14.26 cont. Community Plan amendment and therefore could also be under construction at the same time. Only after this analysis is undertaken, will the DEIR be able to identify feasible mitigation measures to reduce this impact.

g. The DEIR Fails to Identify Feasible Measures to Mitigate the Project's Impacts on Transportation.

14.27 Given the addition of almost 18,000 daily cars to an already congested roadway and freeway network, the DEIR aptly concludes that the UTC would result in numerous significant impacts. Table ES-3 shows just how bad traffic will be: segments of Genesee Avenue, La Jolla Village Drive and numerous sections of the surrounding freeways as well as their ramp meters would operate under gridlock or near gridlock conditions. DEIR at ES-18 and Table 5.3-1. Yet because the DEIR's mitigation measures focus exclusively on increasing roadway and intersection capacity, the document omits an analysis of other feasible mitigation measures that would reduce trip generation.

As a case in point, the DEIR concludes that numerous street segments along La Jolla Village Drive from I-5 to Lebon Drive would be significantly impacted. DEIR at 5.3-55. The DEIR notes that the applicant has indicated it would *not* implement widening improvements along La Jolla Village Drive purportedly because such improvements would conflict with the Community Plan. *Id.* We agree that widening this roadway is not the right solution. However, the DEIR is remiss in that it considered only one mitigation measure and then rejected it as inappropriate. The DEIR therefore identifies *no* mitigation for this quite significant traffic impact. California courts have made clear that an EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *See San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79.

The DEIR's assumption that the City's hands are tied with respect to causing gridlock on La Jolla Village Drive is particularly disturbing especially since the UTC Project is touted as being environmentally responsible. Clearly, feasible mitigation is available to reduce this significant impact. For example, the revised DEIR could examine the feasibility of implementing a transportation demand management program that would include such measures as a parking supply cap, parking pricing, jobs-based ridesharing programs; and the implementation of a shopping center shuttle system.

2. The DEIR Fails to Adequately Analyze or Mitigate the Project's Significant Impacts on Visual Resources and Neighborhood Character.

14.28 The DEIR's analysis of visual impacts is fatally flawed because it fails to adequately describe the visual characteristics of the development proposed. The DEIR never

14.27 Refer to response to comment 9.93 from the University Community Planning Group regarding the amount of traffic generated by the CPA and why those trips are a worst-case estimate of project traffic. In addition to expanded roadway segments and reconfigured intersections, most of which will be consistent with the *University Community Plan*, the applicant will be required to implement Transportation Demand Management (TDM) measures outlined in Section 16.0 of the traffic impact study (EIR Appendix B) and as noted on EIR pages 5.3-72 and 5.3-73. The TDM program was inadvertently identified as mitigation in the EIR but has been clarified as a project design feature in the Final EIR (see page 5.3-59 of the Final EIR). Those measures are listed on EIR pages 5.3-72 and 5.3-73. Collectively, the feasible mitigation combined with the TDM measures would reduce trips within the community associated with the proposed project. In addition, SANDAG is currently proposing the Super Loop shuttle system that will link UCSD and UTC with various transit stops in between. The Super Loop will further reduce trips associated with the proposed project.

14.28 The project description outlines the proposed layout of uses and design guidelines contained in the Master PDP. In addition, Section 5.2 of the EIR describes the visual characteristics of the proposed project on pages 5.2-5 through 5.2-11, including several graphics. It is not necessary to provide photo-simulations and architectural drawings, when such descriptive analysis is provided. The EIR devotes three full pages of text to describing and analyzing the bulk and scale changes associated with the proposed project. To augment the text, a bulk and scale graphic (Figure 5.2-6) has been added to the Final EIR to further illustrate the proposed design. The aesthetics/visual quality discussion on page 5.2-7 is based on the City's significance threshold related to bulk and scale. It concludes that "because the proposed structures would exceed the allowable height or bulk regulations of the underlying zone and the height and bulk established by existing development," aesthetics/visual quality impacts to the surrounding community would be considered significant and unmitigable. The neighborhood character discussion on page 5.2-8 is based on the City's significance thresholds related to architectural style and building materials and community landmarks (see bullets on page 5.2-4 of the EIR). Because the UTC area does not follow a single or common architectural theme, there would be no physical loss of a community identification symbol or landmark, and the Master PDP design guidelines would ensure structural transitions, screening and articulation, impacts to neighborhood character were not determined to be significant. Minor clarifications have been provided in the Final EIR to more clearly represent these conclusions. An explanation of why removing the berms would be consistent with the *University Community Plan* is provided in response to comment 9.12 from the University Community Planning Group.

14.28 cont.

bothers to undertake the necessary study – through photo-simulations, architectural drawings and descriptive analysis of what the Project would look like upon completion. CEQA requires a project description that is at least adequate to reveal the project's impacts on the environment. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *see also* CEQA Guidelines § 15124. The DEIR's description of the visual characteristics of the Project fails to meet this requirement and, as a result, an assessment of the Project's impacts on visual resources and neighborhood character is simply not possible.

The Project would replace a bi-level shopping center with high-rise development including up to four towers ranging in size from 325 to 390 feet. Currently, the shopping center's tallest structure is 78 feet above grade and the residential uses adjacent to the existing shopping center are one and two-story homes. DEIR at 5.1-1 and 5.1-16. The maximum structure height allowed under current zoning (CR-1-3) is 45 feet. DEIR at 8-5. Rather than seriously study how the Project would affect the scale of the existing neighborhood, the DEIR comes to two contradictory conclusions: a) the bulk and scale of the proposed Project would be incompatible with surrounding development, resulting in a significant and unmitigable impact, and b) the Project would not result in substantial alteration to the existing visual character of the area and therefore any visual impacts would be less than significant. *Id.* at ES 17. Clearly, these conclusions cannot both be true.

Indeed, the DEIR contains so many contradictory and illogical statements as to render its conclusions meaningless. In reference to one of the proposed high-rise structures, the DEIR acknowledges that the 325 foot structure would have the potential to create a visual inconsistency with the existing two-story single-family residential development. DEIR at 5.2-6. However, the DEIR notes that through the use of architectural and building techniques such as "vertical distance," horizontal distance," "angled building envelopes," "decorative and/or ornamental elements" and landscaping, the potential visual impacts to the adjacent single-family residences would be avoided. *Id.* at 5.2-7. The DEIR also states that because structures could exceed the allowable height and bulk established by existing patterns of development by a substantial margin, impacts to neighborhood character would be considered significant. *Id.* A few paragraphs later, the DEIR asserts that the Project is generally consistent with the visual quality and character of the community. *Id.* at 5.2-8.

The DEIR also explains that the Project would "substantially change" the character of the streetscape by removing the landscaped berms along certain roadways because these landscaped berm are considered a to be a "unifying theme" in the community. *Id.* at 5.2-9. The DEIR concludes, however, that this *substantial change* would be consistent with the community character goals in the community plan. *Id.* (emphasis added). Finally, the DEIR asserts that the Project would not contrast with the architectural styles in the community because there is no common theme established in the community (at 5.2-8) but later states that buildings would be

designed in a style that *would complement* the architectural styles of the community. *Id.* at 5.1-37 (emphasis added).

14.28 cont.

This confusing hodge-podge of information amounts to no more than speculation as *to how this Project would look* and how it would fit in with the neighborhood. Such an approach is a far cry from CEQA's clear requirements. Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n.*, 6 Cal.4th at 1123. To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley*, 52 Cal.3d at 568.

14.29

An adequate analysis of aesthetic impacts would actually investigate the Project's impacts rather than speculate about them. The first step in such an analysis would be to conduct visual simulations for each land use scenario (i.e., the *entire* development must be superimposed upon the landscape in "before and after" photo simulations). These photo simulations must be undertaken from all representative public vantage points. Such an analysis should also include the use of story poles (if such tall poles could even be erected) so that the public and decision-makers have a sense of how the high rises would look from ground level. Only with the use of photo simulations and story poles will it be possible to visualize the juxtaposition of high rises against a neighborhood of predominantly one and two-story structures. *But again, none of this* analysis can be undertaken until the Project itself is planned and designed: the DEIR can not effectively consider the visual effects of a project whose appearance is completely unknown.

3. The DEIR's Air Quality Analysis is Deficient Under CEQA.

14.30

As detailed in the report from Autumn Wind Associates, attached as Exhibit F ("Autumn Wind Report"), the DEIR's analysis of air quality impacts is full of gaps. It fails to identify myriad mitigation measures to reduce the Project's clearly significant increase in air emissions, and it provides no analysis at all of diesel particulate emissions from construction and operation of the Project. The following discussion summarizes only the most egregious deficiencies in the DEIR's air quality analysis. This letter incorporates the Autumn Wind Report by reference.

The DEIR understates the Project's potential impact on air quality, in large part, because it ignores the interaction between emissions generated by the Project and emissions from other sources in the San Diego Air Basin. Specifically, the document fails to accurately analyze the effect of the Project's emissions on ozone formation because it only includes data from local monitoring stations and fails to acknowledge the potential for ozone transport. Ozone is formed by a reaction between two pollutants, nitrogen oxides ("NOx") and reactive organic gasses ("ROG"). As the Autumn Wind Report states: Ozone is a regional pollutant and ROG and NOx emissions generated by the Project must be evaluated for their potential to contribute to ozone

14.29 The EIR does not need to provide photo- or visual-simulations or story poles for each of the land use scenario to describe the potential aesthetics/visual quality impacts of the Master PDP. Similar to all other issue areas, the aesthetics/visual quality section of the EIR has analyzed *the worst-case condition, which is* the Maximum Residential scenario, because it would result in the construction of up to four high-rise towers. All other scenarios would result in fewer towers.

14.30 Although impacts are considered unmitigable, the air quality analysis does identify mitigation measures to reduce the proposed project's air emissions impacts. These measures include construction mitigation measures that would reduce fugitive dust impacts and measures to reduce production of ROC. In addition, a new mitigation has been added to the Final EIR to address impacts related to construction equipment NOx emissions (see new MM 5.4-7). It should be noted that the main contributor to long-term operational emissions is vehicular traffic. While not described as mitigation measures because they are project design features, the project includes mixed uses (retail, *commercial/office, and residential*) and a transit center designed to reduce vehicle trips/miles travelled and, therefore, impacts to the air quality. Reduction of vehicle trips, to the extent possible, is the best means of reducing long-term operational emissions. Vehicle trips are not, however, under the direct control of the project applicant and the project applicant cannot dictate what types of vehicles that residents, workers, and/or shoppers can use.

With regard to toxic air contaminants, the commenter mentions diesel particulate matter. For construction impacts, the analysis states that diesel particulate will be emitted from heavy construction equipment. These emissions would occur during the construction period (from three to five years) and would vary during that time period. The Autumn Wind attachment cites the SCAQMD's Rule 1401 for guidance as to what would be required in a health risk assessment. It should be noted that the SCAQMD itself does not require health risk assessments to be prepared for construction projects. Rule 1401 requires health risk assessments to be prepared for "new permit units, relocations, or modifications to existing permit units which emit toxic air contaminants". Rule 1401 sets forth the requirements for issuance of permits under SCAQMD Rules 201 and 203. These rules regulate stationary sources of emissions that are permanent. SCAQMD Rule 219 clearly exempts mobile sources from permitting requirements; thus SCAQMD Rule 1401 does not apply to construction equipment.

14.30 cont.

Diesel particulate matter has not been identified by the state of California as an acute toxic air contaminant. Rather, it has been identified as a carcinogen and a chronic toxic air contaminant, and health effects are observed over long-term exposure. Construction projects are short-term and their emissions sources are not permanent; therefore, construction health risk assessments are not generally conducted or required for construction projects of the nature of the UTC project. All construction equipment that will be used during construction will meet applicable standards for emissions and will be maintained in accordance with manufacturer's requirements.

The comment also indicates that no analysis of diesel particulate has been conducted for operations. Two sources of diesel particulate would be associated with project operations: bus emissions from buses using the transit center, and emissions from delivery trucks. It should be noted that the existing UTC development contains a transit center that services buses and can house up to six buses on site at any one time. The project itself would not result in an increase in buses; the project is merely providing a transit center for the use of buses and other transit options. According to NCTD, whose buses stop at the UTC transit center, 117 of their 175 buses (67%) are Compressed Natural Gas buses and 58% are diesel. According to MTS, whose buses also utilize the UTC transit center, of a total fleet of 476 buses, 59% are CNG and 41% are diesel. In 2008, MTS is starting a program to covert the remaining diesel buses to CNG by 2013. Therefore, by 2013 all buses in the MTS fleet will be CNG and the number of CNG buses will increase each year until 2013. Because the trend is to decommission diesel buses, emissions from these buses would decrease over current levels, resulting in a net reduction in diesel particulate emissions associated with the UTC transit center.

With regard to delivery trucks, delivery trucks will meet on-road emission standards for diesel particulate matter. These standards are developed and implemented by the California Air Resources Board and have become increasingly stringent. On-road trucks are already required to use low-sulfur fuels to reduce emissions of diesel particulate matter, and are required to limit idling to five minutes or less in trucks greater than 10,000 pounds. The ARB is continuing to regulate emissions of diesel particulate from on-road vehicles and these emissions will continue to decrease with time. It should also be noted that in the ARB's Air Quality and Land Use Handbook (which identifies potentially incompatible land uses such as residential areas and rail yards, chrome plating facilities, and refineries) the ARB did not identify shopping centers and associated delivery vehicles as a major source of toxic air contaminants that should be located away from residential areas. Finally, in the SCAQMD's "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis", in which the SCAQMD identified sources for which they recommend a health risk assessment be conducted, the SCAQMD did not identify shopping centers as one of the types of sources for which they recommend a health risk assessment.

14.30 cont.

To augment the information contained in the EIR and this response, SRA conducted a health risk assessment (HRA) to quantitatively evaluate the potential for toxic air contaminant emissions and associated health risks associated with diesel construction equipment and heavy truck traffic assessing the project site. The HRA is appended to the Final EIR (see EIR Appendix K) for reference purposes. The primary objective of the HRA was to estimate the incremental excess cancer risk and non-cancer health hazards from diesel exhaust particulate matter. Based on the SRA analysis of nearby residential receptors, the incremental cancer risk chronic non-cancer hazard index associated with construction equipment would be well below the significance threshold of 1 in a million. For delivery vehicles, the maximum exposure would continue to occur at the existing loading docks on the UTC site where no residential receptors exist or are proposed. Both incremental cancer risk and chronic non-cancer risks for operational emissions would be below significance thresholds. Therefore, no new significant impacts are identified and the EIR conclusions are validated.

The comment also indicates that the air quality analysis fails to analyze the effect of the project's emissions on ozone formation because it only includes data from local monitoring stations and fails to acknowledge the potential for ozone transport. The analysis clearly states the attainment status of the air basin relative to ozone (page 5.4-2 of the EIR). The purpose of the background air quality data is to provide data for the area in which the project is located. Ozone modeling is not conducted for individual projects. There is no requirement to provide ozone background data for every monitoring station within the San Diego Air Basin The intent in providing air quality data for the nearest monitoring station is to provide a representation of the ambient air quality in the vicinity of the project, which is standard practice in CEQA documents for describing existing conditions. The data from the nearest monitoring station was provided in Table 5.4-2 in the EIR.

The comment indicates that the use of 2020 is not appropriate for the buildout year. 2020 is considered the year in which both the project and the community would achieve full buildout and is appropriate for the analysis.

14.30 cont.

violations. "Emissions from the UTC project, under common transport conditions, could cause exceedances of air quality standards at non-local locations, and particularly at inland areas where monitored data already reflect higher measured values." *See* Exhibit F. These deficiencies, as well as others relating to questionable modeling assumptions and the use of 2020 as the Project's build out year, suggest that the DEIR substantially underestimates the Project's air quality impacts.

14.31

Despite the deficient analysis, the DEIR does recognize that the Project's increase in emissions could affect the ability of the San Diego Air Basin to attain and maintain the ambient air quality standards for ozone. DEIR at 5.4-30. This increase in emissions is extraordinarily significant inasmuch as the California Clean Air Act and San Diego's Regional Air Quality Strategy ("RAQS") require a five percent annual *reduction* in ozone precursor emissions for areas not meeting state air quality standards, or implementation of all feasible control measures in the event that a five percent annual reduction in ozone precursor emissions is not achievable. *Id.* at 5.4-29 (emphasis added).

Given that this Project has the potential to *obstruct* attainment of air quality standards, one would expect the DEIR to identify every feasible mitigation measure to reduce ozone precursor emissions. Indeed, as noted above, the California Clean Air Act and San Diego's RAQS *require* either a reduction in emissions or implementation of all feasible control measures. Unfortunately, the DEIR makes only the most feeble attempt to reduce Project emissions, offering only one measure. Mitigation Measure 5.4-7 calls for the use of low-ROC paints, adhesives and solvents and the installation of low emission water heaters and furnaces where required. *Id.* (emphasis added). As the Autumn Wind Report attests, California already requires the use of low-VOC architectural coatings. Moreover, the measure's requirement for low emission water heaters is vague and entirely unenforceable. Thus, the DEIR provides little in the way of actual mitigation for the Project's substantial increase in ozone precursor emissions.

14.32

The DEIR tries to explain that the Project would be consistent with the transportation-related measures contained in the RAQS because it includes transit improvements. DEIR at 5.4-30. As discussed above, the DEIR never clearly articulates what transit improvements are even proposed. Moreover, even if the Project includes the actual construction of the transit center, a closer look at the expected transit ridership associated with the proposed Project shows that very few individuals are actually expected to ride transit. According to Table 5.3-18, exactly ten individuals are projected to ride transit in the morning, while only seven would ride buses in the afternoon. DEIR at 5.3-18. These bleak transit ridership numbers tell the true story -- this Project would do very little to reduce dependence on the automobile. Vehicular traffic is a tremendous source of the Project's air emissions. As such, the revised DEIR must thoroughly examine other opportunities for vehicular trip reduction. To that end, the EIR preparers should consult with the San Diego Air Pollution Control District to ensure that the

14.31 The comment indicates that all feasible mitigation measures for ozone precursors emissions have not been identified. Again, it should be noted that the main contributor to emissions is vehicular traffic. Reduction of vehicle trips to the extent possible is the best means of reducing emissions; project design features will reduce vehicle trips to the extent possible. The proposed project includes mixed uses (retail, commercial/office, and residential) and a transit center designed to reduce vehicle trips for retail customers, workers and residents in the community and, therefore, impacts to the regional air quality. In addition, the Transportation Demand Management plan proposed as part of the project would reduce vehicle emissions by encouraging trip reductions for employees through transit subsidies, bike parking/lockers, on site support facilities, vanpool/carpool spaces and other means to reduce trips. All of these measures are part of the project design rather than specific mitigations and would make major strides in controlling the production of ozone precursors and other pollutant emissions of the project and to certain degree the UTC area. Further measures that are part of the project's design are discussed under Issue 4 in Section 5.4 of the EIR, and include measures designed to reduce energy use. These measures include LEED certification of the expanded facility and a green program that would reduce energy use, water consumption and vehicle use associated with the revitalized shopping center which in turn would reduce emissions. As with the mixed uses and availability of alternative transportation, these measures have been included as part of the project design as opposed to mitigation measures. The design measures are outlined on pages 5.4-38 and 5.4-39 of the EIR. Refer to response to comment 9.39 from the University Community Planning Group for additional discussion on the LEED certification the applicant is pursuing.

With regard to construction emissions of NOx, the EIR concluded that significant levels of NOx emissions would be generated if both construction phases were to occur simultaneously (see Table 5.4-14). The EIR concluded the impacts would be significant and unmitigated. However, in response to this comment, the project applicant has accepted a new mitigation measure that would prevent overlapping construction schedules for Phases 1 and 2 or require the use of low NOx construction equipment. Implementation of this measure would reduce short-term, construction emissions to below significant levels. See Section 5.4 in the Final EIR for additional details. It should be noted that operational emissions of NOx would not exceed any thresholds (Table 5.4-15), although long-term emissions of ROC would be significant.

14.32 As stated above in response to comment 14.3, the project includes both mixed uses and a transit center. These measures are standard measures designed to reduce vehicle trips. In addition, a Transportation Demand Management (TDM) plan will be implemented by the applicant to reduce the trips its employees and customers produce. Refer to response to comment 9.25 from the University Community Planning Group regarding the range of TDM measures the applicant has incorporated into the project design.

14.32 cont.

Project includes all applicable transportation control measures identified in the existing and the pending RAQS revision.

14.33

The problems in the DEIR's air quality analysis extend beyond its failure to adequately analyze and mitigate the Project's impacts on criteria air pollutants. Although the document aptly acknowledges the potential risk to public health from exposure to diesel particulate matter ("DPM") emissions generated by the Project, it never actually studies these potentially serious health impacts. Instead, the document states, absent any analysis or evidence that the potential exposure to DPM would be temporary in nature. DEIR at 5.4-20 and 5.4.26. As the Autumn Wind Report explains, exposure to these pollutants would certainly not be "temporary" since construction of the Project would take up to five years. In addition, air quality regulatory agencies have specifically required analysis of health risk for projects with less emissions, and occurring over a shorter timeframe, than the UTC Project. Finally, exposure to DPM would extend beyond the Project's construction phase. Many of the delivery trucks and buses accessing the on-site transit center would be diesel powered. Clearly, the DEIR has missed the mark on the potential health risk from exposure to the Project's DPM emissions. The revised DEIR must undertake this necessary health risk analysis.

In sum, because this DEIR cannot serve to inform the public and decision- makers of the true air quality consequences of the Project, it must be revised substantially and recirculated.

4. The DEIR Fails to Adequately Analyze and Mitigate Construction Noise Impacts on Nearby Sensitive Receptors.

14.34

In lieu of actually analyzing construction related noise impacts on nearby sensitive receptors, the DEIR simply asserts that such impacts would be potentially significant. DEIR at 5.9-7. The document then identifies four standard "mitigation measures" and boldly proclaims that construction noise impacts would be mitigated to a less than significant level. DEIR at ES-43 and 5.9-7. Here too, the DEIR provides no evidence, let alone analysis, to conclude that the Project's significant construction- related noise impacts would be mitigated to an insignificant level. *Quite simply it appears the* DEIR was set up to arrive at this preordained result. Therefore the effected public is given no specific information as to the type and severity of the Project's potential noise impacts. Nor does the DEIR provide any assurance that these sensitive receptors would be sufficiently protected during the Project's protracted construction process.

A conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal. *See Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 182; *Citizens of Goleta Valley*, 52 Cal.3d at 568. The UTC DEIR fails to fulfill this paramount CEQA purpose both because it neglects to present all relevant facts relating to the Project's construction noise impacts upon sensitive

14.33 As stated above, the analysis states that diesel particulate will be emitted from heavy construction equipment. A discussion of construction analyses is provided above under response to comment 14.30. Contrary to the statements in the comment, regulatory agencies do not generally require health risk assessments for construction projects because they recognize the short-term, variable nature of construction and understand that diesel particulate is identified as a long-term toxic air contaminant. Diesel particulate from buses and delivery trucks has also been addressed above.

14.34 Noise from construction equipment can typically generate up to from 72 to 95 dBA at a distance of 50 feet, with peak construction for the loudest equipment reaching 96 dBA at a distance of 50 feet from the equipment. A range of construction activities would occur on the project site; however, demolition and foundation excavation would be the highest noise generating activities during site redevelopment. In particular, demolition of the existing parking structure near the Sears department store and the excavation of a new foundation for the proposed residential structure would have the greatest potential to cause significant construction noise impacts because of its proximity to the property line (where noise control is required) and presence nearby of noise sensitive land uses (i.e., residences and a daycare facility). These construction activities typically include the use of a bulldozer, excavator, and a track-mounted breaker, among other, less noisy pieces of equipment.

Assuming all three pieces of equipment could be individually operated in the southeast corner of the site during project construction phase, noise levels associated with the equipment would range from 85 to 89 dBA L_{EQ} at 50 feet based on construction equipment noise levels and operational planning information provided by the Federal Highway Administration and the British Department of Environmental Food and Rural Affairs. Given that the existing parking structure is approximately 30 feet from the property line, a temporary noise control barrier of 25 feet in height would have to be placed approximately ½ the distance between the equipment and the property line to provide approximately 19 dBA of noise reduction at the property line. The barrier should be in either a half moon shape around the equipment or extend significantly beyond each side of the line of sight of the equipment and have a Sound Transmission Class (STC) rating of 25 or greater. Due to the height requirements for a barrier to reduce the noise from a breaker, such equipment could not be used in the demolition of the parking structure decks or other tall structures, but could be used at ground level or sub-ground level work. With temporary noise barriers, operational assumptions and the amount of noise reduction achieved, the worst-case construction equipment would operate in compliance with the City's noise ordinance and the stated mitigation would be feasible.

14.34 cont. receptors and because its cursory conclusions are based upon no analysis. Without a detailed quantitative analysis of construction related noise, it is not possible to determine the severity of these impacts or whether the proposed mitigation measures would effectively reduce such effects.

5. The DEIR Fails to Adequately Analyze The Potential Noise and Public Safety Impacts Relating to the Project Site's Proximity to United States Marine Corps Miramar.

a. The DEIR Fails to Adequately Analyze Noise Impacts to Project Occupants From Military Aircraft.

14.35 Although the Project site is located near the Marine Corps Air Station ("MCAS") Miramar and residents of the Project's proposed housing development could be impacted by excessive noise and vibration from military aircraft, the DEIR provides only the most cursory treatment of this potentially significant impact. Such an omission is particularly egregious inasmuch as the United States Marine Corps ("Marine Corps") informed the City of the Project site's location in the Miramar Airport Influence Area in its comments on the Notice of Preparation for the UTC DEIR. *See* Letter from Marine Corps to Lawrence Monserrate, City of San Diego, July 16, 2002. The Marine Corps' letter states that "the Project site is transected by the adopted and projected 60-65 dB Community Noise Equivalent Level (CNEL) noise contours for Miramar operations and that residents of the Project would be *routinely affected* by operations of military fixed and rotary-wing aircraft transiting to and from Miramar." *Id.* (emphasis added). The Marine Corps further states that "due to the location of this project in relation to Miramar Flight Corridors, we recommend attenuation for residential structures to reduce interior noise levels." *Id.*

The DEIR confirms that the eastern portion of the Project site is within the 60 to 65 DB CNEL as depicted in the 2004 Airport Land Use Compatibility Plan ("ALUCP"). DEIR at 5.1-14. Therefore, to be considered compatible with the ALUCP, the outdoor CNEL would need to be attenuated to achieve an indoor noise level of 45 dB for hotel and residential uses and 50 dB for commercial uses. *Id.* The DEIR states that development proposals within the Airport Environs Overlay Zone may be required to prepare an acoustical study to ensure that the development proposal meets the applicable noise standards. *Id.* at 5.1-10 and 5.1-11.

Although the DEIR concludes that the proposed retail and residential uses are compatible land uses with the exterior noise thresholds in the Airport Noise/Land Use Compatibility Matrix, the document provides no evidence or analysis to support this conclusion. If an acoustical study has been prepared, this study does not seem to have been included in the DEIR. Nor does the DEIR provide the necessary analysis to support the conclusion that interior noise levels experienced within the Project structures would be acceptable. *See* DEIR at 5.1-24.

14.35 As noted on page 5.1-14 of the EIR, the UTC project site is located within the adopted 60-65 dB CNEL noise contour contained in the Airport Land Use Compatibility Plan (ALUCP) for MCAS Miramar and is located outside the proposed 60 dB CNEL noise contour in the draft ALUCP that is based on the future noise contours contained in the Air Installation Compatible Use Zone (AICUZ) study by the U.S. Marine Corps (USMC). The USMC have indicated in their comment letter to the EIR that the proposed noise contours have yet to be adopted by either the San Diego County Airport Land Use Commission or the City. They further indicated in their comment letter that the proposed contours will eventually serve as the future noise contours for the air based once the ALUCP is finalized in the future (see responses to comments 1.5 and 1.10 from the USMC). In any case, the commercial, hotel, office and residential uses proposed by the Master PDP are all compatible with exterior noise levels that are represented by the adopted and proposed noise contours. Figure 5.1-4c has been added to the Final EIR to show the two sets of noise contours developed for the site; minor text clarifications have been provided in the Final EIR to address the two sets of noise contours. If building permits are requested for the proposed residential units in the Towne Center Garden land use district before the proposed noise contours are adopted, the City will require the builder to demonstrate that the interior noise limit established under the State Noise Insulation Standards of Title 24 will be met by proposed construction techniques. Such a study, demonstrating compliance with the State Noise standard, cannot be provided until construction-level architectural drawings have been prepared. Because compliance with the standard is a requirement under the State Building Code and not a discretionary approval, the EIR presumes that the future residential would be constructed to comply with the standard. Therefore, the land use section of the EIR is adequate as written.

14.35 cont. It is also important to note that residents have a right to quiet enjoyment of the outdoors, not just the interiors of their houses.

In addition, notwithstanding the Project's proximity to the 65 CNEL, the DEIR is obligated under CEQA to analyze impacts to residents of single noise events. CNEL measures average noise but does not fully explain impacts that Project occupants might experience from individual aircraft operations. Recent definitive case law requires that an EIR "measure how many high noise events will take place during the noise sensitive nighttime hours [and] describe the effects of noise on normal nighttime activities such as sleep." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1382 n. 23. The Court of Appeal in that case stressed the need to provide information *in a form that is useful to help nearby residents* evaluate the impact of future increased air traffic on their daily lives. In 14.36 particular, the DEIR must enable residents to evaluate the degree to which the "single events" of aircraft takeoffs and landings interfere with their sleep and conversation. *Id.* at 1372-83.

The revised DEIR must include a specific analysis of how Project occupants would be impacted from aircraft operations. Such an analysis must include the effect of single noise events. If impacts are determined to be significant, the revised DEIR must identify feasible mitigation.

b. The DEIR Fails to Adequately Analyze Risk to Public Safety From the Project's Proximity to MCAS Miramar.

The DEIR appears to contradict information provided by the Department of Transportation, Division of Aeronautics ("DOT") regarding the location of the Project area within the Miramar approach departure surface. The DOT states that the Project area is within the Miramar Approach Departure Surface 50:1 Slope for Runways 6L-24R and 6R-24L. *See* 14.37 DOT letter from Sandy Hesnard to Martha Blake, August 13, 2002. The DOT goes on to state that depending on structural heights, the proposal may require a Notice of Proposed Construction or Alteration by the Federal Aviation Administration pursuant to Federal Aviation Regulations, part 77. *Id.* The DEIR, on the other hand, concludes that the top of the residential/hotel structures *would not* penetrate the 100:1 slope. DEIR at 5.1-24 (emphasis added). The revised UTC DEIR should explain this discrepancy and analyze any impacts associated with the Project's proximity to the Miramar approach departure surface. If significant impacts are identified, the DEIR must identify mitigation and/or project redesign to eliminate such impacts, as well as the impacts of such measures or redesign.

14.36 Although the City has no significance thresholds for single event noise level (SEL) impacts, an analysis of the potential effects of MCAS Miramar aircraft activities on future residents was prepared by HELIX for information and disclosure purposes in the Final EIR in response to this comment (see EIR Appendix L). Based on that analysis, it was determined that 46 percent of flights from MCAS Miramar would not cause any sleep disturbance within units facing the MCAS Miramar flight path. For those that may trigger sleep disturbance, 30 percent of measured flights could cause sleep disturbance in approximately 3 percent of the on-site population, 15 percent of flights could cause sleep disturbance to 4 percent of the on-site population and 9 percent of flights could cause sleep disturbance in 7 percent of the on-site population. This information was calculated for residential building in the Towne Center Gardens district, which would be closest to the MCAS Miramar flight operations; noise levels (and potential sleep disturbances) would be less in the other districts. Using the threshold of significance developed for the Los Angeles Master Plan EIS/EIR of 10 percent awakenings, which occur at a SEL of 81 dB with windows open, it was determined that future residents of the UTC site would not be exposed to substantial noise that would cause a significant number of night awakenings. This conclusion is based on the highly conservative assumption that all units would have their windows open at night and the flight operations observed during the day would continue through the night. Refer to EIR Appendix L for additional information.

14.37 The letter referenced in this comment was submitted to the City in response to the NOP (see EIR Appendix A). According to the AICUZ, MCAS Miramar has an approach-departure clearance surface glide area of 50:1. According to both the ALUCP and AICUZ, MCAS Miramar has a 100:1 slope, which extends 20,000 from the nearest point of the closest runway. The EIR refers to the 100:1 slope. Regardless of the slope, the FAA conducted an aeronautical study of the proposed project in relation to the approach and departure surfaces defined for MCAS Miramar and determined on August 23, 2007 that none of the proposed structures would create a hazard to air navigation. As a condition of the FAA determination, red marking lights will be installed on all reviewed structures. A Notice of Construction or Alteration will be submitted to the FAA within five days of the construction reaching its maximum height. Therefore, as stated on page 5.1-24 of the EIR, no significant impacts would arise.

6. The DEIR Fails to Adequately Analyze Impacts Relating to Employment, Population and Housing.

Although the DEIR acknowledges that the proposed Project would increase employment opportunities, it fails to specifically estimate the number of employees associated with the Project's retail, office, and hotel uses. The DEIR also fails to identify, or in any way estimate, the number of construction workers that would be employed during the Project's two construction phases. The overall increase in employment will increase labor demand, and therefore housing demand, but none of this is accounted for in the DEIR. This omission violates basic CEQA requirements. *See Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 367-71.

14.38

The DEIR suggests that the Project would have no adverse effect on housing because the majority of new employment demand would be met by the local labor force, employees would reside locally, and therefore would not require new housing in the community. DEIR at 6-1 and 6-5. The DEIR also asserts "the labor pool within the project area is adequate." *Id.* The document fails, however, to substantiate any of these assumptions. In merely assuming that the Project's workers will come from the area, the DEIR avoids considering the qualifications of the local workforce or the requirements of the new jobs. Indeed, the entire purpose of an EIR's evaluation of employment, population, and housing is to determine whether increased housing demand will have significant effects on the environment. *See Napa Citizens*, 91 Cal.App.4th at 367-71. The DEIR shirks that duty by failing to calculate housing demand or analyze whether that demand will lead to environmentally significant activities like home construction.

Amazingly, the DEIR includes no discussion of the current or future need for affordable housing in the immediate area. Instead, it apparently assumes that housing needs would automatically be met because housing is provided as part of the project. DEIR at 3-3 and 6-5. The DEIR never identifies, however, the market for the UTC Project's residential units nor does it provide any commitment as to the number of units that would be set aside as affordable. Currently, the median cost of a single family home in University City is $794,500, while the median cost of a condominium is $380,000. *See* San Diego Union Tribune Zip Code Chart for Home Sales Recorded in August 2007, attached as Exhibit G. It is highly unlikely that retail workers, hotel workers and support, operations and maintenance staff for the Project's office buildings would be able to afford to purchase the residences that would be constructed as part of the UTC Project. The DEIR will remain inadequate unless it discloses the current affordable housing supply and jobs-housing balance, determines the estimated increase in housing demand brought by the Project, analyzes the environmental effects associated with this housing and devises mitigation measures that will meet that demand with a minimum of adverse environmental effects. *See* CEQA Guidelines, Appendix G, § XII.

14.38 Please refer to response to comment 9.78 for a discussion of growth inducement and response to comment 9.98 for a discussion of the need for residential uses. Contrary to suggestions made in this comment, the EIR does analyze the physical impacts of construction housing on the project site. In addition, the applicant has committed to constructing its affordable housing on site. The applicant is not obligated to provide affordable housing to serve the future employees of the proposed project, but rather in accordance with the City's Inclusionary Zoning Ordinance requirements set forth in the SDMC. The City's Inclusionary Zoning Ordinance requires a minimum of 10 percent affordable units; depending on how many units are ultimately constructed under the Master PDP, this could result in 25 to 72 affordable units on the UTC project site. Affordability, as defined by City ordinance, is based on regional income averages and not averages within the community, as suggested by this comment.

14.38 cont.

The revised DEIR should provide an accurate estimate of Project employment, quantify employee household distribution by geographic location and, by extension, determine the local affordable housing need through project buildout. Finally, the revised DEIR must include a plan for the affordable housing units needed to fill the gap in affordable housing for employees based on full disclosure of the number of employees (including construction phase) and on a completed needs assessment.

7. The DEIR's Fails to Adequately Analyze the Project's Growth-Inducing Effects.

14.39

An EIR must discuss the ways a project could directly or indirectly facilitate or *remove* obstacles to population growth or new development in the surrounding environment. A proposed project is considered either directly or indirectly growth-inducing if it: (1) fosters economic or population growth or additional housing; (2) removes obstacles to growth; (3) taxes community services or facilities to such an extent that new services or facilities would be necessary; or, (4) encourages or facilitates other activities that cause significant environmental effects. CEQA Guidelines § 15126.2(d). An environmental impact report must discuss how a proposed project, if implemented, could induce growth. *Id.* § 15126(d). While the growth-inducing impacts of a project need not be labeled as adverse, the secondary impacts of growth (e.g., loss of open space/habitat/agricultural lands, air quality, transportation, etc.) may be significant and adverse. In such cases, the secondary impacts of growth inducement must be disclosed as significant secondary or indirect impacts of the project.

The appropriate components for an adequate analysis include: (1) estimating the amount, location and time frame of growth that may occur as a result of the project (e.g., additional housing, infrastructure, and mixed use developments); (2) applying impact assessment methodology to determine the significance of secondary or indirect impacts as a result of growth inducement; and (3) identifying mitigation measures or alternatives to address significant secondary or indirect impacts. The UTC DEIR's growth-inducing impacts analysis fails to contain these essential components.

When considering the Project's potential for inducing growth, the UTC DEIR ignores the increased population brought on by employment related to the Project. As discussed above in the context of employment, population and housing, the UTC Project could certainly increase population in the area. This increase in population would place additional demands on nearby school facilities, yet the DEIR fails to disclose and analyze these school-related impacts. Instead, the document simply asserts that "the number of school-age children anticipated to live in the proposed residential units would not be substantial, and school district planning involves conservative projections of student population increases." DEIR at 6-7. As with numerous other impact analyses in the UTC DEIR, the document never bothers to actually analyze these impacts or provide any evidence to support its cavalier conclusions.

14.39 Please refer to response to comment 9.78 from the University Community Planning Group for a discussion of growth inducement. It should be noted that the shortage of housing in the San Diego region is well documented and is already acting to influence residential development throughout the region. Therefore, pressure to increase housing already exists and the UTC project would not hasten this effect.

Moreover, the Project would likely stimulate further land development. Retail proprietors not affiliated with the proposed Project may decide to develop shops and restaurants to cater to the Project's office and hotel uses. Indeed, the DEIR admits that the proposed amendments to the University Community Plan would encourage infill development. DEIR at ES-5. The DEIR fails entirely to acknowledge that the expansion of the UTC and the development of up to 725 residences will foster population and retail growth beyond the boundaries of the Project site. "The fact that the exact extent and location of such growth cannot now be determined does not excuse the City from" the requirement of analyzing the effects of this growth on the environment. *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 158.

14.39 cont.

Finally, the growth inducing impact analysis is also inadequate because it fails to consider the precedent that approval of an amendment to the University Community Plan could set for interpretation of the Community Plan's policies. Specifically, rather than requiring the Project applicant to comply with the protective provisions of the Community Plan, the City apparently intends to approve an amendment to the Community Plan to allow an increase in the retail square footage (from 1,061,000 to 1,811,400 square feet) and to allow for residential, hotel and office development on site. DEIR at 3-3. Such an amendment would undoubtedly encourage other developers to seek similar approvals. By creating such a precedent, this Project could induce additional development that would not be allowed under a proper reading of the Community Plan. The associated environmental impacts to, for example, traffic, air quality, and public infrastructure and services, must be addressed.

8. The EIR Fails to Adequately Analyze the Project's Cumulative Impacts.

14.40

An EIR must discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. CEQA Guidelines § 15130(a). "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." *Id.* § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." *Id.* A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Id.* § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.

14.40 Cumulative impacts are addressed in Sections 5.3 and 7.0 of the EIR pursuant to Section 15355 of the State CEQA Guidelines. Since no specific comments are provided on those sections of the EIR, no additional response can be made.

14.40 cont.

The cumulative impacts analysis is especially important in the present case because of the amount of development occurring in the Project vicinity. The DEIR identifies twenty land use and transportation projects in the UTC study area. *See* DEIR Table 7-1. One of these projects, the UCSD Long Range Development Plan, would add almost ten million square feet of development to the University. *Id.* Given the amount of development pending in the Project vicinity, the public and *decision-makers deserve an accurate and comprehensive* analysis of the cumulative impacts of the proposed Project. Unfortunately, the UTC DEIR fails to disclose how the region will operate or look upon buildout of these land use projects.

a. Cumulative Traffic Impacts.

14.41

The DEIR's cumulative traffic analysis suffers from the same flaw as the project-specific traffic analysis discussed above. The DEIR assumes the implementation of several roadway and freeway improvement projects, yet provides no evidence that these will be operational prior to buildout of the region's land use projects. Indeed, the DEIR essentially admits that I-805 and freeway ramp improvements would not be implemented until *after* build out of the Project. DEIR at 7-4 and 7-5 (emphasis added).

Moreover, the DEIR substantially understates the cumulative impact to the region's freeways and interchanges because the geographical size of the study area is simply too small. The study area extends only as far north as the I-5/I-805 interchange and as far south as SR-52 (i.e., a distance of approximately three miles from the Project site). *See* DEIR Table 5.3-4. Traffic congestion in urban areas is a regional phenomenon. Cars exiting the shopping center would not suddenly stop once they are outside of University City but would continue – to points north of the I-5/I-805 interchange and to points south of SR-52. Indeed, the DEIR explains that the expanded UTC shopping center is intended to attract shoppers from the entire region, not just the University City community. DEIR at 5.1-22. Moreover, traffic from the cumulative projects listed in the UTC DEIR– including especially traffic from the UCSD Long Range Development Plan's ten million square feet of development – would certainly travel north of the I-5/I-805 interchange and south of SR-52.

The California Supreme Court has emphasized that "an EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required." *Citizens of Goleta Valley*, 52 Cal.3d at 575. An EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. *See Kings County Farm Bureau*, 221 Cal.App.3d at 721-23. This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts. *See* Pub. Res. Code §§ 21061, 21068. An EIR cannot analyze all such environmental impacts if its study area does not include the geographical area over which these impacts will occur.

14.41 Please refer to response to comment 9.60 from the University Community Planning Group for a discussion of Regents Road Bridge. In cases where the road improvements are not assured by funding and programming, such as the I-805 freeway, the EIR correctly concluded that the impacts would be significant and unmitigable. The geographic limits of the traffic study were developed based on the amount of traffic the project would produce and criteria contained in the City's Traffic Impact Study manual, as discussed in response to comment 9.31 from the University Community Planning Group. The City is aware of its obligations to consider a *regional* perspective. The EIR does not omit any analysis needed to understand the cumulative traffic implications of the proposed project. To the contrary, the report properly discloses the project's cumulative impacts on 55 roadway segments, 55 intersections 10 freeway segments and 10 freeway ramps located in the project area, and concludes that cumulatively significant would arise (see page 7-4 of the EIR).

14.41 cont.

Traffic from the UTC Project, together with traffic from the cumulative development anticipated in the region would inundate area freeways. Yet once again, this DEIR leaves the public and decision-makers in the dark as to the Project's actual traffic impacts because it arbitrarily omits critical freeway segments north and south of the UTC Project. The revised DEIR must identify each freeway segment, ramp and interchange that would be significantly impacted by the UTC Project, together with other planned development, analyze the impacts, and identify feasible mitigation.

b. Cumulative Visual and Community Character Impacts.

A dozen major land use projects are proposed in the vicinity of the UTC Project. DEIR Table 7-1 and Figure 7-1. Each of these projects would undoubtedly change the underlying character of the community yet the DEIR, once again, fails to even attempt to describe how the area will look once all these projects are constructed. The DEIR recognizes that a few other projects in the vicinity – La Jolla Commons and Monte Verde – would effect the area's visual character. DEIR at 7-3. But as with the project-specific visual impact analysis discussed above, the document stops short of actually describing how the University City area would look upon buildout of the UTC Project together with these other projects.

14.42

Nor does the cumulative impact analysis recognize the dramatic effect that construction of another proposed project – the Regents Road Bridge – would have on the character of University City. As discussed above, the DEIR clearly assumes this bridge would be constructed. As such, the DEIR is obligated to analyze the cumulative environmental impacts of the UTC Project together with the bridge. The DEIR repeatedly acknowledges the adverse relationship between community character and street widenings. *See e.g.*, DEIR at 5.1-7 and 5.3-55. Indeed, the UCN/STC EIR agrees with this assessment inasmuch as it concluded that the bridge would result in significant and unmitigated impacts to neighborhood character and aesthetics. FRC's letters on the UCN/STC EIR also provided elaborate documentation of the significant change in character to the University City area that would result from building a bridge through Rose Canyon and the traffic that the Regents Road Bridge would carry. *See* Letter to Courtney Coyle, dated April 15, 2005, attached as Exhibit H and Letter to Mayor Jerry Sanders and the Honorable City Council, dated July 24, 2006, attached as Exhibit I. How can the City simultaneously recognize that construction of the bridge would adversely impact community character and ignore this significant impact in the context of the UTC DEIR? Unless and until the UTC DEIR actually analyzes the cumulative effect of these projects on the community's character and proposes appropriate mitigation, this document will remain throughly inadequate. The revised UTC DEIR must provide this analysis.

14.42 Please refer to response to comment 9.94 from the University Community Planning Group regarding the cumulative aesthetics/visual quality discussion in the EIR. Although the University City North/South Corridor Study EIR concluded that impacts to visual quality/ aesthetics of the Rose Canyon open space from Regents Road Bridge would be significant and unmitigable, the changes to the environment caused by the bridge would not visually combine with the urban development proposed in the urban core over one half mile away from the bridge area. Therefore, no cumulatively significant impacts would arise. Because cumulatively significant impacts were not identified in the EIR, no discussion of mitigation is warranted. No revisions to the Draft EIR are needed.

c. Cumulative Land Use Impacts.

The DEIR concedes that the UTC Project would not be consistent with the Community Plan's development intensity planned for the site. DEIR at 7-6. Absent any evidence or analysis though, the DEIR boldly concludes that the cumulative land use impacts would be less than significant. *Id.* at 7-7. As it does throughout, the DEIR authors seem to expect readers to accept their judgments on faith, rather than provide the data so that decision-makers and the public can make up their own minds. *See Citizens of Goleta Valley*, 52 Cal.3d at 568 ("[T]he EIR must contain facts and analysis, not the agency's bare conclusions . . . .") (internal quotation marks omitted).

14.43

One must ask, if the level and intensity of the UTC Project is inconsistent with the Community Plan, how can the DEIR claim that the intensity of these other projects would be consistent? These conclusions cannot both be true. Such a cavalier approach makes a mockery of the protective provisions of the Community Plan. The revised DEIR must actually evaluate the consistency of each of the projects listed in the cumulative impacts chapter with the Community Plan.

d. Cumulative Noise Impacts.

Given the woefully inadequate treatment of the Project's construction- related noise impacts, it comes as no surprise that the DEIR's analysis of cumulative noise impacts is equally defective. Indeed, the DEIR's purported analysis of cumulative noise impacts merely states that "[t]he noise-sensitive receptors potentially affected by the UTC Revitalization Project would not also be affected by other projects proposed in the area due to distance from those sites." DEIR at 7-8. The DEIR never even acknowledges the Monte Verde Project. This Project, approved by the City on September 17, 2007, will construct four residential towers and subterranean parking structures directly across Genesee Avenue from the UTC Project. The construction of Monte Verde would occur simultaneously with the UTC Project. Noise from the construction of these projects could overwhelm nearby sensitive receptors, especially since construction would span several years. The UTC DEIR's failure to analyze this clearly significant impact is an egregious error which must be corrected in the revised DEIR.

14.44

In sum, the DEIR's analysis of the Project's cumulative environmental impacts is extraordinarily deficient, leaving decision-makers in the dark as to the magnitude of the Project's cumulative effects. The DEIR must be revised to include a legally adequate analysis.

14.45

14.43 Please refer to response to comment 9.95 from the University Community Planning Group regarding the cumulative land use discussion.

14.44 Please refer to response to comment 9.96 from the University Community Planning Group regarding the cumulative noise discussion.

14.45 Comment noted. No revisions to the Draft EIR have been made in response to the above comments on cumulative impacts section.

C. The DEIR Fails to Adequately Describe or Analyze a Reasonable Range of Alternatives.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the City to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 404, "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."

14.46

The discussion of alternatives must focus on alternatives capable of avoiding or substantially lessening the adverse environmental effects of the project, or reducing them to a level of insignificance, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126(d)(1). The alternatives to be discussed need not be identical or even substantially similar to the project as originally described by the applicant. Rather, a feasible alternative is one which can be accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social and technological factors. *Citizens of Goleta Valley*, 52 Cal.3d at 574.

1. The DEIR Fails to Provide a Reasonable Range of Alternatives.

The DEIR for the UTC Project is deficient in its failure to adequately analyze a reasonable range of alternatives that would feasibly attain most of the basic project objectives while avoiding or substantially lessening the project's significant impacts. *See* Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). Sound planning principles, as well as CEQA, dictate that the City consider, and the DEIR include, a reasonable range of alternatives. Because the DEIR suggests that UTC is intended to serve as the community's town center, the Project should be well planned, well designed and certainly should not overwhelm the community with environmental impacts.

As currently proposed, the UTC Project would include up to four towers ranging in height from 325 to 390 feet. The Community Plan calls for limiting the height of development in this location to a maximum of *15 feet*. DEIR at 5.1-62 (emphasis added). These towers would stand out as eyesores, not only because they would be dramatically taller than any other structure

14.46 Please refer to response to comment 14.8 for a discussion of why the range of alternatives is reasonable.

14.46 cont.

in the area but also because they would be located next to single family residences. Traffic from the UTC Project would inundate the region's freeways, streets and intersections and emissions from the Project would cause a substantial increase in air pollution. As such, CEQA requires that this DEIR study alternatives capable of avoiding or substantially reducing these serious environmental impacts. Yet rather than take this task seriously, the DEIR admits that the alternatives merely "reduce one or more significant environmental impacts" anticipated as a result of the proposed Project. DEIR at 8-22. Our review of the DEIR's alternatives analysis confirms this fact – not one alternative (with the exception of the legally mandated No Project Alternative) offers substantive environmental benefits over the proposed Project. Specific deficiencies in the DEIR's alternatives analysis are discussed further below.

14.47

a. No Residential Alternative.

The DEIR fails to provide an adequate description of the No Residential Alternative in large part because it fails to contain any detail about the high rises that would be developed under this alternative. The document states that this alternative would eliminate *some* of the proposed structures that would exceed the height limit established by the site's commercial zone but that several other tall retail structures, and hotel and office towers could still be constructed. DEIR at 8-8 (emphasis added). Such a vague description is useless as it provides no meaningful information relating to those structures that would be constructed under the alternative. How many would there be? Where would they be? How tall would they be? Absent this information, the DEIR cannot conclude, as it currently does, that the alternative would be compatible with existing community character. *Id.*

Nor does the No Residential Alternative provide any substantive improvement in environmental impacts in comparison to the proposed Project. The DEIR admits that this alternative would still produce more traffic than anticipated in the Community Plan and that it would not eliminate significant unmitigable project and cumulative impacts to street segments, freeway ramps and freeways in the project area. *Id.* at 8-8 and 8-9. Nor, as the DEIR states, would this alternative substantially reduce or eliminate the Project impacts to air quality and thus would, like the Project itself, significantly affect the air basin's ability to attain ambient air quality standards for ozone. As for visual effects, this alternative would allow several tall retail structures, and hotel and office towers to be constructed thereby resulting in significant impacts on community character. *Id.* at 8-8. Finally, this alternative would be expected to have significant effects on landfill capacity and would have construction impacts commensurate with the proposed Project. In sum, it is unclear as to why the DEIR preparers included this alternative since it provides very little, if any, environmental benefit compared to the proposed Project.

14.47 The No Residential Alternative, by definition, means that no residential units would be built on site. In fact, the first sentence of the description clearly states that "the 250 to 725 residential units would be eliminated from the Master PDP." *Elimination of* the residential units does mean that hotel and office towers could still be built as proposed under the Master PDP. Pages 3-7 through 3-11 of the EIR provide a district-by-district description of all proposed uses and their associated maximum structure heights. From that information, the commenter can determine that hotels could be developed in the Palm Passage, University Central and Nobel Heights districts, while office towers could be developed in the University Central and La Jolla Terrace districts. Note that no tall structures would occur in the Towne Center Gardens district that is adjacent to single-family residences. Similar to the proposed project, the maximum building heights in the Master PDP would be driven by the FAA restrictions. There is no need to repeat the information in the description of the alternative because no changes to hotel or office uses are proposed; they would be developed similar to the proposed project. Clarifications in the alternative description have been added to the Final EIR on this matter.

As noted above in response to comment 9.8, the alternatives analysis must be limited to alternatives capable of avoiding or substantially lessening any of the *significant effects of* the project. The No Residential Alternative accomplishes this by reducing significant and unmitigable traffic impacts, aesthetic impacts related to the bulk and scale of the residential structures, and lessening other significant impacts of the proposed project by reducing development intensity. The City is in agreement that project impacts to air quality and solid waste would remain significant and unmitigable under this alternative, as discussed in Section 8.3.1 of the EIR.

b. No Retail Alternative.

The No Retail Alternative does not provide a measurable reduction in the Project's significant impacts. As the DEIR admits, this alternative would have significant and unmitigable neighborhood character impacts because the residential towers could exceed the structure heights in the community. DEIR at 8-12. This alternative, like the Project itself and the No Residential Alternative, would still produce more traffic than anticipated in the Community Plan. *Id.* The DEIR does not quantify the operational air emissions under this alternative so it is impossible to determine whether it would exceed significance criteria. The DEIR does concede, however, that the air emissions under this alternative could contribute to the air basin's inability to attain the ambient air quality standard for ozone. *Id.* This alternative would also have significant effects on landfill capacity and would have potentially significant construction effects. *Id.* at 8-13 and 8-14. In sum, it is unclear as to why the DEIR preparers included this alternative since it provides very little, if any, environmental benefit compared to the proposed Project.

14.48

c. Reduced Project Alternative.

Although the Reduced Project Alternative was purportedly developed with the purpose of avoiding significant and unmitigable traffic impacts to the freeway mainline of I-805 and to reduce project trips on I-5 and SR-52, the DEIR reports that it would still have many of the same significant impacts to local streets and intersections in the community. DEIR at 8-15. Moreover, a Community Plan amendment would still be required to increase the retail development intensity allocated to the UTC property. *Id.* This alternative would also require a rezoning to allow for increased building heights for the retail structures because the retail expansion would exceed height limits. *Id.* at 8-16. Finally, the DEIR admits that this alternative would not substantially reduce or eliminate project impacts to air quality and would still significantly affect the air basin's ability to attain ambient air quality standards for ozone. *Id.* This alternative would also have significant effects on land fill capacity and would result in similar construction effects as the proposed Project. *Id.* at 8-17 and 8-18. In sum, it is unclear as to why the DEIR preparers included this alternative since it provides very little, if any, environmental benefit compared to the proposed Project.

14.49

d. Reduced Building Height Alternative

Like the description of the No Residential Alternative, the DEIR provides so little information on land uses in the Reduced Building Height Alternative as to render informed decision-making meaningless. Although this alternative would limit building heights to the maximum height of nearby structures, the DEIR provides no information as to the amount of retail, residential hotel, and office use that would actually be constructed. The DEIR simply suggests that no other changes to the proposed project or its planned land uses would occur under this alternative. DEIR at 8-19. The DEIR never explains how it would be possible to reduce

14.50

14.48 The summary provided by the commenter is consistent with the information presented in Section 8.3.2 in the EIR. However, the commenter fails to point out that the No Retail Alternative would produce 16,524 less daily trips than the proposed project resulting in a substantial reduction of the significant and unmitigable traffic impacts of the proposed project, For this reason, the No Retail Alternative was provided in the EIR.

14.49 The summary provided by the commenter is consistent with the information presented in Section 8.3.3 in the EIR. Please refer to response to comment 9.129 for discussion on the Reduced Project Alternative. It should be noted that the No Residential, No Retail and Reduced Building Heights alternatives all reduce the size and/or development intensity of the proposed project.

14.50 The description for the Reduced Building Heights Alternative clearly states that, besides reducing structure heights, "no other changes to the proposed project or its planned land uses would occur" and "the amount of building area would not change." By definition, the amount of retail, residential, hotel and office uses would remain as proposed. It is possible to reduce building heights and not reduce intensity because the applicant could broaden the massing of the structures, making them less visually distinctive from the retail, shorter in stature than proposed and wider in footprint to achieve the same intensity. Although the structures would require a deviation from the proposed zone, the question asked by the City's significance threshold is whether the project (or its alternative) would exceed the height and bulk of existing patterns of development in the vicinity of the project by a substantial margin. In this case, the Reduced Building Heights Alternative would conform to established patterns of development in the UTC area, which is the environmental advantage is offers. The summary of impacts noted in this comment is consistent with the information presented in Section 8.3.4 in the EIR.

14.50 cont.

building heights yet develop equivalent amounts of residential, retail, hotel and office uses. Moreover, although this alternative was purportedly developed to reduce impacts relating to building height, it, like the proposed Project and every other alternative, would require a zoning "deviation" since structures in this zone cannot exceed 60 feet. *Id.* This alternative would therefore still result in structures that are three times higher than allowed in the current zone. Nor does the Reduced Building Height Alternative offer any environmental advantage over the proposed Project. The DEIR states that this alternative would have the same traffic impacts, air quality impacts land fill capacity impacts and construction impacts as the proposed Project. DEIR at 8-20 8-21.

2. The DEIR Must Identify and Analyze a Project Which Reduces the Project's Significant Environmental Impacts.

14.51

The DEIR's failure to consider feasible alternatives that reduce the Project's environmental impacts renders the document inadequate under CEQA. *See, e.g., San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 735-38. Given the truly enormous impacts that this Project would have on the community's character, traffic and air quality, the consideration of alternatives will not be complete until decision-makers and the public are presented with a rigorous, honest assessment of how *much development* the site can sustain. Without this opportunity, the public is merely asked to take on "blind trust" that the proposed Project is the best alternative. Asking for this sort of faith is not only unfair to the people of San Diego, it is unlawful "in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." *Laurel Heights Improvement Association, Inc.*, 47 Cal.3d at 494.

Had the DEIR authors considered an alternative that is consistent with the University Community Plan and the site's zoning, they would have determined that such an alternative would substantially reduce the Project's impacts on traffic, air quality and community character. Specifically, the Community Plan's Development Intensity Element establishes guidelines for the intensity of development based upon traffic projections and the capacity of the Community Plan Circulation Element roadways. *See* DEIR at 5.1-8. The Project site is located in the Community Plan Implementation Overlay Zone "A." As the DEIR states, the purpose of this overlay zone is to limit uses and development intensity to the levels specified in the Land Use and Development Intensity Table ("Intensity Table") of the Community Plan. *Id.* The Intensity Table allows the Project site to have 1,061,000 square feet of regional commercial use. *Id.* The Development Intensity Element and the Intensity Table are based on a series of goals, one of which is to "[P]rovide a workable circulation system that accommodates anticipated traffic without reducing LOS below 'D'." *Id.*

Indeed, the DEIR confirms that the land uses contemplated by the Project applicant are almost double that which is allowed by the Community Plan; the Project's structures are

14.51 All of the alternatives presented in the EIR reduce at least one of the impacts of the proposed project, as noted above in responses to comments 14.47 through 14.50. Even the No Project Alternative cannot avoid cumulative impacts to traffic. The commenter contends that the alternatives analyzed by the EIR are insufficient in that the alternatives do not adequately reduce the environmental impacts of the project. An EIR must focus on alternatives that avoid or substantially lessen a project's significant impacts. Cal. Pub. Res. Code § 21002; CEQA Guidelines section 15126.6. However, alternatives need only be environmentally superior to the project in some respects. Kostka & Zischke, *Practice Under the California Environmental Quality Act* (Cont. Ed. Bar 2006) § 15.7, p. 735 (citing *Mira Mar Mobile Community v. City of Oceanside*, 119 Cal. App. 4th 477 (2004)). The No Residential Alternative, No Project Alternative, No Retail Expansion Alternative, Reduced Project Alternative, and Reduced Building Height Alternative would reduce or avoid at least one environmental impact of the project and satisfy the mandate of CEQA Guidelines section 15126.6 to consider alternatives that reduce or avoid "any" significant impacts of the project.

The commenter does not offer a specific alternative in lieu of those studied by the EIR except to state that the EIR should consider an alternative that conforms to the *University Community Plan*, that caps traffic at the amount currently allocated to the UTC site, and limits building heights to levels consistent with the existing Community Plan. Such an alternative does not satisfy most basic project objectives; however, as such an alternative would not permit any significant revitalization of the existing shopping center nor provide the flexibility to develop a mixture of retail, residential, hotel and/or office uses. Such an alternative would also not be economically feasible, as *even a more intense* use alternative is similarly infeasible.

dramatically out of scale with surrounding uses; and traffic from the Project would cause streets, intersections and freeways to violate the standards established in the Community Plan. DEIR at 5.1-36, 5.1-45, 5.1-55, 5.1-62, and 5.1-71. Although the DEIR would have us believe that amending the Community Plan to delete these protective provisions would magically erase the Project's clear inconsistency with the Community Plan, sound land use planning principles and CEQA suggest that the DEIR consider an alterative that is actually consistent with the Community Plan. Such an alternative would include, for example, an amount of development intensity currently permitted by the Community Plan, a traffic cap at the amount currently allocated to the UTC site, and building heights that are consistent with the Community Plan and existing zoning. If such an alternative is feasible, the EIR will remain inadequate if such a feasible alternative is not carefully considered. *See San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 751.

14.51 cont.

Finally, it must be noted that the San Diego Municipal Code actually requires that the UTC Project be redesigned to protect neighborhood character. Specifically, the Code requires several criteria be incorporated into the design of all projects applying for a Planned Development Permit. DEIR at 5.1-12. As described above, the UTC Project has, in no way, incorporated the following criteria into its design:

- The scale of the project should be consistent with the neighborhood scale as represented by the dominant development pattern in the surrounding area or as otherwise specified in the applicable land use plan.

- Buildings should avoid an overwhelming or dominating appearance as compared to adjacent structures and development patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated.

14.52

DEIR at 5.1-12.

The DEIR's revised alternatives analysis must include an alternative which is consistent with the University Community Plan, zoning and the PDP design criteria.

D. The EIR Should Be Redrafted and Recirculated.

CEQA requires recirculation of a draft EIR "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR. Pub. Res. Code § 21092.1. The opportunity for meaningful public review of significant new information is essential "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. Sutter County Board of Supervisors* (1981) 122 Cal.App.3d 813, 822; *City of San Jose v. Great Oaks Water Co.* (1987) 192 Cal.App.3d 1005, 1017. An agency cannot simply release a

14.53

14.52 The Master PDP regulations provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less than desirable project. Contrary to the comment that the PDP process requires the UTC project be redesigned to protect community character, the intent of a Planned Development Permit is to encourage imaginative and innovative planning and assure that a proposed development achieves the goals of the Progress Guide and General Plan.

The UTC site lies within the boundaries of the urban node of the Central Subarea of the *University Community Plan*, which is the most urbanized portion of the University Community containing a diverse mix of uses including two regional commercial centers, high-rise offices, hotels and residential towers. Evidence of this urban character is shown in the fact that the heights of the high-rise buildings immediately surrounding the UTC site range from the Embassy Suites hotel at approximately 135 feet (or 530 feet above mean sea level [amsl]) to the Wells Fargo building at 300 feet (or 648 feet amsl). The proposed project will implement many of the goals and policies of the City's Progress Guide and General Plan (General Plan) and *University Community Plan* (Community Plan), the draft General Plan update (General Plan Update), which is expected to be adopted by the City in 2008, and the Land Development Code. The proposed project will further the Commercial Goals of the Community Plan, page 17, by improving the range of goods and services for the residents of University City and accommodating communities activities, retail services, recreational and entertainment within UTC.

In addition, the proposed project is consistent with the General Plan Update and Strategic Framework Element policies to create smart growth, mixed use developments as discussed in response to comment 9.78 from the University Community Planning Group. To that end, the proposed project will increase the supply of housing, including on-site affordable housing, connected to local and regional transit systems. Furthermore, the proposed project will accomplish the Community Plan objective to improve the urban node pedestrian network by providing non-contiguous sidewalks around the perimeter of the site and enhancing the walkability within the site and through connections to surrounding land uses as discussed in response to comment 9.12 from the University Community Planning Group.

As discussed in Section 5.1 of the EIR, the project will have no substantial impacts regarding land use plans and policies. The project will have no substantial adverse effect regarding the governing general plan, community plan, or applicable land use plans, policies or regulations, and no mitigation is required. Though a Community Plan Amendment (CPA) is required to make the project consistent with the Development Intensity and Urban Design Elements of the *University Community Plan*, mitigation is proposed that will reduce most community traffic impacts to less than significant levels. Additionally, the CPA is not considered a significant land use impact due to the fact that the proposed development would be compatible with other land uses surrounding most of the shopping center, would enforce the urban node concept contained in other policies of the *University Community Plan* and would not cause a substantial decrease of Level of Service (LOS) in the community.

14.52 cont.

The project site is currently zoned for Commercial, CC-1-3. As described in Section 5.1.2 of the EIR, the applicant proposes a zone change from CC-1-3 (community-serving commercial) to CR-1-1 (regional-serving commercial) to more accurately reflect the regional nature of the UTC shopping center. The proposed uses would be permissible in both the CC-1-3 and CR-1-1 zones. The zone change would have no impact upon the use or land use designation of the project site.

The tallest retail buildings and architectural appurtenances (such as towers and identity signs) would be a maximum of 100 feet above grade (i.e., lower than most nearby office structures). Residential/hotel structures would be no more than 390 feet in height above grade, as outlined in the UTC Residential and Hotel Design Guidelines in the Master PDP. Because these buildings and architectural features would be taller than the 60-foot limit established in the CR-1-1 zone, the project applicant requests a deviation from the height limit of the zone. All structures would be set back at least 10 feet from the site boundary. The structures closest to the existing single-family residential uses to the south of the project site would be set back a minimum of 15 feet and up to 30 feet from the property line, and would be stepped back in accordance with the Master PDP Design Guidelines and the development regulations in the CR-1-1 zone. Thus, the project would comply with all applicable setback and density requirements of the base zone. The proposed project would comply with all requirements of the base zone for the provision of pedestrian pathways.

The proposed project would revitalize an existing regional shopping center, balancing the functional needs of the existing center in a way that better serves the surrounding University City service area, which has expanded substantially through population growth and urban development over the last 15 to 20 years. The proposed project would provide for improved and expanded community facilities at the shopping center. The proposed project would offer a broader range of goods and services to the community by providing updated and expanded retail, dining and entertainment options within the University City community that promote extended stays at the center and serve as a means to reduce peak hour commute trips in the project area.

The project design concept described in the Master PDP design guidelines addresses the current inadequacies of the existing department stores, specialty retail shops, dining and entertainment options onsite, as well as the isolated nature of the center from the surrounding community. The proposed project includes renovation of the existing regional shopping center through demolition of about half of the existing center and construction of new and expanded department stores and retail shops and the addition of a mix of uses including residential, and possible hotel and/or office uses onsite.

Refer to response to comment 14.51 regarding the infeasibility of proposing an alternative that conforms to the Community Plan and zoning regulations.

14.53 Comment noted. Please refer to response to comments 14.47 through 14.51 as to the reasons why additional alternatives are not required.

draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." *Mountain Lion Coalition v. California Fish and Game Comm'n* (1989) 214 Cal.App.3d 1043, 1053.

14.53 cont.

In order to cure the panoply of DEIR defects identified in this letter, the City must undertake substantial new analysis to adequately assess the proposed Project's environmental impacts, and to identify effective mitigation measures and alternatives capable of alleviating the project's significant impacts. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft EIR.

II. CONCLUSION

14.54

For the reasons set forth above, we respectfully request that the City prepare a revised DEIR that fully complies with CEQA and recirculate the new DEIR to the public for comment. Additionally, we request that no further consideration be given to the Project as proposed until an EIR is prepared that fully complies with CEQA.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Laurel L. Impett

Laurel L. Impett, AICP, Urban Planner
Deborah Keeth

Exhibits:

14.55

Exhibit A: UTC Center to Expand With Environment In Mind, August 22, 2007.
Exhibit B: UCN/STC FEIR (page 4.2-19).
Exhibit C: E-mail from Councilmember Scott Peters to Michael Uberuaga, August 1, 2002.
Exhibit D: Citing Economic Concerns, NRF Forecasts Holiday Sales Gains of Four Percent.
Exhibit E: UCSD Academic and Administrative Calendar 2007-2008.
Exhibit F: Autumn Wind Associates.
Exhibit G: San Diego Union Tribune Zip Code Chart for Home Sales Recorded in August 2007.
Exhibit H: Letter to Courtney Coyle, dated April 15, 2005.
Exhibit I: Letter to Mayor Jerry Sanders and the Honorable City Council, dated July 24, 2006.

cc: Mayor Jerry Sanders
Council President Scott Peters
Karen Heumann, Assistant City Attorney
Shirley Edwards, Deputy City Attorney
Deborah Knight, Friends of Rose Canyon

[P:\PROTRC 5\UTC DEIR\FL0003 v 6.wpd]

14.54 Comment noted. The City considered the comments contained in this letter and determined that recirculation was not warranted because it did not produce significant new information after public review that would have deprived the public of a meaningful opportunity to comment. Per State CEQA Guidelines Section 15088, "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

14.55 Comments to these attachments are provided in responses to comments 14.3, 14.21, 14.22, 14.23, 14.30, 14.31, 14.32, 14.33, 14.38 and 14.42.

UTC center to expand with environment in mind

Aug 22, 2007
By Dave Schwab - La Jolla Light

Westfield has a new vision for its UTC shopping center - and it's sharing it with everyone.

Westfield has unveiled its plan for the first major revitalization of the UTC shopping center in more than two decades. The proposed restructuring features the addition of approximately 750,000 square feet of retail space for new and remodeled anchor stores, state-of-the-art cinema, more than 150 new specialty shops and boutiques, new public outdoor plazas, upgraded parking, a variety of housing opportunities and a regional transit center with a future link to the trolley.

As proposed, Westfield's vision could represent an investment in excess of $900 million. Upon completion of the review and approval process, Westfield hopes to start work in 2008.
UTC's "refit" will be accomplished with the needs of the environment in mind. Westfield's plans for the "new UTC" call for fully utilizing sustainable environmental practices, designs and materials in construction.

Among other things, the reconfigured UTC will have a state-of-the-art theater complex that will be something extraordinary, said Jonathan Bradhurst, senior vice president, U.S. development for Westfield. "It will have 12 to 14 screens," Bradhurst said. "It will be perfect for the communities of La Jolla and University City. It will have reserve seating, no advertising. It will have numerous food opportunities. It will be the sort of place to see blockbuster films, as well as art house films."

Westfield's UTC redevelopment proposal features seven dynamic districts built around open-air courtyards, green spaces and water elements with enhanced parking and public transit. New housing on-site will be within easy walking distance of shops, restaurants and entertainment destinations, including its popular ice skating rink.

"This vision enables us to produce the comprehensive renewal of UTC that our community deserves," said Bradhurst. "Our customers have asked for a leading-edge experience that preserves the casual outdoor atmosphere, yet delivers more - with the latest concepts and prototypes for today and beyond."
Bradhurst discussed the timelines on the long-term, phased renovation of UTC shopping center.

"We've been undergoing the entitlement process at the city for over a year now, which includes a formal, public process with a draft EIR (Environmental Impact

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Memorial Day Observance	Monday, May 26
Instruction Ends	Friday, June 6
Final Exams	Monday – Friday, June 9–13
Spring Quarter Ends	Friday, June 13
Commencement	Link to dates and details
- 49 Days of Instruction -	
- 57 Days in Quarter -	

Independence Day Friday, July 4, 2008
Labor Day Monday, September 1, 2008

If you use Outlook, you can download the 2007 - 2008 calendar .vcs file and add these holidays to your calendar.

Instructions:

1. Click the calendar .vcs link.
2. Save the .vcs file on your computer.
3. Go to Outlook and select **Import and Export** from the **File** menu.
4. Select **Import an iCalendar or vCalendar file (.vcs)** and click Next.
5. Browse to the file you just saved. (Make sure the file type drop-down menu is set to vCalendar format (*.vcs).
6. Click OK.

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ATTACHMENTS TO LETTER 14

Report)," he said. "We'd like to start construction the first half of next year (2008) with two major phases, the first opening for the holidays in 2010, and the complete total project finished by Christmas 2012."

Why renovate such a successful shopping center? Bradhurst likened it to upgrades on an aging home. "If you had a 30-year-old house," he noted, "you'd want to do it up and make it presentable. We're trying to mprove our house for the community, for our customers. We just recently opened up a studio and gallery, the UTC Experience, for the public to see what we're doing, what we're offering."

Westfield's plans for the new UTC have it emerging as the quintessential example of how regional shopping centers can be rejuvenated environmentally and sustainably. Westfield is working with the U.S. Green Building Council on a pilot project that would make Westfield UTC the largest LEED-certified regional shopping center in California. LEED stands for Leadership in Energy and Environmental Design. Westfield's new UTC proposal has been accepted into the LEED for Neighborhood Development pilot program, which recognizes projects that successfully protect and enhance the overall health, environment and quality of life in a community.

"The new UTC can be a model for green development in the shopping center industry," said Bradhurst. "It will merge environmentally advanced designs, world-class architecture and lush native landscaping to create a fresh new shopping, dining and living experience."

Among the "green" planning elements envisioned for the New UTC are:

- Solar arrays on rooftops helping to power the shopping center

- Increased use of recycled water, instead of potable water, for irrigation

- Energy-efficient lighting programs in partnership with SDG&E

- Sustainable, recycled, and locally sourced building materials

- Enhanced bicycle and pedestrian access to the center.

The new UTC shopping center proposal is also forward-thinking in the way it will tie in with transportation and residential components serving the entire region. Said Bradhurst: "There will be up to 250 residential housing units, including up to 10 percent for affordable housing on-site. We're going to upgrade and revitalize the existing ice rink, which is much beloved by the community. We'll also be adding a $25 million public transit center, which will be under cover and be state-of-the-art. It will connect to the trolley when it comes through."

"Westfield is fully committed to revitalizing the 30-year-old UTC so it will re-emerge as a world-class shopping, dining and entertainment destination," said Westfield President Kenneth Wong. "We welcome the opportunity to reinvest in UTC and bring our global best practices - from Los Angeles, San Francisco, Sydney and London to San Diego."

Bradhurst concluded the new UTC will be a perfect blend of cutting-edge design and practical use of space. "For the new project, we've asked the architects to design outdoor spaces around a series of villages or town squares," he said. "The buildings will become the fabric making those outdoor spaces rich, engaging and delightful."

Westfield continues to ask shoppers and the community to share their thoughts on The New UTC by visiting "The UTC Experience" near the former Robinsons-May building. The Experience is an interactive design studio and gallery displaying design concepts, video fly-throughs and architectural renderings.

Westfield filed the Master Planned Development Permit application with the City of San Diego in November 2006. The vision for the new shopping center reflects community input received to date, and sets the stage for the publication of a draft EIR and subsequent environmental review process, anticipated in the next few weeks.

"We hope our neighbors, shoppers and the whole community will visit 'The UTC Experience' for a closer look at our ideas and give us feedback," Bradhurst said. "We look forward to continuing our conversation with the community as we move through the approval process."

To learn more about UTC shopping center's expansion and to share comments, visit www.thenewutc.com.

Dave Schwab
Dave Schwab is the Managing Editor and a reporter for La Jolla Light. Contact Dave Schwab at (858) 875-5951 or daves@lajollalight.com.

~~DRAFT~~
FINAL

ENVIRONMENTAL IMPACT REPORT
for the
UNIVERSITY CITY NORTH/SOUTH
TRANSPORTATION CORRIDOR STUDY

Project No. 27445
SCH No. 2004031011

Prepared for:

CITY OF SAN DIEGO
Engineering and Capital Projects
1010 2nd Avenue
San Diego, CA 92101

Prepared by:

Project Design Consultants
701 B Street, Suite 800
San Diego, CA 92101

~~October 2004~~June 2006

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Intersections

As indicated in Table 4.2-6, a total of nine intersections would operate at an unacceptable LOS. These intersections are as follows:

- La Jolla Village Drive/Regents Road (LOS E am);
- Genesee Avenue/Appleton Street (LOS F, am, LOS E, pm);
- Genesee Avenue/SR-52 eastbound onramp (LOS E, pm, LOS F, pm);
- Genesee Avenue/Governor Drive (LOS E, am, LOS F, pm);
- Genesee Avenue/High School Access (LOS E, am);
- Genesee Avenue/Decoro Street (LOS F, am/ pm);
- Genesee Avenue/Nobel Drive (LOS E, pm);
- Miramar Road/Eastgate Mall (LOS F, pm); and
- I-805 northbound on-off ramp/Governor Drive (LOS F, am/pm).

Temporary Construction Traffic

Construction of the bridge would require approximately 18 months. During this period, a total of 3,084 trips would be generated. On a peak construction day, a total of 252 ADT would be generated including 220 truck trips and 64 employee trips. Assuming that the LRC construction is occurring simultaneously, the maximum construction trips on a day could be as high as 556 ADT distributed over these three construction areas. Of this number, 96 would be employee trips *while 460 would be related* to delivery of materials. Given the low number of trips on the maximum construction activity day and the fact that truck traffic would *normally not occur* during the morning or evening peak commute periods, no significant traffic impacts would be expected during construction.

Grade Separation Alternative

Segments

As indicated in Table 4.2-5, a total of 11 road segments would operate at an unacceptable LOS. These road segments are as follows:

- Genesee Avenue from Nobel Drive to Decoro Street (LOS F);
- Genesee Avenue from Decoro Street to University High School Access (LOS F);
- Genesee Avenue, north of Governor Drive (LOS F);
- Genesee Avenue south of Governor Drive (LOS F);
- Genesee Avenue between SR-52 ramps (LOS F);
- Genesee Avenue, south of SR-52 (LOS F);
- La Jolla Village Drive from I-5 to Lebon Drive (LOS E);
- La Jolla Village Drive, east of Genesee Avenue (LOS F);
- Miramar Road from I-805 to Nobel Drive (LOS F);
- Miramar Road from Nobel Drive to Eastgate Mall (LOS F); and
- Nobel Drive from I-805 to Miramar Road (LOS E).

City of San Diego
COUNCILMEMBER SCOTT PETERS
DISTRICT ONE
M E M O R A N D U M

DATE: August 1, 2002

TO: City Manager Michael Uberuaga

FROM: Councilmember Scott Peters

SUBJECT: Draft EIR for Westfield UTC Expansion Proposal

I received a copy of the scoping letter for the Environmental Impact Report being prepared to inform consideration of an expansion of Westfield's University Towne Centre mall in North University City.

The adopted community plan currently contains two potential future projects affecting the analysis of any additional traffic loads in the community: the widening of Genesee Avenue and the construction of a bridge over Rose Canyon to join Regents Road. At its meeting on June 11, the University City Planning Group voted to recommend that the City initiate an environmental analysis to support any of four options: construction of the Regents Bridge and the widening of Genesee to six lanes per the community plan, the construction of one of those projects and not the other, and the long-term delay or permanent elimination of both projects. I will recommend that the City Council initiate this study.

On page 4 of your letter to Westfield, however, you indicate that the EIR analysis for the shopping center should assume the eventual construction of both road projects. In light of the June action by the UCPG, I believe that this constraint does a disservice to both the community and the developer. Any evaluation of a significant expansion of the mall must take into account the very real possibility that one or both of the north/south road projects could be eliminated or significantly delayed. Therefore, it is already apparent that if Westfield follows your direction, it will have prepared an incomplete EIR that will not be sufficient to inform the community and the City Council of the impacts of additional traffic trips or to support the developer's application for its improvements.

Additionally, I have made it clear to Westfield and the community that roads are not the sole solution to the traffic congestion problem anywhere, but especially in University City. When the Planning Commission first initiated the community plan amendment process in January, I specifically asked that transit be a focus of planning for mobility. In particular, I support the efforts of the Metropolitan Transit Development Board to design and implement Transit First.

The EIR for any expansion must provide for adequate transit. With respect to roads, I ask that you allow Westfield to analyze all four scenarios with respect to Genesee and Regents. Alternatively, the analysis of traffic impacts associated with the proposed Westfield application could be combined with the Regents and Genesee analyses soon to be conducted by the City.

cc: Alice Tana, Chair, University City Planning Group

David Hokanson, Westfield Corporation
Lawrence Monserrate, Environmental Review Manager

ATTACHMENTS TO LETTER 14

National Retail Federation

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...& Multichannel Retail
...Operations
...y Chain

News > Holiday & Consumer Trends > Christmas Winter Holidays > NRF Holiday Forecast > Septe... 20, 2007

CITING ECONOMIC CONCERNS, NRF FORECASTS HOLIDA... SALES GAINS OF FOUR PERCENT

Contact: Kathy Grannis or Scott Krugman (202) 783-7971
E-mail: **grannisk@nrf.com** or **krugmans@nrf.com**
Holiday Headquarters: **www.nrf.com/holidayhq**

Citing Economic Concerns, NRF Forecasts Holiday Sales Gains of Four Percent

Washington, September 20, 2007 -- The National Retail Federation today released its forecas... the upcoming 2007 holiday season, predicting that sales will rise 4.0 percent this year to $47... billion*.

"Retailers are in for a somewhat challenging holiday season as consumers are faced with... numerous economic obstacles," said NRF Chief Economist Rosalind Wells. "With the weak hou... market and current credit crunch, consumers will be forced to be more prudent with their hol... spending."

The 2007 holiday sales increase is expected to fall below the ten-year average of 4.8 percent... would represent the slowest holiday sales growth since 2002, when sales rose 1.3 percent.

Luxury retailers once again appear to be a bright spot as their customers have demonstrated... ability to maintain high levels of spending. Clearly the retailers most affected by the economy... be those catering to the low to middle income consumer. This could spell trouble for discount... and some department stores whose shoppers may be looking to trade down.

NRF will release its first in a series of holiday surveys on October 16, polling consumers on w... they will shop and how much they plan to spend.

The National Retail Federation is the world's largest retail trade association, with membership... comprises all retail formats and channels of distribution including department, specialty, disco... catalog, Internet, independent stores, chain restaurants, drug stores and grocery stores as w... as the industry's key trading partners of retail goods and services. NRF represents an industr... with more than 1.6 million U.S. retail establishments, more than 24 million employees - abou... one in five American workers - and 2006 sales of $4.7 trillion. As the industry umbrella group... NRF also represents more than 100 state, national and international retail associations. www.nrf.com.

###

* NRF defines "holiday retail sales" as retail industry sales which occur in the months of... November and December. Retail industry sales include most traditional retail categories inclu... discounters, department stores, grocery stores, and specialty stores, and exclude sales at... automotive dealers, gas stations, and restaurants.

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Academic Calendars

Departments
Registrar's Office

Academic and Administrative Calendar 2007-2008

Summary: See the UCSD-approved academic calendar for 2007–2008.

To view other calendar years (past and future), see the menu.

Note: Link to a printer-friendly version (PDF) of this calendar.

Fall 2007	
Fall Quarter Begins	Monday, September 24
Instruction Begins	Thursday, September 27
Veterans Day Holiday	Monday, November 12
Thanksgiving Holiday	Thursday – Friday, November 22–23
Instruction Ends	Friday, December 7
Final Exams	Monday – Saturday, December 10–15
Fall Quarter Ends	Saturday, December 15
Christmas Holiday	Monday – Tuesday, December 24–25
New Year Holiday	Monday – Tuesday, December 31 – January 1
- 49 Days of Instruction -	
- 60 Days in Quarter -	
Winter 2008	
Winter Quarter Begins	Friday, January 4
Instruction Begins	Monday, January 7
Martin Luther King, Jr. Holiday	Monday, January 21
President's Day Holiday	Monday, February 18
Instruction Ends	Friday, March 14
Final Exams	Monday – Saturday, March 17–22
Winter Quarter Ends	Saturday, March 22
- 48 Days of Instruction -	
- 56 Days in Quarter -	
Spring 2008	
Spring Quarter Begins	Thursday, March 27
Cesar Chavez Holiday	Friday, March 28
Instruction Begins	Monday, March 31

ATTACHMENTS TO LETTER 14

Autumn Wind Associates, Inc.
Newcastle, CA

Comments Regarding Air Quality Impact Analysis Contained Within the University Towne Center Draft Environmental Impact Report
San Diego, CA

Prepared for Shute, Mihaly & Weinberger LLP, on behalf of Friends of Rose Canyon

September 22, 2007

At the request of Shute, Mihaly & Weinberger LLP, Autumn Wind Associates, Inc. has reviewed sections of the University Towne Center (UTC) Revitalization Project Draft Environmental Impact Report (DEIR), SCH 2002071071, pertinent to the analysis, evaluation, and mitigation of project-related air quality impacts. Primary areas of concern have been identified in the sections below.

I. DEIR Fails To Provide Adequate Review of Basin-Wide Air Quality Conditions

The DEIR under-represents the impact that the increase in UTC emissions would have on air quality in the San Diego Air Basin (SDAB) because critical regulatory and existing ambient monitoring data have not been adequately described. At pg 5.4-4, the DEIR states that ambient air quality monitoring data and exceedances of air quality standards are discussed under "Background Air Quality" only within the context of the local geographical area within a number of miles of the UTC site. The DEIR states:

> "The purpose of the monitoring stations is to determine whether the ambient air quality meets the CAAQS and NAAQS."

While technically correct, the DEIR must include ambient air quality data from the numerous other monitoring stations throughout the air basin. Ozone is a regional pollutant, and ROG and NOx pre-cursors emitted at the project site must be evaluated for their ozone-forming regional impacts. Emissions from the UTC project, under common transport conditions, could cause exceedances of air quality standards at non-local locations, and particularly at inland areas where monitored data already reflect higher measured values that violate federal and state air quality standards. Because the DEIR does not include comprehensive, specific air quality data (i.e., number of ozone exceedances per year, per monitoring location), or acknowledge the potential for ozone transport and related regional attainment impact implications, it fails to disclose whether the Project would cause or contribute to all relevant ozone exceedances.

In addition, the DEIR does not identify the number of exceedances over the last several years for ozone, PM10, or PM2.5, locally or regionally, or for other criteria pollutants under the National Ambient Air Quality Standards (NAAQS) or the more restrictive California Ambient Air Quality

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Standards (CAAQS). This is a major breach since, without this critical information, it is not possible to determine whether the increase in emissions associated with the UTC would contribute to exceedances of state or federal air quality standards. The closest the DEIR comes to this is at Table 5.4-2: Ambient Concentrations, reflecting just three years of monitoring data from three stations proximate to the UTC project area. These raw data, however, are not compared to ambient standards and so the reader is given no means to evaluate their significance. Nor is the data reflective of monitoring data from more distant sites that would be affected under transport conditions by the UTC project; SDAPCD monitoring sites at Camp Pendleton, Escondido, Alpine, and El Cajon reflect ozone exceedances of state and/or federal ozone standards and could, under transport conditions routinely affecting the region, be potentially impacted with incremental increases in ozone from UTC.

As the following text shows, the DEIR (at 5.4-5) reports on ozone exceedances at two local monitoring stations but fails to report exceedances for the air basin:

> The 1-hour federal O3 standard was only exceeded once at the Del Mar-Mira Costa College monitoring station during the time period from 2004 through 2006. The 8-hour federal O3 standard was exceeded three times in 2004. The data from the monitoring stations indicate that air quality is in attainment of all other federal standards. The Kearny Mesa monitoring station measured exceedances of the annual California PM10 standard during the period from 2004 to 2006.

The DEIR provides no information regarding the number of CAAQS or NAAQS exceedances for the air basin. Nor does the DEIR identify the attainment/non-attainment designations made under California Air Resources Board (CARB) or the Environmental Protection (EPA) criteria. This is a major CEQA shortfall, since the DEIR must identify and evaluate the Project's estimated emissions against existing air quality attainment/nonattainment designations. Further, the DEIR fails to consider unacceptably high ambient air pollution values, particularly for ozone and PM10, recorded at other (and especially inland) SDAB monitoring stations to be incrementally impacted by transport of UTC emissions. According to the San Diego Air Pollution Control District (SDAPCD), the SDAB has recorded eight exceedances for 2007 (through mid-September) of the current (higher) eight-hour NAAQS standard for ozone. The ability of the air basin to attain the proposed lower ozone standard is, based on those exceedances, in significant jeopardy.

The DEIR similarly fails to reflect important ozone emissions-standard information published by EPA in the Federal Register. Specifically, the DEIR does not mention the federal requirement for new 2007 ozone State Implementation Plan (SIP). Additionally, pursuant to a court order, EPA has proposed a new 8-hour ozone standard applicable to the SDAB. This lower ozone standard -- a "level within the range of .070 and .075 parts per million (ppm) – is intended to provide increased protection for children and other at-risk populations...." Final rulemaking is estimated to occur prior to March 12, 2008, a date well within the planning review horizon for the UTC project. (See Federal Register, July 11, 2007; Part II, Environmental Protection Agency; 40 CFR Part 50; National Ambient Air Quality Standards for Ozone; Proposed Rule; pg. 37818, 37822.) The UTC DEIR should have acknowledged this reduced standard since the proposed rulemaking preceded the release of the UTC DEIR, and UTC's emission impacts are, based particularly on the number of measured O3 exceedances to date during the 2007 monitoring season, virtually certain to cause increased impacts on basin-wide attainment challenges.

Had the DEIR included up-to-date regulatory information relating to EPA's proposed rulemaking and included information about the entire air basin's compliance with air quality standards, it would have recognized that the increase *in ozone precursor emissions* associated with the UTC Project could contribute to exceedances of air quality standards. The air quality analysis should be revised to accurately characterize the existing regulatory setting (including a description of how EPA's adoption of a more stringent ozone standard would affect the UTC project) and must include comprehensive data on the region's air quality.

II. Construction Activities and Emissions Estimates Are Incomplete

It is not possible to verify the accuracy and completeness of the DEIR's construction-related emissions because details relating to construction tasks and their related emissions are not sufficiently documented. The DEIR fails to explain many of the assumptions and inputs used to develop construction emissions estimates. For example, in regard to the project's two major construction phases, the DEIR lacks specificity by construction task and location. At pg. 5.4-13, the Air Quality element states:

> "Phase 2 involves the construction of up to 725 residential units on site. It is anticipated that Phase 2 would require little or no demolition work; although it is possible that Phase 2 may involve demolition of the existing Sears parking structure, but demolition would not be at the level required under Phase 1.

It is our understanding that the existing Sears parking structure contains an estimated 650 parking spaces across two stories. Demolition of this structure would produce substantial fugitive dust and PM2.5

emissions from diesel-powered demolition-related vehicles, yet the quote noted above reflects no certainty on the part of the EIR preparers for whether demolition will even occur or whether related emissions were ever included in the air quality impact analysis. In fact, the DEIR's use of "may involve" and "it is possible that" and "but demolition would not be required at the level required under Phase I" so confuses the reviewer that verification of Phase II demolition emissions is simply not possible. This lack of clarity coupled with the project's eight various potential land use scenarios spanning two construction phases, introduces unacceptable *complexity and confusion, making it extremely* difficult, if not impossible, to verify the accuracy of the estimate of project emissions.

In addition, the DEIR does not explain how emissions were estimated for construction of the parking structure that is projected to range up to 325' in height (DEIR pg. 5.1-16). URBEMIS2002 does not estimate construction emissions for construction of multi-story buildings. Manipulation of the model by the EIR preparers to arrive at an estimate must be explained, including the use of modeling inputs and assumptions. If URBEMIS was not used to estimate all construction emissions, what alternate methods were? Furthermore, architectural coating emissions are identified in the air quality analysis, yet information in the URBEMIS modeling outputs for the project indicate that the architectural coatings *calculator was "turned off".* How exactly did the EIR preparers calculate emissions from architectural coatings?

III. URBEMIS Modeling Adjustments Are Unexplained and Under-Represent Project Emissions

At DEIR pg. 2-1, the UTC project is described as "outside the coastal zone..." URBEMIS model defaults for temperature and humidity were adjusted by the EIR preparers, perhaps to reflect conditions more consistent with coastal conditions. The DEIR never explains or justifies, however, the temperature and humidity assumptions or how they were employed within the URBEMIS model. Nor does the DEIR indicate whether these assumptions were approved by the SDAPCD. Temperature and humidity conditions have a direct effect on the production of mobile source emissions. Increasing the average winter and reducing the average summer temperature in URBEMIS modeling for the UTC project would cause seasonal emissions to be under-represented. Without plausible, reasonable explanation for the altered modeling defaults, the DEIR's estimated emissions must be presumed as artificially low. The revised DEIR should

remodel emissions using standard defaults or provide detailed rationale for why those defaults have been manipulated.

IV. Vehicle Trip Rates Reflected in DEIR Are Internally Inconsistent and Conflict With URBEMIS Model Defaults

Vehicular trip rates for the several land use types (regional shopping center, condo/townhouse high rise, hotel, general office) proposed for the UTC expansion project vary substantially from default trip rates tailored to the SDAB within the URBEMIS model (i.e., the model used by the EIR preparers to calculate the UTC's mobile source and area source emissions). For example, the URBEMIS default trip rate from the Institute of Transportation Engineers for a regional shopping center such as UTC is 42.94 trips per 1000 square feet, yet the EIR preparers appear to have used an adjusted trip rate of 30.6 trips/1000 square feet (DEIR Table 5.3-7 (pg. 5.3-18). Based on vague formula-based information provided in a footnote in the table (see quote below), it appears that the EIR preparers may have reduced the current trip rate for the existing UTC to a considerably lower value by adding in the proposed 750,000 square feet of new retail facilities. Again, it is not possible to verify these assumptions since there is no explanation of scientific formula components noted in this footnote attached to the above-referenced table:

> "Based on Regional Retail Trip Generation (Ln (T) = 0.756 Ln (X) + 5.25, where T is the number of trips and X is the square footage in 1,000's) at post expansion square footage (1,061,400 + 750,000 = 1,811,400 SF)"

How specifically would the *addition* of 750,000 square feet of new structures result in a roughly 25% reduction in the regional retail facility trip rate? Further, the various land use scenarios modeled for the UTC Project reflect a varying number of similarly unexplained regional shopping center trip rates, and most disturbingly, none of those appear to match the traffic section's 30.6/1000 value. Across the eight URBEMIS modeled scenarios, the regional shopping center trip rate varied between roughly 20 and 24 trips/1000 square feet, rates which are roughly half the URBEMIS default ITE rate of 42.94/1000 square feet. We note, also, that no modeling was conducted for construction or operational emission impacts for the park and recreational facilities improvements discussed at various locations in the DEIR. These project components would generate emissions and, therefore, must be calculated and included in UTC's environmental review. Based on the confusion between trip rates and the lack of modeling for all portions of the project, emissions estimates for the project appear to be underestimated substantially.

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Further, internally inconsistent individual trip rates vary significantly between the eight modeled land use scenarios, with manipulation -- unexplained in the DEIR -- presumably undertaken to achieve a total number of trips per day for the project identified in the project's traffic study. Manipulation of trip rates within and between land use types strictly to achieve a total project number of trips per day ignores the potential for altered emission rates due to important differences in travel conditions and trip characteristics between land use types. Further, the URBEMIS model flags changes made by the modeler to its defaults, listing them in modeled output sheets. Review of URBEMIS outputs in the UTC DEIR indicate that certain manually-reduced trip rates, as with the regional shopping center land use type, are not listed in the "changes to defaults" output section. The revised air quality analysis must disclose whether these flags were removed by the modeler. If so, they must be reinstated inasmuch as an EIR is required to disclose this critical information. Further, effective explanation must be provided by the DEIR preparers regarding the particular rationale used to adjust trip rates within and across the various land use types and the eight various scenarios.

Because the DEIR provides incomplete modeling-related data and explanatory information, it is not possible to verify the accuracy of modeled results. Without effective access to comprehensive modeling-related information used to estimate UTC's impacts, the DEIR's conclusions are significantly jeopardized. To correct this, modeling assumptions and methods must be provided and thoroughly explained, particularly since the EIR analysis varies from routine air quality modeling and engineering practices.

V. 2020 Modeling Year Fails to Provide Conservative Emissions Estimates

At DEIR pg. 5.4-21 the DEIR states:

> "Emissions were estimated based on 2020 emission factors for full build out."

Use of the year 2020 substantially and inappropriately under-represents project-related construction and operational emission impacts. Both offroad and onroad mobile source emissions will decrease substantially over time as significantly tighter Tier IV offroad emission standards and heavy-duty diesel onroad emission standards take effect and fleet-averaged emission levels evolve over the next several years. Project build-out will occur well prior to 2020, and thus increased emission impacts will occur well ahead of that modeling year. Had the DEIR assessed impacts in the year 2010, for example, the project's air quality impacts would be far more severe. By choosing 2020 as the modeling horizon, the analysis incorrectly

defers impacts to a much later date, incorrectly benefitting in the current UTC environmental review process from reduced project-related emissions in comparison to those that can be expected to occur during actual project construction and start-up operational phases. To correct this, the DEIR's modeling and impact analysis must reflect nearer-term impact-analysis years.

VI. Park-Recreational Facilities Improvements Were Not Reviewed For Emission Impacts

The Project includes recreational improvements, some of which would require regrading of portions of *Torrey Trail* (DEIR, pg. 4-2). However, the DEIR does not appear to include the emissions associated with this project component in its air quality analysis. Expansion of this open space area, particularly with the addition of "facilities" accessible to the general public, can be expected to increase trip generation and, therefore, air emissions. Without an adequate description or accounting for related emission impacts, the DEIR's construction and operational emission impact analysis is incomplete.

VII. ROC And Fugitive Dust Analysis and Mitigations Are Inaccurate, Unenforceable

Mitigation Measure 5.4-7 (DEIR pg. 5.4-30) states that the project applicant "shall incorporate into the contractor specifications the following control measures pursuant to the Regional Air Quality Strategy (RAQS) for reactive organic compounds (ROC):

- Use of low-ROC paints, adhesives and solvents
- Installation of low emission water heaters and furnaces where required

At page 5.4-21, the DEIR states:

> "Default assumptions in the URBEMIS model, including emissions due to energy use and area sources, were used to estimate operational emissions, except that it was assumed that architectural coatings would meet low-VOC standards and that silt loading on paved roadways would be 0.03 grams per square meter per USEPA defaults."

The quoted materials raise several questions and issues:

- Without a standard for "low-ROC" (low-VOC) architectural coatings, contractors will be unable to comply with this subjective measure. Many coatings companies now produce and sell zero-VOC

and ultra-low (<100 g/L) products; these must be identified for UTC and a standard of performance established in VOC content by g/L for this portion of the measure.

- As discussed above, the URBEMIS output sheets indicate that the architectural coatings calculator was "turned off". Therefore it is not clear how architectural coatings emissions were estimated for the project.
- The DEIR states that default assumptions were used in URBEMIS "except that it was assumed architectural coatings would meet low-VOC standards..." URBEMIS automatically applies the correct VOC standards for architectural coatings. In addition, the model is routinely updated to account for changes in technologies and regulatory emission requirements. Therefore, the EIR preparer's assumption suggests that undefined, lower VOC emission factors were used to estimate UTC's construction and area-source architectural coatings emissions. If this is the case, architectural coatings estimates in the DEIR would appear to reflect manipulated, artificially low emission quantities.
- California already requires low-VOC architectural coatings in comparison to the rest of the country. *Therefore, it appears that the DEIR preparer's may be taking mitigation credit when low-*VOC coatings are already required by regulation.

The DEIR's use of subjective and non-quantitative language pertaining to architectural coatings makes it almost impossible to verify the accuracy of architectural coatings' emissions estimates. Nor is it possible to quantify the emission reduction benefits of the mitigation measure since no benchmark standards are employed. As currently written, the DEIR fails to adequately quantify the emission reduction benefits of the mitigation measure, provides no mechanism to gauge performance, and ignores the need for enforcement during construction and operational phases. Therefore, the DEIR cannot assume any emission reduction from "low-ROC architectural coatings" for the UTC project.

In addition, MM 5.4-7's mention of "Installation of low emission water heaters and furnaces where required" is similarly subjective, vague, and unenforceable. Because the measure is so non-specific, it is not possible to determine whether the measure relies on low-NOx standards that have applied to water heaters sold in California for several years. *Further, recent attempts* by California air agencies to promulgate technology-forcing regulation to further reduce existing Low-NOx water heater emissions have been blocked by manufacturers' claims of overwhelming technical difficulties. As written, MM5.4-7's water heater language contains no performance standard, appears incorrectly to rely on promulgation of uncertain future water heater-related air agency regulation for any emission benefits, and adds a confusing

qualifier at the end of the mitigation (with use of "where required") that implies that there may be portions of the UTC project where lower-emitting water heaters would not be required.

At pg. 5.4-21 (see quote above) the DEIR states that an EPA silt loading factor was used to estimate related operational PM10 emissions, and URBEMIS outputs in the DEIR reflect that the standard default factor used in URBEMIS for the San Diego air basin has been reduced by about 66%. The DEIR lacks any specific reference to EPA documentation and provides no explanation as to why the URBEMIS defaults were adjusted. URBEMIS' defaults, including those for calculation of fugitive dust from roadway silt loading, are based on EPA emission factors. Thus the reduction of the silt loading factor for UTC must be tied to additional, specific analysis of detailed silt loading samples taken from the San Diego air basin. Discussions with the SDAPCD regarding this matter confirm that the air district is unaware of any information that would justify the silt loading reduction claim by the DEIR.[1] Finally, the .03 g/square meter factor noted at pg. 5.4-21 appears to match a factor developed by the San Joaquin Valley Air Pollution Control District (JVUAPCD) following detailed analysis of localized (San Joaquin Valley) soil samples for silt loading factors undertaken a number of years ago. The DEIR must disclose and explain the scientific basis and rationale for the sizable reduction in silt loading selected for the UTC project. Factors developed on the basis of highly refined analysis for some other jurisdiction cannot be transferred to the San Diego basin without adequate scientific justification.

As written, MM 5.4-7 reflects serious deficiencies for its three components—silt loading, architectural coatings, and water heaters. Claimed or modeled emission benefits cannot be substantiated based without sound documentation. Further, the DEIR cannot rely on what appear to be artificially low emission calculations (particularly related to silt loading and architectural coatings). To correct these deficiencies, the revised DEIR must provide robust, accurate, and comprehensive analysis of the emissions targeted by MM 5.4-7, along with referenced documentation to support its emission calculations. Finally, the measure must be written with effective metrics to quantify emission reduction benefits, along with enforcement and compliance components that will ensure real, surplus, quantifiable emission reductions.

VIII. DEIR Fails to Adequately Analyze PM10 and PM2.5 Emissions

DEIR Tables 5.4-5 and 5.4-7 lists the construction equipment that would be used for Phases I and II, including loaders, backhoes, and excavators. In addition, Phase I would require 150 total truck trips per

[1] Personal communications with Rob Reider, Planning and Rules Supervisor, SDAPCD, September 2007

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day, and Phase 2 would require 120 truck trips per day. Most heavy-duty equipment and trucks operate with diesel engines.

Phases I and II of project construction would result in about 100 lb/day of PM 2.5 emissions. (DEIR Tables 5.4-6 and 5.4-8). The DEIR finds that, after mitigation, project construction would result in 65.28 lbs/day of construction-related PM2.5 emissions (DEIR Table 5.4-11). The DEIR never, however, identifies which emission reduction strategies would be used to reduce PM2.5 emissions. Diesel particulate matter (DPM) emissions can be controlled with use of diesel oxidation catalysts, diesel particulate filters, use of newer and more efficient engines, and other means, but none of these technologies are even mentioned in the DEIR. Without explanation, the DEIR appears to have incorrectly attributed an equivalent percentage reduction from control of PM10 fugitive dust emissions to PM2.5. DPM PM2.5 would not be reduced by the control measures applicable to fugitive dust. The revised air quality analysis should correct this serious deficiency.

IX. UTC Environmental Analysis Must Provide Health Risk Screening For TAC Emissions

The California Air Resources Board (CARB) has identified DPM as a toxic air contaminant (TAC). TACs are a major public health issue in California, and the potential health impacts prompted CARB to develop the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (RRP) in October 2000. The RRP found that near-source exposures to DPM can result in elevated exposures to sensitive receptors, resulting in the potential for up to 1,500 cancer cases per million.[2] The Office of Environmental Health Hazards and Assessment (OEHHA) Air Toxics Hot Spots Program Risk Assessment Guidelines - Air Toxics Program Guidance Manual for Preparation of Health Risk Assessments states at pg. 8-4 that TACs such as DPM are capable of inducing short-term exposure risk.

Diesel exhaust is composed mainly of particulate matter (PM), which has been implicated with a variety of health effects including premature mortality, aggravation of respiratory (*e.g.*, cough, shortness of breath, wheezing, bronchitis, asthma attacks) and cardiovascular disease, declines in lung function, changes to lung tissues and structure, altered respiratory defense mechanisms, and lung cancer. (U.S. EPA 4/96;[3] 61 FR

[2] California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000, p. 1.
[3] U.S. Environmental Protection Agency, Air Quality Criteria for Particulate Matter, Report EPA/600/P-95-001af through 001cF, April 1996.

65638.[4]) Particulate matter is a non-threshold pollutant, which means that there is some possibility of an adverse health impact at any concentration. (*See American Trucking v. U.S. EPA:* Unjustified Revival of the Nondelegation Doctrine, 23-SPG Environs Envtl. L & Pol'y J. 17, 26.) DPM is responsible for the majority share of toxics mortality risk, particularly in urbanized air basins. DPM represents 70% of the toxics mortality risk in South Coast[5]. Further, CARB guidance[6] lists residents as "sensitive receptors" for toxic air contaminant (TAC) exposures.

Although diesel-fueled equipment used during the UTC's extended construction process would expose nearby sensitive receptors to DPM, the DEIR fails to examine health risks to these receptors. The UTC DEIR explains that existing development surrounding the project site consists of high-density residential development (at DEIR pg. ES-2). "Immediately south of the site" are "two-story single-family residences…separated from the shopping center by an approximately 15- to 20-foot tall slope, wooden fence and mature trees"(at DEIR pg. 5.1-1). Similarly, residents, children, the elderly, and athletes will use the UTC's ~7 acre open space area during construction. Prevailing winds are out of the west and northwest (at pg. 5.4-1). Therefore, significant concentrations of project-related TAC emissions would be delivered to these sensitive receptors, thereby increasing health risk, during the Project's three to five year construction period.

The DEIR does not conduct any TAC-related health risk screening or concentration modeling (undertaken in a Health Risk Assessment (HRA)) of project-related DPM for these sensitive receptors, or for workers at the existing UTC facilities who will be immediately adjacent to demolition and construction activities. This represents a serious deficiency in the UTC's CEQA review. The DEIR states at pg. 5.4-20 that the majority of construction activity would occur in the northern half of the project site "a good distance away from nearby sensitive receptors" without explaining what a "good distance" is, and then ignores any further consideration or analysis for DPM or TAC health risks to result from the extensive three-year construction process. In addition, the DEIR implies that TAC DPM emissions from UTC construction are automatically insignificant because they would be temporary in nature and not a long-term source of air pollution. (DEIR pg. 5.4-18).

[4] National Ambient Air Quality Standards for Particulate Matter: Proposed Decision, Federal Register, v. 61, no. 241, December 13, 1996, pp. 65638-65675.
[5] SCAQMD, Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES-II, March 2000
[6] California Air Resources Board; Air Quality and Land Use Handbook: A Community Perspective, April, 2005

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Such dismissal is not acceptable. Health risk assessments intentionally employ long durations, with figures adjusted to account for, on average, seventy years of exposure. However, reducing the exposure duration would violate Office of Environmental Health Hazard Assessment (OEHHA)[7] methodology if the risk value for a short duration (say, several years) was erroneously spread (and thereby greatly diluted) over seventy years. Using the UTC DEIR's logic (that the UTC Project's health risk would not be severe because of the short duration of construction), exposure to high levels of asbestos, a known carcinogen, would be acceptable for the three to five year UTC construction period so long as the concentration was below risk factors identified for a 70-year exposure period -- or, even more simplistically, the duration period was less than 70 years. Clearly, this makes no sense. Moreover, asbestos exposures reflect latency periods that confound simple dose-rate relationships, providing more rationale for avoiding overly-simplistic duration assumptions by the DEIR's preparers. Shorter-term exposures are also relevant since averaging over longer periods does not account for differences in sensitive sub-populations (e.g. those who are medically-compromised or children), fails to account for dose-rate effects, ignores the potential that higher-dose rates over a shorter term may be more hazardous than lower dose rates over a longer period, and fails to account for synergistic effects of combined TAC exposures.

Unlike most non-rural California air districts, SDAPCD has failed to issue CEQA thresholds of significance or guidance. Therefore guidance from other air agencies regarding the relevance of short-term health risks is used here to evaluate the UTC project's potential for TAC health risks. Bay Area Air Quality Management District (BAAQMD) guidance reflects the importance of evaluating a project's short-term cancer risk when it states: "The project is acceptable if the annual emissions associated with the project would result in an incremental cancer risk equal to or less than 1.0x10-06 (one in one million), *were the exposure to continue for 70 years*[8] (emphasis added)." South Coast Air Quality Management District's (SCAQMD) Rule 1401 requires a lifetime exposure duration for cancer risk assessment but stipulates that, "The risk per year shall not exceed 1/70 of the maximum allowable risk specified in (d)(1)(A) or (d)(1)(B) at any receptor location in residential areas[9]." In other words, short-term exposure analysis *is* a critical analysis component, with exposure duration divided into one-year increments in order to evaluate risks from shorter-term TAC (such as DPM from construction project) exposures. Day care children, residents, and workers at UTC are captive sensitive receptors for construction DPM exposures. These sensitive

[7] Office of Environmental Health Hazard Assessment, Air Toxics Hotspots Program Risk Assessment Guidelines, August 2003
[8] Bay Area Air Quality Management District (BAAQMD), Bay Area AQMD Risk Management Policy for Diesel-Fueled Engines, Revised January 11, 2002
[9] South Coast Air Quality Management District (SCAQMD), Rule 1401, § 1401(d) (4).)

receptors will be co-located with demolition, excavation, and building equipment that will emit DPM for three to five years. In addition, construction emissions would combine with UTC's existing retail-related operational DPM (primarily from routine daily diesel-powered vendor and delivery truck operations) during this same period. Again, the DEIR does not mention or analyze the health risk of these combined pollutant sources.

The UTC DEIR should have evaluated health risks using an appropriate, recognized screening method or, more appropriately, with use of dispersion modeling in a comprehensive health risk assessment. The UTC Project's NOx and PM10 emissions will exceed CEQA thresholds routinely applied by SCAQMD, Sacramento Metropolitan Air Quality Management District (SMAQMD) and other air agencies. Other projects located in the San Diego area, smaller in size and duration and with lower estimates of DPM-related emissions have conducted focused construction-related health risk analysis during the CEQA review process (see Providence Holy Cross Medical Center Expansion project; ENV-2005-0042-MND). The UTC DEIR must be revised to include a health risk assessment using accepted methods and dispersion modeling. The results should be issued in a recirculated DEIR.

X. All Feasible Construction Mitigations Were Not Considered

CEQA requires that if feasible mitigation exists to reduce or avoid a project's significant environmental impacts the project may not be approved unless the mitigation is adopted (PRC §21002) and *should* the Lead Agency decide to not adopt proposed mitigation, it must provide substantial evidence that the mitigation is infeasible (Guidelines §15091(a) (3). At UTC DEIR pg. 5.4-15, routine construction-related fugitive dust control mitigations are noted, yet at pg. 5.4-17, the DEIR concludes that overlapping Phase I and Phase II mitigated emissions would still exceed the 100 lb. PM10 threshold and therefore the impact is significant and unavoidable. This is incorrect. Technologies to reduce PM10 and PM2.5 are available for construction applications and mitigation measures requiring their use are routinely applied in other air districts in California.

Largely as a result of the California Legislature's passage of Senate Bill 656, California air districts have developed a comprehensive list of measures designed to reduce particulate matter emissions from construction operations. The San Joaquin Valley Air Pollution District (SJVAPCD 2002, pp. 55-82),[10] the

[10] San Joaquin Valley Air Pollution Control District ("SJVAPCD"), Project Guide for Assessing and Mitigating Air Quality Impacts, August 1998, Revised January 2002.

Ventura County Air Pollution Control District (VCAPCD 1989, pp. 7-2 to 7-4),[11] the San Luis Obispo Air Pollution Control District (SLOAPCD 2003, Sec. 6.3.1), and the Sacramento Metropolitan Air Quality Management District (SMAQMD 1994, pp. 10, 20) have found the following particulate matter measures to be reasonable and feasible: (See CEQA Guidelines §§ 15126.4, 15091.)

- For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket.
- During clearing and grubbing, pre-wet surface soils where equipment will be operated; for areas without continuing construction, maintain live perennial vegetation and desert pavement; stabilize surface soil with dust palliative unless immediate construction is to continue; and use water or dust palliative to form crust on soil immediately following clearing/grubbing.
- While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form.
- During cut and fill activities, pre-water with sprinklers or wobblers to allow time for penetration; pre-water with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to pre-water if not moist to depth of cut; use water truck/pull to water soils to depth of cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction.
- For large tracts of disturbed land, prevent access by fencing, ditches, vegetation, berms, or other barriers; install perimeter wind barriers 3 to 5 feet high with low porosity; plant perimeter vegetation early; and for long-term stabilization, stabilize disturbed soil with dust palliative or vegetation or pave or apply surface rock.
- In staging areas, *limit* size of area; apply water to surface soils where support equipment and vehicles are operated; limit vehicle *speeds* to 15 mph; and limit ingress and egress points. For stockpiles, maintain at optimum moisture content; remove *material* from downwind side; avoid steep sides or faces; and stabilize material following stockpile-related activity.
- To prevent trackout, pave construction roadways as early as possible; install gravel pads; install wheel shakers or wheel washers, and limit site access.
- Where feasible, use bedliners in bottom-dumping haul vehicles.
- Grade each phase separately, timed to coincide with construction phase or grade entire project, but apply chemical stabilizers or ground cover to graded areas where construction phase begins more than 60 days after grading phase ends.

[11] Ventura County Air Pollution Control District ("VCAPCD"), Guidelines for the Preparation of Air Quality Impact Analyses, October 24, 1989.

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- During initial grading, earth moving, or site preparation, projects 5 acres or greater may be required to construct a paved (or dust palliative treated) apron, at least 100 ft in length, onto the project site from the adjacent site if applicable.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hrs.
- Prior to final occupancy, the applicant demonstrates that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.
- Gravel pads must be installed at all access points to prevent tracking of mud on to public roads.
- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.
- All roadways, driveways, sidewalks, etc., to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Barriers with 50 percent or less porosity located adjacent to roadways to reduce windblown material leaving a site.
- Prohibit all grading activities during periods of high wind (over 15 mph).
- Pave all roads on construction sites.
- Replant vegetation in disturbed areas as quickly as possible.
- Permanent dust control measures in an approved project revegetation and landscape plan should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- Require a dust control plan for earthmoving operations.

While the measures noted above are designed to control project-related entrainment or re-entrainment of fugitive dust (PM10), PM2.5 construction-related emission impacts are largely generated from the combustion of diesel fuel in diesel-powered construction equipment that will operate at the project for at least three years. Air agencies (e.g., SMAQMD, PCAPCD, SJVUAPCD) routinely require specified construction fleet-averaged percentage reductions as mitigation applied to offroad equipment. These technologies typically achieve a 25% - 33% NOx reduction and up to 50% PM10 (combustion) reduction. CEQA guidance regarding these and other effective mitigations is readily available online.

The DEIR further errs when it concludes (at pg. 5.4-28) that:

> "There are no feasible mitigation measures to reduce NOx during Phase 1 construction to a level that is less than significant, but this impact would be temporary."

Feasible offroad NOx- and/or PM-reducing technologies exist that would reduce the significant criteria and TAC emissions generated by construction of the UTC project. (See, e.g., Huss Umwelttechnik (www.hussumwelt.com), Cleaire (www.cleaire.com) and CARB's list of verified diesel emission control systems at http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm). In addition, SMAQMD, PCAPCD, SJVUAPCD permit the payment of in-lieu funds for co-located offsite mitigation programs (typically administered by the air agency) if project-related fleet equipment reduction targets cannot be met with use of newer equipment, diesel particulate filters or oxidation catalysis, etc. In such cases, the local air agency will provide fungible reductions for the project by working with the project's construction fleet, or with other diesel vehicle operators in the project vicinity. The revised UTC DEIR must examine feasible mitigation measures capable of reducing the project's substantial construction emissions. Rejection of feasible, recommended measures must be thoroughly explained, as required by CEQA Guidelines §15091(a)(3).

XI. Inadequate Review of Feasible Operational Mitigation Measures

The DEIR incorrectly asserts that there is no feasible mitigation for the Project's operational mobile source emissions (at pg 5.4-26). Contrary to this statement, mitigation measures are available to reduce these emissions. In addition, CO and ROG emissions can be reduced with the use of newer, lower-emitting equipment and retrofit technologies. Further, had the DEIR identified the increased mobile source-generated NOx and PM10 emissions as significant (as would have been the case if the DEIR relied on mobile source thresholds of significance rather than stationary source thresholds (see discussion below)), the UTC DEIR would have been obligated to identify feasible mitigation for these emissions. Placer County Air Pollution Control District (PCAPCD) requires a project's significant operational NOx emissions be reduced by 25% and PM10 by 45% using a variety of methods, including use of new equipment, retrofits, or repowers. The PCAPCD's offsite mitigation option provides for the collection of fees from the project for operational emissions that will exceed the PCAPCD's CEQA thresholds of significance. These fees are then converted into low-emission mobile source projects which are administered through the PCAPCD's Clean Air Grant program, with the resulting cost-effective emission reductions applied as offsets to the CEQA project. Project proponents may provide their own mobile source emission reductions to achieve the aforementioned percentage reductions, using a variety of low-emission vehicle strategies including replacements with new vehicles, lower-emitting alternatively-fueled

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vehicles, repowers or retrofits of existing heavy-duty vehicles, or via payment of offsite mitigation fees that act as offsets. Numerous technologies are available for retrofitting existing onroad diesel vehicles for NOx and PM reductions. Similarly, SMAQMD's longstanding list of air- and energy-beneficial land use measures[12] for land use projects permits the developer to choose from point-based technological and behavior-modifying items to achieve at least 15% operational emissions mitigation benefit. Further, numerous diesel retrofit technologies have been CARB-verified to greatly (>85%) reduce particulate impacts and NOx impacts of construction and operational diesel vehicles that would build and then serve the UTC project over its long-term, operating lifetime. CEQA requires that all reasonable and feasible mitigations be applied to eliminate or reduce a project's emission impacts, yet UTC's environmental review has failed to evaluate measures routinely used in other areas to reduce operational emission impacts. These measures should have been considered for use at UTC since they have been established as reasonable and feasible for CEQA applications for over a decade.

XII. SDAPCD Stationary Source Thresholds Must Not Be Applied to Indirect Sources

At pg. 5.4-8, the DEIR identifies the CEQA thresholds used to evaluate the project's potential air quality impacts.

> "The City has established both general thresholds (consistent with CEQA guidance for significant impacts) and specific emission thresholds that are derived from the San Diego Air Pollution Control District's regulations."

At Table 5.4-4, the DEIR relies on SDAPCD pollutant thresholds for stationary sources to evaluate the daily and annual emissions of the UTC project. The DEIR errs when it relies on these thresholds to review land use development-related emissions since these SDAPCD thresholds are intended to apply *only* to permitted stationary sources of air pollution. SDAPCD Rule 20.2 "...applies to any new or modified emission unit, any replacement emission unit, any relocated emission unit or any portable emission unit for which an Authority to Construct or Permit to Operate is required pursuant to Rule 10, or for which a Determination of Compliance is required pursuant to Rule 20.5[13]." The thresholds of Rule 20.2 should not have been applied to the UTC's largely mobile-source emissions since they are an indirect source of air pollution and not a stationary source. Emission thresholds in Rule 20.2 apply only to regulated, permitted

[12] Sacramento Metropolitan Air Quality Management District; "Recommended Guidance for Land Use Emissions Reductions 2007 Update"; v1.1; Jan. 9, 2007
[13] SDAPCD, , "New Source Review; Non-Major Stationary Sources; Rule 20.2"; http://www.sdapcd.org/rules/rulev/Reg2word/R20-2.doc; March 2007

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stationary sources located throughout the San Diego air basin to ensure attainment or maintenance of national ambient air quality standards (NAAQS) under the federal Clean Air Act.

Stationary source thresholds are based on the limited inventory of permitted stationary sources and the attainment designation and related attainment strategies of the entire air basin. An air basin extends far beyond the footprint of an individual land use project that could cause locally-significant impacts and potential exceedances of state and federal air quality standards. An air basin's stationary source emissions inventory is a relatively small percentage of the total emissions inventory. Mobile sources represent the overwhelming majority of the area's ozone precursor emitters, and use of stationary source-based thresholds will automatically under-represent the potential significance of UTC's mobile, operational emission impacts. In addition, stationary thresholds are too broadly regional (by air district design) to be used for local project environmental review. SDAPCD and other air districts have recognized that stationary source limits provide inadequate standards for review of project-specific, local or even regional environmental impacts, since the great majority of these impacts are caused not by stationary sources but, rather, the mobile sources that will build and then utilize UTC over its lifetime. These districts recognize that stationary source limits will not provide balanced protection against ozone and particulate matter nonattainment (under state or federal Clean Air Acts) largely caused by the supermajority proportion of mobile source project-related emissions in comparison to those emitted by stationary sources.

It is important to note that the SDAPCD has advised local jurisdictions that using stationary source thresholds for CEQA land use reviews is not appropriate.[14] The UTC DEIR should not, therefore, rely on these thresholds for determining the significance of the UTC project's air quality impacts.

Use of stationary source thresholds necessarily miss potentially significant local emission effects that must be considered under CEQA, including mobile and area sources, and including the consideration of those impacts against air quality standards established under the California Clean Air Act. Specifically, regionally-applicable stationary source thresholds will not adequately evaluate UTC-related emissions for localized exceedances, particularly in context to more stringent California Clean Air Act ambient air quality standards, nor can they be used to evaluate declared toxic air contaminants, particularly diesel particulate matter from offroad and onroad vehicles. Notwithstanding the fact that SDAPCD cannot issue UTC a permit to operate required under application of Rule 20.2, thereby invalidating its applicability to UTC's CEQA review, limiting the review of the project's construction emission impacts to a regional

[14] Personal communications with Rob Reider, Planning Supervisor, SDAPCD; March 15, 2007

perspective contradicts CEQA's interest in identification and mitigation of project-specific local and site-specific impacts. Emissions from construction equipment operation during demolition, grading, and soil transport may cause localized exceedances of criteria pollutant standards governed under state and federal Clean Air Acts, yet the DEIR contains no information that addresses the potential for immediately localized impacts. Based on the inapplicability of stationary source thresholds to estimating impacts of indirect sources (such as UTC), the DEIR fails to adequately address the potential for the project to conflict with or obstruct attainment of the ambient air quality standards.

The DEIR provides limited discussion of SDAPCD ambient air monitoring data. Stations used to produce that data are located at too great a distance to provide meaningful protection to breathers on or adjacent to the project from UTC-localized exceedances. Some air agencies (e.g. SCAQMD, SMAQMD) have established thresholds specifically for construction to deal with this issue. SMAQMD, for example, considers construction emissions significant if the project is estimated to cause more than a 5% localized ambient increase in CAAQS air quality standards[13]. Without adequate modeling, analysis, and evaluation of these potential UTC impacts however, it is not possible to determine whether the project will avoid causing localized air quality standards exceedances. This is particularly true regarding the extensive emissions of DPM (diesel particulate matter), a toxic air contaminant, that will be emitted across the three-to five - year construction process. Moreover, no substantive PM2.5 mitigations have been proposed for the project, despite claimed reductions noted in the Air Quality element at Table 5.4-8.

XIII. DEIR Fails to Use Appropriate CEQA Thresholds; Substantial Evidence and Public Adoption Requirement

CEQA guidance at Section 15064.7 allows wide latitude to a Lead Agency in choosing CEQA significance thresholds, providing that "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect..." Under 15064.7(b), "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence." In this case, the identifiable quantitative threshold values (from Rule 20.2) cannot be linked reasonably to the "particular environmental effect" since the UTC project is not a

[13] Sacramento Metropolitan Air Quality Management District; "Guide to Air Quality Assessment in Sacramento County", July 2004

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stationary source whose emissions are subject to air district permit, and the emission impacts of UTC will be almost entirely mobile source-generated over the project life. Application of the District's stationary source thresholds to CEQA review of a project's mobile source impacts must be based on substantial evidence of threshold effectiveness in characterizing or preventing unacceptable project-related air quality impacts, and the portion of Section 15064.7 requiring public adoption of the Lead Agency's own CEQA thresholds acts as a safety valve to further ensure the Lead Agency's use of "substantial evidence" in its project review process. Did the Lead Agency adopt the CEQA significance thresholds as reflected in information supporting DEIR Table 5.4-8? If adopted, were those thresholds supported with substantial evidence that would successfully overcome the SDAPCD's warnings to lead agencies that its stationary source thresholds not be applied to CEQA reviews? It is likely that the Lead Agency has in this case applied unsubstantiated significance thresholds to incorrectly gauge and under-represent the significance of UTC construction and operational emission impacts. If this is the case, their use must invalidate the accuracy of the Lead Agency's significance determinations and the rationale for what few air quality mitigations have been selected for the project.

XVII. DEIR Climate Change Discussion Is Inadequate

The DEIR's conclusion that the UTC project's impact upon climate change would be less than significant (DEIR, 5.4-39) is based on faulty assumptions, incomplete identification of greenhouse gas sources, and unsubstantiated calculations. The Project's contribution to greenhouse gas emissions and climate change should have been identified as a significant impact; the failure to do so represents a substantial shortfall with the project's environmental review.

The DEIR repeatedly fails to identify the source of key information used to determine CO2 emissions. The first example is the claimed water consumption from the existing retail development of 109,307 gallons per day (DEIR, 5.4-7). The identification of the source of this water usage data in the DEIR is simply "[b]ased on information for current water demands." The DEIR does not disclose the actual data source, such as actual historical usage records averaged over a period of years, or estimates provided by water agencies, or estimates provided by other agencies such as the City of San Diego. Further, it does not disclose how the portion of water usage attributable to irrigation was determined. The DEIR claims that 54,000 gallons is used for irrigation, but does not disclose if that estimate is based on actual metered irrigation data, or some other source. Since most water consumed in Southern California is transported over long distances from the water's source, the energy consumed to deliver the water is an important part of the overall estimate of

greenhouse gas emissions. Any errors in water consumption estimates can significantly impact the greenhouse gas emissions estimate. Without accurate and fully documented water usage data, it is impossible to independently verify the accuracy of the greenhouse gas emissions estimates.

Electrical energy use is another critical component of greenhouse gas emissions estimation. Accurate quantification of energy consumption associated with the existing shopping center should have been provided, including actual historical usage data averaged over a period of years. Unfortunately, the DEIR relies only on outdated estimates provided by an air quality district located outside of the project area. The energy consumption rate of 13.55 kWh per square foot is based on 1993 estimates from the South Coast Air Quality Management District (SCAQMD) (DEIR, 5.4-5). This proposed project is located in the San Diego Air Pollution Control District, not the South Coast. It appears that no effort was made to identify actual energy consumption data, which should be available for the existing shopping center. Inaccurate energy consumption data will significantly impact the validity of UTC's greenhouse gas emissions estimates.

The DEIR estimate of greenhouse gas emissions from vehicle use is also suspect. Whenever possible, the use of traffic data from an accurate project-specific traffic study is preferred over simplified modeling defaults. In fact, the DEIR cites the project specific traffic study as the source of the average daily traffic volume (DEIR, 5.4-7). Unfortunately, the estimate of vehicle trip length is based on a different source--the default data in the URBEMIS2002 model. It is improper to use different data sources for components of the same emissions source. The traffic study should have been used for both the traffic volume and trip length estimates. The use of two separate data sources for the same vehicle use impact is virtually certain to result in inaccurate estimates of greenhouse gas emissions.

Several other important components of the greenhouse gas analysis are unsubstantiated in the DEIR:

- Which specific CCAP emission factors were used for electricity consumption? (DEIR, 5.4-34)
- Which specific usage rates were used for residential and non-residential natural gas combustion? (DEIR, 5.4-34)
- Which specific emission factors were used for natural gas combustion? (DEIR, 5.4-34)
- On page 5.4-35, the DEIR claims that vehicle emissions of CH_4 were obtained from the EMFAC2007 model released by the California Air Resources Board. In the next sentence, it claims that CH_4 emissions were based on EPA emission factors. Which statement is correct?

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Without complete documentation revealing the actual calculations used, independent verification of the DEIR conclusions cannot be made.

The DEIR also fails to include greenhouse gas emissions associated with solid waste disposal. Solid waste will be generated by both the retail and residential components of the proposed project and should have been disclosed in Table 5.4-19 and 5.4-20 of the DEIR. According to the Environmental Protection Agency, each pound of waste generated by a project will emit approximately 0.94 pounds of carbon dioxide equivalent in the form of methane.[16] Existing and future waste generation estimates should be provided for the proposed project.

The analysis and disclosure of construction-related greenhouse gas impacts is limited to three sentences (DEIR, 5.4-34), and is inadequate for an accurate representation of UTC's related GHG emissions. No attempt is made in the DEIR to determine the significance of construction impacts, despite the claim that construction would result in 5,706 tons of carbon dioxide. It is not clear if the analysis included CH_4 and N_2O emissions, nor is there discussion of the modeling assumptions used in the analysis such as the number and type of construction equipment and the duration of use, or whether or not construction worker commute trips were included. No modeling outputs are provided within the DEIR, and therefore there is no possible to independently verify the accuracy of the modeling assumptions, emission factors, and other critical modeling components.

According to the DEIR, the significance of greenhouse gas emissions was determined by measuring project compliance with AB32, the California Global Warming Solutions Act of 2006. However, since individual development projects are not regulated by AB32, this method of determining significance is fundamentally flawed. The requirements of AB32 are administered by the California Air Resources Board (CARB), not local governments such as the City of San Diego or SDAPCD. CARB establishes statewide regulations such as vehicle emissions standards, not local land use regulations that would affect the proposed project. Currently, no specific regulations established by AB 32 would affect the manner in which the proposed project would be constructed or operated. Therefore, the DEIR should have established a specific greenhouse gas threshold and evaluated project impacts relative to that threshold.

[16] USEPA, http://www.epa.gov/climatechange/emissions/ind_home.html, accessed Sept. 30, 2007.

Similar to the confusion caused by the DEIR's reliance on SDAPCD stationary source thresholds that will not effectively represent the project's indirect source emissions issues, the DEIR preparers have short-circuited the evaluation of UTC's GHG's with inappropriate reliance on another agency's involvement with control of GHG's. The DEIR makes a blanket statement that the project "would be consistent with the goals of California's AB 32..." (DEIR, 5.4-39), without any evaluation of whether the project is actually consistent with the actual regulatory requirements of AB32. In fact, as the DEIR points out, the goals of AB 32 are to reduce greenhouse gas emissions by the following amounts:

- 2000 levels by 2010
- 1990 levels by 2020
- 80 percent below 1990 levels by 2050

Not only does the proposed project not help to reduce greenhouse gas emissions as specified by AB 32, it actually would *increase* emissions. As shown in Table 5.4-20 of the DEIR, existing emissions of greenhouse gases at the project are 51,638 tons per year. With the proposed new development, greenhouse gas emissions would be 85,213 tons per year. This is a net *increase* of 33,575 tons per year. Therefore, emissions actually increase by 65 percent, which may interfere with California's ability to achieve the greenhouse gas reduction goals of AB 32. Therefore, greenhouse gas impacts should have been identified as a significant impact and all feasible mitigation should have been identified. Instead, the impact was claimed to be less than significant and no mitigation was identified.

The DEIR includes several "measures" that may reduce emissions to some unknown extent (DEIR, 5.4-38). Many of the measures, if fully implemented, are commendable. But the DEIR does not identify any of the measures as actual mitigation measures, and the language describing the measures is vague and unenforceable.

Specifically, the DEIR includes statements such as:

- "Energy efficiency targets..."
- "...potential for real-time transit information..."
- "Investigation of the feasibility of establishing a Resource Recovery Center..."
- "Establishment of targets for reuse and recycling..."
- "...minimize construction waste by up to 50 percent."
- "Potential generation of electricity on site..."

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- "Potential on-site renewable energy..."

The examples above (all from DEIR 5.4-38 and 5.4-39) are emphasized to show that many of the measures are nothing more than examples of what might be possible. These vague statements do not substitute for an enforceable commitment to implement real mitigation. Mitigation must be enforceable, and mere objectives qualified by undefined measures of feasibility cannot be monitored and are not enforceable by the City, and thus cannot be counted on to produce any real, quantifiable, surplus emission benefits with approval of the UTC project. The DEIR should provide a complete analysis of potential greenhouse gas mitigation and identify which measures have been or will be incorporated in the project, and state the specific rationale for concluding that other mitigation is not feasible for the project. At a minimum, the DEIR must be revised to include an analysis of all global warming mitigation measures suggested by the Attorney General in the attached Coyote Valley CEQA comment letter.

Finally, the DEIR states that it is not possible to quantify reductions from the measures listed on pages 5.4-38 and 5.4-39. However, many measures are clearly quantifiable and should have been analyzed in the DEIR. For example, measures that would minimize waste can be quantified by multiplying the total pounds of waste reduced and multiplying by the emission factor identified earlier in this comment letter. On-site renewable energy from photovoltaics can be quantified by subtracting the energy produced on site from the total energy demand of the project. These and other measures should be quantified and included as feasible mitigation.

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June 19, 2007

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RE: Comments on Draft Environmental Impact Report for Coyote Valley Specific Plan
SCH# 2005062017

Dear Messrs. Hart and Boyd:

The Attorney General submits these comments on the Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan (CVSP or Project) pursuant to the California Environmental Quality Act (CEQA).[1] The Project proposes the development of a new community of up to 80,000 people in an existing rural area south of the City of San José (City). By the City's own calculation, once built, the Project will emit over 500,000 metric tons of greenhouse gases each year.

We commend the City for creating an accessible environmental document that discusses the problem of global warming in a clear, succinct manner and for making an effort to quantify at least some of the Project's substantial greenhouse gas (GHG) emissions. As discussed below, we are, however, concerned that the City has not undertaken a more thorough accounting of the emissions during all phases of the Project. More importantly, we note that the City has avoided its fundamental responsibility under CEQA to determine whether this Project's contribution to

[1]The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974)). These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office.

the quintessentially cumulative problem of global warming is significant and, if so, to require changes or mitigation that will avoid or reduce these impacts.

Given the City's responsibilities as a lead agency under CEQA, the fact that we are reaching a climate change "tipping point" caused by incremental contributions of GHGs, and that prompt and dramatic emissions reductions are required to avoid the most catastrophic environmental outcomes, it is inappropriate for the City to find, as it did in the DEIR, that it is excused from *making a significance determination* under CEQA.

Emissions Reductions: Avoiding the Tipping Point

Emissions of GHG on the Earth's surface accumulate in the atmosphere: the increased atmospheric concentration of these same gases in turn adversely affects the climate.[2] The atmospheric concentration of carbon dioxide (CO_2), the leading GHG, is now 379 parts per million (ppm), higher than any time in the preceding 650,000 years.[3] According to some experts, an atmospheric concentration of CO_2 "exceeding 450 ppm is almost surely dangerous" because of the climate changes it will effect, "and the ceiling may be even lower."[4]

Currently, atmospheric GHG concentrations are far from stable. "The recent rate of change is dramatic and unprecedented[.]"[5] Over just the last 17 years, atmospheric concentrations of CO_2 have risen 30 ppm, a rate of change that, in pre-industrial times, would have taken 1,000 years.[6] Experts are clear that if we continue our "business as usual" emissions trend, atmospheric concentrations of CO_2 will likely exceed 650 ppm by the end of the century.[7]

In short, our past and current GHG emissions have pushed us to a climatic "tipping point." If we

[2](Intergovernmental Panel on Climate Change, Fourth Assessment Report (IPCC 4th) (2007), Working Group (WG) I, Frequently Asked Question 2.1, *How do Human Activities Contribute to Climate Change and How do They Compare with Natural Influences?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

[3](IPCC 4th, WG I, Frequently Asked Question 7.1, *Are the Increases in Atmospheric Carbon Dioxide and Other Greenhouse Gases During the Industrial Era Caused by Human Activities?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

[4](http://www.nasa.gov/centers/goddard/news/topstory/2007/danger_point.html.)

[5](IPCC 4th, WG I, Frequently Asked Question 7.1, *Are the Increases in Atmospheric Carbon Dioxide and Other Greenhouse Gases During the Industrial Era Caused by Human Activities?* http://ipcc-wg1.ucar.edu/wg1/Report/AR4WG1_Pub_FAQs.pdf.)

[6](*Id.*)

[7](http://www.epa.gov/climatechange/science/futureac.html.)

continue our business-as-ususal emissions trajectory, dangerous climate change will become unavoidable. According to NASA's James Hansen, proceeding at the emissions rate of the past decade will result in "disastrous effects, including increasingly rapid sea level rise, increased frequency of droughts and floods, and increased stress on wildlife and plants due to rapidly shifting climate zones."[8] And, the experts tell us, we have less than a decade to take decisive action.[9]

The need to make substantial cuts in emissions drives the global targets embodied in the Kyoto Protocol and the State's targets established by Governor Schwarzenegger 's Executive Order S-3-05. and AB 32, California's Global Warming Solution Act of 2006. In California, by these authorities, we are committed to reducing emissions to 1990 levels by 2020, and 80% below 1990 levels by 2050. To achieve the 2020 target, California must reduce its current emissions by 25%.[10]

Summary of the CVSP Project and DEIR

The CVSP will govern development of a new community in southern San José, approximately 12 miles from the City's downtown. The community may house up to 70,000 to 80,000 people and create up to 50,000 new jobs on 3,700 acres. The City proposes to build the Project over a 25- to 50-year period, depending on economic and market conditions.

The new community will include residential, retail, commercial, and and mixed-use development. It will require new transportation infrastructure, including new roadways, and will include an internal Bus Rapid Transit system with a connection to a proposed Caltrain station. The Project also includes includes schools, a library, a community center, parks and a greenbelt, trails, recreational areas, and all necessary services and utilities

Lead agency City of San José states that the Project is a reflection of the "City's desire to create a model community based on innovative planning and design ...." (DEIR, Sec. 2 at p. 14). According to the City, "the CVSP is based on a new approach, which involves a shift from a land planning driven process to one that evolves from the existing natural environment or Environmental Footprint." (*Id.*)

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[8](http://www.giss.nasa.gov/research/news/20070530/; see also *Hansen et al., Dangerous Human-Made Interference with Climate* (2007) 7 Atmos. Chem. Phys. 2287-2312 http://pubs.giss.nasa.gov/docs/2007/2007_Hansen_etal_1.pdf.)

[9](*Id.*) For further discussion of dangerous climate change, see IPCC 4th, WG III, Ch. 1 at pp. 6-7 http://www.mnp.nl/ipcc/pages_media/FAR4docs/chapters/CH1_Introduction.pdf.

[10](Office of the Governor, *Gov. Schwarzenegger Signs Landmark Legislation to Reduce Greenhouse Gas Emissions*, Press Release (Sept. 27, 2006) http://gov.ca.gov/index.php?/press-release/4111/.)

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The City describes the Project, alternatives to the Project, and potential impacts of and mitigation for the Project, in a three-volume DEIR. The City clearly has made every effort to make the environmental document easy to use and accessible to the public, providing all parts of the document at its website, including numerous maps and all technical appendices.

In recognition of the serious nature of global warming, the City has also taken the wholly appropriate and responsible step of creating a special section focused on this potentially catastrophic environmental impact. (DEIR, Sec. 4.15.) In a nutshell, the DEIR succinctly defines climate change, notes the scientific consensus that global climate change is real, underway and very likely caused by humans. The DEIR also summarizes some of the impacts that California should expect, including a diminishing Sierra snowpack, coastal erosion, saltwater intrusion into the Delta, and rising temperatures, and summarizes the existing legal and regulatory framework, including AB 32.

The DEIR states that "the primary sources of CVSP greenhouse gas emissions are anticipated to be combustion of fossil fuels from grid-delivered electricity use and from vehicles." (DEIR at p. 417.) According to the DEIR, the approximate total CO_2-equivalent emissions (including methane and nitrous oxide) from electricity use is 183,292 metric tons per year, and from vehicle use, approximately 324,690 metric tons per year. (*Id.*) The combined total for these two sources is approximately 507,982 metric tons per year, which the DEIR states is "roughly 0.001% of California's total 2004 emissions ...." (*Id.*)[11] The DEIR also states that "[a]dditional unknown quantities of greenhouse gases would be emitted as part of the CVSP construction process from the manufacture and transport of building materials and the operation of construction equipment." (*Id.* at p. 418.)

After the preceding discussion, the climate change section of the DEIR states that the CVSP will not have an individually discernable effect on global climate change, reasoning that "it is more appropriate to conclude the substantial CVSP greenhouse gas emissions will combine with emissions across California, the U.S., and the globe to cumulatively contribute to global climate change." (*Id.* at p. 420.) The section then summarily ends, the City concluding that because there is no existing numerical, regulatory threshold against which to gauge the cumulative significance of global warming impacts, making a determination of significance for the CVSP project "would be speculative." (*Id.*)

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[11]*The City summarily states elsewhere in* the Global Climate Change section that "the greenhouse gases generated [by CVSP] are related to growth that will occur elsewhere in the region, if not in the Coyote Valley." (DEIR at p. 418.) It is not clear how this statement, addressing hypothetical, alternative development, fits into the DEIR's emissions discussion or whether the City believes it is relevant under CEQA. In any event, such conclusory statements, unsupported by facts or analysis, are insufficient under CEQA. (See *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403-405.)

The City as Lead Agency is Required to Determine Significance

CEQA assigns to a lead agency the responsibility to determine whether an impact is significant. This is a fundamental and essential task: the finding triggers the lead agency's obligation to analyze and require feasible mitigation.[12]

"For each significant effect identified in the EIR, the agency must make one or more of the following findings: (1) that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the effect; (2) that the lead agency lacks jurisdiction to make the change, but that another agency does have such authority; and/or (3) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR."[13] The agency must ensure that measures to mitigate or avoid significant effects on the environment are fully enforceable and must adopt a monitoring program to ensure that the mitigation measures are implemented.[14]

The City notes in the DEIR that AB 32's implementing regulations are forthcoming, but not yet promulgated. (DEIR at p. 415.) The City then uses this fact to excuse itself from the obligation to determine significance under CEQA, stating:

> To determine whether the proposed CVSP project would have a significant impact associated with global climate change, in light of the fact that there exists no numerical threshold for such an impact, would be speculative. For this reason, a determination of significance cannot be made.

(DEIR at p. 420.)

While the City is correct that there are currently no regulatory thresholds for significance relating to global warming impacts, this does not relieve a lead agency of its statutory obligation under CEQA to determine whether or not a project's impacts are significant. As the CEQA Guidelines note, "[a]n ironclad definition of significant effect is not always possible ...."[15] In the future, there may well be "an approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem" of GHG emissions and global

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[12](Pub. Res. Code, § 21002.1, subd. (b).)

[13](*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1034 [citing Pub. Res. Code, § 21081]; see also *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 100.)

[14](*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 [citing Pub. Res. Code, § 21081.6].)

[15](Cal. Code Regs., tit. 14, § 15064, subd. (b).)

warming impacts,[16] but until that time, lead agencies must rely only on their own "careful judgment ... based to the extent possible on scientific and factual data"[17] in determining whether a project's global warming-related impacts are significant.

To comply with CEQA, the City must revise the DEIR to make a determination of whether CVSP's contribution to the problem of global warming is cumulatively considerable.

California's Requirements for Reduction of GHG Emissions set a Reasonable Benchmark for Determining the Cumulative Significance Global Warming Impacts

CEQA and its implementing regulations require that an EIR address the cumulative impacts of a project when its incremental effect is cumulatively considerable. "'[C]umulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."[18]

Courts have rejected the argument that a project has no cumulatively considerable impacts simply because it is contributing only a relatively small percentage to a larger environmental problem.[19] To take an example, in the seminal case of *Kings County Farm Bureau v. City of Hanford*, the Fifth Appellate District Court of Appeal court rejected the conclusion in a DEIR that a project's contributions to ozone levels in the area would be insignificant because they would be "relatively minor ... compared to the total volume of [ozone] precursors emitted in Kings County."[20] The court noted that the DEIR impermissibly used "*the magnitude of the* current ozone problem in the air basin in order to trivialize the project's impact."[21] In the court's words:

> The point is not that, in terms of ozone levels, the proposed Hanford project will result in

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[16](See Cal. Code Regs., tit. 14, § 15064, subd. (h)(3).) Even with such a program in place, a lead agency must determine whether a project's effects may still be cumulatively considerable. (*Id.*)

[17](Cal. Code Regs., tit. 14, § 15064, subd. (b).)

[18](Cal. Code Regs., tit. *14, § 15130*, subd. (a).)

[19](*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 119-120.) This does not mean, however that contributing "one molecule" to an existing environmental problem necessarily creates a significant cumulative impact. (*Id.*)

[20](*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.)

[21](*Id.*)

> the ultimate collapse of the environment into which it is placed. The significance of an activity depends on the setting.... The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared to preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems ....[22]

Global warming is a quintessentially cumulative impact, caused by the added effects of countless individual projects at the local, regional, state, national and international level.[23] As discussed, we must expect potentially catastrophic consequences unless decision makers take specific action to change our current "business as usual" emissions trajectory. The relevant question is whether any additional contribution to the problem should be considered significant in light of these serious consequences.

Executive Order S-3-05 and the passage of AB 32, the Global Warming Solutions Act of 2006, which set State targets to reduce emissions to 1990 levels by 2020, and to 80% below 1990 levels by 2050, provide a relevant benchmark for determining significance. Where a project's direct and indirect GHG-related effects, considered in the context of the existing and projected cumulative effects, may interfere with California's ability to achieve its GHG reduction requirements, the project's global warming-related impacts must be considered cumulatively significant.

The City should in its revised document evaluate whether the global warming impacts of the CVSP will be significant. We acknowledge that the determination is for the City, as lead agency, to make in the first instance. We note, however, that by any objective standard, 500,000 metric tons per year would appear to be a considerable contribution. By comparison, many of the "early action measures" for reducing greenhouse gases identified by the California Air Resources Board are in the range of, or substantially less than, 500,000 metric tons.[24] Moreover, the City's estimate may understate the Project's emissions, as it excludes other potentially important

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[22](*Id.* [citation omitted].)

[23]The City asserts that "the ultimate solution is a national policy addressing greenhouse gas emissions and global climate change, rather than piecemeal state-by-state or city-by-city approaches. (DEIR at p. 419.) While a national GHG emissions policy is certainly overdue, the fact that there is inaction at the federal level does not excuse a lead agency from its obligation under State law to address cumulative impacts related to global warming. And, as the U.S. Supreme Court has noted, "massive problems" generally are not resolved in "one fell regulatory swoop." (*Mass. v. EPA* (2007) __ U.S. __, 127 S.Ct. 1438, 1457.)

[24](See http://www.climatechange.ca.gov/climate_action_team/reports/2007-04-20_ARB_early_action_report.pdf.)

sources of emissions, *e.g.*, emissions during the construction phase related to equipment operation and building and road materials. In determining whether the incremental effects of the Project are cumulatively considerable, the City should not limit its consideration only to vehicle emissions and electricity at build-out.[25] We attach to this letter a chart setting forth publicly available modeling tools that may be useful in estimating a project's emissions.

If the Global Warming-Related Impacts of the CVSP Project are Cumulatively Significant, the City Must Impose Feasible Mitigation Measures

If the City of San José determines that the global warming-related impacts of the CVSP are cumulatively significant, it must discuss those impacts in the DEIR and "examine reasonable, feasible options for mitigating or avoiding the project's contribution" to the problem.[26] A lead agency must "mitigate or avoid the significant effects on the environment of projects that it carries out or approves *whenever it is feasible to do so*."[27] The agency must ensure that "measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, and other measures."[28]

Assuming that the global warming-related impacts of the Project are significant, the DEIR, as written, does not satisfy CEQA. While the DEIR contains a one-page section entitled "Strategies to Reduce Greenhouse Gas Emissions" (DEIR at p. 419), it states in very general terms only what *could* be done - "the City could prepare a Global Warming Mitigation Program for the CVSP project describing required efforts to reduce energy consumption" – rather than what *will* be done. The DEIR notes a few non-enforceable conservation measures, stating, for example, that the Project "encourages" solar energy and other non-fossil fuel energy sources. It also states summarily that the Project has been designed to promote non-auto modes of transportation, but does not discuss in any detail whether and how the new community will help California move away from a "business as usual" emissions trajectory and toward the State's 25% emissions reduction requirement by 2020.

Clearly, there are a number of practical and feasible mitigation measures that could reduce this Project's contribution to the problem of global warming. As the City suggests (see DEIR at p.

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[25](Cal. Code Regs., tit. 14, § 15126 ["All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation."])

[26](Cal. Code Regs., tit. 14, § 15130, subd. (b)(5).)

[27](*City of Marina Board of Trustees* (2006) 39 Cal.4th 341, 360 [emphasis added]; see also Pub. Res. Code § 21002.1, subd. (b).)

[28](Pub. Res. Code, § 21081.6; *Federation of Hillside and Canyon Associations, supra*, 83 Cal.App.4th at p. 1261.)

419), it may be that some of the mitigation measures imposed for other impacts, for example, those discussed for transportation and traffic, could also serve to mitigate in part the Project's global warming-related impacts. If that is the case, the City should identify those measures and specifically discuss how and to what extent they mitigate greenhouse gas emissions. We attach to this letter a non-exhaustive list of measures that local agencies may take or require to reduce GHG emission, and of some of the many publically available resources that may assist local agencies in the fight against global warming.

Conclusion

The City has noted that "this is truly a situation where San José can 'think globally, and act locally' and lead by example in adopting policies and programs to limit the production of greenhouse gases associated with the CVSP." (DEIR at p. 419.) We agree and believe that the CVSP, through design and mitigation, could be a bellwether community, setting an example for California and the nation.

We appreciate the opportunity to comment on the document and would be happy to meet with City staff to discuss these comments.

Sincerely,

JANILL L. RICHARDS
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Attachments:

Modeling Tools to Estimate Climate Change Emissions Impacts of Projects/Plans
Mitigation Measures and Global Warming Resources

Modeling Tools to Estimate Climate Change Emissions Impacts of Projects/Plans

Tool	Availability	Scope Local/Regional	Scope Transp/Buildings	Data Input Requirements	Data Output
URBEMIS	• Download • Public domain (free)	• Local project level	• Transportation • Some building (area source) outputs • Construction	• Land use information • Construction, area source, and transportation assumptions	• VMT per day (convert to CO2 and methane) • Mitigation impacts
Clean Air and Climate Protection (CACP) Software	• Download • Available to public agencies (free)	• Local project level	• Buildings • Communities • Governments	• Energy usage • Waste generation and disposal • Transportation usage	• eCO2 (tons per year)
Sustainable Communities Model (SCM)	• Custom model	• Regional, scalable	• Transportation • Master planned communities	• Location and site specific information • Transportation assumptions • On-site energy usage	• eCO2 (tons per year)
I-PLACE3S	• Web-based • Small access fee • Full model now available in eight CA counties	• Regional, *scalable to site* level	• Transportation • *Buildings* • Infrastructure (wastewater, street lights, etc.)	• Parcel level land use data *(can work with less data)* • Project-level data for alternative comparisons	• CO2 (any quantity over *any time*) • Provides for immediate comparison of alternatives
EMFAC	• Download • Public domain (free)	• Statewide • Regional (air basin level)	• Transportation emission factors	• Used with travel demand and other models to calculate CO2 impacts of projects.	• CO2 and methane (grams per mile) emission factors
Climate Action Registry Reporting On-Line Tool (CARROT)	• Web-based • Available to Registry members	• Regions, scalable to entity and facility level	• General • Specific protocols for some sectors	• Uses inputs such as fuel and electricity use, VMT to estimate emissions of each GHG	• Each GHG and eCO2 (tons per year)

VMT = Vehicle miles traveled.
Criteria pollutants = Nitrogen oxides (NOx), reactive organic gases (ROG), carbon dioxide (CO), sulfur dioxide (SO2), particulate matter (PM)
eCO2 = Carbon dioxide equivalent emissions

Note: This is not meant to be a definitive list of modeling tools to estimate climate change emissions impacts. Other tools may be available.

(May 2007)

ATTACHMENTS TO LETTER 14

Descriptions of Modeling Tools

URBEMIS. The Urban Emissions Model (URBEMIS) is currently being used extensively during the CEQA process by local air districts and consultants to determine criteria pollutant impacts of local projects. URBEMIS uses the ITE Trip Generation Rate Manual and the Air Resources Board's (ARB) motor vehicle emissions model (EMFAC) for transportation calculations. Area source outputs include natural gas use, landscaping equipment, and fireplaces. It also estimates construction impacts and impacts of mitigation options. An updated version with CO2 outputs may be available soon. In the interim, CO2 factors (pounds per mile) provided by ARB could be used to convert VMT per day into CO2 per day. Web site: http://www.urbemis.com

Clean Air and Climate Protection (CACP) Software. This tool is available to state and local governments and members of ICLEI, NACAA, NASEO and NARUC to determine greenhouse gas and criteria pollutant emissions from government operations and communities as a whole. The user must input aggregate information about energy (usage), waste (quantity and type generated, disposal method, and methane recovery rate) and transportation (VMT) for community analyses. More detailed, site-specific information is necessary to calculate emissions from governmental operations. CACP uses emission factors from EPA, DOE, and DOT to translate the energy, waste and transportation inputs into greenhouse gas (in carbon dioxide equivalents) and criteria air pollutant emissions. If associated energy, waste and transportation reduction are provided, the model can also calculate emission reductions and money saved from policy alternatives. Web site: http://icleiusa.org/software_org

Sustainable Communities Model (SCM). This model quantifies total eCO2 emissions allowing communities the ability to optimize planning decisions that result in the greatest environmental benefit for the least cost. SCM has been used by a number of master planned communities, but it could also be used for neighborhoods and smaller developments. Total eCO2 emissions are based on emissions from energy usage, water consumption and transportation. SCM uses published data sets for data input such as ARB's EMFAC for transportation calculations. The model provides a comparison of various scenarios to provide environmental performance, economic performance, and cost benefit analysis.
Web site: http://www.crp-net.com/energetics/News/News_SCM.htm

I-PLACE^{3}S is an internet-accessed land use and transportation model designed specifically for regional and local governments to help understand how their growth and development decisions can contribute to improved sustainability. It estimates CO2, criteria pollutant and energy impacts on a neighborhood or regional level for existing, long-term baseline and alternative land use plans. I-PLACE3S is currently being used in San Diego, San Luis Obispo, and the six-county Sacramento region to assist both the public participation process and technical analyses efforts for regional planning. The data input requirements are extensive and require a fiscal commitment from local government. The benefits include a tool that can provide immediate outputs to compare various alternatives during public meetings, as well as provide access for local development project CEQA analyses. Possible future modifications could include a stand-alone tool that would allow project-level analyses of land uses (buildings) without extensive regional data input requirements. Web site: http://www.energy.ca.gov/places/. http://places.energy.ca.gov/places

EMFAC. The Air Resources Board's EMission FACtors (EMFAC) model is used to calculate emission rates from all motor vehicles (passenger cars to heavy-duty trucks) in California. The model includes emission factors for CO2, methane, and criteria pollutants. The emission factors are combined with data on *vehicle activity (miles traveled and average speeds)* to assess emission impacts. California local governments use EMFAC in concert with their travel demand models to assess impacts of transportation plans. The URBEMIS model described above uses EMFAC to calculate the transportation emission impacts of local projects. Web site: http://www.arb.ca.gov/msei/onroad/onroad.htm

Climate Action Registry Reporting On-Line Tool (CARROT). The California Climate Action Registry uses the Climate Action Registry Reporting On-Line Tool (CARROT) for registry members to report their greenhouse gas emissions. It calculates GHG emissions from energy, fuel use, and travel estimates made by the user. While use of the tool is only available to members, the Registry makes its protocols available to the public. The general reporting protocol is available at http://www.climateregistry.org/docs/PROTOCOLS/GRP%20V2.1.pdf. Specific reporting protocols are also available for reporting by the cement, forestry, and power/utility sectors and are being developed for additional sectors. Website: http://www.climateregistry.org/CARROT/

Mitigation Measures and Global Warming Resources

(1) Global Warming Mitigation Measures

The following are some examples of the types mitigation that local agencies may consider under the California Environmental Quality Act (CEQA) to offset or reduce global warming impacts. The list, which is by no means exhaustive or obligatory, includes measures and policies that could be undertaken directly by the local agency, incorporated into the agency's own "Climate Action Plan," or funded by "fair share" mitigation fees; measures that could be incorporated as a condition of approval of an individual project; and measures that may be outside the jurisdiction of the local agency to impose or require but still appropriate for consideration in an agency's environmental document.

While the lead agency must determine which particular mitigation measures, or suite of measures, is appropriate and feasible for a particular project, proponents of individual private projects are encouraged to take an active role in developing and presenting to lead agencies new and innovative ways to address the impacts of global warming.

Transportation

- Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights.[1]
- Set specific limits on idling time for commercial vehicles, including delivery and *construction* vehicles.
- Require construction vehicles to use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board (CARB).[2]
- Promote ride sharing programs *e.g.*, by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
- Create car-sharing programs. Accommodations for such programs include providing parking spaces for the car-share vehicles at convenient locations accessible by *public transportation*.[3]
- Require clean alternative fuels and electric vehicles.
- Develop the necessary infrastructure to encourage the use of alternative fuel vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling stations).[4]
- Increase the cost of driving and parking private vehicles by imposing tolls, parking fees, and residential parking permit limits.

- Develop transportation policies that give funding preference to public transit.[5]
- Design a regional transportation center where public transportation of various modes intersects.
- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations.
- Assess transportation impact fees on new development in order to facilitate and increase public transit service.[6]
- Provide shuttle service to public transit.
- Offer public transit incentives.
- Incorporate bicycle lanes into street systems in regional transportation plans, new subdivisions, and large developments.
- Create bicycle lanes and walking paths directed to the location of schools and other logical points of destination and provide adequate bicycle parking.[7]
- Require commercial projects to include facilities on-site to encourage employees to bicycle or walk to work.
- Provide public education and publicity about public transportation services.[8]

Energy Efficiency and Renewable Energy

- Require energy efficient design for buildings.[9] This may include strengthening local building codes for *new construction* and renovation to require a higher level of energy efficiency.
- Adopt a "Green Building Program" to promote green building standards.[10]
- Fund and schedule energy efficiency "tune-ups" of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, hot water equipment, insulation and weatherization. (Facilitating or funding the improvement of energy efficiency in existing buildings could offset in part the global warming impacts of new development.)
- Provide individualized energy management services for large energy users.
- Require the use of energy efficient appliances and office equipment.[11]
- Fund incentives and technical assistance for lighting efficiency.[12]
- Require that projects use efficient lighting. (Fluorescent lighting uses approximately 75% less energy than incandescent lighting to deliver the same amount of light.)
- Require measures that reduce the amount of water sent to the sewer system. (Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.)[13]
- Incorporate on-site renewable energy production (through, *e.g.*, participation in the California Energy Commission's New Solar Homes Partnership). Require project proponents to install solar panels, water reuse systems, and/or other systems to capture energy sources that would otherwise be wasted.[14]

- Streamline permitting and provide public information to facilitate accelerated construction of solar and wind power.
- Fund incentives to encourage the use of energy efficient equipment and vehicles.[15]
- Provide public education and publicity about energy efficiency programs and incentives.

Land Use Measures

- Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods. (A city or county could promote "smart" development by reducing developer fees or granting property tax credits for qualifying projects.[16])
- Discourage "leapfrog" development. Enact ordinances and programs to limit sprawl.[17]
- Incorporate public transit into project design.[18]
- Require measures that take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Preserve and create open space and parks. Preserve existing trees and require the planting of replacement trees for those removed in construction.
- Impose measures to address the "urban heat island" effect by, *e.g.*, requiring light-colored and reflective roofing materials and paint; light-colored roads and parking *lots; shade trees in* parking lots; and shade trees on the south and west sides of new or renovated buildings.[19]
- Facilitate "brownfield" development. (Brownfields are more likely to be located near existing public transportation and jobs.)
- Require pedestrian-only streets and plazas within developments, and destinations that may be reached conveniently by public transportation, walking, or bicycling.[20]

Solid Waste Measures

- Require projects to reuse and recycle construction and demolition waste.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses.
- Increase areas served by recycling programs.
- Extend the types of recycling services offered (*e.g.*, to include food and green waste recycling).
- Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.[21]
- Provide public education and publicity about recycling services.

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(2) General Resources

The following web sites and organizations provide general information about mitigating global warming impacts at the local level. These sites represent only a small fraction of the available resources. Local agencies are encouraged to conduct their own research in order to obtain the most current and relevant materials.

- The U.S. Conference of Mayors' Climate Action Handbook contains valuable information for the many local agencies that are joining the fight against global warming. The Handbook is available at the City of Seattle's Climate Action Plan website: http://www.cityofseattle.net/climate/docs/ClimateActionHandbook.pdf.

- Local Governments for Sustainability, a program of International Cities for Local Environmental Initiatives (ICLEI), has initiated a campaign called Cities for Climate Protection (CCP). The membership program is designed to empower local governments worldwide to take action on climate change. Many California cities have joined ICLEI. More information is available at the organization's website: http://www.iclei.org/.

(3) Notes

1. For a discussion of the use of LED traffic lights, see the City of Berkeley's Resource Conservation and Global Warming Abatement Plan at http://www.baaqmd.gov/pln/GlobalWarming/BerkeleyClimateActionPlan.pdf.

2. See www.arb.ca.gov/diesel/verdev/verdev.htm and www.epa.gov/ispd/pdf/emission_0307.pdf.

3. There are a number of car sharing programs operating in California, including City CarShare http://www.citycarshare.org/, Zip Car http://www.zipcar.com/ and Flexcar http://www.flexcar.com/.

4. See the City of Santa Monica's Green Building Program at http://www.greenbuildings.santa-monica.org/transportation/parkingcharging.html.

5. San Francisco's "Transit First" Policy is listed in its Climate Action Plan, available at http://www.sfenvironment.com/aboutus/energy/cap.htm.

6. San Francisco assesses a Downtown Transportation Impact Fee on new office construction and commercial office space renovation within a designated district. The fee is discussed in the City's Climate Action plan. See Note 5.

7. See Marin County's Safe Routes to Schools program at http://www.saferoutestoschools.org/.

8. The U.S. Conference of Mayors' Climate Action Handbook, cited above, lists education and outreach as key components to taking action against global warming.

9. Leadership in Energy and Environmental Design (LEED) administers a Green Building Ratings program that provides benchmarks for the design, construction, and operation of high-performance green buildings. More information about the LEED ratings system is available at http://www.usgbc.org/DisplayPage.aspx?CategoryID=19.

10. The City of Santa Monica has instituted a Green Building Program. See http://www.greenbuildings.santa-monica.org/.

11. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that certifies energy efficient products and provides guidelines for energy efficient practices for homes and businesses. More information about Energy Star certified products is available at http://www.energystar.gov/.

12. As described in its Climate Action Plan, the City of San Francisco uses a combination of incentives and technical assistance to reduce lighting energy use in small businesses such as grocery stores, small retail outlets, and restaurants. The program offers free energy audits and coordinated lighting retrofit installation. In addition, the City offers residents the opportunity to turn in their incandescent lamps for coupons to buy fluorescent units. See Note 5.

13. The City of Berkeley's Resource Conservation and Global Warming Abatement Plan includes information about strategies for promoting the use of low flush toilets and shower heads. See Note 1.

14. At the direction of Governor Schwarzenegger, the California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a $3.3 billion, ten-year program to install solar panels on one million roofs in the State. See http://www.gosolarcalifornia.ca.gov/nshp/index.html.

15. In March 2007, the League of California Cities (LOCC) Climate Change Working Group drafted proposed Climate Change Policies and Guiding Principles for the League. The draft principles (March 30, 2007) can be found on the LOCC website at http://www.cacities.org/resource_files/25656.EQ%20high3-07%20REVISED.pdf

16. The City of Berkeley has endorsed this strategy in its Resource Conservation and Global Warming Abatement Plan. See Note 1.

17. Samples of local legislation to reduce sprawl are set forth in the U.S. Conference of Mayors' Climate Action Handbook, cited above.

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18. The U.S. Conference of Mayors cites Sacramento's Transit Village Redevelopment as a model of transit-oriented development. More information about this project is available at http://www.cityofsacramento.org/planning/projects/65th-street-village/.

19. See Lawrence Berkeley National Laboratory's "Cool Roofing Materials Database" prepared by the Laboratory's Heat Island Project at http://eetd.lbl.gov/coolroof/ and U.S. EPA's Heat Island site at www.epa.gov/heatisland/.

20. Palo Alto's Green Ribbon Task Force Report on Climate Protection recommends pedestrian streets under its proposed actions. See http://www.city.palo-alto.ca.us/greenribbon/index.html.

21. San Diego's Metropolitan Wastewater Department installed eight "digesters" at one of its wastewater treatment plants. Digesters use heat and bacteria to break down the organic solids removed from the wastewater to create methane. See http://www.sandiego.gov/mwwd/facilities/ptloma.shtml.

U.S. GREEN BUILDING COUNCIL

September 10, 2007

Martha Blake
Senior Planner
City of San Diego, Development Services Department
1222 First Avenue, MS501
San Diego, CA 92101

RE: Westfield UTC – Project Number 2214

Dear Ms. Blake:

The San Diego Chapter of the U.S. Green Building Council appreciates the opportunity to provide input on what we believe can be a model project for the San Diego region and for shopping center development throughout the country.

Westfield has committed themselves to seeking LEED certification on the development and construction of the shopping center. LEED certification is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

15.1

Westfield has been accepted as a pilot project for the newly developed LEED for Neighborhood Development (ND) program. The LEED® for Neighborhood Development Rating System integrates the principles of smart growth, new urbanism, and green building into the first national standard for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable, development. We believe that the LEED-ND program will be a model for the development of sustainable neighborhoods. Westfield UTC's location in an urban node of the City, with concentrated business and residential development all served by an on-site transit center, make it a natural for the LEED-ND program.

Westfield Corporation has committed itself to a high standard in environmental design and we support their effort to move toward more sustainable development by using the LEED for Neighborhood Development (ND) program. We understand that the City of San Diego has also set goals to reduce greenhouse gas emissions and make San Diego a stand-out in the sustainable development field. The Westfield UTC project will be an excellent beginning to fulfill the City's goals for this type of smart growth.

The U.S. Green Building Council – San Diego Chapter supports the project and looks forward to welcoming Westfield-UTC into the ranks of LEED certified projects.

Sincerely,

Stephen L. Kapp, CEM, CDSM, LEED-AP
President
U.S. Green Building Council – San Diego Chapter

15.1 Comment noted. No issues regarding the adequacy of the EIR are identified.

August 13, 2007

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

Dear Ms. Blake:

16.1 The Vista La Jolla Homeowners Association would like to take this opportunity to register our strong opposition to the proposed Westfield UTC expansion program.

The impact of increased traffic congestion, air quality, noise, variance from height restrictions and impact on city services is noted with concern.

Additionally, the proposed expansion will have a direct impact on the quality of life of the Vista La Jolla homeowners as our development of single family homes directly adjoins the southern boundary of the existing center.

Your continued attention to the serious impact of this proposed expansion is requested.

Sincerely,

W.C. Rogers
Vice President, VLJ HOA

16.1 The commenter's opposition to the proposed project is noted. Potential impacts related to transportation/circulation, air quality, noise, aesthetics/visual quality, and public utilities are discussed in Sections 5.2, 5.3, 5.4, 5.7 and 6.3.7 of the EIR.

From: Matt Ashby [ashbym@taxon.com]
Sent: Wednesday, October 10, 2007 9:46 AM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214
Greetings,

17.1 I recently heard about plans to expand the Westfield mall and I would like to convey my strong opposition to such a project. As if the area is not congested enough as it is, you are considering a plan to add more development and decrease the already embarrassingly small amount of open space that remains. This plan makes no sense whatsoever and should be thrown in the trash where it belongs.

Sincerely,

Matt Ashby

17.1. Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Luciana Astiz [lastiz@ucsd.edu]
Sent: Wednesday, October 10, 2007 10:23 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214
Dear Council Members,

18.1 I really do not understand why UTC should be expanded. It is a very nice open mall that serves well our community as is. No major modifications should be needed. Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

I am sure you will consider this issue seriously and will take into consideration the input of the community.

Sincerely,
Luciana Astiz (UC resident for 13 years)

18.1 According to Section 210021.1(a), the purpose of an EIR is to identify the significant effects on the environment, identify alternatives, and to indicate how significant effects can be mitigated or avoided. CEQA does not require "justification" for the applicant's proposal. Please refer to response to comment 9.3 for a discussion of the level of detail required for the project description.

From: Bernetsky Denice [dbernetsky@sandi.net]
Sent: Wednesday, September 19, 2007 10:09 PM
To: DSDEAS@sandiego.gov
Cc: scottpeters@sandiego.gov
Subject: UTC Revitalization Project

19.1 I am opposed to the 250 Multi-family dwelling units, 750 dwelling units, and 250 hotel rooms that Westfield Corp wants to build in the UTC area. I would like to see the city place a 10 year multi-family *dwelling building moratorium so no more multi family* units can be build in UTC. There is no more buildable space in the UTC Community and I am appalled that they are trying to stack these Multi-family units into the sky. There is already too much traffic in the area and building more multi-family units will only gridlock the area during all hours a day. Please think of how this will impact the future instead of letting the "almighty dollar" and "greed" take the best of you and our community. I am a home owner in the UTC area and I am not paying taxes in this area so they can overbuild it and create more traffic so it takes me 30 minutes to drive down Governor Drive and Genesee. I believe there are other areas where you can build.

Denice A. Bernetsky
5871 Tulane Street
San Diego, CA 92122
dbernetsky@sandi.net

19.1 *The commenter's opposition to the project is noted.* As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: cgbischoff@aol.com
Sent: Wednesday, October 10, 2007 12:30 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Westfield Expansion

TO: DSDEAS

I am a twenty year resident of UC, and

I am opposed to Westfield's proposed high rise planning.

20.1 As a retired architect having served the County of San Diego for over twenty years and familiar with high rise construction in downtown San Diego, and I am alarmed at the proposal for 35 story high rise buildings in University City, a class of buildings totally out of character with the prevailing residential and business use development. I don't believe there are any 35 story, 300 foot high rise residential towers in downtown San Diego, and this is only University City. Three hundred foot high towers in UTC would look like white elephants and a mistake.

Rather, please propose softer development fitting in with current community planning.

20.1 The commenter's opposition to the project is noted. Refer to response to comment 9.106 from the University Community Planning Group for a discussion of building heights.

From: Kim B [kimbolivar1@hotmail.com]
Sent: Wednesday, October 10, 2007 12:54 PM
To: dsdeas@sandiego.gov
Subject: Westfield Expansion

To whom it may concern,

21.1 "I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

21.2

Thank you for your attention,

Kim Bolivar.

21.1 As discussed in response to comment 9.50 from the University Community Planning Group, the proposed Master PDP would not trigger the need for the Regents Road Bridge. Furthermore, as discussed in response to comment 9.60, impacts and mitigation resulting from construction of the Regents Road Bridge were analyzed in the UCNSTC EIR.

21.2 Please refer to response to comment 9.87 from the University Community Planning Group for a discussion regarding parks. The project applicant would be required to pay FBA fees, which is a funding mechanism for the North University City Public Facilities and Financing Plan, which includes enhancement to local libraries. Therefore, no significant library is identified. Also refer to response to comment 7.3 from SANDAG for further discussion regarding the FBA.

From: r b [ddloverddlover@yahoo.com]
Sent: Wednesday, October 10, 2007 4:13 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214

I wish to comment upon the Draft Environmental Impact Report (DEIR) on the Westfield UTC expansion.

22.1 I live very close to the UTC - within walking distance. I often walk, drive, and shop in the area, visiting UTC in the process.

1. To me, the magnitude of the expansion is very large. The area is already subject to considerable congestion. The DEIR would allow a vast expansion without limits. The expansion should be limited to a defined, quantified extent that is clearly stated and described. This is required by California environmental law.

22.2 2. The DEIR states that freeway ramps will become more congested. What is the justification for allowing this additional congestion, before the existing congestion is alleviated?

22.3 3. In addition, the DEIR assumes that the proposed Regents Road bridge project would be built. This is unjustified. There is considerable ongoing opposition to this bridge in the community. I firmly believe that the bridge will never be built. Adjustment to accommodate this strong likelihood is required in the report.

22.4 4. Currently the somewhat open area around UTC is encompassed by lawns and slopes that block many views of the parking lots and malls. These lend themselves to a park-like appearance.
It would be unlikely that this appearance would be unaltered should this expansion be allowed. There is already a deficit of parkland in this area. The new residents of this and surrounding buildings will add to this deficiency. Considerable attention should be paid to this issue in the DEIR.

Robert W. Byrnes
4018 Nobel Drive #305
San Diego, CA 92122
(858) 623-9756

22.1 Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

22.2 Please refer to response to comment 9.93 from the University Community Planning Group regarding the amount of traffic associated with the proposed project.

22.3 As discussed in response to comment 9.50 from the University Community Planning Group, the proposed Master PDP would not trigger the need for the Regents Road Bridge.

22.4 Please refer to response to comment 9.87 from the University Community Planning Group for a discussion regarding parks.

From: David Chait [davidchait2@yahoo.com]
Sent: Tuesday, October 09, 2007 10:37 PM
To: DSDEAS@sandiego.gov
Subject: Westfield expantion

23.1 Can you please help control the growth in OUR community. We like it the way it is We do not want Westfield to get even bigger.

David Chait.

Resident of UTC

23.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

Ann M. Collins
5586-2 Renaissance Avenue
San Diego, CA 92122-5669
(858) 450-4477
am.collins@worldnet.att.net

August 21, 2007

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

Dear Ms. Blake:

24.1 I am writing to you about the proposed expansion to the UTC mall in North University City. I have lived just down the street from Sears, in the Renaissance community, for 10 years now. I am appalled at what Westfield America has in mind for the shopping center.

24.2 To add more housing in an area that is already so densely populated and will only get worse with the addition of all the units--many still under construction that weren't in the original permit--to the southwest of the La Jolla Village Drive/I-805 interchange (where the eco-terrorist fire occurred) is crazy.

24.3 In the *Union-Tribune* article I read about Westfield's plans, I have to wonder where the company plans to find the space to add additional lanes to La Jolla Village Drive and to widen the ramps to and from I-805. There is certainly no space to be found at the intersection of La Jolla Village Drive and Towne Centre Drive, where there are left-turn lanes involved. And to widen the ramps to I-805 makes no sense to me since that highway in that exact area is a traffic nightmare for several hours every weekday *afternoon/evening. Adding more traffic to an already* impossible bottleneck would be horrible. I have to wonder what Westfield is thinking. Perhaps they plan to pay to widen the highway itself.

24.4 All of this makes me think back to the Airport Authority's big plans to make the Miramar Air Station San Diego's commercial airport. I predict that the same sort of traffic problems that would have resulted if an international airport was put there will result if the Westfield project goes ahead.

24.5 The other day, I received in the mail Westfield's brochure, "Imagine the New UTC: A Revitalization of Westfield UTC." It truly reads like propaganda, especially when you notice the fine print on the back cover. "This brochure is illustrative only and does not constitute any warranty or *representation*

1

24.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

24.2 As discussed on page 5.3-49 of the EIR, the Civil Engineer has prepared a feasibility study on all proposed transportation/circulation mitigation measures. The Feasibility Report is included as *Appendix U to the TIS (see EIR Appendix B).*

24.3 Comment noted. Please refer to the TIS and Section 5.3 of the EIR for a discussion of transportation/circulation impacts.

24.4 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

24.5 Comment noted.

24.5 cont.

as to the proposed design, make-up, size, style, layout or appearance of Westfield UTC. We reserve the right, at our sole discretion, to vary the plans for the center at any time." I have little confidence in Westfield to do the right thing for the community or to even design what would be a good-looking project. When they took over the UTC mall, I immediately noticed a cheapening in the look of the mall. Carts and other unattached retail structures were added wherever Westfield could find the space for them. Shopping there reminds me of going to the San Diego County Fair. I do not consider this a quality shopping experience. Westfield's brochure talks about "Spacious outdoor plazas and courtyards" and "Inviting outdoor plazas." I have my doubts about that happening. Those plazas could easily get filled up with more carts.

24.6

The brochure also talks about what Westfield is calling "Torrey Trail," which is the greenbelt that starts at Towne Centre Drive and goes up to UTC, just below the ice rink. The brochure mentions "Scenic trails" and "Quiet walkways connecting with Palm Plaza." Note the use of the plural. I'm sorry, but there are housing projects on both sides of that greenbelt, and the greenbelt narrows as the current cement *path gets closer to the mall*. Where do they plan to put these trails and walkways?

24.7

If you have reviewed the brochure, you may have noticed that there is no mention of parking structures being added. In fact, one (near the ice rink) is to be eliminated in order to put up "Modern loft spaces with courtyards" and "Comfortable homes for young families." The only mention of parking is in what they are calling "Nobel Heights: Modern residences with separate parking." I should hope there would be separate parking. Aren't all new houses, condos, and apartments in San Diego required to provide a certain number of parking spaces as well as visitor parking?

24.8

The parking situation is already a problem at Christmastime, and next Christmas it will be worse because of the addition of the new Crate & Barrel building at the northeast corner of the mall property, which was built in what was formerly part of the parking lot near Sears. Perhaps Westfield hopes everyone will leave their cars at home and take the proposed trolley. Somehow, I don't think that's going to happen. UTC mall receives customers who, in my observation, are middle to upper class, many of them families shopping together or moms with young children in strollers. I really don't see that kind of customer arriving and leaving by trolley, especially when laden down with bags of merchandise.

24.9

Returning to the housing planned for the east side of the mall, I have to wonder about the impact those residents will have on Towne Centre Drive, which just became a divided road with a median in it. Getting in and out of the mall, specifically turning left onto Towne Centre Drive, can be

2

24.6 A discussion of Torrey Trail is included on page 3-11 of the EIR. Any park improvements constructed in the Torrey Trail area would be developed with input from the community and would take into account the adjacent residential housing.

24.7 Parking is discussed on pages 3-13 and 3-14 of the EIR, and is also discussed as Issue 3 in Section 5.3. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

24.8 Parking is discussed on pages 3-13 and 3-14 of the EIR, and is also discussed as Issue 3 in Section 5.3. As discussed on page 5.3-72, impacts to the parking supply would be considered significant and mitigated to below a level of significance through the expansion of the existing off-sit employee program during the month of December and incorporation of a monitoring program to ensure parking needs for the expanded center would be met.

24.9 The EIR has acknowledged potential impacts to Towne Centre Drive, and included Mitigation Measure MM 5.3-5, MM 5.3-7 and MM 5.3-8 to mitigate the impacts.

problematic due to the traffic. There are no signals, and adding any between Golden Haven and La Jolla Village Drive would slow traffic on that street even more. On weekends, when there is less traffic, I often ride my bike on Towne Centre Drive, and when I ride south from La Jolla Village Drive, I always worry that one of the cars waiting in line to exit the mall will run me over in their quest to get on the road. I call it "Beat the Bicyclist" because when that lull in car traffic arrives, the waiting driver doesn't want to wait for the cyclist to go by.

24.9 cont.

I'm sorry this letter is so long, but I hope you will take into consideration the issues I have raised. Please do not allow Westfield to go ahead with their grandiose plans. Do not allow them to add hotels, housing, and office space. Most especially, do not allow them to build over the current legal height limit (60 feet) for that area.

24.10

Thank you for your time.

Sincerely,

Ann M. Collins

24.10 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: jcostel1@san.rr.com
Sent: Wednesday, October 10, 2007 7:40 AM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214
Project Number 2214

25.1 "The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed?

25.2 The project would allow Westfield to decide over time to build whatever combination of projects it wants: a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall. This vague "blank check" approach in an EIR violates California environmental law. San Diego may not have the water for more residents.

Regards

John Costello

6243 Buisson st.

UC resident and Voter

25.1 Please refer to response to comment 9.93 from the University Community Planning Group for a discussion of project traffic.

25.2 Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description. Also refer to response to comment 9.26 from the University Community Planning Group for a discussion of water supply.

From: Elle Dang [elledang@hotmail.com]
Sent: Wednesday, October 10, 2007 3:21 PM
To: dsdeas@sandiego.gov
Subject: Project Number 2214

26.1 The proposed Westfield community plan will not only remove the "community" from the UTC area, but condemn it to a new low of mega concrete and traffic

The increased traffic (18,000 cars daily), construction and noise levels will seriously affect the quality of life of those who live in the area (35 foot buildings, 750 new units of living space).

Thank you,
L.Dang
UC resident

26.1 Comment noted. Various aspects which help define quality of life including air quality, noise, transportation/circulation and aesthetics/visual quality are discussed in the EIR.

From: LaRu DeKock [Ldekock@san.rr.com]
Sent: Wednesday, October 10, 2007 10:13 AM
To: DSDEAS@sandiego.gov
Subject: Project 2214

Mayor and Council:

27.1 This is craziness. Since moving here five years ago, I have developed weepy eyes. My doctor says it's particulates from all the extra car exhausts. This UTC expansion, plus the 4 towers, the bridge and the widening of Genessee will bring thousands of more cars into what I thought was going to be a neat place to live. Then there's the traffic and noise. It's worse and worse. What was supposed to be a happy retirement in Renaissance is turning into the fall of Rome.

All my life I heard "It will be good for the economy", and I swallowed that, hook, line, and sinker. But, now, at 76, I am beginning to wake up and smell the coffee. Westfield may be good for the economy, but it will play havoc with the quality of life of all who live in north University City. Not fair. Who needs a second urban node in University City? Only the profiteers.

LaRu DeKock

27.1 As discussed in Section 5.4, no localized CO hotspot impacts would occur, therefore no potential health related impacts would occur. As discussed in Section 5.3, the EIR has acknowledged potential impacts to transportation/circulation. As discussed in Section 6.3.7, no significant impacts associated with long-term noise are anticipated.

From: rita deleo [njoylaxmiluv@yahoo.com]
Sent: Wednesday, October 10, 2007 2:31 PM
To: dsdeas@sandiego.gov
Cc: Info@rosecanyon.org
Subject: Project Number 2214/Gross Over-development

To whom it may concern,

28.1 The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

28.2 I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?

28.3 Instead of thinking about revenue, think about families and the type of neighborhoods we would all like to live in. Less crowded, quiet, safe, green. Think about COMMUNITY. And, please don't waste our money.
This is not a development of land that is available, this is a gross over-development of land that is already used to its maximum capacity.
Again, please do what's RIGHT for the community.
Sincerely,
Laxmi DeLeo

28.1 Please refer to response to comment 9.93 from the University Community Planning Group for a discussion of project traffic. Cumulative traffic is discussed in Sections 5.3 and 7.2.2. Please refer to response to comment 9.66 from the University Community Planning Group for a discussion of cumulative impacts with the Monte Verde project. Please refer to response to comment 9.51 from the University Community Planning Group for a discussion of holiday traffic.

28.2 Please refer to responses to comments 21.1 and 21.2 from Ms. Bolivar regarding Regents Road Bridge and funding of community facilities.

28.3 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: judith dolan [dolan1950@hotmail.com]
Sent: Wednesday, October 10, 2007 3:16 PM
To: *dsdeas@sandiego.gov*
Subject: UTC Mall Expansion

29.1 I think the expansion is excessive. The area is already very crowded.

Judith Dolan
4639 Governor Dr.
S.D., CA 921222

29.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Jack Forman (jackforman@sbcglobal.net)
Sent: Tuesday, October 09, 2007 11:36 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org.
Subject: Project #2214 - Westfield Expansion of UTC

30.1

As a resident of University City, I am strongly opposed to the expansion program proposed for UTC.

The current draft of the EIR fails to specify what will be built at UTC, except to note that it includes towers up to 35 stories high and 750 units of additional housing. University City is already densely populated, and very little undeveloped land is left in UC. The infrastructure of the community will not support additional population living in and traveling through the community. Unfortunately, Draft EIR for the proposed expansion project simply assumes that the Regents Road Bridge will be built and that Genesee Avenue will be widened. That is not at all certain, given the widespread local and regional opposition to both proposed traffic projects. And, it is also far from certain that the bridge and the expansion of Genesee Ave. will alleviate traffic problems during rush hour.

I am also opposed to the UTC expansion because it will negatively impact the community's aesthetic beauty. It will also probably increase the noise pollution in the UTC area, and according to the draft EIR, it will add significant amounts of pollution to the air. The only people who will profit from this misbegotten expansion of UTC

Stop this proposed project that endangers the UC community before it gets started.

Vote NO on Project #2214 at the Council meeting on Wednesday, October 10, 2007.

Jack Forman
4165 Porte de Palmas #195
San Diego, CA 92122
jackforman@sbcglobal.net

30.2

Community Character

Sample comment: Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

30.1 The commenter's opposition to the project is noted. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description. Please refer to response to comment 9.60 from the University Community Planning Group for a discussion of Regents Road Bridge. As discussed in Section 6.3.7, no significant impacts associated with long-term noise are anticipated. As discussed in Section 5.4, no localized CO hotspot impacts would occur, therefore no potential health related impacts would occur.

30.2 As discussed in response to comment 18.1 from Ms. Astiz, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

Recreation

30.3 **Sample comment:** "I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

Views/aesthetics

30.4 **Sample comment:** "The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community."

Noise

30.5 **Sample comment:** What will be the noise impacts of all that increased traffic and all that construction on *residents* throughout the area? What will the noise impacts of the traffic and operations of all these buildings on neighboring *residents*?

Air Pollution

30.6 **Sample comment:** The DEIR states the project will increase air pollution. What justification is there for a project that increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

The Westfield UTC Draft EIR: Key Facts

30.7
1. Would add almost 18,000 new traffic trips every day and further clog the freeway ramps.
2. Assumes the proposed Regents Road bridge project would be built. It would vastly increase traffic and drive the need for both the proposed Regents Road bridge project and the widening of Genesee Avenue between Nobel and the 52.
3. Would increase air pollution.
4. Would add up to 750 units of new housing with no new parks or libraries.
5. Would send all of its storm water and runoff into Rose Canyon, and from there to Mission Bay.
6. Would allow Westfield to decide over time to build whatever combination of projects it wants: a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall. This vague "blank check" approach in an EIR violates California environmental law.

30.3 Please refer to response to comment 9.60 for a discussion of Regents Road Bridge. Please refer to response to comment 21.2 for a discussion of parks and libraries.

30.4 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

30.5 Significant short-term noise impacts are discussed under Issue 2 of Section 5.9. Implementation of mitigation measures would reduce short-term noise impacts to less than significant. As discussed in Section 6.3.7, no significant impacts associated with long-term noise are anticipated. Also refer to responses to comments 9.5 and 9.96 from the University Community Planning Group.

30.6 Significant impacts to air quality are identified in Section 5.4, and mitigation measures are proposed. As discussed on page 5.4-28. Although the EIR stated there are no feasible mitigation measures to reduce NOx during construction to less than significant, the applicant has accepted a new mitigation measure (MM5.4-7 in the Final EIR) that will mitigate construction-related NOx. Despite the reduction in short-term NOx emissions, this project would still have significant and unmitigable impacts, and candidate findings and overriding considerations will be presented to the City Council. The purpose of this document is to disclose the significant impacts of the project so that the City Council can make an informed decision. The decision to approve, deny, or modify the project would be made by the San Diego City Council at a public hearing.

30.7 Please refer to responses to comments 21.1, 21.52, 28.1 and 30.6. As discussed on EIR page 5.5-21, the project design would include a number of measures to reduce potential impacts, including implementation of BMPs related to NPDES permit and current City Storm Water Standard/SUSUMP requirements. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

August 13, 2007

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

Dear Ms. Blake,

31.1

My family and I have lived in University City for more than 30 years. When we first moved here in 1976, we enjoyed a small, close knit community where traffic was never an issue. Through the years, more and more people and business have come to this area. Each year, brought more unmanageable traffic. Today, it is a 30 minute commute from the UTC area of La Jolla Village Drive and Genesee Ave. to 805 or to our residential area of University City at Genesee and Governor. (Please keep in mind that this is approximately 2-3 miles) It is nearly that long to get to Freeway 5. Once on these freeways, things go from bad to worse. The traffic situation is horrendous already and adding a few extra lanes here and there simply won't help. Won't the freeways need to be widened to accommodate all the extra cars that need to go elsewhere.? Where does all of this stop!!!

Is there no limit to the expansion that University City can accommodate? Please, consider the quality of life that we who live in this area deserve. UTC shopping center is large enough to fill the needs of the people in this area. In December (and on the weekends) parking is very, very difficult to find, as it is.

I am almost unable to address the issue of "35,000 square feet of office suites, 250 hotel rooms and 725 apartments and condominiums". Where will all these people park and drive? How many more cars does this translate into? It is totally inconceivable to me that anyone is even considering this. Please, take a drive in this area around 8am and 5pm. Try getting on 805 going South. Try finding a place to park at UTC. Check out the parking lot on 805 and 5 when traffic passes through the Golden Triangle. Cars are often stopped all the way back to the "merge" in the evenings. This area can not handle any more traffic, cars or people.

We, who love this community, plead with you to discourage such an expansion. For the sake of our children, the environment and for those of us who have chosen to stay in this nice community, please deny these businessmen the profits (and that is all they want) that they are seeking.

Susan Foster

Susan Foster
3190 Mercer Lane
San Diego, CA 92122

31.1 As discussed in Section 5.3, the EIR has acknowledged significant impacts to transportation/ circulation. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Phil Fowler [Pfowler@TorreyPinesBank.com]
Sent: Wednesday, October 10, 2007 9:17 AM
To: DSDEAS@sandiego.gov
Subject: Westfield UTC proposed expansion

32.1 Westfield is already *built to the maximum* allowed on its property. It is proposing a community plan amendment that would give it a huge increase in *what it is entitled* to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

Thank you

Phil Fowler
University City resident

32.1 As discussed in response to comment 18.1 from Ms. Astiz, CEQA does not require "*justification*" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail *required* for the project description.

From: Nancy Frederich [garynancy30@hotmail.com]
Sent: Wednesday, October 10, 2007 3:25 PM
To: DSDEAS@sandiego.gov
Subject: Utc Expansion

33.1 Expanding and building high rises in the UTC area is unwanted by the majority of the UTC residents. The developers are the ones who are to gain from these projects. UTC residents do not welcome the increase in traffic and of course the Regents Road Bridge, that will surely go along with all of the building and increased population. We already have a "DOWN TOWN" that is only ten minutes away and don't welcome another one!! I did not move here to be in the middle of a busy city environment. I moved to the University area to raise my kids in a calm, safe environment. I can't help but think that the developers with the power and money will end up winning this round. I only wish that for once, common sense and family values would prevail.

The Regents Road Bridge is another project not welcomed by this community. I have lived in this area my entire life, disaster evacuation, traffic and medical response times are NONISSUES. The developers are again the ones to gain from this project. I cant help but wonder what is motivating the City Council and the Mayor to push this project through so quickly. It will be interesting to see who Scott Peter's will be working for when his term is up. I smell a RAT!!!!

Nancy Frederich
858-274-3480

33.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: cgarland@earthlink.net
Sent: Wednesday, October 10, 2007 10:58 AM
To: DSDEAS@sandiego.gov
Cc: SD City Council
Subject: Project 2214

Dear Council Members,

34.1 I strongly oppose expansion of the Westfield Shopping Town and adjacent building plans and object to the sketchy Draft EIR. The Westfield Mall, and adjacent structures are already built out to the maximum allowable limits.
I oppose a community plan amendment that would allow Westfield a huge increase in development of this and adjacent properties. The Draft EIR does not provide any sensible reason to vastly increase the development of Westfield's property. It inadequately describes what Westfield will build in this already seriously congested and substantially overbuilt area.

34.2 Their are substantial issues regarding also the burden of visual pollution and scenic preservation with this project. Attractive natural skylines and views of mountain ranges from the sidewalks and public areas would blocked and overshadowed by inevitably ugly tall buildings, cutting off views and natural illumination.

34.3 The assumption included in the Draft EIR that the Regents Road Building will be built is not at all certain and is one example of a stipulation that is probably in error. Construction of the costly Regents Road bridge would damage a natural park and Federally-protected small riparian wetland containing threatened animal and plant species , and is highly controversial. Construction of such a bridge will be delayed for decades, if it ever occurs. This assumption, which is rather pivotal in calculations of the traffic burden, should not be allowed.

34.4 Please do not cave in this obvious power grab by Westfield and the building industry and their efforts to overbuild this development, regardless of the inevitable degradation of the quality of life of residents due to increased traffic congestion, an even more overburdened nearby freeway, and a substantially increased burden of harmful respiratory nitrogen oxide and carbon monoxide air pollution from the inevitable additional traffic congestion in this already-congested area.

Respectfully,

Rick Garland
University City

34.1 The commenter's opposition to the project is noted. As discussed in response to comment 18.1 from Ms. Astiz, CEQA does *not require* "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

34.2 As discussed in Section 5.2, there are no public view corridors in the area of the project, and the project would not block public views from parks or views of natural features. Therefore, no significant view impacts would occur.

34.3 Please refer to response to comment 9.60 from the University Community Planning Group for a discussion of Regents Road Bridge.

34.4 As discussed in Sections 5.3 and 5. 4, the EIR has acknowledged significant impacts to transportation/circulation and air quality. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Cheryl Geyerman [CAG@adi-sandiego.com]
Sent: Wednesday, October 10, 2007 9:54 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: OPPOSE Westfield Massive Expansion at University Town Centre

I am opposed to the massive expansion at UTC. There are several reasons why:

1. Traffic in that area is heavy; buses are not a solution; parking will be difficult. This would add almost 18,000 new traffic trips every day and further clog the freeway ramps.

2. The plan assumes the proposed Regents Road bridge project would be built which is not a given at this point. It would vastly increase traffic and drive the need for **both** the proposed Regents Road bridge project and the widening of Genesee Avenue between Nobel and the 52. The bridge is heavily opposed by the community, and the law, so far, has been on the side of those who oppose it.

35.1

3. Adding up to 750 units of new housing with no new parks or libraries, which is already heavily urbanized with little open space is a bad idea.

5. Storm water and runoff would be sent into Rose Canyon, and from there to Mission Bay--creating another environmental problem that San Diego government cannot run and hide from, though that's what it tends to do.

6. This plan would allow Westfield to decide over time to build whatever combination of projects it wants: a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall. **This vague "blank check" approach in an EIR violates California environmental law.** And, as such, will be opposed in the courts.

Cheryl A. Geyerman

University City, San Diego, CA

35.1 Please refer to response to comment 30.7 from Mr. Forman regarding the same issues.

3890 Nobel Drive #308
San Diego, CA 92122
August 21, 2007

Martha Blake, Senior Planner
City of San Diego
Dear Ms Blacke

Thank you for giving the public the opportunity to express their thoughts regarding the planned expansion of the UTC mall.

The proposed expansion by Westfield audacious at best, would severely impact the quality of life for the residents of University City and neighboring La Jolla many of whom are seniors. The last thing the neighborhood needs are 18,000 additional cars daily and 4 buildings, each over 300 feet. The proposed plan would be detrimental to the residents in several critical ways: Air pollution due to construction dust and later from the increased number of vehicles; Noise from construction and increased traffic; Significant increase in the amount of sewage and water usage.

36.1

The current proposal must be rejected. Westfield needs to come up with a new plan and design; one that is much smaller in scope, environmentally sound, and better suited to the needs of the neighborhood. Working collaboratively

36.2

1

36.1 The EIR discusses potential impacts to noise, transportation/circulation, sewage and water usage in Sections 5.9, 5.2, 5.7 and 5.8. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

36.2 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

36.2 cont.

with local environment groups, secular and religious institutions in the area (and there are several), and local businesses around the mall as well as with individual residents is essential to the success of this project.
There is much work to be done.

Sincerely
Blossom H. Hamer

From: Robert Gottlieb [rgottlieb@ieee.org]
Sent: Tuesday, October 09, 2007 10:09 PM
To: DSDEAS@sandiego.gov
Cc: *info@rosecanyon.org*
Subject: Project Number 2214

Hi,

37.1 The Draft EIR states that the *project would add almost 18,000 new vehicle trips a day and would* further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

I strongly object to this expansion and would propose that Westfield look elsewhere to expand.

v/r

Robert Gottlieb

37.1 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

From: Patricia Gregory [pats_gila_girl@yahoo.com]
Sent: Wednesday, October 10, 2007 10:16 AM
To: DSDEAS@sandiego.gov
Subject: Project # 2214

38.1 Why does a small community like UYC need a mall expansion-750 units of housing- a hotel tower & office towers that could reach 35 stories tall.

Westfield UTC is assuming that Regents Road Bridge will to through in order to accomidate more traffic. It sounds like you"re putting the cart before the horse.

The DEIR states that freeway ramps will get worse. Also the major streets.

I DO NOT approve of this hugh project.

Mrs Patricia Gregory
3032 Award Row
San Diego, CA 92122

38.1 As discussed in response to comment 18.1 from Ms. Astiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to responses to comments 21.1 from Ms. Bolivar and 9.93 from the University Community Planning Group.

From: The Hagstroms [thehags@san.rr.com]
Sent: Wednesday, October 10, 2007 8:09 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214

To All Those Concerned:

39.1 I have been a resident of University City for over 17 years. It was a place we chose to raise our family based on the community atmosphere that they had here. Since that time the city has allowed many new "high rises" to go up.
Also, added all those town homes at 805 and LaJolla Village Drive. I believe we should be able to have some area left to enjoy. Expanding the Westfield Shopping area will change the character of this community forever.

39.2 We already have traffic problems due to greedy people building more town homes and such in our community. We already have clogged parking lots around our area. Lord forbid there would be an actual emergency. Emergency personnel would not be able to get in or out efficiently due to the current road situation. The Draft EIR states that that the project would add almost 18,000 more vehicle trips a day and would clog the freeway ramps and local streets even more. The issue that you should be addressing is "how to fix the traffic problem" that already exists before creating and adding to the traffic problem and the air poillution problem.

39.3 It seems that by creating this expansion, people are looking at the short term rather than the long term effect. Short term means more money for the city. Long term the impact on the community, children, wildlife, traffic, and yes, the schools.

Please do not let this happen to a beautiful community as UTC.

Thank you.
Michele & Richard Hagstrom

39.4 Traffic

"The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse.
What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?"

39.1 As discussed in Section 5.2, the EIR has acknowledged potential impacts to visual character. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

39.2 As discussed in Sections 5.3 and 5.4, the EIR has acknowledged significant impacts to transportation/circulation and air quality. It is not within the scope of this project to "fix an existing traffic problem". The EIR has proposed mitigation measures to reduce project-related impacts.

39.3 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

39.4 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

39.5

Community Character

Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

39.6

Recreation

"I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

39.7

Views/aesthetics

"The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community."

39.8

Noise

What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area? What will the noise impacts of the traffic and operations of all these buildings on neighboring residents?

39.9

Air Pollution Sample comment: The DEIR states the project will increase air pollution. What justification is there for a project that increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

39.10

The Westfield UTC Draft EIR: Key Facts

1. Would add almost 18,000 new traffic trips every day and further clog the freeway ramps.
2. Assumes the proposed Regents Road bridge project would be built. It would vastly increase traffic and drive the need for both the proposed Regents Road bridge project and the widening of Genesee Avenue between Nobel and the 52.
3. Would increase air pollution.
4. Would add up to 750 units of new housing with no new parks or libraries.
5. Would send all of its storm water and runoff into Rose Canyon, and from there to Mission Bay.
6. Would allow Westfield to decide over time to build whatever combination of projects it wants: a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall. This vague "blank check" approach in an EIR violates California environmental law.

39.5 As discussed in response to comment 18.1 from Ms. Astiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

39.6 Please refer to responses to comments 21.1 and 21.2 from Ms. Bolivar regarding the same issues.

39.7 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

39.8 Please refer to response to comment 30.5 from Mr. Forman on the same issues.

39.9 Please refer to response to comment 30.6 from Mr. Forman on the same issues.

39.10 Please refer to response to comment 30.7 from Mr. Forman on the same issues.

From: Tom Hale [thale@san.rr.com]
Sent: Wednesday, October 10, 2007 4:49 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214 : Westfield proposal: huge mall expansion
October 0,2007

City of San Diego,

Regarding **Project Number 2214** :
the Westfield proposal: huge mall expansion; 750 units of housing, hotel tower, office tower- towers 35 stories tall on the existing UTC site

The Westfield UTC Shopping Center expansion will have a huge impact in increased costs for infrastructure & city services to teh City of San Diego. The traffic burden in that area with the huge dwelling structures built nearby within a few blocks directly east & west of the Westfield UTC site in teh last few years will bring more traffic congestion to an area that already suffers with traffic jams on the 805, 5,& 52 freeways surrounding the site & the streets in this area.

Our whole Golden Triangle community has become over developed & crowded with heavy traffic & congestion during the 7:30 - 9:30 & 3 - 6:30 PM period every day around teh whole area with the traffic which flows on each side of & in the Golden tarnished Triangle.

40.1

Westfield's proposed building plans will put an even larger burden on this whole community regarding city services, how large is not certain, but their known proposals are beyond what this community can handle & bear.

Westfield's increase at this site will be at our expense for the whole city of San Diego in city services: water, streets repairs, energy & power supply, police & fire protection, etc..
We all depend on the city of San Diego to provide these services, which are in poor condition city wide, without adequate repairs or upgraded infrastructure to provide basic city services & adequate police & fire protection to our residents & visitors.

We do know Westflield has included plans to build more large towering developments for Westfield's benefit, placing a huge drain on our water supply & air pollution in University City.

This whole area have to bear the brunt of Westfield's increase at our expense.

Do not approve the incomplete plan in the Draft EIR.

Resident & Home owner:

Tom Hale

5372 Bragg St.

Universtiy City, 33 years

40.1 As discussed in Sections 5.3 and 5.7, the EIR has acknowledged potential impacts to transportation/circulation and public utilities. The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Shalom Halevy [shalevy@mathwizards.com]
Sent: Tuesday, October 09, 2007 10:41 PM
To: DSDEAS@sandiego.gov
Cc: Friends of Rose Canyon
Subject: Project Number 2214

Enough to developers controlling city hall and our quality of life!!!

I oppose this project because of its impact on traffic, noise, recreation, etc. as it would:

41.1 1 add almost 18,000 new traffic trips every day and further clog the freeway ramps.
2. increase air pollution.
3. add up to 750 units of new housing with no new parks or libraries.
4. send all of its storm water and runoff into Rose Canyon, and from there to Mission Bay.
5. allow Westfield to decide over time to build whatever combination of projects it wants: a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall.

41.2 Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land.

41.3 The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights.

41.4 The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

41.5 The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. **What is the justification for adding more traffic before the existing freeway problems are fixed?** What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

41.1 Please refer to response to comment 30.7 from Mr. Forman on the same issues.

41.2 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

41.3 As discussed in response to comment 18.1 from Ms. Astiz on the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

41.4 Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

41.5 Please refer to response to comment 28.1 from Ms. Deleo on the same issues.

From: diane hanlon [dchan@webtv.net]
Sent: Wednesday, October 10, 2007 10:41 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org; d_hanlon@webtv.net
Subject: PROJECT #2214

I am writing in protest of the *following:*

Westfield Proposed Massive Expansion of UTC which Would Bring New Traffic, High Towers and Assumes Regents Road Bridge Project Would be Built which residents are against.

42.1

Traffic

The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

42.2

Community Character

Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

42.3

Recreation

I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?

42.4

The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community.

42.5

Noise

What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area? What will *the noise impacts of the traffic and operations of all these buildings on neighboring residents?*

42.6

Air Pollution

The DEIR states the project will increase air pollution. What justification is there for a project that increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

The Westfield UTC Draft EIR:

1. Would add almost 18,000 new traffic trips every day and further clog the freeway ramps.
2. Assumes the proposed Regents Road bridge project would be built It would vastly increase traffic and drive the need for both the proposed Regents Road bridge project and the widening of Genesee Avenue between Nobel and the 52.
3. Would increase air pollution.
4. Would add up to 750 units of new housing with no new parks or libraries.
5. Would send all of its storm *water and* runoff into Rose Canyon, and from there to Mission Bay.
6. Would allow Westfield to decide over time to build whatever combination of *projects it wants:* a vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories tall. This vague approach in an EIR violates California environmental law.

Sincerely,

Diane Hanlon
7746 Camino Noguera
San Diego, CA 92122
858-453-1754

42.1 Please refer to response to comment 28.1 from Ms. Deleo on the same issues.

42.2 As discussed in response to comment 18.1 from Ms. Astiz on the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

42.3 Please refer to responses to comments 21.1 and 21.2 from Ms. Bolivar regarding the same issues.

42.4 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

42.5 Please refer to response to comment 30.5 from Mr. Forman on the same issues.

42.6 Please refer to response to comment 30.6 from Mr. Forman on the same issues.

From: Brian hassler [hasslebc@juno.com]
Sent: Wednesday, October 10, 2007 1:55 PM
To: DSDEAS@sandiego.gov
Subject: WESTFIELD UTC EXPANSION

43.1 The proposed Westfield expansion at UTC would overwhelm University City.

This is not/should not be a "downtown" area. We are a residential area, and all good sense has gone out the window on this and many other projects. The densities/hieghts are unbelievable. The traffic is already gridlocked. THIS IS NOT ACCEPTABLE- NOT IN MY BACKYARD.

Brian C. Hassler
2912 Fried Ave.
San Diego, Ca.92122

43.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Marilyn Hauck [MaHauck@san.rr.com]
Sent: Wednesday, October 10, 2007 7:44 AM
To: DSDEAS@sandiego.gov
Subject: Subject 2214

44.1 We are against the massive expansion of UTC.
The shopping center is enough without adding hotels, offices and housing.
Please vote against this expansion and preserve UTC as it is.
We do not need more congestion.
We want to preserve our canyon.

Thank you,
Voters and environmentally concerned citizens,
Lane and Marilyn Hauck

44.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Jim [jim7@san.rr.com]
Sent: Thursday, October 11, 2007 8:20 AM
To: DSDEAS@sandiego.gov
Cc: rose canyon.org
Subject: No UTC Expansion

We are adamantly opposed to the Westfield UTC expansion attempt!

45.1 The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?"

Community Character

45.2 **Westfield is already built to the maximum allowed on its property.** It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

45.3 We are residents of University City and do not want any more increased traffic on Genessee or La Jolla Village Drive. We do not want the community to become a major city. Please vote NO on this proposed expansion.

Sincerely,
Jim & Sue Heleniak; 5429 Curie Way, San Diego 92122

45.1 Please refer to response to comment 28.1 from Ms. Deleo on the same issues.

45.2 As discussed in response to comment 18.1 from Ms. Astiz on the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

45.3 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Nancy Ivey [nancyi@iveyengineering.com]
Sent: Wednesday, October 10, 2007 10:18 AM
To: DSDEAS@sandiego.gov
Subject: Project number 2214

46.1 Please!!! **ENOUGH** building in University City. We cannot accommodate any more traffic in UC without building a bridge that would destroy our park like setting. My family and I use the canyons for hiking, walking and enjoying the birds. There are plenty of shopping malls in SD now.

Nancy Ivey

46.1 Please refer to response to comment 21.1 from Ms. Bolivar regarding the same issues.

From: Sky Jeannette [sky4health@sbcglobal.net]
Sent: Wednesday, October 10, 2007 3:51 PM
To: DSDEAS@sandiego.gov; info@rosecanyon.org
Subject: Project #2214
To Whom It may Concern,

47.1 I strongly oppose the huge proposed project of high rises and stores, etc. at UTC. *Enough is enough*! We already have a lovely area filled with plenty of people, restaurants and shops.

What is the compelling reason for stuffing more people and traffic in an already congested area? At some point, the quality of life will be lost with too much building.

Stop this initiative of expansion.

Thank you.

Sincerely,

Susan A. Jeannette
Curie Place, San Diego, UC

47.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

September 6, 2007

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

Dear Ms. Blake,

I am writing to provide public comment on the UTC expansion plan.

48.1 First, I am surprised at the short community notice for this major change. UTC only made public to neighborhood residents their plan in mid-August. I currently own a condominium and reside in the complex directly across Nobel from UTC.

48.2 I have lived in the North University City neighborhood continuously since 1992. As the neighborhood has expanded we have seen the residential quality steadily decline. The expansion of Nobel to the I805 had significantly changed the character of the street. The traffic volume has increased as well as the related noise and pollution. Worst of all traffic normally flows well in excess of the 35 mph speed limit east of Genesee. As you are aware this has caused a number of pedestrian accidents in the Nobel corridor from I5 to I805.

I wish to comment based on my viewpoint as an owner, a driver and a pedestrian (I regularly walk 3 miles several times a week in the neighborhood).

48.3 As an owner our property values have declined along with the residential quality of the area. This became more acute when the City approved a number of condominium conversions resulting in much higher vacancy rates. There is no shortage of rental and residential property in North University City. I object to the addition of even more residential housing in an area that can not fill the current housing inventory.

48.4 As a driver, the addition of more traffic in the neighborhood is unimaginable. Currently there is a 30 minute wait to leave the area going southbound between 4:30 pm and 6:30 pm weekdays. Merely widening the on-ramps will not improve the situation as the freeway is already running at maximum capacity as is Genesee. The City has been unable to correct the traffic problem on Genesee (yes we supported the reverse traffic lane) and has not started the Regents Road bridge that was funded years ago. More residential units will only make the problem worse. More office space will have an even greater negative impact on traffic as it impacts the rush hour. We can no longer get across the street or make a left turn at the intersection (yes it is designated an intersection by the street signage) of Nobel and Lombard Pl. Adding more housing and offices to UTC does not make sense. We frequently see space available signs on existing office complexes in the area and several new office complexes are being built currently. Why

48.1 A notice of preparation was circulated for 30 days starting on July 12, 2002 and a public scoping meeting was held on June 7, 2002 as required by CEQA. The Draft EIR was publicly noticed and available for public review for 60 days.

48.2 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

48.3 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

48.4 As discussed in Section 5.3, the EIR has identified significant and unmitigable impacts related to transportation/circulation. As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

48.4 cont. do we need more if we can not fill the current inventory. much less the inventory under construction?

48.5 As a pedestrian the walking quality is poor. Controlled intersections on Genesee and Nobel (east of Genesee) are few and far between. Drivers routinely exceed the speed limit, do not stop properly and seldom yield for a pedestrian. On any given day it is routine to have a driver honk at me for being in a crosswalk. The city continues to favor automobiles over pedestrians by closing pedestrian crosswalks in the neighborhood and building inaccessible pedestrian overpasses. The pedestrian overpass over Genesee in front of UTC dumps into a parking lot with no sidewalk available. Likewise the pedestrian overpass on La Jolla Village Drive in front of UTC dumps pedestrians off in an area that quickly requires stairs. Nobel is exclusively a residential street on the South side. Many homes open directly on to the street. More traffic and more pollution will do little to enhance the residential quality of the neighborhood.

48.6 I do not dispute Westfield's right to expand retail shopping in UTC. This is the purpose of the property. I do object to Westfield adding additional office and residential space in a neighborhood that has an abundance of both. When Fashion Valley was expanded there was no additional residential or office space added by the developer. Why should UTC be any different?. A mall is a retail destination, not a city or neighborhood. Building a new neighborhood at the mall without taking into consideration the existing neighborhood is not being a good corporate citizen and some would characterize as being greedy.

Thank you for taking the time to understand our opinions and providing a mechanism for public comment.

Sincerely,

Adam Lakritz
4435 Nobel Dr. #30
San Diego, CA 92122
858 622 1086

cc: Scott Peters (via email)

48.5 As discussed under Issue 5 of Section 5.3, the project proposes numerous pedestrian and bicycle facility improvements. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

48.6 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Judith Landau {j_e_landau@hotmail.com}
Sent: Tuesday, October 09, 2007 11:52 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214

Re: Westfield Expansion at UTC - Draft EIR I live in South University City (address below) and work in a 9-storey office building in North University City, and am concerned about the likely damage to the UC community by this project.

49.1 One of the major issues is the enormous traffic increase on already compromised road systems, as admitted in the DEIR. I'd especially ask what will the November-December holiday traffic conditions be?

49.2 The developers are aiming to attract thousands of shoppers from around the region - this will no longer be a local UC mall serving the UC community, but instead the source of traffic jams on streets and freeway ramps, air pollution, polluted water runoff and over-use of precious water resources. How does this developer plan to avoid all these ills for our community?

Thank you
Judith Landau
5989 Agee Street, San Diego CA 92122
858-452-6815

49.1 Please refer to response to comment 9.51 from the University Community Planning Group for a discussion of holiday traffic.

49.2 The EIR acknowledged that the proposed project is a regional shopping center. The EIR has discussed potential impacts to transportation/circulation, air quality, hydrology/water quality and water conservation in Sections 5.3, 5.4, 5.5, and 5.8. Where appropriate, mitigation measures have been proposed to reduce significant impacts. The EIR has also acknowledged significant and unmitigable impacts to transportation/circulation and air quality.

From: David Laney [dclaney@gmail.com]
Sent: Wednesday, October 10, 2007 3:24 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214

Sir/Madame:

I am writing you to voice my strong opposition to the expansion of the UTC shopping center. As a homeowner in the LJ Shores area, I am concerned that the additional traffic will bring the area that is already near gridlock into total gridlock. This includes access to *both I5 and I805 as well as traffic on N.* Torrey Pines Road, La Jolla Village Drive and Genesee. Until the recent widening of LJ Village Drive, traffic was often backed-up all the way to the Torrey Pines Gliderport in the evening. How will an additional 18,000 trips per day be accommodated?

50.1

The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

This project must assume that the Regents bridge is constructed in order to manage traffic. Planning based on that assumption is risky (to the community) since construction of the bridge is opposed my several community groups and litigation may delay the bridge or it may never be built."

Again, I urge you to oppose this ill-conceived expansion until these significant issues are adequately addressed.

David Laney, PhD
Sugarman Drive
La Jolla, CA 92037

50.1 The commenter's opposition to the project is noted. Please refer to responses to comments 21.1 and 28.1.

From: Geoffrey Laundy [gelaun@mac.com]
Sent: Wednesday, October 10, 2007 12:56 PM
To: DSDEAS@sandiego.gov
Cc: Friends of Rose Canyon
Subject: Project 2214

Dear Sirs

51.1 Given the urgent requirement of updating San Diego's infrastructure (for example, water mains), your rush to spend tens of millions on a bridge to nowhere is ludicrous.
Expand the trolley service, Build the coaster station at Nobel Drive. Get into the 21st century.
To lay down endless new acres of asphalt when you can't even maintain what you have doesn't make any sense.

Here's to a revitalized San Diego.

Geoff Laundy

51.1 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

Sue Lemontre
4815 E Alder Dr
San Diego, CA 92116-2325

5-13-07

Re: UTC Expansion

Dear Mr. Blake,

Regarding the 28,000 gallons of water UTC expansion would use per day: Does this water come from the treatment plant located in that vicinity? Why not make using that treated water a contingency for approval of the project? We've tried & tried to "tap" programs and have it rejected - maybe they'll take a good look at it if they can't get the project approved otherwise.

Sue LeMontre
slemontre@aol.net

52.1

52.1 Water supply is discussed in EIR Section 5.8. The project proposes to use recycled water for landscaping irrigation. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Richard Medlock [rmedlock@san.rr.com]
Sent: Wednesday, October 10, 2007 11:08 AM
To: DSDEAS@sandiego.gov
Subject: Project 2214

53.1 We are citizens of University City and are opposed to the Westfield expansion proposal. Our community has reached it maximum population based on available facilities and roadways.

We are opposed to the Regents Road bridge proposal.

We are opposed to the Genesee Avenue widening proposal.

Richard and Julie Medlock
5710 Bloch Street
San Diego CA 92122
858 450-0101

53.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Brandalyn Patton [brandalyn@onlinecpi.org]
Sent: Monday, September 24, 2007 4:31 PM
To: dsdeas@sandiego.gov
Subject: Project Number 2214

54.1 I could not find any documents on the UTC expansion project on your site. Can you email me the EIR.

Thanks

Brandalyn Patton
Research and Policy Analyst
Center on Policy Initiatives
3727 Camino Del Rio South, Suite 100
San Diego, CA 92108
619-584-5744, Ext. 23
619-584-5748 Fax
brandalyn@onlinecpi.org

54.1 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Tom Petrie [petrie@fusion.gat.com]
Sent: Wednesday, October 10, 2007 8:30 AM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214

55.1 As a resident of University City, I have a question concerning Westfield's expansion plans, as embodied in the Draft Environmental Impact Report (Project Number 2214). The Draft EIR assumes the proposed Regents Road bridge project will be built, which would supposedly relieve traffic generated by the Westfield large-scale expansion plans. At present, there is no EIR for the Regents Road Bridge and there will not be one for *at least* one year for the SD City Council to examine. If the eventual Regents Road bridge EIR is rejected by the City Council (or if the bridge issue is delayed or cancelled by Court action), how would this eventuality affect the Westfield DEIR analysis? I would greatly appreciate a response to this question.

I think that any assumption that the Regents Road bridge is going to be built is highly speculative at this time, and so approval of the the DEIR for project 2214 would be highly premature.

Thank You.

Tom Petrie

55.1 Please refer to response to comment 21.1 from Ms. Bolivar for a discussion of Regents Road Bridge.

Martha Blake
Senior Planner
City of San Diego Development Services Center
1222 First Av.
MS 501
San Diego CA 92101

Subject: Project Number 2214

Dear Ms. Blake,

56.1 The DEIR presents a broad scenario of possible development scenarios but does not address specific projects. How can the community adequately assess the impacts that will occur from the project when everything is so nebulous? Each scenario would have an impact, some worse than others.

56.2 Impact on the residents, schools, businesses and commercial establishments surrounding UTC, including South University City, must be thoroughly addressed. Genesee Avenue is gridlocked several times a day under present conditions. How will the placement of an additional traffic signal (for bus only) on Genesee Ave between Nobel and Esplanade help relieve congestion? This will further add to the congestion on this street. **Fig. 3.2, pg. 3.10.**

56.3 I-805 is gridlocked during both am and pm peak travel times which now extend to several hours each day. The southbound ramp to 805 at Governor Dr. is severely impacted by present southbound traffic moving to exit to Hwy 52. Adding *any* additional vehicles to I-805 will further impact it. It may be years before adequate transit reaches the area or freeway improvements are made. Nobel Dr. was to be the answer to congestion when UTC was first built. It took 20 years for Nobel Dr. to go through! The trolley may never be a part of the transit scenario. Improvements must be concurrent with development, and we must know exactly what development is being proposed.

Sincerely,

Carole Pietras
6917 Lipmann ST
San Diego CA 92122

56.1 The potential land use scenarios are shown in Table ES-2 and discussed in Section 3.4 of the EIR. As stated on page ES-7, the "EIR evaluates the worst-case of all eight land use scenarios proposed by the Master PDP." Therefore, within Section 5.0, Environmental Analysis, depending on the issue, the EIR identifies which of the eight land use scenarios would result in the maximum or worst-case impacts.

56.2 A feasibility study on all proposed transportation/circulation mitigation measures was prepared (Rick Engineering 2007a), which determined that all improvements recommended in the Traffic Impact Study and within the EIR are feasible from an engineering perspective.

56.3 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Shelley Plumb [sheljoy@san.rr.com]
Sent: Wednesday, October 10, 2007 2:22 PM
To: DSDEAS@sandiego.gov
Subject: Project No. 2214 - Westfield UTC Expansion

57.1 As a long-time resident of University City, I am writing to voice my concerns about the DEIR regarding Westfield's proposed expansion of University Town Centre. The DEIR states that this expansion would add approx. 18,000 trips per day that will clog our surface roads and freeway onramps. We must consider also the impact of air pollution and noise that this increased traffic will have on the surrounding residents. The freeway onramps are already clogged at rush hour and traffic often is at a standstill. We need to lower air pollution -- not increase it. I am very concerned about the impact this expansion would have around holiday times. We will not be able to get in or out of UTC because of the increased traffic, congestion and no parking. On Freeway 163, at the Fashion Valley exit (Friars Rd.), from the end of November until the end of December, traffic is stopped on the freeway trying to get into Fashion Valley. If one is brave enough to wait in the long times, parking is extremely difficult to find once in the shopping center. I don't want the same thing to happen at UTC. I don't want multi-storied parking structures. In this age of global warming, we must cut down on consumption and we certainly do not need 150 new stores, more movie theatres (we have Landmark, AMC La Jolla12, Pacific Town Square Stadium 14 within easy distance). Are people going to go to a congested shopping mall to see a movie when these others offer abundant parking and easy in-and-out access?

57.2 In University City, we have a major regional resource: Rose Canyon Open Space Park. The DEIR assumes that a proposed bridge will be built thereby relieving some of the traffic generated by the expansion. The proposed bridge would destroy the most quiet and peaceful part of the canyon and bring even more traffic into South University City.
The DEIR cannot assume that this bridge will be built to offset traffic and it offers no mitigation if the bridge, in fact, is ever built.

57.3 A major concern must be that the DEIR fails to describe exactly what Westfied want to build. The DEIR must describe exactly what will be built. They must justify this huge expansion, which will require a community plan amendment, especially in light of changing attitudes worldwide about consumption, overcrowding, waste, global warming, pollution, noise, and the breaking down of communities. This expansion is totally out of character with the area surrounding UTC and will cause more stress on our sewers, drainage and roadways. It is absolutely unnecessary and will not benefit the community. It may mean profit for Westfield while degrading our lifestyle and our community. We cannot let this happen.

Thank you.

Sincerely,

Shelley Plumb
5952 Scripps Street
San Diego, CA 92122

57.1 The EIR identified significant impacts to transportation/circulation and air quality in Sections 5.3 and 5.4. Please refer to response to comment 9.51 from the University Community Planning Group for a discussion of holiday traffic.

57.2 Please refer to response to comment 21.1 from Ms. Bolivar for a discussion of Regents Road Bridge.

57.3 As discussed in response to comment 18.1 from Ms. Artiz, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

From: Jane E Richardson [JER@ntrs.com]
Sent: Wednesday, October 10, 2007 2:29 PM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214

58.1 As a registered voter in San Diego County for over 33 years and as an 18 year resident homeowner in the UTC area, I am VERY OPPOSED to the proposed massive development of the UTC shopping center property. Recently I received in my home mail a polished, mass mailer from the developer seeking my support of this project. Not only do I believe the mailing was somewhat misleading, I find the developer's budget impossible to compete with. I hope that when the City considers this project, quality of life concerns will prevail over developer profits. Please do not allow the proposed variance to the community plan and permit this massive project to go forward. The nature and life style of the Golden Triangle area have deteriorated greatly over recent years as the City has allowed such dense development to go forward. This area can not handle more congestion. We have precious little open space now. Rose Canyon is our only remaining natural setting and it is threatened by the proposed Regents Road bridge. PLEASE limit the development of this area. I don't want to live in a high rise, congested, concrete covered neighborhood.

Thank you.

Jane E. Richardson

58.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: ringsfamily@aol.com
Sent: Wednesday, October 10, 2007 10:39 AM
To: DSDEAS@sandiego.gov
Subject: Project #2214 Westfield Expansion.
Hello,

59.1 My husband and I are 25 year residents of University City and we are VERY concerned about the upcoming expan of the Westfield Shopping Center known as UTC. The project that is being proposed is HUGE and would impact our community greatly in a negative way. It seems that what is being proposed is a Fashion Valley type expansion, PLUS residential units. Fashion Valley has been built into a cement city which is unattractive aesthetically and overwhelming to visit. The traffic getting in and out is insane, and residents in University City are rightly concerned that this project will ruin our community, not only causing incredible traffic and congestion, but negatively impacting our way of life. Really... how many more stores do we really need?? Our community does not need an improved UTC. It is an adequate mall, and not long ago they did a remodel and changed it's layout. This Project is overkill. Too large, too many shops, too much residential, too much impact in general!! How many average daily trips will this add to Genessee and La Jolla Village drive. The traffic will be outrageous on the surface streets and the freeway's will be backed up for miles. I feel the project as it is proposed would only benefit the shopping mall owner and the developer. If it is more residential units you need, consider that without inflicting on our community the type of mall that is Fashion Valley. Please remember there is a quality of life here in University City that we value greatly. We do not want to give that up for a little more space in a Gap store or some new high end Fendi or Gucci stores. Please vote against the current proposal and seek a compromise that would be beneficial to the community as well as the developer.

Thank you,
Sincerely,
Beverlee and Steve Ring
4151 Tamilynn Court
San Diego, CA 92122 (UC)
858-450-3286
RingsFamily@aol.com

59.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Allan Sathyadev [sathyadev@yahoo.com]
Sent: Wednesday, October 10, 2007 6:58 AM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214
Dear Sir/Ms

Please note some of the comments I have on the above project

60.1

Traffic

"The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?"

60.2

Community Character

Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

60.3

Recreation

"I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

60.4

Views/aesthetics

"The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community."

60.5

Noise

What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area? What will the noise impacts of the traffic and operations of all these buildings on neighboring residents?

60.6

Air Pollution

The DEIR states the project will increase air pollution. What justification is there for a project that increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

Allan Sathyadev
2545 San Clemente Terr
San Diego, CA 92122

60.1 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

60.2 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description

60.3 Please refer to response to comment 21.1 from Ms. Bolivar regarding the same issues.

60.4 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

60.5 Please refer to response to comment 30.5 from Mr. Forman regarding the same issues.

60.6 Please refer to response to comment 30.6 from Mr. Forman regarding the same issues.

From: Fred Saxon (fsaxon@yahoo.com)
Sent: Tuesday, October 09, 2007 11:20 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Stop the Westfield Expansion!!!!!

61.1 According to the Draft EIR, the Westfield expansion will lead to:
MORE traffic, MORE pollution, MORE noise, and thus completely change the character of University City. It will do nothing to add more parks. And it will completely and irreversibly change the quality of life for UC residents. Please do not allow this corporate expansion.

F. Saxon

61.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Shira Scott [spscott@mail.sdsu.edu] **Sent:** Tue 9/25/2007 5:34 PM
To: DSDEAS@sandiego.gov
Cc:
Subject: UTC Expansion
Attachments:

Martha Blake,

62.1 I am deeply disturbed that proposed expansions that include adding up to 725 dwelling units and up to 250 hotel rooms are even considered. I have lived in University City for over 10 years and have watched an excessive amount of construction going on around the UTC shopping area. This construction and added dwelling units crowds our city and makes traffic unbearable, especially on Genesee, between 4:00-6:30pm. I don't understand why elected officials are not standing up for their constituents and fighting against this. I love living in University City and hope to live here for the next 30 years and throughout retirement. I am frustrated however by the constant updates of development projects getting approved in a section of the city that can not handle more growth. Please help the citizens fight the developers!

Shira Scott
A very concerned citizen

62.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Kathleen Scully [scully.kathleen@gmail.com] on behalf of Kathleen Scully [kscully@ucsd.edu]
Sent: Tuesday, October 09, 2007 10:35 PM
To: DSDEAS@sandiego.gov
Cc: Friends of Rose Canyon
Subject: Westfield Proposes Massive Expansion of UTC

63.1 The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?

Kathleen Scully, Ph.D.

UCSD
9500 Gilman Drive
La Jolla, CA 92093

Residence:
5503 Dalen Avenue
San Diego, CA 92122

63.1 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

From: Carinne [rememberriver@san.rr.com]
Sent: Tuesday, October 09, 2007 9:53 PM
To: DSDEAS@sandiego.gov; info@rosecanyon.org
Subject: Project Number 2214
To Whom it May Concern,

64.1 I oppose the expansion of the Westerfield Mall at UTC. I am a thirty year resident of University City. I use Rose Canyon *Open Space Park* for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?

Please don't destroy our quality of living and refuse the expansion.
Carinne Senske

64.1 Please refer to responses to comments *21.1* and *21.2 from* Ms. Bolivar regarding the same issues.

From: ssexton@san.rr.com
Sent: Wednesday, October 10, 2007 3:55 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org; cityattorney@sandiego.gov
Subject: Project Number 2214

To Whom It May Concern:

Please help me understand why the expansion of the Westfield UTC complex is in the best interest of this city. We are obviously already in dire straits regarding the city water situation - how on earth can it possibly be improved with the constant building of new homes, in this case another 750 units? And a hotel, which uses massive amounts of water? It is completely irrational in these times to even remotely consider changing the UC community plan to INCREASE water usage, purely for the sake of commerce. Can you spell D-E-S-E-R-T?

I also can't fathom why the city would want to bring in MORE traffic to an area that is already fighting to keep the traffic under control as it is. The community was very clear in it's opposition to the building of Regents Bridge. Painfully, the city council, under the pathetic leadership of Mr. Peters, is already trying to spend ANOTHER $5M on designing a bridge that the community is adamantly opposed to (hopefully the city attorney will be able to stop that debacle - as illegal and an egregious waste of funds). Is expanding Westfield the first step that Mr. Peters is trying to take to really overburden the UC traffic flow, thereby justifying his push for the Regents bridge? So he can get donations from those companies for yet another campaign? I can't possibly come up with any other justification other than pure selfish greed on his part and the builders.

65.1

Please do not disregard our love of our community and Rose Canyon - we cherish it and do not want further expansion in UC. The residents do NOT want increased traffic and we do NOT want a bridge - PERIOD.
Expanding UTC to include residence units will exacerbate the traffic problems. We deeply resent the continued efforts of the city and council to over-populate and over-commercialize our community. This has been shown repeatedly by the votes of our planning group [which you often ignore] and by our overwhelming financial support for the groups that hired legal counsel to handle the bridge fiasco.

Hopefully you will carefully consider all the issues at hand [city budget, unwanted bridge/inadequate EIRs, water use, La Jolla slides, etc.] and this expansion will not have your support. You have faced enough embarrassment with the Sunroad debacle - please do not go down that same path again. LISTEN to the community residents, NOT the commercial entities who don't really seem to care about the citizens of San Diego.

Your very careful consideration of these issues would be appreciated.

Most sincerely,
Stephanie Sexton
UC resident

65.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Conor Soraghan [csoragha@hotmail.com]
Sent: Tuesday, October 09, 2007 9:18 PM
To: dsdeas@sandiego.gov; info@rosecanyon.org
Subject: Proposed Westfield Expansion Project Number 2214

Dear Sir/madam'

I am writing you concerning the proposed Westfield Expansion. This is a tremendously bad idea on so many levels namely:

66.1 Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the sam land. The DEIR should explain what justification there is to vastly increase the value of Westfiel property by giving them all these new development rights. The DEIR fails to describe what exa Westfield will build. The DEIR **must** describe exactly what will be built.

66.2 What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area? What will the noise impacts of the traffic and operations of all these build on neighboring residents?

66.3 The DEIR states the project will increase air pollution. What justification is there for a project tl increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

IN SUMMARY - THE REASONS WHY THIS EXPANSION IS SO BAD:

66.4
1. Would add almost 18,000 new traffic trips every day and further clog the freeway ramps.
2. Assumes the proposed Regents Road bridge project would be built. It would vastly increase tra and drive the need for both the proposed Regents Road bridge project and the widening of Genes Avenue between Nobel and the 52.
3. Would increase air pollution.
4. Would add up to 750 units of new housing with no new parks or libraries.
5. Would send all of its storm water and runoff into Rose Canyon, and from there to Mission Bay.
6. Would allow Westfield to decide over time to build whatever combination of projects it wants: i vastly expanded mall in addition to up to four residential, office and hotel towers up to 35 stories This vague "blank check" approach in an EIR violates California environmental law.

66.5 Please fully complete the EIR and please do NOT let Westfield destroy UTC. No giveaways to wealthy developers. Thank you.

Conor Soraghan.
csoragha@hotmail.com

66.1 As discussed in response to comment 18.1, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

66.2 Please refer to response to comment 30.5 from Mr. Forman regarding the same issues.

66.3 Please refer to response to comment 30.6 from Mr. Forman regarding the same issues.

66.4 Please refer to response to comment 30.7 from Mr. Forman regarding the same issues.

66.5 It is not clear why the commenter believes that the EIR is not complete; therefore no further response can be made.

From: Anne St Louis [amstlouis@earthlink.net]
Sent: Thursday, October 11, 2007 10:26 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214
To Whom It May Concern

67.1 Our area suffers major traffic congestion and is already an extremely high density business center. I totally disagree with Westfield's proposal to expand their development rights. Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built. Have you seen the HUGE apartment complexes that have already been built just east of Westfield?

67.2 Further, this Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

For some reason, our leaders have decided that it is okay to abandon long-standing plans for the University City. I am paying close attention to your upcoming vote.

Sincerely,
Anne St. Louis

President
Biovation, Inc.

67.1 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

67.2 Please refer to responses to comments 21.1 and 21.2 from Ms. Bolivar regarding the same issues.

From: DESTEELE@aol.com
Sent: Tuesday, October 09, 2007 8:32 PM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: Project Number 2214 Questions?
Sirs:

I wish to express my concern for the proposed Westfield Mega Expansion project. Following is an overview of the reasons for this concern. I urge you to carefully consider these below impacts before allowing progress to this proposed project.

68.1 Traffic
"The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates. The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? Specifically, what will the November-December holiday traffic conditions be?"

68.2 Community Character
Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

68.3 Recreation
"I use Rose Canyon Open Space Park for walking, running, biking, and nature walks. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals. How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?"

68.4 Views/aesthetics
"The Draft EIR vaguely states it will overcome the visual impact of having new 35 story

68.1 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

68.2 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 from the University Community Planning Group for a discussion of the level of detail required for the project description.

68.3 Please refer to responses to comment 21.1 and 21.2 from Ms. Bolivar regarding the same issues.

68.4 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

68.4 cont. buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community."

68.5 Noise
What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area? What will the noise impacts of the traffic and operations of all these buildings on neighboring residents?

68.6 Air Pollution
The DEIR states the project will increase air pollution. What justification is there for a project that increases air pollution? The DEIR should identify specific substantial measures to reduce air pollution.

Concerned citizen and resident,
Don Steele
3436 Millikin Ave.,
San Diego, CA 92122

68.5 Please refer to response to comment 30.5 from Mr. Forman regarding the same issues.

68.6 Please refer to response to comment 30.6 from Mr. Forman regarding the same issues.

From: Pamela Steinberg [pammanny@sbcglobal.net]
Sent: Wednesday, October 10, 2007 4:01 PM
To: DSDEAS@sandiego.gov
Subject: UTC Mall Expansion
Dear Gentlemen and Ladies:

69.1

I can understand that Weisfield would like to expand there mall and I have no problem with it going to a two story mall. But it doesn't seem wise to give them an aproval on development without limits. 750 housing units and 35 story buildings right next to single story homes is not what was originally planned for this site.
A mall is not a housing complex and should stay as it was zoned. I do not see any justification for the Weisfield proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

I received a brochure from Wesifield pushing for this development showing only a 2 storydevelopment - now that I have learned the real development issue I do not like the false advertisement I received from this company. It showed a bell tower like structure, but that isn't a 35 foot comdo structure either.

The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community.

To top it off, they are assuming the Regents Road bridge will be done which means we are giving up premium open space that is used by school groups, scouts, joggers, bikers, walkers, and nature lovers. This again ruins more open space for more stores that are not required. We already have so many malls in this area and congestion, the open space is greatly needed for all the recreational use it gets each day.

69.2

The other problems I see with this developement is that it doesn't appear to go thru EIR requirements per California Law which concerns me. What impact will this have on our roads, noise requirements for the single family homes backed up to this monstrous development, and the sewer and other city infrastrutures. I know from a fact that the sewer development won't even handle the new towers going in at La Jolla Village Dr and Genessee. This development has to upgrade our existing pipes going into Rose Canyon. Who is going to fix the pipes in Rose Canyon and upgrade for the mall? None of this has been addressed and it is extremely costly. As a taxpayer I would like to know the outcome of this issue.

I feel there are too many unopened questions and EIR issues for my to approve any development and I would encourage you not to approve this development.

Pam Steinberg
4185 Porte de Merano #155
San Diego, CA

69.1 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 for a discussion of the level of detail required for the project description. Also please refer to responses to comments 21.1 for a discussion of Regents Road Bridge and 9.106 for a discussion of building heights.

69.2 As discussed in Sections 5.3, 5.5.9 and 6.3.7, potential impacts to transportation/circulation and noise have been identified.

The recently approved Monte Verde project has already addressed the need for the sewer upgrade in University City by evaluating and agreeing to upsize the sewer line between Rose Canyon and the Monte Verde project site. That upsizing will fully mitigate this project's cumulative impacts on sewer capacity, as the Monte Verde site is located adjacent to the University Towne Center site. The University Towne Center project applicant will still be required to contribute its fair share amount, which may then be used to reimburse the Monte Verde project applicant for any expenses associated with upsizing the sewer line. Regardless of whether the sewer upgrade is completed by the Monte Verde project applicant, the University Towne Center project is not permitted to connect to the sewer line unless and until the line has been upsized.

The environmental impacts of the sewer upgrade have been addressed in the Final EIR for the 560-Unit Monte Verde Project, certified by the City of San Diego on September 17, 2007. The sewer expansion is expected to have environmental impacts on biological resources, historical resources, and visual effects/neighborhood character. According to the Monte Verde Final EIR and findings previously adopted by the City, the impacts to biological and historical resources will be mitigated to a level below significance. As discussed in Section 5.2 of the EIR, impacts on visual effects/neighborhood character may remain significant is the sewer line is not placed underground.

From: cylierchou@san.rr.com
Sent: Wednesday, October 10, 2007 8:30 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: No! Westfield Proposes Massive Expansion of UTC

To Whom It May Concern:

Westfield is already built to the maximum allowed on its property.
It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. Stop allowing money and political ambition manipulate the plan set in place and stop these constant attacks on the master plan. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights.

70.1

The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

Westfield is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land.

The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build. The DEIR must describe exactly what will be built.

Sincerely,
David & Ivonne Stewart

70.1 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 for a discussion of the level of detail required for the project description.

From: Elizabeth Stiles [ecstiles@gmail.com]
Sent: Monday, September 24, 2007 10:02 AM
To: mblake@sandiego.gov
Subject: RE: UTC

September 24, 2007

Martha Blake, Senior Planner
City of San Diego
1222 First Avenue, MS501
San Diego, CA 92101

RE: UTC

Dear Ms. Blake:

I currently live at Torrey Pines Village, a complex directly adjacent to UTC, and have taken great interest in the upcoming UTC revitalization project. Their displays tout that the project will include:

a.. Preservation of natural open spaces
b.. New specialty boutiques and dining options
c.. New luxury department store experiences
d.. Environmentally friendly designs
e.. Convenient/hassle-free experience
f.. Improved connections with community
g.. New transit options, more transportation choices

71.1 I am particularly excited that Westfield will be pursuing environmentally friendly designs. I think this is a great opportunity to educate the public about the benefits of green development and find out what the community wants; and so far I think Westfield has done very well to seek community feedback through their UTC Experience booth at the mall, and presentations and mailings to the community.

In their presentations, they have shown how they plan to improve pedestrian access, walkways, and bridges—an improvement I think the whole community will benefit from. Like myself, many living in the UTC area appreciate being able to walk to the grocery store and for other shopping needs… and these changes will make that much easier and also safer, particularly along Genesee and La Jolla Village Drive.

I will also enjoy the expanded shopping and dining options, which will be very hassle-free for me since I can walk to the mall. I am interested to see how the new parking and transit options will accommodate visitors who cannot just walk over. While, I wonder how hassle-free accessing a significantly larger mall in a very dense urban area can be, I think the plans expressed so far have shown that they are pursuing as hassle-free an experience as possible. At the very least, the transit center will be a huge improvement and a great option for getting to the mall.

Overall, the improvements to transportation, pedestrian access, and the use of environmentally friendly projects make this a project that I am really looking forward to. Thank-you for letting me provide some input.

Sincerely,
Elizabeth Stiles

71.1 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: jstrebappraisals@aol.com
Sent: Wednesday, October 10, 2007 8:11 AM
To: DSDEAS@sandiego.gov
Cc: info@rosecanyon.org
Subject: project 2214

72.1 I use Rose Canyon Open Space Park for cycling. The Draft EIR assumes the proposed Regents Road bridge project would be built, which would relieve traffic generated by the Westfield mega expansion and benefit only the developers at a huge cost to the environment and our lifestyle. This would ruin the most scenic and peaceful area of Rose Canyon Park, used by school groups, scouts, and individuals.

72.2 How will the Westfield mega expansion mitigate for this? Given that the project will add up to 750 units of housing, how will the project meet the increased need for parks when there is no land available for new parks and our community already has far fewer parks than city standards? How will the project meet the need for increased recreational and library facilities for these new residents? And what will be the impacts on parks and libraries of these new residents in combination with all the new residents in all the other residential projects being built?

72.3 The end result is noise, pollution and highway speed traffic thru a residential area. I for one can live without another windfall for developers and their politicians.

West UC resident

John Streb
J.Streb Residential Appraisals, Inc.
2621 Denver Street, #D
San Diego, Ca. 92110
(619)-276-8734
(619)-276-8736 fax
john@jstrebappraisals.com

72.1 Please refer to response to comment 21.1 from Ms. Bolivar regarding the same issues.

72.2 Please refer to response to comment 21.2 from Ms. Bolivar regarding the same issues.

72.3 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Jerry Streichler [jstreic@bgnet.bgsu.edu]
Sent: Wednesday, October 10, 2007 11:17 AM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214

I live in the Golden Triangle. My address is given below.

73.1

Every morning and evening during what we consider "rush hours," I drive along the stretch of La Jolla Village Drive between I-5 and I-805.

I am not a traffic engineer, but it should be obvious to lay persons and professional experts alike that the traffic flows already created by the already approved and completed and soon to be completed projects in the affected area have not been addressed.

The consequences are already being felt and all the dangers of pollution, distraught drivers, wasted gas consumption, time wasted sitting in idle traffic jams are evident.

To pile on another project without insuring that environmental and other neighborhood impacts are ameliorated and in fact without assuring that any new project will assume complete responsibility and costs of easing the existing and foreseeable traffic flow problems and other environmental issues will not only be politically foolhardy, but will be a complete abrogation of leadership responsibility.

73.2

Clearly, the magnitude of this project is such that anyone familiar with large construction projects must realize that large numbers of citizens, owners and renters in the areas will be seriously discommoded for a period of several years.

It seems that any EIR dealing with this issue must address the identified threats to the community and its citizens and must insure that citizens are not penalized in their daily lives on behalf of increasing the investment value of those proposing the project.

If the project were to be approved to move forward, that approval should include provisions that the construction that will be undertaken will be done under conditions that will insure, as a first priority, the comfort, convenience and health and safety of the community's citizens and visitors.

Jerry Streichler
4007 Porte de Palmas #66
San Diego, CA 92122

858 450 3147

73.1 As discussed in Section 5.3, the EIR acknowledged significant impacts to transportation/ circulation. It is not within the scope of this project to fix existing problems. The EIR has proposed mitigation measures to reduce project-related impacts.

73.2 Potential impacts of the project are identified on Section 5.0 of the EIR and mitigation measures are identified where appropriate.

Martha Blake – Senior Planner 13Aug07
City of San Diego Development Services Center
1222 First Ave MS 501
San Diego, CA. 92101

Ms Blake: I urge you to oppose the planned expansion of UTC and the associated zoning changes and master plan amendments. The planned expansion is way over the mark, does not agree with the community plan, and smacks of developer steamrolling.

74.1

The addition of high rise offices, hotel rooms and residential units (condominiums) will overwhelm this area and destroy the spatial qualities that now exist. The area is already dense, has terrible traffic issues at rush hour (and at high-shopping times), and certainly does not need it's skyline disrupted with 300+ foot high rise buildings. UTC is a moderate size shopping mall in the middle of a residential area and should remain so. The mall is one of the few in San Diego that is still rather easily accessible and somewhat convenient from a parking and walking standpoint. Pls don't make a Fashion Valley out of UTC!

Sincerely,
A. Verma
5157 Dawne St
San Diego, CA. 92117

74.1 The commenter's opposition to the project is noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Weaver, Linda [Linda.Weaver@cnb.com]
Sent: Wednesday, October 10, 2007 9:37 AM
To: DSDEAS@sandiego.gov
Cc: Carinne
Subject: Westfield UTC mall expansion - Against!

75.1 I own a home in the UTC area and I work directly across the street from the Mall. The proposed expansion will be a traffic nightmare in an area that is already far worse than downtown for access. The Mall claims they will pay for the widening of La Jolla Village Drive to ease the congestion, but they are just finishing a huge new Crate and Barrel store **only 15 feet from La Jolla Village Drive, effectively making that option impossible!**

Can you believe anything they say if they are already telling lies that are this transparent and cavalier?

It's all about the bucks for them. But it's all about quality of life for the City Council. **Do the right thing. Vote this project down.**

Linda Weaver
City National Bank
4275 Executive Square, Suite 750
La Jolla, CA 92037
Phone: (858) 642-4907
Fax: (858) 642-4952
Unit # 055

75.1 The commenter's opposition to the project is noted. A Feasibility Report on all proposed transportation/circulation mitigation measures was prepared, which determined that all improvements recommended in the Traffic Impact Study and within the EIR are feasible from an engineering perspective. The Feasibility Report is included as Appendix U to the TIS (see EIR Appendix B).

From: Stephanie Webber [swebber@san.rr.com]
Sent: Tuesday, October 09, 2007 9:21 PM
To: DSDEAS@sandiego.gov
Subject: Project Number 2214

I would like to state my opposition to the Westfield project development proposed at UTC.

76.1 76.2 I live in University City and have done for the last 30 years, as the area has been developed with numerous high density housing projects and high rise offices and hotels, the traffic congestion has got worse and worse. I cannot understand why the city would allow even denser housing and development here. This project is stated to add almost 18,000 new vehicle trips a day to our already overcrowded neighborhood. It will further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? I believe any project of this type should not be permitted unless it provides solutions to substantially reduce the traffic it generates. In addition to the impact once the project is completed, what will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? I believe the area will be impassable during the November-December holiday period.

Other concerns I have include:

76.3 There isn't a complete description of what is to be built, this offers a blank slate to Westfield which I do not think is right. What is the justification for this?

76.4 Rose Canyon: I and many of my friends and neighbors in the area love to walk in the canyon, one of the few open spaces left in the area. The Draft EIR assumes the Regents Road bridge will be built to help handle the traffic this project will generate. I am vehemently opposed to this - it would be doubly dreadful for residents of this area - the canyon will be ruined and it will allow yet another mega-development to spoil our neighborhood and clog it with traffic.

76.5 The Visual Appearance: The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community not just to the developers.

76.6 Noise: What will be the noise impacts of all that increased traffic and all that construction on residents throughout the area?

76.7 Air Pollution: The DEIR states the project will increase air pollution.
What possible justification is there for a project that increases air pollution?

76.8 All in all I am horrified at the proposed development and *hope that the City Council* will respect the quality of life that existing residents wish to maintain rather than siding (as so very often seems to be the case) with developers whose only goal is to make vast amounts of money...and who do not live in the area at all.

Sincerely

Stephanie Webber
5556 Stresemann Street

76.1 Please refer to response to comment 9.93 from the University Community Planning Group for a discussion of project traffic.

76.2 Please refer to response to comment 28.1 from Ms. Deleo regarding the same issues.

76.3 As discussed in response to comment 18.1, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 for a discussion of the level of detail required for the project description.

76.4 Please refer to response to comment 21.1 from Ms. Bolivar regarding the same issues.

76.5 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

76.6 Please refer to response to comment 30.5 from Mr. Forman regarding the same issues.

76.7 Please refer to response to comment 30.6 from Mr. Forman regarding the same issues.

76.8 *Comment* noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

Kevin T. Wirsing
3276 Willard Street
San Diego, CA 92122

October 10, 2007

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

RE: Draft Environmental Impact Report – Project No. 2214 – University Towne Center

Dear Ms. Blake:

The project as proposed appears to assume that there is essentially no finite limit on the traffic which can be absorbed by the existing or planned roadway infrastructure in the University Community planning area. This apparent assumption leads to the following questions:

77.1

1) Is this in fact an assumption the drafters of the draft EIR and the city have made in evaluating the traffic impacts of the project?
2) If, on the contrary, the drafters believe there is a finite limit on the traffic that the existing or planned roadway infrastructure can absorb, what is that limit?
3) If there is a limit on the traffic that the existing or planned roadway infrastructure can absorb, will the traffic generated by the project exceed that limit?
4) If there is a limit on the traffic that the existing or planned roadway infrastructure can absorb, will the traffic generated by *other proposed* projects in the University Community plan area exceed that limit?

Very truly yours,

Kevin Wirsing

77.1 As discussed in Section 5.3, transportation/circulation significant impacts have been identified. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

From: Susan Worsham [susanworsham@san.rr.com]
Sent: Wednesday, October 10, 2007 3:59 PM
To: DSDEAS@sandiego.gov
Cc: 'Milo Worsham'; susanworsham@san.rr.com
Subject: Westfield Expansion

I am writing to voice concerns over the Westfield expansion:

78.1
- The Draft EIR states that the project would add almost 18,000 new vehicle trips a day and would further clog the freeway ramps and local streets. What is the justification for building a project that is so dependent on auto traffic? The project should provide solutions to substantially reduce the traffic it generates.
- The DEIR states that freeway ramps will get worse. What is the justification for adding more traffic before the existing freeway problems are fixed? What will be the full impact of adding years of construction traffic, especially in combination with other major construction projects such as the four Monte Verde Mega Towers across the street? The wait on the on ramps is already beyond reasonable at the southbound LJ Village Dr, Nobel and Governor .

78.2
- Westfield is already built to the maximum allowed on its property. It is proposing a community plan amendment that would give it a huge increase in what it is entitled to develop on the same land. The DEIR should explain what justification there is to vastly increase the value of Westfield's property by giving them all these new development rights. The DEIR fails to describe what exactly Westfield will build and must describe exactly what will be built,

78.3
- The Draft EIR vaguely states it will overcome the visual impact of having new 35 story buildings adjacent to 2-3 story buildings and single family homes. The DEIR should explain how this will be done. The addition of huge new buildings and increased density will change the character of the community. The DEIR should explain why such a proposal is beneficial to the community.

78.4 Please take the appropriate measures to ensure that traffic, noise and air pollution are improved, not worsened, that the character and views of the community are enhanced and not degraded, and that the recreational and environmental areas are protected and not destroyed.

Thank you.

Susan and Milo Worsham
4571 Robbins St.
San Diego, CA

858-552-0565

78.1 Please refer to responses to comments 9.93 from the University Community Planning Group and 28.1 from Ms. Deleo regarding the same issues.

78.2 As discussed in response to comment 18.1 from Ms. Artiz regarding the same issues, CEQA does not require "justification" for the project. Please refer to response to comment 9.3 for a discussion of the level of detail required for the project description.

78.3 Please refer to response to comment 9.106 from the University Community Planning Group for a discussion of building height.

78.4 Comment noted. As no issue regarding the adequacy of the EIR is identified, no further response can be made.

City of San Diego
Development Services

Land Development
Review Division
(619) 446-5460

ENVIRONMENTAL IMPACT REPORT

Project No. 2214

SCH No. 2002071071

SUBJECT: **UNIVERSITY TOWNE CENTER REVITALIZATION PROJECT.** COMMUNITY PLAN AMENDMENT (CPA), REZONE, MASTER PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), VESTING TENTATIVE MAP (VTM) and SEWER and WATER EASMENT VACATIONS to permit redevelopment and renovation of the existing 1,061,400-square-foot Westfield University Towne Center (UTC) regional shopping center. The proposed project would be the renovation and expansion of retail uses by 610,000 to 750,000 square feet of new retail and the development of 250 to 725 multi-family residential units. The land use scenarios in the Master PDP would be restricted to a mixture of retail and an option for residential uses that would not exceed 17,800 cumulative average daily trips (ADTs) and 256 in-bound AM peak hour/778 out-bound PM peak hour trips. The maximum structure height would be limited to 325 to 390 feet above grade. The project proposes 7,163 parking spaces, in a mixture of structured and surface parking. Additional project features would include a relocated and expanded bus transit center, a reservation of right-of-way for the proposed transit center and planned extension of a light rail transit line, and certification under the LEED Green Building Rating System. The subject site is located east of Genesee Avenue, south of La Jolla Village Drive, west of Towne Centre Drive, and north of Nobel Drive, within the University Community Plan Area (Portions of Parcels 1 and 2 of Parcel Map 12903 and Parcels 1,3, and 4 of Parcel Map 6481).
Applicant: Westfield Corporation, Inc.

UPDATE: **Revisions to this document have been made when compared to the Draft Environmental Impact Report (EIR). The modifications within the environmental document do not affect the environmental analysis or conclusions of the EIR. All revisions are shown in a ~~strikethrough~~ and/or underline format.**

CONCLUSIONS:

This EIR analyzes the environmental impacts that would result from the proposed project. The analysis discusses the project's impacts to **land use**, **aesthetics/visual quality**, **transportation/circulation**, **air quality**, **hydrology/water quality**, **paleontological resources**, **public utilities**, **water conservation** and **construction effects**.

The proposed project is a Process 5 City Council decision to permit redevelopment and renovation of the existing UTC regional shopping center. The project site is designated for Regional Commercial use in the *University Community Plan*.

The existing UTC shopping center operates under a Planned Commercial Development Permit (No. 83-0117) issued by the City of San Diego in 1983. UTC was originally constructed in the City of San Diego in the late 1970s, opened in 1977, and expanded in 1984. The existing open-air center features department stores, specialty retail shops, automotive service shops, entertainment venues, multiple dining venues, community meeting facilities, a bus transit center and parking areas, with a total center size of 1,061,400 square feet (sf) within approximately 75 developed acres.

The proposed project is a Master PDP which divides the property into seven land use districts, each of which would be developed in accordance with development regulations of the CR-1-1 zone, as modified by the design guidelines. In response to comments received during Draft EIR public review, the project applicant has decided it will only pursue entitlements for retail and residential land use development scenarios (i.e. the Proposed Project, and the Maximum Residential scenario) and has revised the Master PDP accordingly. Hotel and office uses are no longer proposed and have, therefore, been eliminated from the Master PDP. The analysis for all of the land use scenarios, including those that contain hotel and/or office uses, remains in the EIR for information purposes.

The ultimate configuration of development would be determined during the final engineering stage and would be limited by ADTs and critical peak hour movements (see Table 5.3-20).

The majority of the project site is currently zoned Commercial (CC-1-3) for community commercial uses, except for a small portion of the existing open space which is zoned residential (RS-1-14). In recognition of the regional character of the UTC shopping center and the Regional Commercial land use designation in the *University Community Plan*, the project applicant is proposing to rezone the portion of the property designated Regional Commercial in the Community Plan to Commercial (CR-1-1) for regional commercial uses to provide areas for a broad mix of retail and other uses, leaving a portion of the site designated Open Space in the Community Plan zoned CC-1-3 and RS-1-14. The CR-1-1 zone allows a mix of regional serving commercial and residential uses, with an auto orientation. Multi-family residential is permitted in the CR-1-1 zone provided it is part of a mixed-use (commercial/residential) project. Generally, the

existing and proposed commercial zones contain similar development regulations, except that the CR-1-1 zone allows for maximum structure heights of 60 feet (versus 45 feet) and a floor area ratio of 1.0 (versus 0.75).

The project design concept described in the Master PDP design guidelines addresses the current inadequacies of the department stores, specialty retail shops, dining and entertainment options, as well as the isolated nature of the center from the surrounding community. The proposed project includes renovation of the existing regional shopping center through the demolition of about half of the existing center and construction of new and expanded department stores and retail shops and the addition of a mix of uses including residential on site.

Proposed utility improvements would consist of removing a portion of the on-site sewer and water mains and replacing them with private mains that would be covered by a private utility easement. In addition, the project site would be connected to the City's reclaimed water system.

The project applicant proposes to participate in a green building program, designed to increase resource efficiency and sustainability. The project applicant intends to seek certification within the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, which is the nationally accepted benchmark for the design, construction and operation of high performance green buildings. The project has been accepted as a Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) pilot project by the U.S. Green Building Council. The LEED-ND pilot program integrates the principals of smart growth, new urbanism and green building. The project applicant has generated sustainability strategies for the redevelopment of the UTC shopping center, including those associated with landscape, lighting, electrical, structural, and HVAC systems.

The proposed project also addresses the regional transportation agencies' goal of expanding public transportation opportunities to ease traffic congestion within the University and Golden Triangle area by providing opportunities for mid- and long-range public transportation improvements that are currently being contemplated for the project area. Specifically, the project applicant, in cooperation with San Diego Association of Governments (SANDAG) and Metropolitan Transit System (MTS), would relocate and expand the existing on-site bus transit center. The expanded transit center would be constructed by the applicant. The project would also reserve right-of-way for the proposed transit center and planned extension of a light rail transit line through the University City/Golden Triangle area with a stop proposed at a new station along Genesee Avenue near UTC.

Project construction would occur in two phases. Initially, the Phase 1 retail expansion would be constructed in several sequences over about a three- to four-year period. The initial phase of construction would commence in 2008 and be completed by Fall 2011. No construction schedule is proposed at this time for the Phase 2 residential construction.

Grading for the proposed project would require approximately 643,000 cubic yards of cut and 51,000 cubic yards of fill, resulting in 592,000 cubic yards of export, across 39 acres of the project site. The deepest cuts would be approximately 40 feet for basement excavations. The fill slopes would rise up to 14 feet. Final finished floor elevations would range from approximately 335 to 380 feet above mean sea level upon implementation of the grading plan. Approximately 566,000 sf of existing retail space, including three of the existing department store buildings, and 20 acres of surface parking area would be demolished during the construction of the project.

The evaluation of environmental issue areas in this EIR concludes that the proposed project would result in significant and unmitigable direct and/or cumulative impacts to **aesthetics/visual quality, transportation/circulation, air quality** and **public utilities (solid waste)** and significant but mitigable direct and/or cumulative impacts to **transportation/circulation, air quality, paleontological resources, public utilities (sewer)** and **construction effects.** No significant impacts would occur to **land use, hydrology/water quality, public utilities (water and stormwater),** and **water conservation.**

SIGNIFICANT UNMITIGATED IMPACTS:

Aesthetics/Visual Quality (Direct)

The proposed project would conflict with the City of San Diego's significance thresholds for height, bulk, materials and style since it proposes structures that could substantially exceed the maximum structure height limits in the development regulations of the proposed zone (CR-1-1) and the existing pattern of development in the surrounding community. The maximum height limit of the residential development would substantially exceed the bulk and scale regulations and result in a significant and unmitigable impact to visual character.

Transportation/Circulation (Direct and Cumulative)

The proposed project would result in significant and unmitigable direct and cumulative impacts to street segments along Genesee Avenue (from Nobel Drive to Decoro Street and from Governor Drive to State Route (SR) 52), various segments of La Jolla Village Drive between I-5 and I-805), and the I-805 freeway mainlines between Nobel Drive and SR 52 (southbound and northbound in the PM peak hour). Five freeway ramp meters also would experience direct and cumulatively significant unmitigable impacts, including I-805 and I-5 ramps with La Jolla Village and Nobel Drive.

Air Quality (Direct and Cumulative)

Emissions of PM_{10} (fugitive dust) during both phases of project construction and emissions of fine particulate ($PM_{2.5}$) during the first phase of project construction would result in a significant impact on air quality. Emissions of NOx caused by the construction of the first phase or a combination of both phases of construction would be above the

significance thresholds. Operational emissions of PM_{10} mainly attributable to road dust on public roads and reactive organic compounds (ROC) mainly associated with traffic also would be significant and unmitigable.

The increase in traffic generated from the site associated with the proposed project would exceed levels assumed in the State Implementation Plan (SIP) and could affect the ability of the air basin to attain and maintain ambient air quality standards for O_3 on both a project and cumulative level, resulting in significant and unmitigable impacts to regional air quality.

Public Utilities (Cumulative)

Anticipated solid waste generation following the buildout of the proposed project and other projects in the City would result in significant and unmitigable impacts to landfill capacity on a cumulative level.

RECOMMENDED MITIGATION FOR SIGNIFICANT UNMITIGATED IMPACTS:

Aesthetics/Visual Quality

No mitigation is available to reduce significant aesthetics impacts to visual character caused by the bulk and scale of the proposed residential development besides reducing the building heights to levels that are compatible with existing development in the community.

Transportation/Circulation

Planned improvements defined by NUC-A in the North University City Facilities Benefit Assessment (FBA), which would include the widening of Genesee Avenue from four to six lanes along the affected segments, would mitigate project impacts from Nobel Drive to Decoro Street and Governor Drive to SR 52 to below a level of significance. However, due to community concern, the City Council is reviewing the option of not widening the roadway. No official decision has been made at this time. Therefore, direct and cumulative impacts to segments of Genesee Avenue would remain significant and unmitigated.

Significant impacts to segments of La Jolla Village Drive between I-5 and I-805 could be mitigated below a level of significance by the addition of lanes. The applicant, however, has indicated that it would not implement all recommended street segment mitigation along La Jolla Village Drive because widening the roadway up to 10 thru lanes plus multiple additional turn lanes would be inconsistent with community character and urban design policies in the *University Community Plan*. Significant impacts would be partially mitigated by providing an additional eastbound lane along La Jolla Village between Towne Center Drive and I-805 by restriping and restricting parking and by implementing intersection mitigation at Regents Road, Genesee Avenue, Executive Way, and Towne

Center Drive. Impacts to these street segments would remain significant and unmitigated following implementation of the above mitigation.

SANDAG has identified future improvements to both I-5 and I-805 within the project area. These improvements are part of the Mobility 2030 Plan. Payment of fair-share fees by the project applicant (totaling $3.38 million) would contribute funding toward the study, design or implementation of traffic operational improvements (i.e., auxiliary lanes) on I-805 between La Jolla Village Drive and SR-52.
The project applicant would construct project improvements that would either extend queue storage for existing lanes or provide a high occupancy vehicle lane at affected freeway ramps. The improvements would not technically mitigate project impacts (i.e. reduce ramp meter delays); rather, they would provide additional queue storage and are deemed feasible. In addition, planned freeway improvements on I-5 and I-805 would offer partial mitigation for ramp meter impacts. However, direct and cumulative impacts to freeway ramp meters would remain significant and unmitigable.

Air Quality

Standard dust control mitigation measures would be implemented during both phases of construction to reduce the amount of PM_{10} and $PM_{2.5}$ generated during project build out. Dust control measures would be required during grading and demolition activities to partially reduce emissions. Based on the combined control efficiencies associated with the mitigation measures, it was conservatively assumed that fugitive dust emissions from grading and demolition would be reduced by 50 percent, and from materials handling (export) by 50 percent. It was assumed that demolition emissions would be controlled by 36 percent. PM_{10} emissions from both construction phases would remain above 100 lbs/day and $PM_{2.5}$ emissions from the first construction phase would remain above 55 lbs/day. Therefore, the PM_{10} and $PM_{2.5}$ impact to ambient air quality would remain significant and unmitigable during temporary construction of both phases.

There are no feasible mitigation measures to reduce operational emissions of ROC (which contributes to O_3 concentrations in the atmosphere) and PM_{10}, which are mainly associated with traffic. Subsequently, significant impacts to regional air quality (i.e., the ability of the air basin to attain and maintain ambient air quality standards for O_3) on both a project and cumulative level would remain significant. However, with improvements in vehicle emission standards and phase out of older vehicles, emissions of ROC would decrease with time and ultimately be below the quantitative threshold (see Table 5.4-19). In addition, the project would feature transit improvements, transportation demand management measures and enhance pedestrian connections in and around the UTC area, thus reducing the project's contribution to O_3 precursors. Operational emissions of PM_{10} mainly attributable to vehicles on public roads would remain significant and unmitigable.

Public Utilities

Cumulative impacts associated with solid waste generation would be reduced through the implementation of a waste management plan required to mitigate direct impacts to

landfill capacity. However, cumulative impacts would remain significant and unmitigable because full mitigation of solid waste impacts would require actions that are beyond the control of any one project (e.g., new or expanded landfills).

MITIGATION, MONITORING, AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT (See attached Draft EIR for a detailed description of mitigation measures that have been incorporated into the project):

Transportation/Circulation

The proposed project includes mitigation for impacts to intersections and freeway segments.

Although not required to mitigate a significant impact, the project applicant would widen Nobel Drive along the project site's frontage (from Genesee Avenue to Lombard Place) as part of NUC-J, a FBA improvement.

Mitigation would be required to reduce significant near-term impacts to studied intersections including La Jolla Village Drive/Regents Road, La Jolla Village Drive/Genesee Avenue, La Jolla Village Drive/Towne Centre Drive, Nobel Drive/Lombard Place, Towne Centre Drive/North UTC Driveway, Towne Centre Drive/South UTC Project Driveway and Governor Drive/Genesee Avenue. Mitigation at each intersection would include one of the following: (1) providing dedicated turn lanes, (2) constructing additional lanes, (3) installing traffic signals or (4) constructing a raised center median to permit right-turn only movements. Significant cumulative impacts to La Jolla Village Drive/I-805 southbound ramps, La Jolla Village Drive/Executive Way, Nobel Drive/Genesee Avenue and Decoro Street/Genesee Avenue in the horizon year would be mitigated by striping, restriping or reconfiguration by roadway widening to provide additional lanes.

The recommended parking supply, in concert with an off-site shared parking program for center employees, would be sufficient to meet parking demands for the proposed project during all hours of the day, with the exception of weekend days in December. Impacts to the parking supply would be considered significant and mitigated to below a level of significance through the expansion of the existing off-site employee program during the month of December and incorporation of a parking management and monitoring program to ensure parking needs for the expanded center would be met.

Air Quality

Emissions of NOx would be mitigated by staggering the construction phases of retail and residential development or using low NOx off-road construction equipment. Additional emissions reductions are anticipated as cleaner engines are introduced and low NOx emissions standards promulgated by CARB are phased in for off-road construction equipment starting in 2010.

The project would contribute to an obstruction in the implementation of the Regional Air Quality Strategy (RAQS) for ROC, despite the implementation of project design features and transportation demand management measures to control ROC as set forth in the RAQS for both construction and operation. Control measures for the proposed project include the use of low-ROC paints, adhesives and solvents and installation of low emission water heaters and furnaces where required. Such control measures would reduce direct impacts to less than significant levels. Cumulative impacts would remain unmitigable.

Paleontological Resources

The project site is underlain by one or more geologic formations exhibiting moderate to high paleontological resource sensitivity. Excavations of up to a maximum depth of approximately 40 feet would occur under the proposed project. Impacts to fossils could occur during earthwork activities. Such impacts would be direct and short-term, as potential for damage to paleontological resources would only occur during project construction. Mitigation measures, including paleontological monitoring during construction, would reduce potential impacts to paleontological resources to a level below significant.

Public Utilities

Due to an existing deficiency in the sewer line within Genesee Avenue, renovation of UTC would cause this sewer line to be undersized, thereby resulting in a cumulatively significant impact. As part of mitigation, the project applicant would contribute their fair share to the cost of upsizing and relocating the sewer line within Genesee Avenue.

Anticipated solid waste generation following the buildout of the proposed project would result in significant impacts on both a project and cumulative level. Mitigation would require the preparation of a waste management plan, which would reduce project direct impacts to less than significance, while cumulative impacts would remain unmitigable as discussed above.

Construction Effects

Due to the degraded existing conditions of local street segments and intersections immediately adjacent to the UTC property, the potential exists for a significant impact on traffic conditions during project construction. Vehicle trips related to construction (i.e., transport of equipment and excess soil/demolition debris) would not be allowed to occur during peak traffic hours (e.g., 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). This mitigation measure would reduce impacts to less than significant levels. Construction noise would be mitigated through the implementation of temporary barriers between equipment noise and adjacent residential development.

NO MITIGATION REQUIRED:

After analysis, impacts in the following issue areas were found to be not significant under CEQA for the proposed project: **land use, hydrology/water quality, public utilities (water and stormwater),** and **water conservation.**

ALTERNATIVES:

The following alternatives were considered for detailed discussion in the EIR.

No Project Alternative

The No Project Alternative assumes that the proposed project would not be adopted, no expansion of the existing retail uses would be implemented, no new parking facilities would be built and no new residential development would be constructed on site. The No Project Alternative would avoid significant project-related impacts to aesthetic/visual quality, transportation/circulation, air quality, paleontological resources, public utilities (sewer and solid waste) and traffic associated with construction. Although the No Project Alternative would eliminate direct impacts to traffic/circulation, many of the cumulatively significant impacts to intersections, roadway segments and freeway facilities would still occur due to existing and future traffic congestion predicted in the project area without the project. The No Project Alternative would not achieve any of the basic project objectives.

No Residential Alternative

Under the No Residential Alternative, the 250 to 725 residential units would be eliminated from the proposed project and up to 750,000 square feet of expanded retail floor area or, under the other land use scenarios in the Master PDP, office or hotel uses would still be constructed. A CPA would be required to increase the retail development intensity allocated to the UTC property in Table 3 of the Development Intensity Element, to make references to the potential office/hotel uses, and modify urban design and parking policies within the urban node. In addition, the project applicant would likely rezone (from the community commercial zone) the property to regional commercial to be consistent with its land use designation in the *University Community Plan* and to allow increased building heights.

Impacts to aesthetics/visual quality, transportation/circulation, air quality, hydrology/water quality, paleontological resources, public utilities, water conservation and construction related traffic would be slightly less than the proposed project. Impacts to aesthetics/visual quality, transportation/circulation, air quality, and cumulative solid waste would remain significant and unmitigable. The No Residential Alternative would attain most of the basic project objectives, although the elimination of residential units would lessen the City's ability to construct new housing near transit and commercial/retail uses as encouraged in the Strategic Framework Element of the Progress Guide and General Plan. Housing needs of the City would be met where underdeveloped

or undeveloped land with approved residential density exists. It is possible that sites with higher approved density would not be able to offer the regional transit connections, including various MTS/NCTD bus routes and possible LRT, that the UTC property will provide. Under this alternative, residential development could be scattered throughout the City, rather than concentrated near a regional transit center.

No Retail Expansion Alternative

Under the No Retail Expansion Alternative, up to 725 residential units would remain as proposed and none of the retail expansion would be constructed. A CPA would still be required to increase development intensity and to allow for residential use on site. The residential units would be constructed as originally proposed. Minimal circulation improvements would be implemented as part of the alternative. The project applicant would not relocate or expand the bus transit center for this alternative since no changes in the configuration of the retail and parking areas would be required.

Impacts to transportation/circulation, air quality, hydrology/water quality, paleontological resources, public utilities, water conservation and construction related traffic would be slightly less than the proposed project. Impacts to aesthetics/visual quality, transportation/circulation, air quality, and cumulative solid waste would remain significant and unmitigable. The No Retail Expansion Alternative would not attain any of the basic project objectives related to retail development; retail development would have to be constructed elsewhere in the community to satisfy the unmet need in the UTC service area.

Reduced Project Alternative

The purpose of developing a Reduced Project Alternative other than the alternatives described above was to define a level of development that would avoid significant and unmitigable traffic impacts to the freeway mainline of I-805 and reduce project trips on I-5 and SR-52. Calculations conducted by the project traffic engineer determined that the project applicant would have to scale back the Master PDP to a 435,000 sf retail expansion with no residential, hotel or office uses allowed. A 435,000-sf retail project would involve the construction of two department stores (for a net increase of 200,000 sf after demolition of two existing department stores) and up to 235,000 sf of general retail shops. This alternative would include the relocation but not expansion of the transit center.

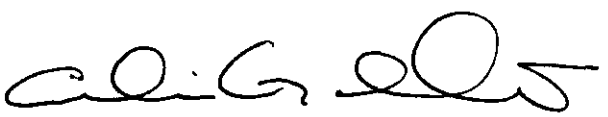
Elimination of a portion of the retail development and the potential residential/hotel/office towers on site would avoid significant and unmitigable impacts to visual character (aesthetics/visual quality). Adoption of the Reduced Project Alternative would lessen impacts of the proposed project to freeways; however, traffic impacts to local roads and intersections would still be significant and unmitigable on a project and cumulative level and cumulative impacts to regional air quality would still occur. In addition, impacts to hydrology/water quality, paleontological resources, public utilities, water conservation and construction related traffic would be slightly less than the

proposed project. The reduction in retail square footage associated with the Reduced Project Alternative would, however, not be consistent with one objective, wherein the center is expanded in an economically feasible manner. The amount of general shop space (235,000 sf) would not be a sufficient retail base to offset the costs of expanding the two department stores (200,000 sf). Thus, although this alternative would appear to attain most of the basic project objectives, the reduction in retail combined with an elimination of residential, hotel and office space would not achieve the project applicant's basic objectives and would lessen the City's ability to construct a mixed use project near transit as envisioned in the Strategic Framework Element of the Progress Guide and General Plan. It would also eliminate the applicant's ability to expand the transit center on site.

Reduced Building Height Alternative

The purpose of the Reduced Building Height Alternative was to define a level of development that would avoid significant and unmitigable aesthetics/visual quality impacts related to the bulk and scale of buildings that exceed established patterns in the community. Under the Reduced Building Height Alternative, the taller residential, hotel and/or office structures in the University Central, Nobel Heights, La Jolla Terrace and Towne Center Gardens districts of the site would be limited to the maximum height of nearby structures in the community, the tallest of which is the Wells Fargo Bank building that stands at an elevation of 240 feet above grade. The building footprints would be broadened and the profile of the development would be wider to accommodate the same amount of development. No other changes to the proposed project or its planned land uses would occur under this alternative.

The maximum structure height would comply with the existing pattern of development in the community rather than exceed it resulting in a less than significant impact on aesthetics. Impacts to transportation/circulation, air quality, hydrology/water quality, paleontological resources, public utilities, water conservation and construction effects would be similar to those anticipated for the proposed project since the development envelope and intensity would not change under this alternative. Significant and unmitigable impacts associated with traffic, air quality and solid waste would still occur. The reduction in building height would reduce the design flexibility for the residential/hotel/office development and could prevent the applicant from being able to construct affordable housing on site.



Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

August 9, 2007
Date of Draft Report

April 7, 2008
Date of Final Report

Analyst: M. Blake

DISTRIBUTION:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

Federal Government

Commanding Officer, Marine Corps Air Bases Western Area, MCAS Miramar (13)

State of California

State Clearinghouse (87)
California Air Resources Board (9)
Department of Transportation, District 11 (31)
Regional Water Quality Control Board, Region 9 (44)
Department of Toxic Substances Control

County of San Diego

Air Pollution Control District (65)
Department of Environmental Health, Hazardous Materials Management Division (75)
Department of Planning and Land Use (68)

City of San Diego

Mayor's Office (91)
Councilmember Peters, District 1 (MS 10A)
Councilmember Maienschein, District 5 (MS 10A)
Councilmember Frye, District 6 (MS 10A)
City Planning and Community Investment Department
- Community Planning (479)
- Park Development (93)

Facilities Financing (MS 606F)
Development Services
- Transportation Development (78)
  - LDR-Planning
  - Water Review
  - Wastewater Review
  - Landscape Review
  - Environmental
  - Project Management

Fire and Life Safety Services (79)
Police Department (93)
Historical Resources Board (87)
Library Department, Government Documents (81)
University City Library (488)
Environmental Services Department (93A)
Metropolitan Wastewater Department
Water Department (MS 906)
City Attorney (MS 59)

Other Agencies, Organizations and Individuals

San Diego City Schools (132)
University Community Planning Group (480)
University City Community Association (486)
La Jolla Community Planning Association (275)
Mira Mesa Community Planning Group (310)
Clairemont Mesa Community Planning Committee (248)
Clairemont Community Service Center (247)
Metropolitan Transit Development Board (115)
San Diego Transit Corporation (112)
San Diego Association of Governments (108)
San Diego Gas and Electric Company (114)
San Diego Natural History Museum (166)
Citizens Coordinate for Century III (179)
Community Planners Committee
Friends of Rose Canyon
Opal Trueblood (485)
Greater San Diego Chamber of Commerce (157)
Sierra Club, San Diego Chapter (165)
San Diego County Archaeological Society, Inc. (218)
External Affairs – Municipal, Government/Community Relations (483)
Milton Phegley, Government/Community Relations UCSD (482)
Editor, The Guardian, UCSD (481)
Center on Policy Initiatives
Graham Forbes, Unite Here Local 30
Westfield Corporation, Inc.
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Bill Ferguson*
J.H. Steinbach*
Prerna T. O'Hara*
Marty Eberhardt *
Elizabeth Hill *
Linda Laird *
Nancy Zvanovec*
Lucille Raymond*
Dan and Anna Gold*
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Kevin Wirsing*
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Ty Tosdal*
Herbert Handy*
Richard Wheatley*
Dr. Ernie Lippe *
E.T. Lipscomb*
David Karjanen*

* Public Notice only.

RESULTS OF PUBLIC REVIEW:

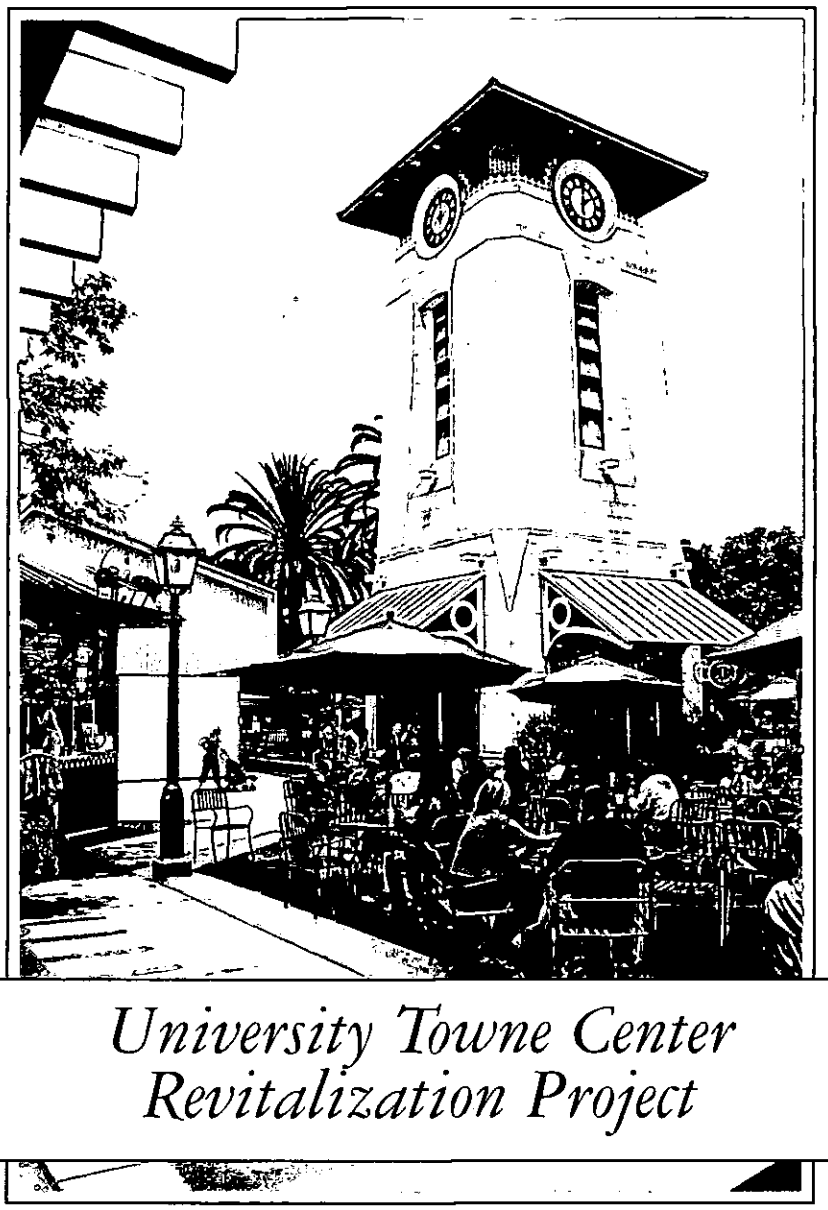
( ) No comments were received during the public input period.

( ) Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.

(X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

Copies of the draft EIR, the Mitigation, Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

Final Environmental Impact Report



University Towne Center Revitalization Project

SCH No. 2002071071 LDR No. 41-0159/PTS No. 2214

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April 2008

UNIVERSITY TOWNE CENTER REVITALIZATION PROJECT
SAN DIEGO, CALIFORNIA

FINAL ENVIRONMENTAL IMPACT REPORT

SCH NO. 2002071071

PROJECT NO. 2214

APRIL 2008

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UNIVERSITY TOWNE CENTER REVITALIZATION PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT

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ACRONYMS AND ABBREVIATIONS LIST

A	Auxiliary lane
AB	Assembly Bill
ADA	Americans With Disabilities Act
ADD	Assistant Deputy Directory of Land Development Review
ADT	Average daily trips
AF, AF/year	Acre-feet, acre-feet per year
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
amsl	Above mean sea level
APCD	San Diego County Air Pollution Control District
APZ	Accident Potential Zones
ARB	California Air Resources Board
AT&SF	Atchison-Topeka and Santa Fe Railroad
Authority	San Diego County Water Authority
B	Boron
Basin Plan	Water Quality Control Plan for the San Diego Basin
BAT	Best available technology
BCT	Best conventional pollutant control technology
BI	Building Inspector
BMPs	Best management practices
BOD	Biochemical Oxygen Demand
BRT	bus rapid transit
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CIP	Capital Improvement Program
Cl	Chloride
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon monoxide
COD	Chemical Oxygen Demand
Code	San Diego Municipal Code
COLD	Cold freshwater habitat

COMM	Commercial and sport fishing
Community Plan	*University Community Plan*
CPA	Community Plan Amendment
CPIOZ	Community Plan Implementation Overlay Zone
Cu	Copper
cy	cubic yards
dB	Decibels
dBA	Decibels, "A" weighting scale
DR	Distance to Receptor
du/ac	Dwelling unit(s) per acre
EB	Eastbound
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ERM	Environmental Review Manager
ESD	City of San Diego Environmental Services Department
EST	Estuarine habitat
F	Fluoride
FAA	Federal Aviation Administration
FBA	Facilities Benefit Assessment
Fe	Iron
FEMA	Federal Emergency Management Agency
ft.	feet
ft^2	square feet, feet squared
FY	Fiscal Year
General Plan	City of San Diego Progress Guide and General Plan
gpd	Gallons per day
GWP	Global warming potential
HA	Hydrologic Area
HCM	Highway Capacity Manual
HDR	High-density residential
HOV	High-occupancy vehicle
HU	Hydrologic Unit
I-5	Interstate 5
I-805	Interstate 805
IID	Imperial Irrigation District

IND	Industrial service supply
IN/IN	Genesee Avenue widened and Regents Road bridge constructed
IN/OUT	Genesee Avenue widened and Regents Road bridge not constructed
ITS	Intelligent Transportation Systems
lb/acre-year	pounds per acre per year
lb/day	pound(s) per day
LDR	Land Development Review, Low-density residential
L_{eq}	Equivalent Sound Level
LLG	Linscott Law & Greenspan
LOS	Level of service
LRDP	Long-Range Development Plan
LRT	light rail transit
LS	Less than significant
m	meter
M	Mainline
MAR	Marine habitat
MBAS	Methylene Blue–Activated Substances (anionic surfactant or commercial detergent)
MCAS	Marine Corps Air Station
MDR	Medium-density residential
MEP	Maximum extent practicable
Metropolitan	Metropolitan Water District of Southern California
Metropolitan Act	Metropolitan Water District Act
mg/l	milligrams per liter
mg/m^3	milligrams per cubic meter
$\mu g/m^3$	micrograms per cubic meter
MHPA	Multiple Habitat Planning Area
MIGR	Migration of aquatic organisms
min.	minute(s)
MMC	Mitigation Monitoring Coordinator
MMRP	Mitigation Monitoring and Reporting Program
Mn	Manganese
mph	miles per hour
MRZ-3	Mineral Resource Zone 3
MSCP	Multiple Species Conservation Program
MTDB	Metropolitan Transit Development Board
MTS	San Diego Metropolitan Transit System

N	Nitrogen
Na	Sodium
NAAQS	National Ambient Air Quality Standards
NAS	Naval Air Station
NB	Northbound
NCTD	North County Transit District
NCWRP	North City Water Reclamation Plant
NDIR	Non-Dispersive Infrared Spectroscopy
NH_3	Ammonia
NO_2	Nitrogen dioxide, nitrite
NO_3	Nitrate
NOP	Notice of Preparation
NO_x	Nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NTP	Notice to Proceed
NTU	Nephelometric Turbidity Units
NUC	North University City Public Facilities Financing Plan
O_3	Ozone
OUT/IN	Genesee Avenue not widened and Regents Road bridge constructed
OUT/OUT	Genesee Avenue not widened and Regents Road bridge not constructed
P	Phosphorus
Pb	Lead
PCD	Planned Commercial Development
PDP	Planned Development Permit
PI	Principal Investigator
PM_{10}	Particulates with an aerodynamic diameter less than 10 microns; respirable particulate matter
$PM_{2.5}$	Particulates with an aerodynamic diameter less than 2.5 microns
ppm	Parts per million
R&D	Research and development
RAQS	Regional Air Quality Strategy
RARE	Rare, threatened or endangered species habitat
RE	Resident Engineer
REC-1, REC-2	Contact, non-contact water recreation
ROC	Reactive organic compounds
RTP	Regional Transportation Plan
RUWMP	Regional Urban Water Management Plan
RWQCB	Regional Water Quality Control Board

SANDAG	San Diego Association of Governments
SB	Southbound
SCAQMD	South Coast Air Quality Management District
SCR	Substantial Conformance Review
SDAB	San Diego Air Basin
SDCRAA	San Diego County Regional Airport Authority
SDP	Site Development Permit
SDMC	San Diego Municipal Code
SDTC	San Diego Transit Corporation
sf	square feet
SHELL	Shellfish harvesting
SIP	State Implementation Plan
SM	Significant but mitigable
SO_2	Sulfur dioxide
SO_4	Sulfate
SO_x	Sulfur oxides
SOV	Single-occupancy vehicle
sp	space
SR 52	State Route 52
SRA	Scientific Resources Associated
Storm Water Standards	City of San Diego Municipal Code *Land Development Manual-Storm Water Standards*
SU	Significant and unmitigable
SUSMP	*Standard Urban Storm Water Mitigation Plan*
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWSAS	Storm Water Sampling and Analysis Strategy
TDS	Total dissolved solids
TKN	Total Kjeldahl Nitrogen
TMDL	Total maximum daily load
TOD	Transit Oriented Design
TP	Total Phosphorus
TSS	Total suspended solids
Turb	Turbidity
UCSD	*University of California*, San Diego
ULI	Urban Land Institute
URBEMIS	Urban Emissions Computer Model
USEPA	United States Environmental Protection Agency

USMC	United States Marine Corps
UTC	Westfield Shoppingtown University Towne Center
UWMP	San Diego Urban Water Management Plan
V/C	Volume-to-capacity ratio
VTM	Vesting Tentative Map
WARM	Warm freshwater habitat
WB	Westbound
Westfield	Westfield Corporation, Inc.
WILD	Wildlife habitat
WSA	Water Supply Assessment
WUD	City of San Diego Water Utilities Department
Zn	Zinc
~~2002 Master Plan~~	~~*Regional Water Facilities Master Plan*~~
~~2000 Plan~~	~~*2000 Urban Water Management Plan*~~

EXECUTIVE SUMMARY

ES-1 INTRODUCTION

This Draft Environmental Impact Report (EIR) addresses the proposed University Towne Center (UTC) Revitalization project located in the northwestern portion of the City of San Diego within the north University Community Plan area, less than five miles from the Pacific Ocean but outside of the coastal zone, as designated by the California Coastal Commission. The proposed project includes the redevelopment and renovation of a regional shopping center, which would require the approval of a Community Plan Amendment (CPA), Rezone, Master Planned Development Permit (Master PDP), Site Development Permit (SDP) and Vesting Tentative Map (VTM). Sewer and water easement vacations are also proposed. The proposed project would also relocate and expand public transit opportunities and pedestrian access on and around the UTC property. The proposed Master PDP would allow flexibility in the development of the center based on ADT generated by each use on the site and critical peak hour equivalency of AM inbound and PM outbound ADT movement. ADT and critical peak hour movements cannot exceed the proposed project scenario of 750,000 square feet of retail and 250 residential units (see Table 5.3-20). Examples of eight land use scenarios were addressed in the Draft EIR to illustrate how the center may develop under the guidelines of the Master PDP with a varying mix of retail, residential, hotel and office uses, however, in response to public review comments, the applicant has decided to no longer pursue developing hotel or office uses on the UTC property. Because hotel and office uses are no longer proposed, they have been eliminated from the Master PDP. The analysis for all of the land use scenarios, including those that contain hotel and/or office uses, remains in the EIR for information purposes. ~~The Master PDP proposes eight different land use scenarios that could result in the construction of a combination of uses, including up to 750,000 square feet (sf) of new retail, 725 multi-family residential dwelling units, 250 hotel rooms and/or 35,000 sf of office space on site. As long as the mix of land uses d~~The development intensity of the retail and residential uses cannot ~~does not~~ exceed the traffic parameters established in this analysis (Table 5.3-20)., ~~any of the eight land use scenarios could be constructed.~~ The proposed project would allow for the phased development of up to 750,000 sf of new retail and entertainment space and 250 residential dwelling units, with the option to build less retail for more residential, hotel and/or office uses instead under the various land use scenarios in the Master PDP.

The purpose of an EIR is to inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121). This EIR is an informational document for use by the City of San Diego (the lead agency), decision-makers and members of the general public to evaluate the environmental effects of the proposed UTC Revitalization project.

This EIR contains a project-specific analysis of the proposed project and serves as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. It has been prepared in accordance with the guidelines for the preparation of EIRs issued by the City of San Diego (2002a) and complies with all criteria, standards and procedures of CEQA, as amended and the State CEQA Guidelines (California Administrative Code 15000 et seq), as amended.

In reviewing the application for the proposed project, the City of San Diego concluded that the proposed project could result in potentially significant environmental impacts. As lead agency for this EIR, the City of San Diego conducted a public scoping meeting, in accordance with Section 21083.9 of CEQA, and prepared a Scoping Letter (2002b). The public scoping meeting was held on June 27, 2002 at Forum Hall on the UTC property and was attended by interested individuals from local organizations, public and other entities. The meeting was recorded and a written transcript of the event was prepared. After the scoping meeting was held, the Scoping Letter was distributed with the Notice of Preparation (NOP), dated July 12, 2002, to all responsible and trustee agencies, as well as various governmental agencies including the Office of Planning and Research's State Clearinghouse. Comments on the NOP were received from the U.S. Marine Corps, Caltrans, Native American Heritage Commission, Metropolitan Transit Development Board, San Diego Association of Governments, Friends of Rose Canyon, UC Golden, Center for Policy Initiative and various members of the public.

ES-2 ENVIRONMENTAL SETTING

The project site is developed with the existing regional shopping center, which features department stores, specialty retail shops, automotive service shops, limited entertainment venues (e.g., ice rink), community meeting rooms, bus transit center, several surface parking lots, two parking structures and landscaped medians. A seven-acre developed open space occurs on site between the southern edge of the shopping center and Towne Centre Drive. The developed open space features landscaping, lawn and pedestrian pathways. The property is flanked by several public roads, including La Jolla Village Drive, Genesee Avenue, Nobel Drive and Towne Centre Drive. Vehicular access to the site occurs from these public roads via five separate driveways. Pedestrian access is available from sidewalks within the public rights-of-way, a walkway through an adjacent open space and two above-grade pedestrian bridges over La Jolla Village Drive and Genesee Avenue, respectively.

The project site is surrounded by urban development, including office towers, hotel establishments, commercial/retail uses and high-density residential development. Immediately north of the site along La Jolla Village Drive are multi-story office towers, restaurants and the Embassy Suites tower. To the east are multi-story office developments, a synagogue~~, a church~~ and commercial/retail strip center. West of the site along Genesee Avenue is a commercial/retail strip center, high-density residential structures and developing residential uses associated with the Costa Verde project. To the south are single-family residences and higher density residential development along Towne Centre Drive and Nobel Drive, including townhome and condominium projects. Higher density residential

development also occurs along the Lombard Way driveway on to the project site. Farther from the site along Genesee Avenue is University High School, Rose Canyon open space and single-family residential development representing the south University City area. To the northwest of the site and north of La Jolla Village Drive is the University of California, San Diego (UCSD). Office, industrial park, institutional and residential uses occur farther north of the site along Genesee Avenue and Towne Centre Drive. The airfield for Marine Corps Air Station (MCAS) Miramar is situated approximately five miles east of the UTC site along Miramar Road.

The majority of the site is developed with 1,061,400 sf of shopping center buildings and surface lot and structure parking facilities. The existing UTC shopping center operates under Planned Commercial Development permit 83-0117. Public water and sewer mains and easements exist on site and generally traverse around buildings and through the parking lot in the northwest corner of the property.

The topography of the shopping mall portion of the site ranges in elevation from a high of 380 feet above mean sea level (amsl) in the northeast near the Sears department store and parking lot to a low of 360 feet amsl to the west adjacent to the former Robinson's-May department store and parking lot. Topography for the developed open space ranges from 375 feet amsl near its interface with the shopping center and slopes downward in elevation to 300 feet amsl near Towne Centre Drive. No native habitat or natural drainages occur on site. The project site generally drains south-southeast off site into Rose Canyon, which ultimately flows to Mission Bay.

The site is subject to the planning guidelines and policies of the City of San Diego *Progress Guide and General Plan,* including the *University Community Plan* and the *San Diego Municipal Code* (SDMC).

ES-3 PROJECT DESCRIPTION

The UTC Revitalization project (proposed project) is the proposed redevelopment and renovation of a regional shopping center that was originally constructed in the City of San Diego in the late 1970's, opened in 1977, and expanded in 1984. The proposed project addresses the current inadequacies of the department stores, specialty retail shops, dining and entertainment options, as well as the isolated nature of the center from the surrounding community. The proposed project includes renovation of the existing regional shopping center through the construction of new and expanded retail and the addition of residential development on site. The proposed project also addresses the regional transportation agencies' goal of expanding public transportation opportunities to ease traffic congestion within the University and Golden Triangle area by providing opportunities for mid- and long-range public transportation improvements that are currently being contemplated for the project area. The basic project objectives for the UTC Revitalization project are as follows:

1. Revitalize an existing regional shopping center which balances the functional needs of the existing center in a way that better serves the surrounding University service area, which has

expanded substantially through population growth and urban development over the last 15 to 20 years.

- 2. Create land use districts on site that will provide the project applicant the flexibility to develop a mixture of retail, and residential, ~~hotel and/or office~~ uses within each district based on changing market demand.

- 3. Develop updated, expanded and enhanced retail and entertainment spaces in a comprehensive and economically feasible manner to enable commercial tenants to be competitive in the changing retail and entertainment marketplaces.

- 4. Create an improved street presence for the shopping center by removing existing landscaped berms and placing a new community plaza and buildings on the perimeter of the center to provide visual identity, provide pedestrian gateways from the public sidewalks into the activity centers and courtyards of the project, and serve as a strong focal point of activity for the urban node of the University community.

- 5. Introduce residential use to the shopping center site to minimize local trips and encourage transit use in the urban core of central San Diego County.

- 6. Reserve right-of-way on site for expanded public transportation facilities to better serve the University community and renovated center in a location that will support transit-oriented development in the urban core of central San Diego County.

- 7. Enhance the utilization of pedestrian and bicycle linkages from UTC to and from the surrounding community.

- 8. Provide for improved and expanded community facilities at the shopping center.

- 9. Offer a broader range of goods and services by providing updated and expanded retail, dining and entertainment options that promote extended stays at the center and are within the University City community and serve as a means to reduce peak hour commute trips in the project area.

- 10. Implement a green building program under the Leadership in Energy and Environmental Design (LEED) certification process which would result in a highly sustainable development through the use of low energy systems, sustainable landscape and water conservation.

- 11. Provide a range of for-sale or rental, market rate housing, including required affordable housing on site.

Project Characteristics

The project applicant is requesting City approval of a CPA, Rezone, Master PDP, SDP and VTM to implement the proposed project. Sewer and water easement vacations are also requested. A description of these discretionary actions is provided below. All uses would be consistent with the development regulations for the proposed Commercial (CR-1-1) zone defined in the City of San Diego *Land Development Code* (Chapter 13, Article 1, Division 5 of the SDMC), with the exception of a deviation from the height restrictions that is described below under the Master PDP/SDP heading.

Community Plan Amendment

The proposed project would require approval of an amendment to the *University Community Plan*, which would modify both policy text and graphics in the Community Plan to shift La Jolla Village Drive and Genesee Avenue from auto-oriented roadways to components of the urban node pedestrian network, and to increase the retail square footage, and allow for residential~~, hotel and office~~ development on site. These policy changes would encourage infill development that may enhance street vitality in the urban core of the University Community area by opening up the shopping center to a more pedestrian-oriented scale and avoiding the "superblock" arrangement of uses that has historically been the development pattern in the community. Specifically, policy language in the Urban Design Element of the Community Plan would remove references to the auto-oriented aspects of La Jolla Village Drive and Genesee Avenue within the urban node, remove the goal of retaining the sloping landscape berms along those roadways and would remove a limitation on the height of in-fill development along the urban node pedestrian network. The specific policy language changes are described in detail in Section 5.1, *Land Use*, of this report. In addition, Figures 9, 10, 11 and 12 in the Community Plan would be updated to reflect the proposed policy changes.

In terms of land use changes to the Community Plan, the UTC shopping center is recognized as a Regional Commercial use in the *University Community Plan*. The canyon open space contained on site along Towne Centre Drive is recognized as Open Space in the Open Space and Recreation Element of the Community Plan and its land use designation would not change under the proposed project. The Community Plan Amendment (CPA) would modify the intensity table within the Development Intensity Element to increase the retail square footage allowed on site by the Community Plan from 1,061,000 to up to 1,811,400 sf and add reference to the up to 725 proposed residential units~~ and possible hotel and office uses~~. Table 7 and Figure 29 in the Residential Element of the community plan would also be modified to incorporate the up to 725 multi-family units proposed on site (i.e., the maximum number of units that could be implemented on site). The UTC property would be identified on Figure 29 as having the potential for residential development at an overall density of 29 dwelling units per acre (du/ac), in accordance with the density calculations contained in the CR-1-1 zone. Table ES-1 contains a summary of the proposed land uses.

Table ES-1
PROPOSED LAND USES

Land Use Category	Existing Center	Proposed Net Redevelopment	Proposed Total
Department Stores, Specialty Retail, Restaurants, Community Uses	1,061,400 sf gla	750,000 sf gla	1,810,400 sf gla
Multi-family Residential	None	Up to 725 units	Up to 725 units
~~Hotel~~	~~None~~	~~Up to 250 rooms~~	~~Up to 250 rooms~~
~~Office~~	~~None~~	~~Up to 35,000 sf~~	~~Up to 35,000 sf~~
Open Space	7.0 acres	- - -	7.0 acres

Source: Westfield Corporation, Inc. 2007.
gla - gross leasable area

Rezone

The majority of the project site is currently zoned Commercial (CC-1-3) for community commercial uses, except for a small portion of the existing open space which is zoned residential (RS-1-14). In recognition of the regional character of the UTC shopping center and the Regional Commercial land use designation in the *University Community Plan*, the project applicant is proposing to rezone the portion of the property that is designated Regional Commercial in the Community Plan to Commercial (CR-1-1) for regional commercial uses, leaving the portion of the site designated as Open Space in the Community Plan zoned CC-1-3 and RS-1-14. The purpose of the Regional Commercial zone is to provide areas for a broad mix of retail and other uses; the zone is intended to accommodate large-scale, high intensity developments located along major streets, primary arterials and major public transportation lines. The CR-1-1 zone allows a mix of regional serving commercial and residential uses, with an auto orientation. Multi-family residential~~, hotel and office~~ development is~~are~~ permitted in the CR-1-1 zone provided they are part of a mixed-use (commercial/residential) project.

Master Planned Development Permit/Site Development Permit

The proposed project would be implemented in two construction phases. The primary focus of the first construction phase would be the renovation of the existing shopping center, which would expand the retail space by up to 750,000 sf, relocate the existing bus transit station and construct residential units in the northwestern portion of the site, while the latter phase of construction would involve the development of residential units south of the existing Sears department store and west of the existing Macy's department store. Specific design guidelines are proposed by the project applicant to provide a comprehensive framework for the architectural and landscape design for the project. The guidelines address various general details about the design, such as the building height, bulk and massing, site orientation, architecture, building materials and parking.

As an option to this proposed land use scenario (i.e., 750,000 sf of retail and 250 residential units), the project applicant is requesting that the Master PDP allow for up to seven other potential land use scenarios provided they have similar or less average daily traffic (ADT) and critical peak hour movements compared to the proposed project. Table ES-2, *Land Use Scenarios*, depicts the different uses proposed under each land use scenario. This EIR evaluates the worst-case conditions that could be experienced under any of ~~all~~the eight land use scenarios originally proposed by the Master PDP, and includes a discussion of the hotel and office uses for information purposes only since they are no longer proposed by the applicant and have been removed from the Master PDP. Therefore, *depending on the issue, the EIR identifies which land use scenario would result in the maximum or* worst-case impacts.

Table ES-2
POTENTIAL LAND USE SCENARIOS[1]

Project Scenarios	Land Use			
	Retail	Residential	Hotel	Office
Proposed Project	750,000 sf	250 units	- - -	- - -
Scenario 2: Maximum Residential	610,000 sf	725 units	- - -	- - -
Scenario 3: Maximum Hotel	525,000 sf	- - -	185 rooms	- - -
Scenario 4: Maximum Office	525,000 sf	- - -	- - -	35,000 sf
Scenario 5: All Uses	375,000 sf	250 units	100 rooms	35,000 sf
Scenario 6: No Hotel	425,000 sf	500 units	- - -	35,000 sf
Scenario 7: No Office No. 1	425,000 sf	300 units	250 rooms	- - -
Scenario 8: No Office No. 2	350,000 sf	610 units	250 rooms	- - -

[1]The Master PDP would allow flexibility in the development of the center based on ADT generated by each use on the site and critical peak hour equivalency of AM inbound and PM outbound ADT movement. ADT and critical peak hour movements cannot exceed the proposed project scenario (see Table 5.3-20). Examples of eight land use scenarios are provided to illustrate how the center may develop under the guidelines of the Master PDP with a varying mix of retail, residential, hotel and office uses, as long as the mix of land uses development intensity does not exceed the traffic parameters established in this analysis (Table 5.3-20). As noted above, the applicant has decided to revise the Master PDP to eliminate all hotel or office uses. The analysis of the scenarios containing such uses remains in this report for information purposes.

At a point in time when detailed building and landscape drawings for the project are submitted to the City for approval, the project applicant would request that they be processed under the Substantial Conformance Review (SCR) process (as outlined in Section 126.0112 of the SDMC). If the development request is in excess of 50,000 sf, the SCR would be a Process Two approval, whereas development proposals under 50,000 sf would be subject to a Process One approval. City staff would have to determine that any future building permit is consistent with the proposed design guidelines and the Master PDP; otherwise, the project applicant may have to apply for an amendment to the Master PDP, as necessary. Although not contemplated at this time, any amendment to the approved Master PDP would be addressed under a separate environmental review document.

Circulation improvements are proposed as part of the proposed project to enhance vehicular travel, pedestrian linkages and public transportation services in and around the property. Internal vehicular circulation would continue via a loop-type circulation pattern through the property, which would link with the existing entry/exit driveways with the adjacent public roads. Specifically, the existing internal loop road connection from the existing northern entrance at La Jolla Village Drive/Executive Way would be reconfigured on site to direct traffic below the new retail expansion and along the new parking structures to the existing western driveway entrance along Genesee Avenue/Esplanade Way. Connections to the proposed parking garages would also be provided from the realigned loop road. A new driveway is proposed as part of University Central, which would connect to Genesee Avenue 400 feet south of its intersection with La Jolla Village Drive. The private driveway would be right-in/right-out only and provide drop-off/pick-up/valet service for shopping center patrons. All other access points to the shopping center would remain as currently configured, although signals would be installed at the Nobel Drive and south entrance along Towne Centre Drive driveways.

The project would implement some of the proposed public transportation improvements currently envisioned for the UTC property in the Transit First program being implemented by the San Diego Association of Governments (SANDAG). Specifically, the project would relocate and expand the existing bus transit center and the project applicant would install more bicycle racks throughout the property. Two transit center locations were identified through discussions with SANDAG, San Diego Metropolitan Transit System (MTS) and the City of San Diego. The proposed design and capacity of the centers would reflect the need of SANDAG and MTS. The preferred location of the transit center would be at the southeast corner of the Genesee Avenue/Esplanade Court intersection. The other potential location would be within the University Central district along La Jolla Village Drive, near the Genesee Avenue intersection. The existing bus transit center on site would be expanded from 6 to 11 bus bays with implementation of the Genesee Avenue transit center to allow an expansion in bus service. The proposed project would also reserve right-of-way along its frontage with Genesee Avenue for the proposed transit center and planned extension of a light rail transit line through the University City/Golden Triangle area, with a stop proposed at a new station along Genesee Avenue near UTC. The new station would be elevated above the median of Genesee Avenue, at the intersection of Genesee Avenue/Esplanade Court. The location along Genesee Avenue is the preferred site by the project applicant because the dedicated transit signal and access on Genesee Avenue would allow buses to operate without interfering with UTC customer traffic, thus providing a more reliable and efficient service. If the transit center were placed adjacent to La Jolla Village Drive, there would be a potential for traffic delays and conflicts with UTC customers and delivery trucks. In addition, the Genesee Avenue transit center location would not reduce the number of planned parking spaces, as would implementation of a La Jolla Village Drive transit center location. The Genesee Avenue transit center also would be more compatible with the future station for the Mid-Coast light rail transit system on Genesee Avenue because it would closer and would provide easy access for transfers to the station. Opportunities would also be provided for community shuttles, the Superloop and other transportation alternatives at the proposed transit center.

Enhancements in pedestrian access are also proposed to reduce local dependence on single-occupancy vehicles, including the integration of sidewalks, walkways and connections to existing elevated pedestrian bridges over Genesee Avenue and La Jolla Village Drive. The upper-level retail near the northwestern corner of the project would connect with the existing pedestrian bridges over La Jolla Village Drive and Genesee Avenue. The existing pedestrian bridge over Genesee Avenue would be maintained or replaced and would connect University Central with the planned Monte Verde residential towers across the street. A second bridge over Genesee Avenue could be constructed when SANDAG develops the Mid-Coast LRT station in the center of Genesee Avenue just south of Esplanade Court. This potential pedestrian connection with the UTC property could connect the on-site transit center with the LRT and properties to the west. A new pedestrian bridge would also be constructed by the project applicant over La Jolla Village Drive (east of the Executive Drive intersection), in accordance with NUC-42 in the North University City Facilities Benefit Assessment (FBA) plans. The two new traffic signals at driveways along Towne Centre Drive and Nobel Drive would also be striped with crosswalks to improve pedestrian access to the project site. Non-contiguous sidewalks are proposed along La Jolla Village Drive, Genesee Avenue, Towne Centre Drive and Nobel Drive to provide protection for pedestrians and encourage their use.

Retail parking would be provided in existing surface parking lots and proposed parking structures. The recommended parking supply for the proposed project would be 7,163 on-site parking spaces to meet the needs of December weekday customer, employee parking and 425 reserved spaces for tenants of the residential units. In addition, the existing off-site employee parking program would be expanded during weekends in December.

Proposed utility improvements would consist of removing a portion of the on-site sewer and water mains and replacing them with private mains. In addition, the project site would be connected to the City's reclaimed water system. All proposed on-site utilities would be covered by a private utility easement. A major portion of the existing utilities along the northern and western portions of the project site would be removed and the easements covering these utilities would be vacated. Existing sewer and water mains and associated easements along the southern portion of the project site would remain.

To reduce utility loads, the project applicant proposes to achieve a high certification within the LEED Green Building Rating System, which is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. The project has been accepted as a LEED-ND (Neighborhood Development) pilot project by the U.S. Green Building Council. The LEED-ND pilot program integrates the principals of smart growth, new urbanism and green building. The project applicant has generated sustainability strategies for the redevelopment of the UTC shopping center, including those associated with landscape, lighting, electrical, structural and HVAC systems.

Development Regulations

As noted above, the proposed project would incorporate the City of San Diego *Land Development Code* regulations for the Regional Commercial zone (CR-1-1). These development regulations govern lot area, setbacks, structure height, floor area ratio, parking, landscaping, and building articulation, among other factors. A deviation from the height limit in the CR-1-1 zone is requested by the project applicant to allow for the development of several taller retail structures, residential structures, and parking garages ~~and possibly hotel or office structures~~.

A deviation from the height limit in the CR-1-1 zone is requested by the project applicant to allow for the development of several taller retail and architectural structures near the commercial center and the residential structure on the project site. The maximum height of the residential structure would be 325 to 390 feet above grade depending on the location of the structure relative to the MCAS Miramar airfield. A Notice of Construction or Alteration has been submitted to the Federal Aviation Administration (FAA) to allow for the proposed building heights. The final height of the structure would be determined when building drawings are prepared. In addition, parking would occupy more than 50 percent of the street frontage (a deviation from SDMC §131.0556).

Design Guidelines

The general design characteristics in the Master PDP contain guidelines and requirements related to architecture, landscaping, lighting, signage and other design elements of new construction and describe how the proposed project would implement many of the planning principles from the *University Community Plan* related to the urban node pedestrian network, pedestrian overpasses and street level crossings, and urban form and cohesiveness. The general architectural guidelines within the Master PDP address how new structures would relate to the pedestrian network and street frontage. Specific design characteristics contained within the Master PDP are directed at the specific uses proposed on site. Such characteristics include limiting the building height and architectural features of retail structures to 100 feet, varying heights and widths of storefronts, articulating storefronts, providing merchandising front yards in designated area along storefronts, and providing patio seating, shade canopies and trellises.

The Residential ~~and Hotel~~ Design Guidelines for the proposed project establish design standards for the development of residential ~~and/or hotel~~ structures and associated parking structures. The guidelines would be implemented during design of the residential~~/hotel~~ portion of the project, which would be pursued by another party, with the permission of the project applicant. They address design concepts such as project height, bulk and massing, site orientation, architecture, building materials, parking and the like.

~~Any office buildings constructed on site would comply with the development regulations within the SDMC for the CR-1-1 zoning designation.~~

The architectural design of the transit facility would integrate with the UTC shopping center. The dimensions and organization of the bus transit facility and elevated LRT station would be consistent with the requirements of the Metropolitan Transit System~~Development Board of San Diego~~ and SANDAG.

Parking structures would be constructed to complement surrounding buildings and would comply with the Parking Regulations defined in the SDMC Section 14.02.05 and the Urban Design Element of the General Plan.

Grading Plan

Grading for the proposed project would require approximately 643,000 cubic yards of cut and 51,000 cubic yards of fill across the 39 acres affected by the project. All removed material would be exported off site for proper disposal or use by another approved development. The deepest cuts would be approximately 40 feet for basement excavations. The fill slopes would rise up to 14 feet. Three tiered retaining walls with a maximum height of 12 feet each would be placed on site along Genesee Avenue in the southwestern portion of the site. Final finished floor elevations would range from approximately 355 to 380 feet above mean sea level (amsl) upon implementation of the grading plan. Approximately 566,000 sf, including three of the existing department store buildings of the existing center, would be demolished during project construction.

Vesting Tentative Map

The project applicant also proposes approval of a VTM to consolidate existing lots, relocate existing lot lines and subdivide the land into 36 lots. The lots would range in size from 0.14 to 28.57 acres. In addition, approximately 1.15 acres of public right-of-way dedication is proposed on site for new traffic lanes and bike lanes on La Jolla Village Drive, Genesee Avenue, Towne Center Drive, Lombard Place and Nobel Drive. Approximately 0.08 acre of right-of-way would be acquired along Towne Centre Drive.

Discretionary Actions/Other Approvals

The UTC Revitalization project described in this EIR would require EIR certification, CPA/Rezone/SDP/PDP/VTM approval and sewer and water easement vacations approval. Discretionary actions required by other agencies include a National Pollutant Discharge Elimination System (NPDES) General Construction Activity Permit from the Regional Water Quality Control Board, ~~and~~ an agreement between SANDAG, MTS and the applicant for bus/transit center relocation and expansion, an encroachment permit from Caltrans for freeway ramp improvements, and FAA approval of building heights.

ES-4 SUMMARY OF ENVIRONMENTAL EFFECTS AND MITIGATION

The proposed project EIR addresses project impacts associated with the following nine issue areas in Section 5.0, *Environmental Analysis*, of the report:

- Land Use
- Aesthetics/Visual Quality
- Transportation/Circulation
- Air Quality
- Hydrology/Water Quality
- Paleontology
- Public Utilities
- Water Conservation
- Construction Effects

The environmental effects discussed in Section 5.0 of the EIR are summarized in Table ES-3. In addition, Table ES-3 includes all mitigation measures identified in Section 5.0 that would reduce project impacts and the level of significance following mitigation. The analyses and conclusions for each environmental issue are found in Sections 5.1 through 5.9. All project-specific significant environmental effects would be mitigated to below a level of significance, with the exception of aesthetics/visual quality, transportation/circulation and air quality, which would be significant and unmitigable. The project also would contribute incrementally to cumulatively significant unmitigable impacts to transportation/circulation, air quality and public utilities (solid waste).

ES-5 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on initial environmental review of the project, the City of San Diego has determined that the proposed project would not have the potential to cause significant adverse effects associated with the following issue areas: agricultural/natural/mineral resources; biological resources; energy resources; historical resources; human health/hazardous materials; population and housing; and recreational resources. These topics have not, therefore, been addressed in detail in this EIR (refer to Section 6.0).

ES-6 ALTERNATIVES

No Project Alternative

The No Project Alternative assumes that the proposed project would not be adopted, no expansion of the existing retail uses would be implemented, no new parking facilities would be built and no new residential development would be constructed on site. The transit center and community meeting space would remain in their present locations and would not be improved or expanded. The applicant would not relocate the transit center to a place where it could be used as a multi-modal transit station with the future light rail transit line and station proposed by San Diego Association of Governments (SANDAG) along Genesee Avenue. Because the existing shopping center is consistent with the

Development Intensity Element of in the *University Community Plan*, the center size would not change in the future and no new uses allowed by the underlying commercial (CC-1-3) zone would be added.

Besides conflicting with the basic project objectives, the No Project Alternative would not assist the City in building more employment and housing opportunities or expanding public transit facilities within the central portion of the County. Housing needs of the City would continue to be met where underdeveloped or undeveloped land with approved residential density exists. It is likely that sites with approved density would not be able to offer the transit connections that the UTC property provides and residential development could be scattered throughout the City, rather than concentrated near a transit center.

No Residential Alternative

Under the No Residential alternative, the 250 to 725 residential units would be eliminated from the proposed project and the 750,000 sf of expanded retail floor area or alternatively office or hotel uses would still be constructed. A CPA would be required to increase development intensity allocated to the UTC property in Table 3 of the Development Intensity Element, to make references to the potential for office and hotel uses, and to modify policies related to urban design and parking. In addition, the project applicant would likely rezone the property for consistency with the *University Community Plan* regional commercial designation and to allow for increased building heights for the retail structures.

The No Residential Alternative would attain ~~most~~some of the basic project objectives, although the elimination of residential units would lessen the City's ability to construct new housing near transit and commercial/retail uses as encouraged in the Strategic Framework Element of the *Progress Guide and General Plan*. Housing needs of the City would be met where underdeveloped or undeveloped land with approved residential density exists. It is likely that sites with approved density would not be able to offer the transit connections that the UTC property provides and residential development could be scattered throughout the City, rather than concentrated near a transit center.

No Retail Expansion Alternative

Under the No Retail Expansion Alternative, the 250 to 725 residential units would remain as proposed and none of the retail expansion would be constructed. A CPA would still be required to increase development intensity and to allow for residential use on site. Residential development is permitted in the existing CC-1-3 zone, although a PDP would likely be needed to exceed the height limitation of that zone. A VTM would be processed as part of this alternative to create a separate lot for the residential structure. The residential units would be constructed south of the Sears department store as originally proposed. Minimal circulation improvements would be implemented as part of the alternative. The project applicant would not relocate or expand the bus transit center for this alternative since no changes in the configuration of the retail and parking areas would be required.

The No Retail Expansion Alternative would lessen impacts of the proposed project, in particular traffic, in a way that would reduce significant project impacts. Otherwise, impacts of this alternative would be similar to those of the proposed project and no other significant impacts would be avoided. The No Retail Expansion Alternative would not attain any of the basic project objectives related to retail development; retail development would have to be constructed elsewhere in the community to satisfy the unmet need in the UTC service area.

Reduced Project Alternative

The purpose of developing a Reduced Project Alternative other than the alternatives described above was to define a level of development that would avoid significant and unmitigable traffic impacts to the freeway mainline of I-805 and reduce project trips on I-5 and SR-52. Calculations conducted by the project traffic engineer determined that the project applicant would have to scale back the Master PDP to a 435,000 sf retail expansion with no residential, hotel or office uses allowed. A 435,000-sf retail project would involve the construction of two department stores (for a net increase of 200,000 sf after demolition of two existing department stores) and up to 235,000 sf of general retail shops. This alternative would result in a 42 percent reduction in the horizontal expanse of the retail expansion allowed by the Master PDP and a 47 percent reduction in the general retail shop area. This alternative would include the relocation but not expansion of the transit center.

Adoption of the Reduced Project Alternative would lessen impacts of the proposed project to freeways; however, traffic impacts to local roads and intersections would still be significant and unmitigable on a project and cumulative level and cumulative impacts to regional air quality would still occur. The Reduced Project Alternative would eliminate the mid- and high-rise building proposed on site, thus avoiding the significant and unmitigable aesthetics impacts to neighborhood character caused by the proposed project. The reduction in retail square footage associated with the Reduced Project Alternative would, however, not be consistent with Objective 3, wherein the center is expanded in an economically feasible manner. The amount of general shop space (235,000 sf) would not be a sufficient retail base to offset the costs of expanding the two department stores (200,000 sf). Thus, although this alternative would appear to attain most of the basic project objectives, the reduction in retail combined with an elimination of residential, hotel and office space would not achieve the project applicant's key objectives and would lessen the City's ability to construct mixed use projects near transit (conflicting with Objectives 5 and 6) as envisioned in the Strategic Framework Element of the *Progress Guide and General Plan*. It would also eliminate the applicant's ability to expand the transit center on site.

Reduced Building Height Alternative

The purpose of developing a Reduced Building Height Alternative, other than the alternatives described above, was to define a level of development that would avoid significant and unmitigable

aesthetics/visual quality impacts related to the bulk and scale of buildings that exceed established patterns in the community. Under the Reduced Building Height Alternative, the taller residential, hotel and/or office structures in the University Central, Nobel Heights, La Jolla Terrace and Towne Center Gardens districts of the site would be limited to the maximum height of nearby structures in the community, the tallest of which is the Wells Fargo building that stands at an elevation of 240 feet above grade (approximately 645 feet amsl). A height deviation would still be required for the Reduced Building Height Alternative to allow structures taller than 60 feet or more; however, the maximum structure height would comply with the existing pattern of development in the community rather than exceed it resulting in a less than significant impact on visual character. No other changes to the proposed project or its planned land uses would occur under this alternative. The building footprints would be broadened and the profile of the towers would be wider to accommodate the residential units.

Adoption of the Reduced Building Height Alternative would lessen significant and unmitigable impacts of the proposed project to aesthetics/visual quality related to the bulk and scale within the University City area; however, traffic impacts would still be significant and unmitigable on a project and cumulative level and cumulative impacts to regional air quality would still occur. All other impacts would be the same as the proposed project since the development intensity would not change under this alternative. The reduction in building height would reduce the design flexibility for the residential/hotel/office towers and could prevent the applicant from being able to achieve its affordable housing requirements on site. This alternative would be consistent with all other project objectives.

ES-7 AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

Comments on the NOP were received by the City from four public agencies (California Department of Transportation [Caltrans], Native American Heritage Commission [NAHC], Metropolitan Transit Development Board [MTDB] and SANDAG), three private/non-profit organizations (UC Golden, Friends of Rose Canyon and the Center on Policy Initiatives) and several interested citizens of the University City area. Pursuant to §15123 of the State CEQA Guidelines, a discussion of general areas of controversy raised by these agencies, organizations and members of the public are considered herein.

There were three main areas of controversy raised by those commenting on the NOP. First, concern was raised over the aesthetic/visual impacts of the proposed project in relation to the University City area. This issue is addressed in Section 5.2, *Aesthetics/Visual Quality*. Second, concern was raised over the potential incompatibility of the project with land uses in the University City area. This issue is addressed in Section 5.1, *Land Use*. Finally, the issue of traffic, parking, circulation and transit development were recurring concerns for those commenting on the NOP. Traffic concerns centered on impacts from increased trips and congestion on street segments, intersections, freeways and freeway ramps in the University City area. In addition, traffic concerns also focused on the project's consistency with the *University Community Plan* and its relationship to the proposed widening of Genesee Avenue and/or bridge crossing on Regents Road. Transit development concerns centered on

consideration of the proposed development of an expanded transit facility at the UTC shopping center and use of alternative transportation methods in the University City area in light of traffic concerns. These traffic issues have all been addressed in Section 5.3, *Transportation/Circulation*.

Table ES-3
IMPACTS AND PROPOSED MITIGATION

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE		
Proposed project would not result in land uses that would be incompatible with existing or planned surrounding land uses.	None Required	No Impact
Proposed project would not result in a land use that is inconsistent with the University Community Plan land use designation for the site or conflict with the goals, objectives and recommendations of the Community Plan.	None Required	Less Than Significant
Proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.	None Required	No Impact
Proposed project would be compatible with the MCAS Miramar ALUCP.	None Required	No Impact
AESTHETICS/VISUAL QUALITY		
Proposed project would result in bulk and scale that would be incompatible with surrounding development.	None Available	Significant and Unmitigable
Proposed project would not result in substantial alteration to the existing visual character of the area.	None Required	Less Than Significant
Proposed project would not obstruct any vista or scenic view from a public viewing area.	None Required	No Impact
Proposed project would not result in substantial light and glare.	None Required	Less Than Significant

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION		
Proposed project would result in an increase in projected traffic that would be substantial in relation to the existing traffic load and capacity of the street system as follows: Near-term Conditions Four street segments, seven intersections, two freeway segments and five freeway ramp meter locations would be significantly impacted as a result of project traffic. Horizon Year Conditions – Without widening of Genesee Avenue Six street segments, four intersections, two freeway segments and five freeway ramp meter locations would be significantly impacted as a result of project traffic. Horizon Year Conditions – With widening of Genesee Avenue Four street segments, three intersections, two freeway segments and five freeway ramp meter locations would be significantly impacted as a result of project traffic.	Near-term Conditions *Street Segments* 1. The applicant shall provide an additional eastbound lane (eight-lane cross section) along La Jolla Village Drive between Towne Centre Drive and I–805. This shall be achieved through restriping and restricting parking. This would result in this segment being built to its Community Plan classification. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. 2. The applicant shall provide improvements to Nobel Drive associated with the NUC–J improvement project along its frontage. These improvements shall consist of the widening of Nobel Drive with right-of-way acquisition from the north side. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.	Significant and unmitigable for three street segments in the short-term; four street segments in the horizon year without the widening of Genesee Avenue; and two street segments in the horizon year with the widening of Genesee Avenue. (Significant and unmitigable for segments along Genesee Avenue due to City Council policy to not widen the street beyond the Community Plan assumptions. Significant and unmitigable for segments along La Jolla Village Drive because further widening would be inconsistent with the Community Plan.) Significant and unmitigable for freeway segments and ramp meters. ~~until future improvements are implemented from the SANDAG Mobility 2030 Plan.~~

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	Intersections 3. The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of La Jolla Village Drive and Regents Road. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. 4. The applicant shall reconfigure the northbound approach to provide a dedicated right-turn lane at the intersection of La Jolla Village Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. 5. The applicant shall construct a second northbound thru lane by widening Towne Centre Drive at the intersection of Towne Centre Drive and La Jolla Village Drive. To accommodate the additional lanes, widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. 6. The applicant shall install a traffic signal and appropriate signal interconnect satisfactory to the City Engineer at the intersection of Nobel Drive/Lombard Place and the Project Driveway. Timing plans shall be developed and implemented by the City. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.	

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	Intersections (cont.) 7. The applicant shall reconfigure the North UTC Project Driveway to permit right-turn only movements at its intersection with Towne Centre Drive. This shall be accomplished through the construction of a raised center median, extending along Towne Centre Drive ~~or~~ from La Jolla Village Drive to the south UTC driveway, and installation of "right-turn only" signage. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. 8. The applicant shall install a traffic signal and appropriate interconnect at the intersection of Towne Centre Drive and the South UTC Project Driveway. Timing plans shall be developed and implemented by the City. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit (subject to partial reimbursement already paid to the City by the Congregation Beth Israel as project mitigation). 9. The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of Governor Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.	

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	Freeway Segments 10. The applicant shall pay a fair share contribution of $3.38 million (equivalent to $1,000 per ADT) towards the study, design, or implementation of ~~the proposed managed lanes on I-805 between Carroll Canyon Road and SR-52~~traffic operational improvements (i.e., auxiliary lanes) on I-805 between La Jolla Village Drive and SR-52. ~~*Freeway Ramp Meters*~~ ~~11. The applicant shall extend the existing number one westbound left-turn lane on Nobel Drive approximately 500 feet east of the I-805 southbound off-ramp to provide additional queue storage.~~ ~~12.The applicant shall widen the I-5 northbound on-ramp at westbound La Jolla Village Drive to provide an HOV lane to provide additional queue storage and promote carpooling.~~ ~~13. The applicant shall extend the existing number one westbound left-turn lane on Nobel Drive approximately 300 feet east of University Center Lane to provide additional queue storage.~~ ~~14. The applicant shall extend the southbound on-ramp west to the Judicial Drive undercrossing (based on preliminary interchange improvements) to provide additional queue storage.~~	

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	Horizon Year Conditions *Intersections* ~~1~~5<u>1</u>1. The applicant shall restripe the four-lane southbound approach at the intersection of La Jolla Village Drive and the I-805 southbound ramps to include left, right-left, and dual right-turn lanes. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. ~~1~~6<u>1</u>2. The applicant shall reconfigure the northbound approach to La Jolla Village Drive at Executive Way to provide a second right-turn lane. Roadway widening and/or modifications to the median along the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.	

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	Horizon Year Conditions (cont.) *Intersections (cont.)* ~~17~~13. The applicant shall reconfigure the westbound approach to provide a dedicated right-turn lane at the intersection of Nobel Drive and Genesee Avenue. Roadway widening and/or modifications to the median along the roadway may be required. Modifications to the traffic signal timing by the City in conjunction with the lane dedications would ~~also~~ be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit. ~~18~~14. The applicant shall stripe the eastbound approach to provide left-thru-right and right-turn lanes at the intersection of Decoro Street and Genesee Avenue. To accommodate the additional lane, widening the roadway may be required. The applicant shall provide 100 percent financial contribution and assure mitigation by permit and bond due prior to the issuance of the first building permit.	

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	~~Other Mitigation~~ ~~19. The applicant shall relocate and expand the bus center, plan for the future Light Rail Transit station and implement a comprehensive Travel Demand Management (TDM) plan, as outlined in Section 16.0 of the Traffic Impact Study.~~	
Proposed project would result in traffic generation in excess of the allocations identified in the University Community Plan in both the Near-term and Horizon Year.	See Impact Issue 1	See Impact Issue 1
The recommended parking supply for the proposed project would be 7,163 on-site parking spaces would be sufficient to meet the project parking demands under a shared parking agreement, with the exception of weekend days in December.	~~20~~15. The project applicant shall expand the existing off-site employee program during the month of December to serve up to 550 vehicles. ~~21~~16. The applicant shall provide and maintain a current Parking Management Plan and perform an annual parking study satisfactory to the City Engineer. The updated Parking Management Plan and annual parking study shall provide additional parking opportunities in the event that the parking demand exceeds the parking supply. In the event that the parking demand exceeds the parking supply, the applicant shall provide adequate parking for the site and implement these alternatives prior to the next annual parking study, satisfactory to the City Engineer. In addition, no later than October 31 of each year, the applicant shall provide evidence of a shared parking agreement for holiday overflow parking, satisfactory to the City Engineer.	Less than significant

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
Proposed project would be consistent with adopted policies, plans and programs supporting alternative transportation modes in both the Near-Term and Horizon Year.	None Required	No Impact
The proposed project would not result in an increase in traffic hazards.	None Required	No Impact
Proposed project would have direct and/or cumulative traffic impacts on the existing and planned community and regional circulation networks.	See Impact Issue 1	See Impact Issue 1
AIR QUALITY		
Emissions of fugitive dust (PM_{10}) caused by the construction of the first and second phases would be above the City's significance criteria of 100 lbs/day during the months of maximum construction activity. Emissions of fine particulate ($PM_{2.5}$) during the first phase of project construction would be above the City of San Diego's significance criterion for of 55 lbs/day. When the two phases of construction are combined, emissions of PM_{10} and $PM_{2.5}$ would both exceed stated significance criteria even with mitigation implemented.	1. Standard dust control measures would be implemented by the project applicant during ~~Phase 1~~ construction to reduce the amount of fugitive dust generated during project buildout as follows: • Multiple applications of water during grading between dozer/scraper passes • Paving, chip sealing or chemical stabilization of internal roadways after completion of grading • Use of sweepers or water trucks to remove "track-out" at any point of public street access • Termination of grading if winds exceed 25 mph • Stabilization of dirt storage piles by chemical binders, tarps, fencing or other erosion control	Significant and unmitigable

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
AIR QUALITY (cont.)		
Emissions of NOx caused by the construction of the first phase or both phases of construction if they were to occur concurrently would be above the City's significance criteria.	~~None Available~~ 2. Upon preparation of final construction plans for the proposed project, the applicant shall either stagger the construction schedule to prevent overlapping construction emissions for Phases 1 and 2 or hire a contractor who would commit to using a high percentage of low NOx equipment in its construction fleet. If construction sequencing is modified from levels assumed in this analysis, the applicant shall demonstrate through calculations that proposed construction phasing will result in emissions of NOx that are below the significance threshold of 250 lbs per day.	~~Significant and unmitigable~~ Less than Significant
With the exception of PM_{10}, $PM_{2.5}$ and NOx, emissions of criteria pollutants (i.e., ROC, CO and SOx) during project construction would be below the City's significance criteria.	None Required	Less than Significant
Impacts to public health associated with diesel exhaust particulate matter produced during construction would be less than significant.	None Required	Less than Significant
Operational emissions of CO would be above the significance thresholds for short-term and long-term averaging periods; however, CO "hot spots" modeling demonstrated that these emissions would not cause or contribute to a violation of ambient air quality standards. Therefore, operational project impacts to CO would not be considered a significant impact on ambient air quality.	None Required	Less than Significant

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
AIR QUALITY (cont.)		
Operational emissions of PM_{10}, mainly attributable to road dust on public roads, would be above the significance threshold for the annual averaging period.	None Available	Significant and unmitigable
Emissions of reactive organic compounds (ROC), mainly associated with traffic, would be above the City's significance criteria during project operation.	None Available	Significant and unmitigable in the short term; however, with improvements in vehicle emission standards and phase out of older vehicles, emissions would decrease with time and ultimately be below the quantitative threshold.
With the exception of PM_{10} and ROC, emissions of criteria pollutants during project operation would be below the City's significance criteria.	None Required	No Impact
Proposed project would not contribute to an obstruction in the implementation of the RAQS for PM_{10} or CO, but would contribute to an obstruction in the implementation of the RAQS for ROC for both construction and operation.	3. The project applicant shall implement the following control measures pursuant to the RAQS for ROC: • Use of low-ROC paints, adhesives and solvents and • Installation of low emission water heaters and furnaces, where required	Less than Significant

Table ES-3 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
AIR QUALITY (cont.)		
Increased traffic associated with the project would exceed levels assumed in the SIP and the air basin's ability to attain/maintain ambient air quality standards for O_3 on a project and cumulative level.	None Available	Significant and unmitigable
The proposed project would be consistent with the goals of California's Assembly Bill 32 regarding greenhouse gas emissions.	None Required	Less than Significant
HYDROLOGY/WATER QUALITY		
Project implementation would not substantially alter on- or offsite drainage patterns, and would not result in any increase in impervious surface area, runoff volumes and velocities, or associated flooding hazards.	None required	No Impact
Proposed project would not result in an increase in pollutant discharges, including downstream sedimentation, to receiving waters during or following construction. It would not discharge identified pollutants to an already impaired water body, and it would not result in a discharge into surface or ground waters, or in any alteration of surface or groundwater quality.	None required	No Impact
The project design and SWPPP would include BMPs to address both short- and long-term effects from erosion and sedimentation, use and storage of hazardous materials, demolition-related debris generation, disposal of extracted groundwater, and generation/discharge of urban contaminants.	None Required	No Impact