; One Paseo does not provide or facilitate public transit, but creates additional traffic.

398.15 Kilroy is disingenuous in claiming that their project is in accordance with current urban planning philosophy. The main street and village concepts along with smart growth principles cannot possibly be applied One Paseo.

Questions

398.16 1. Why is it acceptable for Kilroy to claim that One Paseo subscribes to smart growth principles when it increases automobile traffic in the vicinity and region, providing parking convenience to encourage that increase?

398.10 The fact that bus service is not expected in the area until the year 2030 is clearly documented in the Draft EIR. As discussed in response to comment 10.40, the project would promote the implementation of bus rapid transit by providing the critical mass to support it. Furthermore, as discussed in response to comment 6.7, the project applicant proposes to operate a private shuttle that would provide service to the Sorrento Valley Coaster station.

398.11 As discussed in response to comment 10.40, rapid bus service to the site is expected by the year 2030; not 2035 as indicated in this comment. This bus service will provide residents in the area access to rail and bus transit connections in the City, and provide viable options to the private automobile.

398.12 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

398.13 The Final EIR concurs with the observation that the proposed project would increase traffic and result in further congestion in the immediate area despite the influence of the proposed TDM Plan and the mixed-use character. An increase in traffic is unavoidable when vacant land is developed regardless of access to transit. However, it should be noted that the proposed project includes a future bus stop for route 473 to assure that the project will be able to take advantage of the opportunity afforded by rapid bus service to travel to offsite destinations without relying on the private automobile. Additionally, as described in response to comment 10.40, the project would promote and facilitate the implementation of route 473.

398.14 As discussed in response to comment 10.4 on the Draft EIR, while a 10-mile radius trade area could potentially be considered regional, approximately two-thirds of the retail draw is expected from within four miles of the proposed development. Additionally, the Draft EIR did study the effects of a potentially regional draw (please see Section 5.2 Transportation/ Circulation/Parking, and 5.12 Public Services and Facilities/Recreation of the Draft EIR). Also, as discussed in response to comment 6.7, the project applicant is proposing to operate a private shuttle until public bus service is available to the project site. Further, as

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398.14 described in response to comment 10.40, and contrary to the comment, cont. the project would promote and facilitate the implementation of route 473 by providing critical mass to support the line.

398.15 As discussed in response to comment 330.6, the proposed project is consistent with the City of Villages Strategy and the general principles of smart growth.

398.16 As discussed in response to comment 398.13, smart growth principles are able to reduce but not eliminate traffic associated with development. With respect to parking, as discussed in response to comment 15a.25, the proposed project provides shared parking, which provides a balance of parking that serves anticipated needs without over-parking. Moreover, as described in response to comment 6.7, the project includes bicycle routes and parking, pedestrian connections to adjacent uses, and a TDM plan to encourage use of alternative modes of transportation.

COMMENTS

RESPONSES

- 398.17 [2. Why is it acceptable for Kilroy to propose mitigation measures entirely designed for automobile convenience without any attempt to reduce vehicular use?
- 398.18 [3. Why is it acceptable for Kilroy to degrade the existing Del Mar Heights Road experience for cyclists and pedestrians by an increase in automobile traffic, the extension of one turn lane and construction of a new one, the installation of additional traffic signals, and roadway widening?
- 398.19 [4. Why is it acceptable for Kilroy Realty to violate, in addition to the local Precise Plan, the provisions of the City of Villages concept in the General Plan, the smart growth principles adopted by SANDAG, the Climate Action Plan adopted by the City, and the State's guidelines on greenhouse gas emissions?

Sincerely yours,

Diana Scheffler, AIA
Torrey Pines Community

CC: Interim Mayor, Todd Gloria, tgloria@sandiego.gov
Councilmember, Sherri Lightner, sherrilightner@sandiego.gov
Planning Director, B. Fulton, bfulton@sandiego.gov
Frisco White, Chair CVCBPB, white@wwarch.com
Dennis Ridz, Chair TPVPB, dennisridz@hotmail.com

398.17 The mixed-use aspects of the project, as well as bicycle routes and pedestrian connections, would reduce the reliance on the automobile. In addition, as discussed in response to comment 6.7, the project includes a comprehensive TDM Plan to reduce the number of trips generated by the proposed project.

398.18 This proposed project would not substantially degrade the experience of pedestrians and bicyclists along Del Mar Heights Road. To the contrary, the proposed greenbelt associated with the project along the south side of Del Mar Heights Road would enhance the pedestrian experience by providing a non-contiguous sidewalk and landscaping. The existing Class II bike lane along the south side of Del Mar Heights Road would be retained by the proposed project.

398.19 As discussed in response to comment 330.6, the proposed project would be consistent with the City of Villages Strategy and smart growth principles, in general. With approval of the proposed amendments, the project would be consistent with the Precise Plan. Furthermore, the analysis found in Section 5.7 of the Final EIR concludes that the proposed project would be consistent with the guidelines established in AB 32 to control GHG emissions.

COMMENTS

RESPONSES

October 24, 2013

Laurence Schreiber
12518 Cavallo Street
San Diego, CA 92130

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I am writing to comment on the supplemental findings of the Draft Environmental Impact Report dealing with alternatives to the One Paseo project. First, I would like to state that I believe the Project's benefits outweigh any potential, adverse, environmental impacts for the following reasons:

- The Project exemplifies sustainable development principles, maintains significant open space, and implements the objectives of the City of Villages strategy.
- By its mixed-use nature, the Project will reduce car trips and encourage alternative transportation, while providing necessary improvements to address existing and future traffic issues.
- The Project will create a focal point in the core of Carmel Valley, promoting connectivity and social interaction.

Thus, there is only one alternative in the supplemental information that should be considered as a truly viable alternative to the Project. The Reduced Main Street Alternative is the only one that maintains the aforementioned attributes while minimizing the Project's overall environmental impacts. Further significant reductions considered in the other alternatives would undermine the Project's goals while still creating adverse environmental impacts, and fail to provide any real, meaningful benefit to the community.

In summary, I strongly urge the City to approve the Reduced Main Street Alternative as analyzed. Thank you for your consideration.

Sincerely,



Laurence Schreiber

399.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [RODNEY SCHROCK](#)
 To: [DSD EAS](#)
 Cc: [Cynthia Schrock](#); talk@onepaseo.com; [Councilmember Sherri Lightner](#)
 Subject: One Paseo Project #193036 Draft EIR
 Date: Monday, December 02, 2013 7:52:53 AM
 Attachments: [page2image44064.png](#)
[page2image44384.png](#)
[page2image44704.png](#)

400.1 We are San Diego city residents and live in the Carmel Valley area. After reading the draft EIR, we are completely OPPOSED to the One Paseo project. It remains greater than 3X the density of existing zoning laws and continues significant impact in traffic throughout Del Mar Heights Avenue and El Camino Real. The Draft EIR update clearly highlights the "Significant and Not Mitigated" traffic impacts of this project:

Environmental Subject	Significant Impact	Proposed Project	Reduced Main Street	Reduced Mixed-Use	Specialty Food Market Retail
	SNM: Significant and not mitigated				
	Roadway segments	SNM	SNM (-)	SNM (-)	SNM (-)
Traffic/Circulation/ Parking	Intersections	SNM	SNM (-)	SNM (-)	SNM (-)
	Freeway Segments	NS	NS	NS	NS
	Freeway ramp meters	SNM	SNM (-)	SNM (-)	SNM (-)

400.2 Why should an exception be made to existing zoning laws that is 3+X the legal requirement and materially impacts traffic for all residents?!

400.3 This project should be cancelled and redrawn to fit within existing zoning law. A vision of a "Main Street for Carmel Valley" should not be combined with the nightmare of traffic backup caused by Main Street. In fact, in my opinion this will prove to be somewhat false advertising.

400.4 Alternatively, dramatic improvements to the road system (widening Del Mar Heights all the way to Highway 5, widening El Camino Real, widening High Bluff Avenue with a High Bluff connection to the project combined with fewer traffic lights on Del Mar Heights) along with private-funding-by-the-developer of mass transit in the area should be factored into the cost for the developer.

Let's not fall for the simplistic marketing that glosses over the real community costs. It makes no sense for the developer to reap all the benefits of this project while avoiding the materially significant community-wide cost impact created.

Thank you,

ROD SCHROCK

858-705-1702
rodschrock@yahoo.com

400.1 As this comment restates information contained in the Draft EIR, no response is required.

400.2 The City Council must, as required by CEQA, weigh the benefits of a project and its alternatives against the significant environmental effects. It must also state why mitigation measures and/or alternatives which would reduce impacts are infeasible. If the City Council decides to approve a project or an alternative, despite significant unmitigated traffic impacts, they must set forth in writing the specific reasons for doing so in a Statement of Overriding Considerations, as required by CEQA.

400.3 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

400.3 Pursuant to the CEQA Guidelines, mitigation must have a nexus related to an environmental impact. Furthermore, the mitigation must be proportionate to the degree of impact. Table 5.2-41 of the Final EIR summarizes the roadway improvements which are required based on the degree of impact. Lastly, the project applicant will provide a privately operated shuttle until public transit is available to the site. Refer to response to comment 6.7.

COMMENTS

RESPONSES

From: DinoJim@aol.com
 To: [DSD EAS](#)
 Subject: One Paseo, project number 193036
 Date: Tuesday, December 10, 2013 2:11:32 PM

To whom it concerns,

One Paseo is a disaster waiting to happen! The project was originally approved at 500,000 S.F. Kilroy, in an attempt to make the project "pencil out" after substantially over-paying for the land proposed to increase the project size to nearly 2 million SF!

This is a travesty. The political maneuver is to then downsize the project to something over 1 million SF (1.4 million if I recall correctly). This is make the concession look like they are working to preserve the community. Bull!

401.1 [The traffic on Del Mar Heights Rd during rush hour and mid-day often backs-up many blocks and getting onto I-5 North in the afternoon rush is a bit combative. In an attempt to out maneuver other drivers, some drivers are already mis-using the High Bluff block north of Del Mar Heights Rd near Solana Elementary School to do u-turns disregarding the no u-turn sign.

401.2 [The One Paseo project alone will increase traffic to nearly 30,000 extra vehicle trips per day. They propose to add two intersections on Del Mar Heights Rd between El Camino Real and High Bluff Drive.
 401.3 [This extra traffic and lights will cause a traffic calamity during morning and evening rush hours and during the mid-day period. I'd hate to be an ambulance, fire truck or police responder trying to do the
 401.4 [job under these circumstances. Also, this traffic and lane widening proposed will have detrimental effect on property values in the area, especially East Bluff.

401.5 [Also bear-in-mind that this project needs to be considered in relation to other projects in the area that are already approved and adding stress to the local traffic environment.

401.6 [IF this project is to go forward, then Kilroy must stay within the original 500,000 SF. In addition, they must not add intersections on Del Mar Heights Rd.

401.7 [If they cannot live with this project as approved at 500,000 SF, then I respectfully submit they donate the land to the City in order to create "Central Park West."

Now that would be a beautiful addition to the community!

Sincerely,

Jim Scott, BS, MBA, Realtor, Nearby HOA Board Member

401.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

401.2 Section 5.2 of the Final EIR concludes that the project would have a significant impact on Del Mar Heights Road in the AM and PM peak hour periods, as suggested in this comment.

401.3 Refer to response to comment 15a.46.

401.4 Potential effects on surrounding property value are not considered a physical effect on the environmental, and need not be addressed in the EIR, but may be considered by decision makers during their deliberations on the project and its alternatives.

401.5 The effect of traffic from the proposed project, in combination with other pending and future projects, is reflected in the cumulative impact analysis contained in Section 6.1.1 of the Final EIR. The pending and future projects included in the near-term analysis are identified in Table 6.1.

401.6 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

401.7 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Alyssa Sepinwall](#)
To: [DSD EAS](#)
Subject: PROJECT No. 193036
Date: Monday, November 18, 2013 5:36:35 PM

- 402.1 I am writing to express my deep concern with Kilroy's proposed One Paseo plan. The recirculated DEIR vastly understates the traffic impacts of the project, by taking as a given in their projections that the I-5/SR-56 connectors would exist. These might possibly be completed by 2030, but that is in no way sure. There is no way that Carmel Valley can handle the oversurge of traffic that the project will bring for those 15 years. Our neighborhood is already overcrowded and impacted –
- 402.2 while Kilroy has a right to build up to 500,000 square feet, there is no way our neighborhood can handle their building the project at its proposed enormous size.
- 402.3 The scale of the project remains far too large. I urge the City to withhold approval as long as Kilroy continues to exceed the zoned size of the parcel and the number of daily trips remains far too large for roads in our area to support.

Cordially,
Alyssa Sepinwall

Dr. Alyssa Goldstein Sepinwall
Professor and Director of Graduate Studies, History Department
California State University - San Marcos
San Marcos, CA 92096
760-750-8053 (o); 760-750-3430 (fax)
<http://www.csusm.edu/history/facultydirectory/alyssasepinwall.html>
<http://www.routledge.com/books/details/9780415808682/> (*Haitian History: New Perspectives*, now available from Routledge)
<http://hnn.us/blog/author/33> (HNN Blog, "Revolutionary Moments," with Jack Censer, Peter Stearns and Bassam Haddad)

402.1 Refer to response to comment 351.1.

402.2 As discussed in Sections 5.2 and 5.3, the Final EIR concludes that development of the property beyond the current planning and zoning would result in significant unmitigated traffic impacts as well as a significant unmitigated impact on neighborhood character.

402.3 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Alyssa Sepinwall](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); ["white@wwarch.com"](#); ["dennisridz@hotmail.com"](#); [Fulton, Bill](#); [Gloria, Todd](#); [Roberts, Dave](#) ([Dave.Roberts@sdcounty.ca.gov](#)); ["nancy@nancynovak.net"](#)
Subject: Project No. 93036, One Paseo: Comments
Date: Monday, December 02, 2013 4:54:08 PM

Dear Ms. Blake,

I am writing to express my concern about the One Paseo project during the comments period following the availability of the recirculated DEIR.

I am very disturbed by the impact of this project as described in the document. I see that the height limits for buildings are now 9 stories; that the traffic even from smaller alternatives will still bring us Level of Service F, with 4x the amount of traffic we have now; and that the noise impacts for neighbors near the project (like me) will be enormous. Please do not allow the project to be built at almost 1,000,000 sqft larger than the parcel is zoned for. Carmel Valley does not want this project, and it will worsen our daily lives and threaten our safety through the impact of traffic spilling onto side streets and causing enormous traffic jams which prevent emergency services from reaching our houses. This huge development is out of character with the neighborhood.

Thank you for gathering our feedback,

Alyssa Sepinwall
 13165 Janetta Place, San Diego, CA 92130
 (Alta Mar development north of Del Mar Heights Road, right across from the proposed project)

403.1 As summarized in Table 12.9-6 of the Final EIR, the building height maximum of 9 stories, which are related to the Reduced Main Street Alternative, represents a reduction from the maximum building height of 11 stories included in the Originally Proposed Project. Despite the reduced building height, the Final EIR concludes that, like the Originally Proposed Project, the Reduced Main Street Alternative would have a significant, unmitigated impact on neighborhood character. As discussed in response to comment 330.6, the General Plan anticipated such impacts as a result of implementation of the City of Villages Strategy.

403.2 As discussed in Section 12.9 and 12.10 of the Final EIR, the analysis of the traffic impacts of the Reduced Main Street Alternative and Reduced Mixed-use Alternatives concluded that these alternatives would result in significant traffic impacts including LOS F at some locations. However, the analysis of noise impacts related to the Reduced Main Street Alternative, as well as the Originally Proposed Project in the Final EIR, contradicts the comment regarding the significance of noise impacts on the surrounding uses. Sections 5.4 and 12.9.2 of the Final EIR conclude that the increase in traffic noise on local streets related to the project would not be significant. Similarly, the analysis concludes that stationary noise sources related to the proposed project would not cause significant noise impacts on surrounding land uses.

COMMENTS

RESPONSES



950 Boardwalk, Suite 301
San Marcos, CA 92078
Tel: 760-761-3695
Fax: 760-761-3650

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I want to express my support for the Reduced Main Street Alternative for One Paseo, the proposed development for Carmel Valley. One Paseo and the Reduced Main Street alternative are both consistent with the General Plan's City of Villages Strategy and would provide a village center unique to Carmel Valley. This smaller mixed-use neighborhood village alternative would reduce environmental impacts that might occur with the Project, but also maintain the integrity and appeal of One Paseo's compact design, its location, and its key sustainability features. It would also fully integrate with the surrounding uses to create a vibrant core in Carmel Valley.

I would also like to note that the other circulated alternatives, including a zoning-compliant project, would create significant traffic and visual impacts, but would not provide broad community benefits, such as: usable, public open space, walkability, a community focal point, needed improvements to local roadways, streetscape improvements, local jobs and tax revenues.

I encourage the City of San Diego to approve the Reduced Main Street Alternative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Seward'.

Wayne Seward
(760) 845-2853

Copied to: The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member:
sherrilightner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

404.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Arshiya Sharafi, DDS](#)
To: [DSD EAS](#); [Councilmember Todd Gloria](#); [Councilmember Sherri Lightner](#); white@wwarch.com
Subject: One Paseo
Date: Tuesday, December 10, 2013 1:47:23 PM

Whom it may concern,

One Paseo is a wonderful project.

My family and I are 100% behind this project. We live very close to the site and we are not at all concerned about the traffic, etc.

In San Jose a similar project, Santana Row, reminds me of One Paseo. It has brought so much joy for the city of San Jose, and this project will do the same for us in San Diego.

You must approve this project, and I promise you, most of the residents of Carmel Valley are in favor of this project.

Please do not delay this project any further. We have already lost Trader Joe's from committing to the community. We are very excited to have this project in our community. In fact we bought our house close to this site so we can be able to walk to it when its done.

Please let me know if you have any further questions

Sincerely

Dr. Sharafi

Arshiya Sharafi, DDS, PC
Diplomate of the American Board of Oral and Maxillofacial Surgery

4910 Directors Place
Suite 301
San Diego, CA 92121
tel: 858-997-2701
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asharafidds@yahoo.com
www.SDoralsurgery.com

AS

Oral, Facial &
Implant Surgery

405.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Steve Simmonds](#)
 To: [DSD EAS](#)
 Subject: PROJECT No. 193036 -- comments on pedestrian access
 Date: Friday, October 25, 2013 1:25:47 PM

- 406.1 Pedestrian access to One Paseo project is inadequate, particularly considering the projected vehicle traffic on Del Mar Heights Road.
- 406.2 I recommend that you require multiple pedestrian bridges, spanning Del Mar Heights, and especially across El Camino Real. I think that as many as three bridges across El Camino could be warranted. I think you should be looking at One Paseo and Del Mar Highlands as more of a joint center.
- 406.3 What you want:
 1) school kids able to walk to Carmel Valley Library, from Solana Highlands elementary, without ever having to wait for a traffic light or worry about getting run over by a car.
- 406.4 2) shoppers able to park once and shop at existing Del Mar Highlands center, and walk to shop at One Paseo, without crossing at a traffic light.
- Ideally there would be two new bridges across Del Mar Heights, and at least two new bridges across El Camino Real.
- The existing bridge on Del Mar Heights going from Del Mar Highlands center to Signature Point apartments is not well used because of the locked gate at the far side. It doesn't serve as a good pedestrian short cut.
- An example of a good bridge is at UTC, across La Jolla Village Drive. An example of a bad bridge is at UTC, across Genessee.
- 406.5 Improvements could be made to existing Del Mar Highlands center to allow pedestrians to walk from existing fountain area to One Paseo, without crossing in front of any cars in the Del Mar Highlands parking lot.
- 406.6 All plans I've seen for One Paseo seem to make no effort to consider scenario where people visit Del Mar Highlands center and One Paseo during same trip. It's ridiculous to have people drive across the street and re-park their vehicle.

- 406.1 As discussed in Section 3.0 and 5.2.7 in the Draft EIR and Section 12.9 of the Final EIR, the Originally Proposed Project and Revised Project would include a network of sidewalks, pathways, plazas, and paseos that would provide pedestrian connections to existing sidewalks and trails in the surrounding area. In addition, the proposed signalized project entries at Del Mar Heights Road and El Camino Real would include crosswalks to provide protected pedestrian crossing of both Del Mar Heights Road and El Camino Real. Existing pedestrian crosswalks are also located at the intersections along Del Mar Heights Road and El Camino Real in the project area, and a pedestrian bridge crosses over Del Mar Heights Road, just east of the Del Mar Heights Road/El Camino Real intersection. As described in Section 5.1 of the Final EIR, no significant impacts would occur to pedestrian safety. Consequently, no additional access provisions for pedestrians are considered necessary.
- 406.2 Refer to response to comment 406.1.
- 406.3 Refer to responses to comments 7.4 and 9.1.
- 406.4 Refer to response to comment 406.1.
- 406.5 Refer to response to comment 406.1.
- 406.6 Refer to response to comment 406.1.

COMMENTS

RESPONSES

From: [Noel Spaid](#)
To: [Dennis Ridz](#)
Cc: [DSD EAS](#); [Councilmember Sherri Lightner](#); [Hadley, Steven](#); [Gloria, Todd](#); [dave.roberts](#); [frisco.white](#); [Fulton, Bill](#); [patti.ashton](#); [dee.rich](#); [barb.cerny](#); [Richard, Caterina](#); [rick.jack](#); [michael.foster](#); [CouncilMember Kevin Faulconer](#); [bob.shopes](#); [nancy.moon](#); [Pat Whitt](#); [cathy.kenton](#); [Y. Sachiko Kohatsu](#)
Subject: Re: One Paseo project 193036/sch #2010051073
Date: Friday, December 06, 2013 11:02:50 AM

407.1 [beautifully done, thank you
On Dec 6, 2013, at 10:55 AM, Dennis Ridz <dennisridz@hotmail.com> wrote:
> <Torrey Pines Response to Recirculated Project Alternatives - One Paseo.docx>

407.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Carole Spragg](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [dennisridz@hotmail.com](#); [white@vwarch.com](#); [Fulton, Bill](#); [Gloria, Todd](#); [CouncilMember Kevin Faulconer](#); [Councilmember Myrtle Cole](#); [Councilmember Mark Kersey](#); [CouncilMember Lorie Zapf](#); [Councilmember Scott Sherman](#); [CouncilMember David Alvarez](#); [CouncilMember Marti Emerald](#)
Subject: Project No. 193036 - One Paseo
Date: Monday, November 18, 2013 11:18:09 AM

DATE: November 19, 2013

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

FROM: Carole F. Spragg
13752 Mercado Dr.
Del Mar, CA 92014

RE: Project #193036 : Recirculated Project Alternatives to the Draft
Environmental Impact Report for the One Paseo Project. Project No. 193036. Sch. No.
201051073**RE:**

I have recently reviewed the project referenced above. As a San Diego resident who lives just east of Interstate 5, I am concerned that my quality of life and my safety may be adversely impacted by this project. Building such a dense project will completely change the character of our neighborhood and set a precedent for other such density in the future. My concerns are in several areas.

1. **Quality of life:** The current zoning regulations in the affected area are the result of careful community planning. The proposed project calls for greatly increasing the density of development, with all of the associated impact. It appears that only a small minority of the community favors the proposed rezoning. The visual impact, with buildings up to 6 stories taller than any of the surrounding buildings will negatively change the character of the place where I do much of my shopping, restaurant dining, and recreating. The impact on traffic, with over 23,000 ADT, will have a substantial negative effect.

What is the rationale for changing the current zoning? The Project EIR provides no rationale for such a change.

2. **Traffic:** The draft EIR does not discuss the effect on my neighborhood of adding a large amount of traffic to the Del Mar Heights Road on and off ramps to Interstate 5, both north- and southbound. Adding thousands of cars to the local roads is predicted to greatly worsen this situation.

What is the effect of the proposed project on the traffic coming from the Torrey Pines neighborhood? The Project EIR does not address this critical question.

408.1 Section 5.3 of the Final EIR concluded that the proposed project would have a significant impact on local neighborhood character. However, the project site is already designated in the General Plan as having a moderate propensity of higher land use intensity as a village area and, therefore, would not be precedent setting. Furthermore, as with the proposed project, any future project in the area seeking to change existing planning or zoning designation would require separate consideration by the City.

408.2 Section 5.3 of the Final EIR concluded that the proposed project would have a significant impact on local neighborhood character. However, as discussed in response to comment 328.8, the General Plan anticipated and acknowledged character impacts associated with implementation of the "City of Villages" strategy and the attendant intensification.

408.3 Section 5.2 of the Final EIR concluded that the proposed project would have significant impacts on local traffic. Table 5.2-42 contains a list of roadway improvements that would be made conditions of project approval to reduce the traffic impacts to the greatest extent feasible.

COMMENTS

RESPONSES

- | | |
|--|--|
| | <p>408.4 Section 5.2 of the Final EIR concluded that the proposed project would have significant impacts on local traffic. Table 5.2-42 contains a list of roadway improvements that would be made conditions of project approval to reduce the traffic impacts to the greatest extent feasible.</p> <p>408.5 Impacts to traffic coming from, and going to, neighborhoods in the Torrey Pines area would be felt most at the I-5 ramps at Del Mar Heights Road as well as on any trips which travel Del Mar Heights Road between I-5 and El Camino Real. A comprehensive analysis of the impacts anticipated at these locations is included in Section 5.2 of the Final EIR.</p> |
|--|--|

COMMENTS

RESPONSES

408.6

3. **Safety:** Emergency vehicles that respond to fires and medical emergencies in my neighborhood come from east of I-5 using Del Mar Heights Road. With current traffic loads, that access is, at peak times, severely restricted. It will be much worse with added traffic. Impaired response times mean decreasing chances of survival for heart attack and stroke victims.

What is the effect of the One Paseo Project on emergency vehicle access to surrounding neighborhoods? This important question is also not addressed.

In summary, I believe the current zoning restrictions for the area involved with the One Paseo Project should be retained. The rationale for the current level of zoning is sound, and that zoning preserves the quality of life and safety of our community.

Thank you for allowing me to pose questions and comments. Sincerely,
Carole F. Spragg

408.6 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

From: Roger Spragg [rspragg@ucsd.edu]
Sent: Sunday, November 17, 2013 11:47 PM
To: DSD EAS
Cc: Councilmember Sherri Lightner; dennisridz@hotmail.com; white@wwarch.com; Fulton, Bill; Gloria, Todd; CouncilMember Kevin Faulconer; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; dscheffler@san.rr.com
Subject: Project No. 193036 - One Paseo

DATE: November 17, 2013

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

FROM: Roger G. Spragg, MD
 13752 Mercado Dr.
 Del Mar, CA 92014

RE: Project #193036 : Recirculated Project Alternatives to the Draft Environmental Impact Report for the One Paseo Project. Project No. 193036. Sch. No. 201051073

I have recently reviewed the project referenced above. As a San Diego resident who lives just east of Interstate 5, I am concerned that my quality of life and my safety may be adversely impacted by this project. My concerns are in several areas.

1. **Quality of life:** The current zoning regulations in the affected area are the result of careful community planning. The proposed project calls for greatly increasing the density of development, with all of the associated impact. It appears that only a small minority of the community favors the proposed rezoning. The visual impact, with buildings up to 6 stories taller than any of the surrounding buildings will negatively change the character of the place where I do much of my shopping, restaurant dining, and recreating. The impact on traffic, with over 23,000 ADT, will have a substantial negative effect.

What is the rationale for changing the current zoning? The Project EIR provides no rationale for such a change.

2. **Traffic:** The draft EIR does not discuss the effect on my neighborhood of adding a large amount of traffic to the Del Mar Heights Road on and off ramps to Interstate 5, both north- and southbound. Last Monday it took me 15 minutes just to go down the on-ramp from Del Mar Heights Road to I-5 heading north. Adding thousands of cars to the local roads is predicted to greatly worsen this situation.

What is the effect of the proposed project on the traffic coming from the Torrey Pines neighborhood? The Project EIR does not address this critical question.

3. **Safety:** Emergency vehicles that respond to fires and medical emergencies in my neighborhood come from east of I-5 using Del Mar Heights Road. With current traffic loads, that access is, at peak times, severely restricted. It will be much worse with added traffic. Impaired response times mean increased morbidity and mortality to heart attack and stroke victims.

409.1 Section 5.3 of the Final EIR concludes that the proposed project would have a significant impact on local neighborhood character. However, the precedent value of approval of the proposed project is minimized by the fact that the project site is already designated in the General Plan as having a moderate propensity of higher land use intensity as a village area. Furthermore, as with the proposed project, any future project in the area seeking to change existing planning or zoning designation would require approval by the City Council.

409.2 Section 5.3 of the Final EIR concludes that the proposed project would have a significant impact on local neighborhood character.

409.3 Section 5.2 of the Final EIR concludes that the proposed project would have significant impacts on local traffic. Table 5.2-42 contains a list of roadway improvements that would be made conditions of project approval to reduce the traffic impacts to the greatest extent feasible.

409.4 The EIR is intended to provide an objective analysis of the environmental consequences of the proposed project. It also provides a list of the project objectives in Section 3.1 of the Final EIR. However, the EIR is not required to address the project applicant's rationale or motive in proposing a specific project.

COMMENTS

RESPONSES

409.5 Impacts to traffic coming from, and going to, neighborhoods in the Torrey Pines area would be felt most at the I-5 ramps at Del Mar Heights Road as well as on any trips which travel Del Mar Heights Road between I-5 and El Camino Real. A comprehensive analysis of the impacts anticipated at these locations is included in Section 5.2 of the Final EIR.

409.6 Refer to response to comment 15a.46.

COMMENTS

RESPONSES

409.6
cont.

What is the effect of the One Paseo Project on emergency vehicle access to surrounding neighborhoods?
This important question is also not addressed.

In summary, I believe the current zoning restrictions for the area involved with the One Paseo Project should be retained. The rationale for the current level of zoning is sound, and that zoning preserves the quality of life and safety of our community.

Thank you for allowing me to pose questions and comments. Sincerely,

Roger G. Spragg, MD

COMMENTS

RESPONSES

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

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake,

I am writing to you today to express my support for the One Paseo project in Carmel Valley. In particular and based on the information provided in the Alternatives section of the Draft Environmental Impact Report, I believe the "Reduced Main Street Alternative" is the ideal project for Carmel Valley.

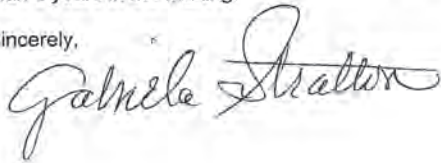
It is clear from the DEIR that the Reduced Main Street Alternative retains all of the benefits of the original project but incorporates the desire of the community to have a project with less density and height.

In fact, as I understand it, the Reduced Main Street alternative is the only one that maintains the key aspects of the Project, such as a central gathering place amidst a mix of complementary uses, while also contributing more recreational open space.

In contrast, the other alternatives lose many of the Project's most appealing amenities and benefits as they scale downward in size. This land, located in the core of Carmel Valley, should be developed as a true neighborhood village that can serve a growing community and meet our broad array of interests and expectations.

I would like to urge the City of San Diego to approve the Reduced Main Street Alternative as soon as possible so the community can finally reap the benefits of a project that has been more than 5 years in the making.

Sincerely,



410.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [JAMES TUFFIELD](#)
 To: [DSD_EAS](#); [Councilmember Todd Gloria](#); [Councilmember Sherri Lightner](#)
 Subject: Project No. 193036/SCH No. 2010051073
 Date: Monday, December 09, 2013 5:59:44 PM

Dear Sir/Madam,

I have been a resident of Carmel Valley for over 18 years. We moved here when our little girl was three years of age from the East Coast, when the Kilroy properties on route 56 were not even built. When hot air balloons would take off into the sky from the empty lot, when the Vons shopping center near my home was a wasteland where businesses could not survive.

The boom that followed needs no further comment other than this. As all of our friends who watched their kids go off to college and became empty nesters, we now have the time (and often the money) to dine out a few nights per week. this used to be easier. The Highlands during the evenings and often for lunch is a parking nightmare. the restaurants are good but often over crowded both on top and below. We would often go to Via De La Valle to The fish Market or a few of the more reasonable places but the traffic has become horrific on route five. We would go south to various places but the traffic is worse than going North. That leaves east or west. The 56 crawls east at ten miles per hour. West is bad going into del mar so basically our wonderful, affluent community has become landlocked!

I have along with many neighbors and friends watched for a ground breaking of One Paseo. What I heard, this was the last spot in Carmel Valley opened to commercial development.

It is interesting that The entire High Buff/El Camino Real corridor was loaded with office space now with thousands of employees. (more attorneys then anywhere)

The issue is we are now a totally an underserved community in terms of eating space and shopping space. It has made living here somewhat less desirable.

I heard the planning board is against the building of One Paseo. The reasoning was traffic flow. I have never been in a traffic jam within Carmel Valley in. 18 years of our residency! The traffic is "escaping" from our underserved community to other food and entertainment venues! Please take this letter to heart and know that our circle of friends and acquaintances concur with my assessment and solution.

I have seen vast amounts of housing and office space approved over the years without any retail services to really serve the needs of the residents. One Paseo represents (from my understanding) the last available track to meet these needs.

Please Endorse the One Paseo project.

Jim Tuffield, CFP[®], CLU[®], ChFC[®]
 Partner, Estate & Business planning
 3666 Carmel View Rd
 San Diego CA 92130

411.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

Tel [858-205-4291](tel:858-205-4291)
Fax [858-724-1400](tel:858-724-1400)



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COMMENTS

RESPONSES

October 24, 2013

Deborah Vande Berg
8361 Bristol Ridge Lane
San Diego, CA 92127

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 offer my support for the Reduced Main Street Alternative in the DEIR for the One Paseo project.

As illustrated by the findings of the DEIR, the Reduced Main Street Alternative would maintain the important characteristics of the originally proposed project while reducing the impacts on traffic and neighborhood character.

Further reductions to the Project as studied in the Reduced Mixed-Use and Specialty Food Market with Retail alternatives would degrade the project into just another strip mall and significantly reduce benefits to the community. In particular, I believe the Specialty Food Market with Retail alternative – a strip mall – to be underwhelming and a poor use of this site.

In recognition of the exhaustive analyses that have taken place on One Paseo, and the extraordinary benefits a project of this nature would provide, I urge the City of San Diego to approve the Reduced Main Street Alternative.

Sincerely,



Deborah Vande Berg

412.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original 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:

I believe that One Paseo would provide a sense of place and a gathering point for the residents of Carmel Valley, something that has been missing from our community since it was developed 20 years ago. I also understand that the Reduced Main Street Alternative retains many of the project's most appealing characteristics but reduces the density and impacts of the original.

Therefore I would like to register my support for the Reduced Main Street Alternative and urge the City to approve it.

Sincerely,



12780 High Bluff Dr. #130
San Diego, Ca 92130

413.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES



Dec 9, 2013

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
Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I am writing in support of One Paseo.

As a long-time resident, I cannot remember another instance when a developer spent so much time and effort talking with residents about what they would like in their community. I know for certain that I have attended no less than 7 meetings about One Paseo in the last 2 ½ years. These were both public meetings open to the community and smaller gatherings where the developer requested input on the project. Coupled with the exhaustive research conducted as part of the Environmental Impact Report process, there is more than enough information for decision makers to move forward and approve One Paseo.

There is little doubt that this site ideal for a vibrant Main Street with offices, residences and retail and would be, once and for all, the community core detailed in the community plan.

I urge the City to act soon and approve One Paseo in Carmel Valley.

Regards,

A handwritten signature in blue ink, appearing to read "Regina VanderWerff", written over a horizontal line.

Regina VanderWerff
(858)-500-6382

CC:

Todd Gloria, City Council President: toddgloria@sandiego.gov;
Sherri Lightner, City Council Member: sherrilightner@sandiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

414.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Meredith Victor](#)
To: [DSD EAS](#)
Cc: oddgloria@sandiego.gov; white@wwarch.com; Councilmember Sherri Lightner
Subject: Project No. 193036/SCH No. 2010051073
Date: Tuesday, December 10, 2013 9:25:26 AM

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
 CC: toddgloria@sandiego.gov, sherrilightner@sandiego.gov, white@wwarch.com

Subject: Project No. 193036/SCH No. 2010051073

Dear Ms. Blake:

I have reviewed the new alternatives circulated as part of the DEIR for One Paseo and I would like to point out that the Specialty Food Market alternative creates significant traffic impacts on local roadways, but would not offer community benefits in any way similar to the One Paseo project, such as public open space, pedestrian connections to neighboring developments, or a true sense of place for Carmel Valley. A small strip mall or another office building will not provide the community or region with any benefits.

I believe that only the Reduced Main Street alternative or the One Paseo project itself would provide a true, vibrant core with extraordinary community benefits and offer needed improvements to our local roadways.

I urge the City to approve the One Paseo project - or its closest alternative, the Reduced Main Street alternative.

Thank you.

Sincerely,

Meredith Victor
 Carmel Valley Resident

415.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Walter, Gernot](#)
To: [DSD EAS](#)
Subject: one paseo
Date: Sunday, November 17, 2013 8:42:31 PM

The Damokles sword of "One Paseo" is hanging over us. It will be the end of people living in Del Mar Heights going to Barnes and Noble because the traffic will be so terrible that we are going to stay at home. Of course we will boycott by never setting foot on the "Main Street" of One Paseo if the plans are not scaled down CONSIDERABLY!!

Erika Walter

416.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Julie Whitney](#)
To: [DSD EAS](#)
Subject: PROJECT No. 193036
Date: Monday, December 09, 2013 10:00:31 PM

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

Please note I have reviewed the information on your website detailing impacts of the REDUCED MAIN STREET ALTERNATIVE and am in support of it as I was also of the previous proposal. I am a resident of San Diego, have nothing to do with the development or anyone involved with it. My husband and I personally like the mixed use nature of this project and hope that it can be developed in some version of that concept rather than stripped down to just what already exists in the area.

Julia Whitney
10118 Wateridge Cir. #104'
San Diego, CA 92121

417.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

November 5, 2013

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

Subject: Project No. 193036/SCH No. 201051073

Dear Ms. Blake:

I have reviewed the recirculated project alternatives to the draft EIR for the One Paseo project and offer the following comments on the new alternatives presented.

As an urban planning professional, I strongly believe that the "Reduced Main Street" alternative presents an outstanding opportunity to apply modern-day planning concepts to this land use in the heart of Carmel Valley. Community planning must evolve, adjust to social needs and guide growth to maintain healthy communities. I believe One Paseo demonstrates the evolution of smart growth land planning techniques, identifies an appropriate place for social interaction and adheres to smart growth principles for the healthy future of our community.

Like many local residents I fully support One Paseo and believe that a mixed-use village would provide a sense of place and a vibrant gathering point for the Carmel Valley community and the surrounding demographic. I believe it is vital that One Paseo be a true village with density, scale and mix of integrated land uses and not a watered-down version of a greater vision.

A project that consists of stand-alone buildings surrounded by a sea of surface parking is not only unappealing, but would be an irresponsible underutilization of this uniquely positioned site and lacks any true benefit for the existing community. If we simply opt to approve office buildings or another strip center sized to the current ADT cap, we would be saddled with additional traffic impacts and little opportunity to address current or future traffic issues. However, if we follow the vision for a neighborhood village that spreads traffic trips throughout the day rather than at peak hours, and we have a developer willing to make significant, privately-funded off-site traffic improvements then we have a project that not only provides Carmel Valley with substantial community benefits, but we have a place that will be an integral part of our community and lead growth into the future.

I therefore urge the City Of San Diego to approve One Paseo or the Reduced Main Street alternative which both offer smart growth approaches and mitigated environmental impacts.

Sincerely,



Michael B. Williams

CC: The Honorable Todd Gloria, City Council President: toddgloria@sanidiego.gov
The Honorable Sherri Lightner, City Council Member, District 1: sherrilightner@sanidiego.gov
Carmel Valley Planning Board c/o Frisco White, Chair: white@wwarch.com

418.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Greg Wilson](#)
To: [DSD_EAS](#)
Subject: To the Office of Martha Blake: Comment on Project No. 193036 "One Paseo"
Date: Tuesday, December 03, 2013 6:37:56 PM

To whom it may concern:

Coming from the viewpoint of an individual who was born and raised in Carmel Valley, and having seen what has happened to it since the late 1980's, I would like to add my honest perspective on One Paseo. While this narrative is a bit lengthy, I have written it to convey a theme of why One Paseo would be an unnecessary and unwelcome addition to Carmel Valley.

The developers of Carmel Valley have shown an utter disregard for the residents who live there. I do not believe I would be remiss in stating most of the residents in Carmel Valley already find the entire Highlands area to be a complete nightmare. In fact, I would argue residents find Carmel Valley a much more frustrating and unpleasant place to live than they did perhaps 15 years ago.

What seems to have been forgotten in our culture is there should be different places zoned very clearly for different purposes. Carmel Valley is a quiet suburban neighborhood, and while having a few regular-sized shopping malls such as Piazza Carmel or the original highlands development is a necessary and welcome addition to homeowners, what subsequently has happened definitely is not.

For example, I don't think many (if any) residents really care how much money the owners of the Highlands, Donahue Schriber, poured into remodeling it a few years ago. People don't care. They aren't going to the Highlands for their 25th wedding anniversary or to shop at Nordstrom. Residents go to the Highlands to buy groceries, catch a flick, or take 6 year old Susie to her birthday party at Red Robin.

Unfortunately, Red Robin isn't there anymore, as clearly the owners of the Highlands, Donahue Schriber, didn't seem to care about the thousands of Carmel Valley residents who found it to be the only family-appropriate party restaurant in the area. Economically, it made no sense at all to get rid of Red Robin, it was a heavy profit turner and was always packed. Nope, somebody who had never lived in Carmel Valley probably made an arbitrary decision that Red Robin wasn't "upscale" enough for the area, whatever that is supposed to mean. No more birthday parties for Susie.... but who cares about Susie's birthday, right?

Unfortunately, residents can't take their family to the movies anymore, either. Oh, there's a cinema alright, but it's a swanky, upscale, "catered" cinema, with leather reclining chairs and wine on tap. Not exactly a great place for residents to take their kids. Oh but wait, that's ok, because clearly there are no kids living in Carmel Valley, right? I mean, I guess the Del Mar and Solana Beach Elementary School districts just built a dozen grade schools in Carmel Valley for pretend make-believe students, didn't they?

Unfortunately, it's hard for residents to purchase groceries at the Highlands, these days, too. The congestion from all the other retail outlets and the corporate yuppies grabbing lunch is so awful, it's almost impossible to find a place to park to obtain one's groceries at Ralphs. The original purpose and intent of the Highlands was for local residents to conveniently purchase groceries or get some cough drops at the drug store. People do not go to Westfield Shopping Town to shop at Ralphs or Rite Aid. Carmel Valley is a quiet suburban neighborhood, not Fashion Valley or University Town Center, and the city might do well to remember this fact.

Ironically, I think most residents think the newly remodeled Highlands is pretty inconvenient. Lots of overdone ornamentation which nobody will ever appreciate or notice while shopping and overpriced boutique shops which don't offer items of basic convenience to the local residents. All because it seems the developer simply wants to try to turn the Highlands into a miniature Westfield Shopping Town, which as demonstrated above, is totally illogical. 6 year old Susie does not care about fancy

419.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

stores and vine-trellised stucco when she is crying because she can't have her birthday at Red Robin anymore as it is now gone for who-knows-what reason!

The Highlands was the local mall for groceries, the bank, and the theater. It no longer effectively serves these basic purposes of pragmatism and has been converted into a logistical nightmare which gives the local residents a migraine every time they are forced to partake. The last thing the residents need is a Highlands 2.0 across the street, making Carmel Valley a less-pleasant place to live.

Ultimately, the developers will argue One Paseo is about their bottom line profit, as in: how much will the sales from the stores allow them to charge for rent? I would argue this is irrelevant, and none of our concern as residents. The developer's profit margin is their problem and not ours, and the city needs to join with the community in standing up to the One Paseo developers. After all, the citizens of Carmel Valley duly elected their San Diego city officials to protect the electorate from abuses of power by profit-mongering developers such as these. I fear the level of congestion which One Paseo will create on Del Mar Heights Road will simply create another Mira Mesa Boulevard, which is truly one of the most unpleasant streets in San Diego. Hopefully, Mira Mesa Boulevard was a valuable lesson for city hall in what constitutes bad urban planning.

Kitchy supply-side-based retail stores are an insignificant drop in the bucket as compared to Carmel Valley's real economic value: a pleasant place to live for tens of thousands of doctors, lawyers, teachers, businessmen, professors, engineers, etc. who wish to live in peace and quiet. These individuals are the true movers and shakers of our society; not opulent shopping malls, especially when the market in question, Carmel Valley, is already saturated beyond carrying capacity. Carmel Valley is these individuals home, and if they want to go shopping for upscale luxury goods, they will go where they have always gone: University Town Center, or Fashion Valley. So why increase the overall stress level of the residents thus reducing their ultimate economic productivity at work by creating annoying disturbances such as One Paseo in the quiet community which they call home if they would rather shop somewhere else for luxury goods in the first place?

To the residents, One Paseo and what was done to the Highlands across the street is a daily annoyance. Perhaps The City of San Diego should focus on making Carmel Valley a more pleasant place to live instead of cravenly bowing to these tacky retail-outlet developers. The people who live in Carmel Valley are an important and wealthy demographic of our society, and they certainly deserve better than to be saddled with another retail development which further congests and plugs up the place which they call home.

COMMENTS

RESPONSES

From: [Steve Wingis](#)
To: [DSD EAS](#)
Subject: Project 193036 - New One Paseo Alternatives
Date: Tuesday, December 03, 2013 9:41:11 PM

Hi Martha –

420.1

I read through the New One Paseo Alternatives document and I did want to please submit my comments to you. I was shocked to see the negative impact on local traffic! I do not like the sound of SNM (Significant and NOT Mitigated).

Traffic/Circulation/ Parking	Roadway segments	SNM	SNM (-)	SNM (-)	SNM (-)
	Intersections	SNM	SNM (-)	SNM (-)	SNM (-)
	Freeway Segments	NS	NS	NS	NS
	Freeway ramp meters	SNM	SNM (-)	SNM (-)	SNM (-)

I'm supportive of a development on that corner, but I want something that is more closely in line with what was originally planned for our area. These are WAY too big and I don't like the way the original plan is being disregarded.

420.2

For me, sitting longer in traffic every day poses a negative impact on my life. Since I drive through the affected streets almost daily, the impact will be unavoidable. Adding the two additional signals along Del Mar Heights road will mean 5 major stoplights in about 1/3 of a mile (between Ralph's and High Bluff Drive). There will be no easy way to access Interstate 5 or the beach. Therefore, please register my opinion as NOT in favor of the proposed developments.

I would very much like to see a compromise that added only ONE new signal on Del Mar Heights Road.

Thanks for your consideration.

[Steve Wingis](#)
 858-775-1669 cell
 13303 Glenclyff Way
 San Diego, CA 92130

420.1 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

420.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [jill.wolf](#)
To: [DSD_EAS](#)
Subject: RE: Project No. 193036 – SCH No. 201051073 – One Paseo Project.
Date: Friday, December 06, 2013 1:37:50 PM

December 6, 2013

Martha Blake

Environmental Planner

City of San Diego Development Services

1222 First Avenue

M/S 501

San Diego, CA 92101

RE: Project No. 193036 – SCH No. 201051073 – One Paseo Project.

As a resident of Carmel Valley for 19 plus years, I wanted to express my concerns about the current "Recirculated Project Alternatives to the DEIR for the One Paseo Project". I can understand Kilroy's need to develop the land to their most feasible benefit, but with the current proposals, I feel the only ones benefiting from this development is Kilroy.

Here are a **few** of my concerns after reading the current "Recirculated Proposals".

#1 - 12.9 Reduced Main Street Alternative

Land Use

- 421.1 [Length of Construction time - From all of the proposals I have read, we are talking about years of construction in the area. Which will only add to the congestion and frustration of everyone who lives and works in the area.
- 421.2 [Reduced Main Street and Reduced Mixed-Use - both proposals are still over the current approved Gross Floor Area for the development of the property.

- 421.1 As discussed in Section 3 of the Final EIR, construction of the project is expected to occur in up to three phases. Each phase is expected to take between 1 to 2 years to complete. As development of subsequent phases will be, to some degree market-driven, it is difficult to estimate the overall time frame between the time construction of the proposed project is initiated and completed. However, in any case, the comment is correct in stating that construction traffic from the project will span multiple years.
- 421.2 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

- 421.3 [Kilroy recently purchased the Neuroscience property on El Camino Real. In the proposal, they mention "possible land grading" to the adjacent properties. Do we know if it is part of Kilroy's plans to join these two properties together?
- 421.4 [Office Space in the area and in the proposal - As a community, how much office space to really need? We are a residential community, not an industrial park. With the two new buildings on High Bluff Drive, does this development really need to incorporate another 492,840 gross floor area of office space to our community? If you drive around in the Carmel Valley area, just about every office building currently has availability.
- Transportation/Circulation/Parking**
- 421.5 [Part of all three proposals is to incorporate a Left and Right Turn Lanes into the project from both El Camino Real and Del Mar Heights. This will mean a reduction our beautiful tree lined streets, with the possible turn lane back up issue like the one we currently have with the left turn lane on South Bound Del Mar Heights Road trying to enter the Del Mar Highland shopping center. At times of the day, this causes additional congestion in the area along with safety issues for both road and pedestrian traffic.
- 421.6 [Two of the three proposals mention changing the Freeway on ramps and off ramps at the 5 freeway, both North and South as a way to reduce the congestion. I am sure that if this changes where approved, it might indeed help with part of the problem. Currently, this road improvement has not been approved by DSD or CalTrans, so there is no guarantee that this will ever happened. As part of the ramp widening on the 5 North bound ramp, they propose widening the street.
- 421.7 [Does this mean, they plan on reducing the bike lane and side walks in this area?
- 421.8 [They did not include the specifics in the recent proposal on how they plan on achieving this task.
- 421.9 [They also mentioned "ramp metering". Bases on prior experience, this only increase the congestion in the area at the peak times of day.
- 421.10 [In the original DEIR and at the Carmel Valley Planning board meetings, they said they are planning on using a Satellite Traffic Control System. Who is going to pay for this? How does it integrate with the other signal systems in the area? What happens if the satellite system goes down, is there a back up plan?
- In proposal, item 12.9, the plan to have 3,688 parking spaces. And that some of

- 421.3 The applicant has provided no indication to the City, or any formal application, suggesting that development would occur on the Neurocrine site. The Neurocrine site and the project site are separate properties for which the City is aware of no unified development plan. Therefore, any analysis of a project that combines the two properties would be speculative. The site plan has consistently shown a pedestrian connection between the two properties which will benefit access for both.
- 421.4 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.
- 421.5 Providing additional turn lanes at the intersection of Del Mar Heights Road and El Camino Real would not result in the loss of any street trees. As indicated in Section 5.2 of the Final EIR, congestion is expected to occur at the intersection of Del Mar Heights Road and El Camino in the PM peak hour with the proposed project in the near-term and long-term condition.
- 421.6 Refer to response to comment 351.1.
- 421.7 Bike lanes and sidewalks would not be reduced in the process of extending the right-turn lane from Del Mar Heights Road to the I-5 northbound on-ramp. The proposed extension of the right-turn lane would include a 5-foot sidewalk along the extended turn lane. From the I-5 ramp to the existing AT&T building, the sidewalk would be contiguous to the curb, as it presently exists. East of the AT&T building, the sidewalk would be separated from the curb by a planted median. The existing 5-foot bicycle lane would be retained. Providing additional turn lanes at the intersection of Del Mar Heights Road and El Camino Real would not result in the loss of any street trees.
- 421.8 Refer to response to comment 421.7.
- 421.9 Ramp meters are intended to regulate the amount of traffic that enters a freeway, thereby increasing freeway throughput. As a consequence, these meters do cause queues on arterials at times during peak periods. This condition was taken into consideration in the traffic analysis conducted for the proposed project.

COMMENTS

RESPONSES

421.10 The mechanism referenced in the comment is “Adaptive Traffic Control System,” or ATCS. The proposed ATCS is a project feature, not intended as mitigation, and for which the traffic analysis included no credit or reduction. The applicant would pay for installation of the proposed system. Maintenance costs would be the responsibility of the City.

COMMENTS

RESPONSES

421.11	them will be designated for residential tenants. How many will be assigned to 608 residential units, how many spaces will be for corporate/professional? And will any of those spaces be available on the week ends for the public to use.	421.11 A total of 1,116 parking spaces would be dedicated to the residential units. The office space would be allocated 1,798 spaces; retail would be allocated 774 spaces. The retail and office parking would be shared and, thus, available on the weekends for retail patrons.
421.12	And in the proposal, 12.9.3 3 rd paragraph - "even with the reductions from the original project designs, it would result in the same significant impacts to the roadways and intersections as the propose projects. "	421.12 As this comment is a restatement of the statements made in Section 12.9 of the Final EIR, no response is required.
	Landscape and Open Space	
421.13	In the first proposal they mention a "Passive Recreation Area" that is privately owned by whom?	421.13 The 1.1 acres of passive recreation areas which would be open to the public would be owned by the project applicant.
	Off Site Improvement	
421.14	I am concern about our current infrastructure in the area, sewer, water, physical streets and power. In there current state, 20 years old +, are they up to code to handle a development this size? Or will there be upgrades required to fit this project? And who is going to pay for the upgrades, if required? Or are we going to have to endure constant repairs as the current systems breakdown due to the additional usage.	421.14 As discussed in Section 5.11 of the Final EIR, sewer and water facilities are readily available to the project site, and would be adequate to meet the needs of the proposed project. No upgrades are considered necessary at this time. Any connection or upgrade costs necessary to serve the project would be borne by the project applicant.
	Visual Effects and Neighborhood Character	
421.15	They state on page 11 in the proposal in the last paragraph that the current buildings and intensity is out of character in both bulk and scale for the surrounding neighborhood. So, why are they proposing it?	421.15 As discussed in response to comment 330.6, the project is proposed to achieve the project objectives and City of Villages Strategy.
421.16	I am also concern with traffic in the area, as people try to avoid the intersection. How is it going to effect the traffic on the following streets: Townsgate Drive, which has pedestrian traffic from the Community Center, Carmel Valley Middle School, Solana Pacific School and the Carmel Valley Library. And High Bluff Drive, which is mainly residential, but has Solana Highlands Elementary School. And then Hartfield Drive and Half Mile Drive, which is all residential, but is already effected by Torrey Pines High School in the morning and afternoons.	421.16 The project is forecasted to add less than 50 directional peak hour trips to Townsgate Drive, Hartfield Avenue, and Half Mile Drive and, therefore, an analysis of these roads was not performed per City of San Diego standards. An analysis of High Bluff Drive, north of Del Mar Heights Road, is included in the Draft EIR; no significant impact was calculated on this segment of High Bluff Drive.
421.17	#2 - 12.10 – Reduced Mixed-Use Alternative - Kilroy's half effort to provide us with something just this side of a strip mall. In the proposal conclusion on page 21 and 22, Kilroy states that even with the further reductions of this proposal, that the development will still significant impacts, but reduced from the original proposal	421.17 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

421.17
cont.

on both the traffic and neighborhood impacts.

421.18

#3 - 12.11 – Specialty Food Market Retail Alternative - Kilroy has made it clear that this is really not an economic option for them. Especially now since the trump card they were trying to encourage us with, Trader Joe's has chosen a different location in the Carmel Valley Area. And in its current proposal state, it is not the ideal retail alternative that the community needs at this time and for the future.

I thank you for the opportunity to express my concerns about the community I have lived in for all these years and I hope you will take them into consideration when you are discussing this project in the future.

Jill Wolf
13266 Kibbings Road
San Diego, CA 92130

421.18 As this comment does not raise any issues with respect to the adequacy of the Recirculated Alternatives or the original Draft EIR, no specific response is required.

COMMENTS

RESPONSES

From: [Anna Wong-Weinrieb](#)
To: [DSD EAS](#)
Subject: Project #193036
Date: Monday, December 02, 2013 9:56:37 PM

To Whom It May Concern:

Please do not allow the huge conglomeration of One Paseo become a horrible reality. The main reason we moved into Carmel Valley almost 30 years ago was because of it's small quiet cohesive community feel. Please do not allow this monstrosity to be build. As the years have gone by, the traffic congestion on Del Mar Heights Road and El Camino Real has already grown so much that it takes more than 10minutes just to get back home Highway 5 than it was just as short as 5 years ago. Also, along with more stores, restaurants, and people comes more crime, congestion, over-population in our schools and we as citizens can no longer access our own neighborhood stores because of people from other communities invading our living space.

Please help us keep the charm of Carmel Valley the same. We DO NOT NEED OR WANT ONE PASEO!!!!

422.1 The existing traffic conditions in the area as well as the impacts of traffic from the proposed project are described in Section 5.2 of the Final EIR.

The potential effects of the proposed project on crime and over-population need not be addressed in an EIR. As discussed in Section 7.11, the school fees paid by the project would compensate for the additional demand on school facilities associated with the proposed project.

COMMENTS

RESPONSES

From: [Nancy Zapp](#)
To: [DSD EAS](#)
Cc: [Councilmember Sherri Lightner](#); [dennisridz@hotmail.com](#); [white@wwarch.com](#); [Fulton, Bill](#); [Gloria, Todd](#)
Subject: PROJECT No. 193036
Date: Monday, December 02, 2013 6:53:31 PM

December 2, 2013

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

Dear Ms. Blake:

The recirculated DEIR for One Paseo simply is not acceptable, in that each alternative proposed has serious deficits for our community. The original project is much too dense, a violation of zoning (if Kilroy can violate zoning laws, why can't I?), fraught with horrendous traffic and unacceptable levels of noise, and an eyesore with buildings that would darken our horizon. The two reduced-scope alternatives still involve increased density, traffic and noise at levels that would affect our community adversely, extending commuting times and increasing pollution. As a resident of Carmel Valley, I consider the "no development" alternative to be the best one for our community, our children and our health.

Thank you.

Nancy Zapp
3886 Quarter Mile Drive
San Diego CA 92130

423.1 As discussed in response to comment 330.6, pursuant to Section 15126.6(a), an EIR is required to analyze alternatives which would avoid or substantially lessen significant impacts associated with a proposed project.

This comment accurately identifies the conclusion of the Final EIR that the Originally Proposed Project as well as the Reduced Main Street and Reduced Mixed-use Alternatives would result in significant impacts related to neighborhood character and traffic. However, the Final EIR does not conclude that these scenarios would result in significant noise impacts on the surrounding area.