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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
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Clerk of the Superior Court  
By Connie Hines, Deputy Clerk

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION**

10 VOICE OF SAN DIEGO, a California  
corporation,  
11  
12 Petitioner,  
v.  
13 SAN DIEGO STATE UNIVERSITY; and  
DOES 1-10, inclusive,  
14  
15 Respondents.

CASE NO. 37-2019-00008880-CU-MC-CTL

**VERIFIED PETITION FOR WRIT OF  
MANDATE TO COMPEL COMPLIANCE  
WITH PUBLIC RECORDS ACT;  
COMPLAINT FOR DECLARATORY AND  
PRELIMINARY AND PERMANENT  
INJUNCTION**

**[Cal. Gov. Code §§ 6258 and 6259]**

16  
17  
18 **INTRODUCTION**

19 1. This action, brought pursuant to the California Public Records Act (Gov. Code § 6250 et  
20 seq.) (“CPRA”) by Petitioner VOICE OF SAN DIEGO (“VOICE”), a news media outlet, challenges  
21 the determination of Respondent SAN DIEGO STATE UNIVERSITY (“UNIVERSITY”), a public  
22 institution, to withhold public records in its possession or control.

23 2. VOICE submitted seven related categories of CPRA requests to the UNIVERSITY in  
24 search of the public institution’s records regarding the financing and development of the former San  
25 Diego Chargers football stadium, and adjacent parking lot, site in the Mission Valley community of  
26 San Diego, currently owned by the City of San Diego through its Public Utilities Department. A true  
27 and correct copy of the CPRA requests made to the UNIVERSITY is attached as Exhibit “A,” wherein  
28 each of the seven requests is individually presented as Exhibits “A-1” through “A-7.”

1           3. For four months the UNIVERSITY refused to produce any responsive records.

2           4. Claims were made that these records were protected from disclosure pursuant to the  
3 attorney-client privilege and as attorney work product simply because the UNIVERSITY hired a law  
4 firm to secure this information from sub-consultants that the firm had, in turn, hired at the  
5 UNIVERSITY's behest. Essentially, the UNIVERSITY posited (and, likely, still believes today) that  
6 by transmitting public records through its outside legal counsel that all such documents could be kept  
7 from the public's view.

8           5. When VOICE threatened to pursue litigation under the CPRA for the release of responsive  
9 documents, the UNIVERSITY released certain of the records sought, redacting some, yet withheld the  
10 substance of the requests under a claim of deliberative process privilege pursuant to Government Code  
11 § 6255.

12          6. The deliberative process privilege is intended to protect the development of policy from  
13 public scrutiny, yet little to no policy is at issue in the instant case – rather, VOICE seeks the  
14 UNIVERSITY's records providing the expected expense, time and resources required to secure and  
15 develop the Mission Valley stadium site, as analyzed by the UNIVERSITY's consultants months ago,  
16 so that they may be vetted by the public.

17          7. Further, the UNIVERSITY's claim that it is still developing policy requiring all of the  
18 responsive records be withheld is a sham. The UNIVERSITY has taken conclusory policy positions  
19 regarding the funding of the purchase and development of the stadium site, released an initial  
20 environmental study for the project pursuant to the California Environmental Quality Act (Public  
21 Resources Code section 21000 et seq.; "CEQA"), and presented the scope of the project to over 115  
22 groups, albeit, while offering little information about what lies under the hood. A true and correct copy  
23 of the September 20, 2018 letter prepared by the UNIVERSITY's Tom McCarron, Vice President for  
24 Business and Financial Affairs & Chief Financial Officer, explaining that no student fees or taxpayer  
25 funds would be needed to pay for the Mission Valley development, indicating a conclusive  
26 understanding of the financing of the project, is attached as Exhibit "B." A true and correct copy of  
27 the UNIVERSITY's conclusion that neither tax dollars, nor tuition or student fees will be relied upon  
28 for the project, and specifically providing the funds required to develop the site, inclusive of the

1 generalized means to secure said financing, found on the UNIVERSITY's Overview webpage  
2 providing, found at <http://missionvalley.sdsu.edu/planOverview.html>, is attached as Exhibit "C". A  
3 true and correct copy of the CEQA Initial Study describing the scope of the Mission Valley  
4 development, in detail, is attached as Exhibit "D." A true and correct copy of the UNIVERSITY's  
5 Community Input and Engagement webpage for the Mission Valley development as of February 13,  
6 2019, found at <http://missionvalley.sdsu.edu/community-engagement.html>, is attached as Exhibit "E."

7 8. VOICE is keenly interested in the activities of the UNIVERSITY, as are thousands of its  
8 readers. Seeing no opportunity to amicably secure the release of further responsive records from the  
9 UNIVERSITY, VOICE is forced to resort to the instant litigation to ensure compliance with the CPRA.

### 10 **PARTIES**

11 9. Petitioner VOICE is a news media outlet based in and serving San Diego, California. As  
12 one of only a handful of investigative local news sources, VOICE devotes extensive coverage to  
13 matters of public interest with a focus on local government affairs. Relying upon the donations of an  
14 interested and informed public, VOICE has a significant interest in investigating and reporting out to  
15 its readership the region's public agency expenditures, political maneuvering and governance  
16 activities.

17 10. Respondent UNIVERSITY is a public agency of the State of California and is the custodian  
18 of the public records at issue in this litigation. The UNIVERSITY has the administrative authority as  
19 well as the legal responsibility under the CPRA to provide timely and complete records in its  
20 possession and/or its control pursuant to requests made upon it.

21 11. Respondent Does 1-10 are sued under fictitious names. Their true names and capacities  
22 are unknown to Petitioner. When their true names and capacities are ascertained, Petitioner will amend  
23 this petition to assert them. Petitioner is informed and believes that each of the fictiously named  
24 respondents is responsible in some manner for the occurrences herein alleged, and that the damages as  
25 herein alleged were proximately caused by their conduct.

### 26 **JURISDICTION AND VENUE**

27 12. This Court has jurisdiction under California Government Code §§ 6258 and 6259, and  
28 California Code of Civil Procedure § 1085.

1 13. Venue is proper in this Court, under San Diego Superior Court Rules, Rule 1.2.2 because  
2 the causes of action alleged in this Petition arose in San Diego County, where the CPRA requests were  
3 made and the documents are located. All parties to this litigation are located within San Diego County.

4 14. VOICE has performed all conditions precedent to filing this instant action and has  
5 exhausted all available administrative remedies to the extent required by law.

6 15. VOICE has no plain, speedy and adequate remedy in the ordinary course of the law unless  
7 this Court grants the requested Writ of Mandate to require the UNIVERSITY to release the public  
8 records responsive to the seven categories of documents sought in VOICE's September 20, 2018  
9 request. Pursuant to Government Code § 6258, "[a]ny person may institute an action for injunctive or  
10 declaratory relief or writ of mandate in any court of competent jurisdiction to enforce his right to  
11 inspect or receive a copy of any public record or class of public records under this chapter."  
12 Government Code § 6259, which vests courts with the power to issue orders to enforce the CPRA,  
13 requires a "verified petition to the superior court of the county where the records or some part thereof  
14 are situated...."

15 16. In the absence of this Court's action, the UNIVERSITY's refusal to release public  
16 documents will remain in effect and in violation of state law.

### 17 **STATEMENT OF FACTS**

18 17. For more than a decade, VOICE has regularly put forward, and relied heavily on, CPRA  
19 requests to local, regional and state agencies to secure information for the public regarding government  
20 activities which might otherwise go unnoticed or unreported.

21 18. Land use and education reporting are of particular importance to VOICE, having most  
22 recently received awards for its excellence in journalism in these fields including the 2016 and 2018  
23 San Diego Society of Professional Journalism Journalist of the Year Award for exposes leading to the  
24 ouster of former San Diego Unified School District Board Trustee, Marne Foster, and San Diego  
25 Association of Governments Executive Director Gary Gallegos, respectively, based on corrupt  
26 practices, and the 2018 San Diego County Taxpayers Associaton Media Watchdog Award for  
27 VOICE's reporting on the failure of internal policies and lack of transparency at regional school  
28 districts in failing to disclose sexual misconduct allegedly perpetrated by educators.

1 19. Following the 2017 departure of the National Football League’s San Diego Chargers  
2 for the Los Angeles region, the City of San Diego was left with an approximately 166-acre stadium  
3 site (“Site”), over \$45,000,000 in debt, and little guaranteed revenue to pay this tremendous sum off.  
4 (See <https://www.sandiegouniontribune.com/sports/chargers/sd-sp-chargers-20170627-story.html>.)

5 20. In the wake of this looming financial mess, two competing voter initiatives arose in  
6 2018, Measure E (also known as the “SoccerCity Proposal”) and Measure G (“SDSU West”). SDSU  
7 West, sponsored by a veritable who’s who of San Diego luminaries known as the Friends of SDSU,<sup>1</sup>  
8 won out with the voters requiring the City of San Diego to sell approximately 132 acres of the Site to  
9 the UNIVERSITY for the expansion of its campus, the demolition of the existing stadium and the  
10 construction of a new stadium and river park.

11 21. Though the UNIVERSITY was legally prohibited from promoting SDSU West, starting  
12 in 2017, the UNIVERSITY developed its own reports regarding the development of the Site (“Mission  
13 Valley West”). To formulate its Mission Valley West project, the UNIVERSITY hired the law firm  
14 of Gatzke Dillon & Ballance which, in turn, hired stadium and development consultants including JMI  
15 Realty, JMI Sports, Populous, Carrier Johnson & Culture, and public relation consultants including  
16 Intesa and Public Policy Strategies (collectively, “Contractors”).

17 22. During the course of the election, the UNIVERSITY repeatedly asserted that it could  
18 acquire the land and commence construction of a major campus expansion without ever raising student  
19 tuition or fees. Asked repeatedly to explain the basis for this promise, the UNIVERSITY alluded to

20 \_\_\_\_\_  
21 <sup>1</sup> Friends of SDSU apparently include: Chuck Abdelnour, Peter Anderson, Terry Atkinson, Keith  
22 Behner, Cathy Stiefel, Laurie Black, Steve Black, Billy Blanton, Ed Blessing, Casey Brown, Ed  
23 Brown, Harold Brown, Malin Burnham, Gina Champion-Cain, Dennis Cruzan, Frank Cuenca, Mary  
24 Curran, Tom Darcy, Adam Day, Tom Day, Julie Dillon, Steve Doyle, Walt Ekard, Maria Fischer,  
25 Kim Fletcher, Greg Fowler, Frank Goldberg, Richard Gonzalez, Jack Goodall, Stephen Haase, Bill  
26 Hammitt, Juanita Hayes, Elliot Hirshman, Rudolph Johnson, III, Paul Kerr, Kim Kilkenny, James  
27 Kitchen, Tom Lang, Linda Lang, Fred Luddy, Lani Lutar, Ken McCain, Karen McElliott, Thom  
28 McElroy, Jack McGrory, Mark and C’ Ann McMillin, Jeff Marston, JC Mejia, Leo Morales, Colonel  
Bob Muth, USMC, General Mike Neil, USMC, Dave Nielsen, Charlotte Ochiqui, Leon Parma, Bob  
Payne, Ralph Pesqueira, Irv Pfister, Fred Pierce, Colin Rice, Paul Robinson, Elsa Romero, Patti  
Roscoe, Ralph Rubio, Bob Scarano, Kit Sickels, Brian Sipe, Admiral Lou Smith, USN, Mike  
Stepner, Colton Sudberry, Tom Sudberry, Ted Tollner, JR Tolver, Richard Vance, Steve Weber, and  
Leon Williams. (See <https://sdsuwest.org/about/steering-committee>.)

1 financial modelling it had paid consultants to produce.

2         23. John Kratzer, the CEO of JMI Realty, one of the CONTRACTORS, described the  
3 extent of the documents he had completed for the UNIVERSITY to VOICE reporter, Ry Rivard. Mr.  
4 Kratzer explained that JMI Realty had run a series of models analyzing the 15-year risk of tuition and  
5 student fees increases if the UNIVERSITY spent \$300 million on the land, river park and site  
6 preparation, providing enough detail to include the occurrence of one recession and the  
7 UNIVERSITY's inability to build approximatel half of the housing units it intended to develop.

8         24. But when Mr. Rivard asked for this analysis, the UNIVERSITY refused to provide these  
9 public records.

10         25. In light of the voters' unusual involvement in the approval of the Site's sale from one public  
11 agency to another, and the great sums of public funds at issue between the City of San Diego as the  
12 debtor/seller and the UNIVERSITY as the buyer/developer, VOICE sought to better understand the  
13 expenses and activities of, and reports, analyses, spreadsheets and similar documents developed by,  
14 the Contractors in preparing the Mission Valley West project and the SDSU West initiative.

15         26. On or about September 20, 2018, prior to the vote on SDSU West, VOICE sought seven  
16 sets of public records from the UNIVERSITY as follows:

- 17         • “all contracts, agreements, payment records and similar documents between San Diego  
18 State University (and/or any division, affiliate or related organization) and all lobbyists,  
19 political consultants, public relations firms, contractors, architects and/or architecture  
20 firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants  
21 including, but not limited to, JMI Realty, stadium design consultants including, but not  
22 limited to, Populous and JMI Sports and any other individuals, companies, and/or  
23 entities working and/or contracting with, in the interest of, or on behalf of the University  
24 with regard to the SDSU West project and/or ballot measure, in the period between  
25 January 1,2017 and the present.”
- 26         • “all contracts, agreements, payment records and similar documents between San Diego  
27 State University (and/or any division, affiliate or related organization) and all lobbyists,  
28 political consultants, public relations firms, contractors, architects and/or architecture  
firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants  
including, but not limited to, JMI Realty, stadium design consultants including, but not  
limited to, Populous and JMI Sports and any other individual, company or entity  
working and/or contracting with, in the interest of, or on behalf of the University with  
regard to the SDSU Mission Valley project (as referenced at  
<http://advancement.sdsu.edu/missionValley/www/planOverview.html>), in the period  
between January 1, 2017 and the present.”

- 1 • “all invoices from JMI Sports in the period between January 1, 2017 and the present.”
- 2 • “all invoices from Populous in the period between January 1, 2017 and the present.”
- 3 • “all invoices from JMI Realty in the period between January 1, 2017 and the present”
- 4 • “all invoices from Carrier Johnson + Culture in the period between January 1, 2017 and
- 5 the present.”
- 6 • “all pro formas and spreadsheets (including all spreadsheet output) prepared and/or
- 7 transmitted by JMI Realty and/or JMI Sports in the period between January 1, 2017 and
- 8 the present.”

9 27. These mundane CPRA requests all resulted in a denial. On or about October 1, 2018, the  
10 UNIVERSITY, through its public records custodian, Dominoe Franco, rejected each record demand  
11 with a verbatim message as follows:  
12

13 The Public records Act allows for the protection of records that constitute preliminary  
14 drafts and notes; records pertaining to pending litigation; certain records contained in  
15 personnel files the disclosure of which would constitute an unwarranted invasion of  
16 personal privacy; and records exempted or prohibited from disclosure pursuant to  
17 federal or state law, including but not limited to, the privacy provisions of the federal  
18 and state constituents, the California Information Practices Act, and the provisions of  
19 the Evidence Code relating to privilege. See Government Code section 6254 (a), (b),  
20 (c), and (k). In addition, Government Code section 6255 provides that an exemption  
21 exists where the public interest served in disclosure of the record, including records that  
22 are in the deliberative process. Records subject to these exemptions will not be  
23 disclosed. Further, any records not deemed to be public records, as defined by the Act,  
24 will not be disclosed.

25 Under Government Code section 6253, San Diego State University has conducted a  
26 reasonable search for these records and has concluded that all records requested are  
27 protected from disclosure under attorney client privilege, attorney work product, and/or  
28 deliberative process. Therefore there are no responsive documents to this request.

29 28. Effectively, the UNIVERSITY determined that the public had no right to know how their  
30 funds were being expended in furtherance of the school’s campus expansion efforts, what City  
31 residents could expect in return for one of its most valuable properties, and whether the UNIVERSITY  
32 had accurately calculated the costs and sources of revenue for its purchase and development of the  
33 Site.  
34

35 29. The records VOICE seeks get to the heart of the finances of the acquisition and  
36 development of the SITE which impacts the tax and rate payers whose valuable Mission Valley  
37 property must now be sold to the UNIVERSITY, as well as the impacts on the students who attend  
38 and financially contribute to the UNIVERSITY.

1 30. VOICE’s readers, as well as the public at large, has an exceedingly strong interest in rising  
2 student debt, a major issue financial issues facing college attendees nationally and within the California  
3 State University system, of which the UNIVERSITY is a part. (See  
4 [https://libtystreeteconomics.newyorkfed.org/2017/04/diplomas-to-doorsteps-education-student-  
6 debt-and-homeownership.html](https://libtystreeteconomics.newyorkfed.org/2017/04/diplomas-to-doorsteps-education-student-<br/>5 debt-and-homeownership.html); see also [https://www.calstatestudents.org/wp-  
8 content/uploads/2017/12/Where-Debt-Comes-Due-at-CSU-Digital-5.pdf](https://www.calstatestudents.org/wp-<br/>7 content/uploads/2017/12/Where-Debt-Comes-Due-at-CSU-Digital-5.pdf).)

9 31. VOICE’s counsel made repeated efforts to work with the UNIVERSITY, and its legal  
10 counsel, for the release of public records responsive to the seven categories of requests made,  
11 ultimately resulting in the production of a smattering of contracts and invoices on January 25, 2019.  
12 A true and correct copy of the correspondence between the parties’ respective counsel through  
13 February 14, 2019 is attached as Exhibit “F.”

14 32. VOICE now seeks the balance of the public records held and/or controlled by the  
15 UNIVERSITY responsive to the seven categories of CPRA requests made on September 20, 2018.

#### 16 **REASONS FOR GRANTING THIS PETITION**

17 33. VOICE has no plain, speedy or adequate remedy at law other than the instant Petition. This  
18 Petition is specifically authorized under California Government Code sections 6258 and 6259. Section  
19 6258 provides that CPRA matters be heard “at the earliest possible time” and VOICE therefore  
20 requests a hearing in this Court as soon as possible.

21 34. The policy behind the CPRA favors disclosure, and a refusal to disclose information must  
22 be justified by the exemptions enumerated in the CPRA. *Cook v. Craig* (1976) 55 Cal.App.3d 773,  
23 781.

24 35. The courts have consistently held that exemptions must be narrowly construed. *New York*  
25 *Times Co. v. Superior Court* (1990) 218 Cal.App.3d 1579, 1585. Where, as in the instant matter, the  
26 UNIVERSITY has failed to provide any viable basis for the Court to grant an exemption, the  
27 underlying documents requested must be disclosed to VOICE without redaction. *Id.* at 1585-6.

28 36. The requested documents are disclosable public records pursuant to the CPRA. A public  
record is “any writing containing information relating to the conduct of the public’s business prepared,  
owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

1 Gov. Code § 6252(e). Those documents which relate to the conduct of the public’s business are  
2 inherently covered under the CPRA. *Braun v City of Taft* (1984) 154 Cal.App.3d 332, 340.

3 37. Withholding and obstructing the release of records is anathema to the purpose of CPRA.  
4 Gov. Code § 6253(d).

5 38. Government Code section 6255(a) of the CPRA, known as the deliberative process  
6 exemption, requires a public agency to justify withholding a record “on the facts of the particular case  
7 the public interest served by not disclosing the record clearly outweighs the public interest served by  
8 disclosure of the record.” Gov. Code § 6255(a). The burden of proof is on the agency to demonstrate  
9 “a clear overbalance on the side of confidentiality.” *Michaelis, Montanari & Johnson v. Superior Court*  
10 (2006) 38 Cal. 4th 1065, 1071 (2006). “Not every disclosure which hampers the deliberative process  
11 implicates the deliberative process privilege. Only if the public interest in nondisclosure clearly  
12 outweighs the public interest in disclosure does the deliberative process privilege spring into  
13 existence.” *First Amendment Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159, 172-73. As the  
14 instant matter relates to issues in which the public holds a strong interest in disclosure (i.e. the purchase  
15 and development of a large public property for hundreds of millions of dollars) the UNIVERSITY  
16 must be able to present a clear and persuasive basis to claim that the public’s interest is better served  
17 by non-disclosure. *Citizens for a Better Env’t v. Dep’t of Food & Agric.* (1985) 171 Cal. App. 3d 704,  
18 712 [The burden of proof and of persuasion of the existence of each condition to a CPRA exemption  
19 must be met by the public agency.]. Given this strong public interest in understanding how the  
20 UNIVERSITY functions there can be little doubt that the deliberative process privilege is inapplicable  
21 in this instance.

## 22 **FIRST CAUSE OF ACTION**

### 23 **(VIOLATION OF CALIFORNIA PUBLIC RECORDS ACT)**

24 39. Petitioner hereby incorporates by this reference the allegations of paragraphs 1 through 38,  
25 inclusive, of this Petition and Complaint as though fully set forth herein.

26 40. Petitioner has a clear, present and beneficial interest in the UNIVERSITY’S compliance  
27 with the CPRA, Government Code § 6250 *et seq.*, enforceable through this action under §§ 6258 and  
28 6259.

1 41. The UNIVERSITY has a clear, present ministerial duty to allow access to all records in its  
2 possession and/or control that are responsive to Petitioner’s CPRA request. Failure to do so is an abuse  
3 of discretion correctable by issuance of writ of mandate by this Court.

4 42. The UNIVERSITY has abused its discretion in responding to Petitioner’s Public Records  
5 Act request by:

6 a. Failing to “determine whether the request, in whole or in part, seeks copies of  
7 disclosable records” as specified in Government Code § 6253(c);

8 b. Failing to properly justify the withholding of copies of records as required by  
9 Government Code §§ 6254 and 6255;

10 c. Failing to ensure that public records are “open to inspection at all times during  
11 the office hours of the state or local agency...” as specified in Government Code § 6253(a); and

12 d. Delaying and obstructing the inspection of public records in violation of  
13 Government Code § 6253(d).

14 43. In so doing, the UNIVERSITY is denying Petitioner its rights under the CPRA. As a result  
15 of this failure to comply with the CPRA, Petitioner has been and/or will be substantially harmed, in  
16 part because it is unable to perform its purpose as a news agency due to the UNIVERSITY’s  
17 recalcitrance.

18 44. Petitioner has no other adequate or speedy remedy at law for the conduct of the  
19 UNIVERSITY described herein. Immediate injunctive relief is Petitioner’s only means of securing  
20 the information sought under the CPRA.

21 **SECOND CAUSE OF ACTION**

22 **(DECLARATORY RELIEF)**

23 45. Petitioner hereby incorporates by this reference the allegations of paragraphs 1 through 44,  
24 inclusive, of this Petition and Complaint as though fully set forth herein.

25 46. An actual controversy has arisen between VOICE and the UNIVERSITY, concerning their  
26 respective rights and duties. Because an actual controversy exists between VOICE and the  
27 UNIVERSITY with respect to each party’s rights and duties regarding VOICE’s rights to access and  
28 review the records responsive to its CPRA Request, VOICE seeks a judicial determination regarding

1 said rights and duties.

2 47. A judicial determination is appropriate at this time and under these circumstances so that  
3 VOICE may ascertain and preserve its rights.

4 **THIRD CAUSE OF ACTION**  
5 **(INJUNCTIVE RELIEF)**

6 48. PETITIONER hereby incorporates by this reference the allegations of paragraphs 1 through  
7 47, inclusive, of this Petition and Complaint as though fully set forth herein.

8 49. The UNIVERSITY's refusal to perform its ministerial duties under the CPRA has and  
9 continues to cause VOICE irreparable harm in that VOICE is unable to perform its work as a news  
10 agency disseminating important information about local government to the regional community.

11 50. A temporary restraining order, preliminary injunction and permanent injunction should  
12 issue directing the UNIVERSITY to release the responsive records sought by VOICE free of redaction  
13 where required by law.

14 51. VOICE is likely to prevail on the merits and establish that the UNIVERSITY, by their  
15 actions, violated Government Code § 6250 *et seq.*

16 52. Petitioner has no plain, speedy and adequate remedy at law, in that unless the  
17 UNIVERSITY is enjoined by this Court, as set forth herein, VOICE will lose credibility in the  
18 community (and much needed donations and grant funds) if it is not permitted to perform its sole  
19 corporate function – the gathering and dissemination of news.

20 **PRAYER FOR RELIEF**

21 **WHEREFORE, PETITIONER PRAYS FOR JUDGMENT AS FOLLOWS:**

22 1. That this Court immediately order disclosure of the public records sought in VOICE's  
23 September 20, 2018 CPRA requests.

24 2. Alternatively, if the records are not ordered released immediately, that this Court review  
25 *in camera* the requested documents pursuant to Gov. Code § 6259 to determine whether the materials  
26 should be released to the VOICE.

27 3. That this Court order the UNIVERSITY to pay Petitioner's reasonable attorneys' fees  
28 and costs of the suit pursuant to Gov. Code § 6259, Code of Civ. Proc. § 1021.5 and any other

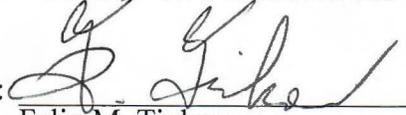
1 applicable provisions of law; and

2 4. For such other and further relief as the Court deems just and proper.

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Dated: February 14, 2019

LAW OFFICE OF FELIX TINKOV

By:   
Felix M. Tinkov  
Attorney for Petitioner Voice of San Diego

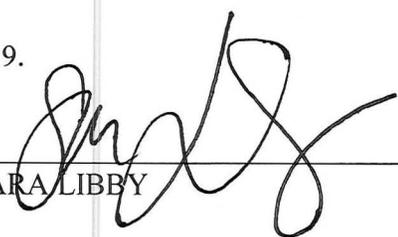
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**VERIFICATION**

I am Sara Libby, Managing Editor of Petitioner VOICE OF SAN DIEGO. I have read the above Petition and know its contents. All facts alleged in the petition are true of my own personal knowledge, except those alleged on information and belief.

I declare under penalty of perjury that the foregoing is true and correct, under the laws of the State of California.

Executed in San Diego, California on February 15, 2019.

  
SARA LIBBY

# EXHIBIT A

EXHIBIT A-1:

CPRA REQUEST RE:

SDSU WEST

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:32 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for SDSU West related documents  
**Attachments:** VOSD-PRA-contracts-et-al-SDSUWest.docx

Ms. Franco, Ms. Tyson, Ms. Fernandez, Ms. Daniels and Mr. Clancy,

I'm a reporter at Voice of San Diego.

Attached you will find a PRA seeking records related to the university's expansion plans. You will be receiving six more PRAs shortly for separate sets of public records.

The PRAs are directed to the University Counsel as the chief legal advisor to the entire university, but the University Counsel said I should direct my requests to Ms. Franco.

For good measure, I am now sending each of the affiliated entities this PRA and trust you will each search your respective files in order to respond to these requests, which are intended to apply collectively to the university and individually to each of its affiliates. If you plan to respond collectively or individually, please let me know and please, each of you, confirm receipt of these PRAs, of which there will be seven (7).

I have cc'd our attorney, Felix Tinkov, in case you have any questions for either of us.

-Ry

Ry Rivard  
REPORTER  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use Signal if you want to encrypt our communication.)  
Twitter: @ryrivard

-----Original Message-----

From: Ry Rivard  
Sent: Thursday, September 20, 2018 11:05 AM  
To: 'cbarrad@calstate.edu' <cbarrad@calstate.edu>  
Cc: Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov' <felix@tinkovlaw.com>  
Subject: PRA for SDSU West related documents

Ms. Valerio Barrad,

I'm a reporter at Voice of San Diego. We're reporting on plans SDSU has to expand its campus in San Diego. Attached you will find a PRA for agreements that SDSU has with outside consultants and vendors that are helping to shape this

expansion effort, known as SDSU West or as SDSU Mission Valley. This PRA seeks information about the university's relationship with "SDSU West."

You will receive several further PRAs in the next few minutes asking for other separate public records, all related to this expansion effort.

I've cc'd Gina Jacobs, the university's vice president for communications, as well as one of the outside consultants, Margie Maddux Newman. Both have been helpful in providing information and arranging interviews that have helped us understand some elements of this major project. However, much of that information has been given verbally, and we are seeking additional public records.

I've also cc'd our attorney, Felix Tinkov. Please let us know if you have any questions about this or subsequent requests.

-Ry

Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use Signal if you want to encrypt our communication.)

Twitter: @ryrivard



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all contracts, agreements, payment records and similar documents between San Diego State University (and/or any division, affiliate or related organization) and all lobbyists, political consultants, public relations firms, contractors, architects and/or architecture firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants including, but not limited to, JMI Realty, stadium design consultants including, but not limited to, Populous and JMI Sports and any other individuals, companies, and/or entities working and/or contracting with, in the interest of, or on behalf of the University with regard to the SDSU West project and/or ballot measure, in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

If you intend to claim an exemption under the statute for any of the records described above, I would appreciate (a) the production of documents or redacted documents that do not invoke that objection, and (b) a log of all documents described above for which you claim exemption, and for which you claim or have redacted portions – with the citation of the exemption claimed. Further, the notification of denial of any portion or all of my request must set forth the names

and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

I offer to pay for the reasonable reproduction costs of documents requested pursuant to law. If, however, that sum were to exceed \$20, I would appreciate advance notice of that anticipated billing, its amount and projected basis.

In general, where one document includes the information identified above, you need not produce any other document that includes the same content. If public records responsive to this request are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:58 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for SDSU West related documents

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All contracts, agreements, payment records and similar documents between San Diego State University (and/or any division, affiliate or related organization) and all lobbyists, political consultants, public relations firms, contractors, architects and/or architecture firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants including, but not limited to, JMI Realty, stadium design consultants including, but not limited to, Populous and JMI Sports and any other individual, company or entity working and/or contracting with, in the interest of, or on behalf of the University with regard to the SDSU West project and/or ballot measure, in the period between January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constitutions, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

On Thu, Sep 20, 2018 at 11:32 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

Ms. Franco, Ms. Tyson, Ms. Fernandez, Ms. Daniels and Mr. Clancy,

I'm a reporter at Voice of San Diego.

Attached you will find a PRA seeking records related to the university's expansion plans. You will be receiving six more PRAs shortly for separate sets of public records.

The PRAs are directed to the University Counsel as the chief legal advisor to the entire university, but the University Counsel said I should direct my requests to Ms. Franco.

For good measure, I am now sending each of the affiliated entities this PRA and trust you will each search your respective files in order to respond to these requests, which are intended to apply collectively to the university and individually to each of its affiliates. If you plan to respond collectively or individually, please let me know and please, each of you, confirm receipt of these PRAs, of which there will be seven (7).

I have cc'd our attorney, Felix Tinkov, in case you have any questions for either of us.

-Ry

Ry Rivard  
REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use Signal if you want to encrypt our communication.)

Twitter: @ryrivard

-----Original Message-----

From: Ry Rivard

Sent: Thursday, September 20, 2018 11:05 AM

To: 'cbarrad@calstate.edu' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>

Cc: Margie Newman <[margie@intasacom.com](mailto:margie@intasacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>

Subject: PRA for SDSU West related documents

Ms. Valerio Barrad,

I'm a reporter at Voice of San Diego. We're reporting on plans SDSU has to expand its campus in San Diego. Attached you will find a PRA for agreements that SDSU has with outside consultants and vendors that are helping to shape this expansion effort, known as SDSU West or as SDSU Mission Valley. This PRA seeks information about the university's relationship with "SDSU West."

You will receive several further PRAs in the next few minutes asking for other separate public records, all related to this expansion effort.

I've cc'd Gina Jacobs, the university's vice president for communications, as well as one of the outside consultants, Margie Maddux Newman. Both have been helpful in providing information and arranging interviews that have helped us understand some elements of this major project. However, much of that information has been given verbally, and we are seeking additional public records.

I've also cc'd our attorney, Felix Tinkov. Please let us know if you have any questions about this or subsequent requests.

-Ry

Ry Rivard  
REPORTER

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Cell: (304) 389-9982 (Use Signal if you want to encrypt our communication.)

Twitter: @ryrivard

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs

San Diego State University

[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)

619-594-6018

# EXHIBIT A

EXHIBIT A-2:

CPRA REQUEST RE:

SDSU MISSION

VALLEY

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:33 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for SDSU Mission Valley records  
**Attachments:** VOSD-PRA-contracts-et-al-MissionValleyPlan.docx

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:06 AM  
**To:** 'cbarrad@calstate.edu' <cbarrad@calstate.edu>  
**Cc:** Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov' <felix@tinkovlaw.com>  
**Subject:** PRA for SDSU Mission Valley records

Ms. Valerio Barrad,

Attached you will find a PRA for records related to SDSU's Mission Valley plan.

-Ry

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

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Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all contracts, agreements, payment records and similar documents between San Diego State University (and/or any division, affiliate or related organization) and all lobbyists, political consultants, public relations firms, contractors, architects and/or architecture firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants including, but not limited to, JMI Realty, stadium design consultants including, but not limited to, Populous and JMI Sports and any other individual, company or entity working and/or contracting with, in the interest of, or on behalf of the University with regard to the SDSU Mission Valley plan (as referenced at <http://advancement.sdsu.edu/missionValley/www/planOverview.html>), in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

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and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

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If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:50 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for SDSU Mission Valley records

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All contracts, agreements, payment records and similar documents between San Diego State University (and/or any division, affiliate or related organization) and all lobbyists, political consultants, public relations firms, contractors, architects and/or architecture firms including, but not limited to, Carrier Johnson + CULTURE, real estate consultants including, but not limited to, JMI Realty, stadium design consultants including, but not limited to, Populous and JMI Sports and any other individual, company or entity working and/or contracting with, in the interest of, or on behalf of the University with regard to the SDSU Mission Valley plan (as referenced at <http://advancement.sdsu.edu/missionValley/www/planOverview.html>), in the period between January 1, 2017 and the present.

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Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

On Thu, Sep 20, 2018 at 11:32 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:06 AM

**To:** '[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>

**Cc:** Margie Newman <[margie@intesacom.com](mailto:margie@intesacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>

**Subject:** PRA for SDSU Mission Valley records

Ms. Valerio Barrad,

Attached you will find a PRA for records related to SDSU's Mission Valley plan.

-Ry

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT A

EXHIBIT A-3:

CPRA REQUEST RE:

JMI SPORTS

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:33 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for JMI Sports records  
**Attachments:** VOSD-PRA-JMI-Sports-invoices.docx

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

---

**From:** Ry Rivard

**Sent:** Thursday, September 20, 2018 11:07 AM

**To:** 'cbarrad@calstate.edu' <cbarrad@calstate.edu>

**Cc:** Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov' <felix@tinkovlaw.com>

**Subject:** PRA for JMI Sports records

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with JMI sports.

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all invoices from JMI Sports in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

If you intend to claim an exemption under the statute for any of the records described above, I would appreciate (a) the production of documents or redacted documents that do not invoke that objection, and (b) a log of all documents described above for which you claim exemption, and for which you claim or have redacted portions – with the citation of the exemption claimed. Further, the notification of denial of any portion or all of my request must set forth the names and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

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In general, where one document includes the information identified above, you need not produce any other document that includes the same content. If public records responsive to this request

are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:51 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for JMI Sports records

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All invoices from JMI Sports in the period between January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constituents, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

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Thank you.

On Thu, Sep 20, 2018 at 11:32 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

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**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:07 AM  
**To:** 'cbarrad@calstate.edu' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>  
**Cc:** Margie Newman <[margie@intasacom.com](mailto:margie@intasacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>  
**Subject:** PRA for JMI Sports records

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with JMI sports.

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT A

EXHIBIT A-4:

CPRA REQUEST RE:

CARRIER JOHNSON

+ CULTURE

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:33 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for records related to Carrier Johnson + CULTURE  
**Attachments:** VOSD-PRA-Carrier-invoices.docx

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

---

**From:** Ry Rivard

**Sent:** Thursday, September 20, 2018 11:10 AM

**To:** 'cbarrad@calstate.edu' <cbarrad@calstate.edu>

**Cc:** Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov' <felix@tinkovlaw.com>

**Subject:** PRA for records related to Carrier Johnson + CULTURE

Ms. Valerio Barrad,

Attached you find a request for records related to SDSU's relationship with Carrier Johnson + CULTURE.

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all invoices from Carrier Johnson + Culture in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

If you intend to claim an exemption under the statute for any of the records described above, I would appreciate (a) the production of documents or redacted documents that do not invoke that objection, and (b) a log of all documents described above for which you claim exemption, and for which you claim or have redacted portions – with the citation of the exemption claimed. Further, the notification of denial of any portion or all of my request must set forth the names and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

I offer to pay for the reasonable reproduction costs of documents requested pursuant to law. If, however, that sum were to exceed \$20, I would appreciate advance notice of that anticipated billing, its amount and projected basis.

In general, where one document includes the information identified above, you need not produce any other document that includes the same content. If public records responsive to this request are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:54 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for records related to Carrier Johnson + CULTURE

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All invoices from Carrier Johnson + Culture between January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constituents, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

On Thu, Sep 20, 2018 at 11:33 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:10 AM  
**To:** 'cbarrad@calstate.edu' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>  
**Cc:** Margie Newman <[margie@intasacom.com](mailto:margie@intasacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>  
**Subject:** PRA for records related to Carrier Johnson + CULTURE

Ms. Valerio Barrad,

Attached you find a request for records related to SDSU's relationship with Carrier Johnson + CULTURE.

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT A

EXHIBIT A-5:

CPRA REQUEST RE:

POPULOUS

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:33 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for records related to Populous  
**Attachments:** VOSD-PRA-Populous-invoices.docx

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

---

**From:** Ry Rivard

**Sent:** Thursday, September 20, 2018 11:08 AM

**To:** 'cbarrad@calstate.edu' <cbarrad@calstate.edu>

**Cc:** Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov' <felix@tinkovlaw.com>

**Subject:** PRA for records related to Populous

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with Populous.

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all invoices from Populous in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

If you intend to claim an exemption under the statute for any of the records described above, I would appreciate (a) the production of documents or redacted documents that do not invoke that objection, and (b) a log of all documents described above for which you claim exemption, and for which you claim or have redacted portions – with the citation of the exemption claimed. Further, the notification of denial of any portion or all of my request must set forth the names and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

I offer to pay for the reasonable reproduction costs of documents requested pursuant to law. If, however, that sum were to exceed \$20, I would appreciate advance notice of that anticipated billing, its amount and projected basis.

In general, where one document includes the information identified above, you need not produce any other document that includes the same content. If public records responsive to this request

are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:53 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for records related to Populous

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All invoices from Populous in the period of January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constituents, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

On Thu, Sep 20, 2018 at 11:33 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:08 AM  
**To:** 'cbarrad@calstate.edu' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>  
**Cc:** Margie Newman <[margie@intasacom.com](mailto:margie@intasacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>  
**Subject:** PRA for records related to Populous

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with Populous.

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT A

EXHIBIT A-6:

CPRA REQUEST RE:

PRO FORMAS

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 11:34 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** PRA for pro formas  
**Attachments:** VOSD-PRA-pro-formas.docx

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

---

**From:** Ry Rivard

**Sent:** Thursday, September 20, 2018 11:11 AM

**To:** cbarrad@calstate.edu

**Cc:** Margie Newman <margie@intesacom.com>; Gina Jacobs <gina.jacobs@sdsu.edu>; Felix Tinkov <felix@tinkovlaw.com>

**Subject:** PRA for pro formas

Ms. Valerio Barrad,

Attached you will a request for SDSU pro formas.

### Ry Rivard

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all pro formas and spreadsheets (including all spreadsheet output) prepared and/or transmitted by JMI Realty and/or JMI Sports in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

If any part of this request is ambiguous or does not match the nomenclature of your agency, I would appreciate your cooperation so I may narrow the requested description to facilitate your production with a minimum of expense or disruption on your part.

If you intend to claim an exemption under the statute for any of the records described above, I would appreciate (a) the production of documents or redacted documents that do not invoke that objection, and (b) a log of all documents described above for which you claim exemption, and for which you claim or have redacted portions – with the citation of the exemption claimed. Further, the notification of denial of any portion or all of my request must set forth the names and titles or positions of each person responsible for said denial pursuant to Government Code §6253(d).

I offer to pay for the reasonable reproduction costs of documents requested pursuant to law. If, however, that sum were to exceed \$20, I would appreciate advance notice of that anticipated billing, its amount and projected basis.

In general, where one document includes the information identified above, you need not produce any other document that includes the same content. If public records responsive to this request are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 11:02 AM  
**To:** Ry Rivard  
**Subject:** PRA - SDSU

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All proformas and spreadsheets prepared or transmitted by JMI Reality and or JMI Sports in the period of January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constituents, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT A

EXHIBIT A-7:

CPRA REQUEST RE:

JMI REALTY

## Felix Tinkov

---

**From:** Ry Rivard <ry.rivard@voiceofsandiego.org>  
**Sent:** Thursday, September 20, 2018 2:54 PM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov  
**Subject:** RE: PRA for records related to JMI Equity  
**Attachments:** VOSD-PRA-JMI-Realty-invoices.docx

All,

I want to apologize for confusion: This PRA referenced "JMI Equity." The proper name is "JMI Realty."

I have attached a corrected PRA, asking for records related to JMI Realty.

-Ry

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:33 AM  
**To:** dfranco@sdsu.edu; Raven.tyson@sdsu.edu; Gayle.Fernandez@darth.sdsu.edu; rdaniels@foundation.sdsu.edu; tclancy@sdsu.edu  
**Cc:** Felix Tinkov <felix@tinkovlaw.com>  
**Subject:** PRA for records related to JMI Equity

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:09 AM  
**To:** 'cbarrad@calstate.edu' <cbarrad@calstate.edu>  
**Cc:** Margie Newman <margie@intesacom.com>; 'Gina Jacobs' <gina.jacobs@sdsu.edu>; 'Felix Tinkov'

<felix@tinkovlaw.com>

**Subject:** PRA for records related to JMI Equity

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with JMI Equity.

<< File: VOSD-PRA-JMI-Equity-invoices.docx >>

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)



Sept. 20, 2018

Ms. Catherine Valerio Barrad  
Office of General Counsel  
The California State University, Office of the Chancellor  
401 Golden Shore, Fourth Floor  
Long Beach, California 90802-4210

RE: Public Records Act Request

Dear Ms. Valerio Barrad:

Pursuant to my rights under the California Public Records Act (Government Code §6250 *et seq.*) and the California Constitution, as amended by passage of Prop 59 on Nov. 3, 2004, I am writing to request inspection of the following records:

- all invoices from JMI Realty in the period between January 1, 2017 and the present.

I respectfully request a response within 10 days, as statutorily required. Pursuant to Government Code §6253, the agency's response must provide an estimate as to the time and date when the requested materials will be made available.

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are available in one or more non-paper formats (including, but not limited to, electronic, magnetic, or digital formats, whether found in computers, personal digital assistants, cell or smart phones, tablets, or any other electronic devices), please ensure that your response to this request includes production of all responsive records in non-paper formats, even if the records are also available in paper format, pursuant to Government Code §6253.9. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction. Additionally, if the documentation you provide is not dated on its face but the date of the document(s) is readily available, I request that you provide this information. I am ready to visit your offices to inspect the files personally, at a mutually convenient time, in order to reduce your costs of compilation and my costs in duplicating documents.

Finally, should you deny part or all of this request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

If I can provide any clarification that will help expedite your attention to this request, please contact me at 304-389-9982.

Thank you for your time and attention to this matter.

Sincerely,

Ry Rivard  
Reporter  
Voice of San Diego  
ry.rivard@voiceofsandiego.org  
Desk: (619) 550-5665  
Cell: (304) 389-9982

## Felix Tinkov

---

**From:** Dominoe Franco <dfranco@sdsu.edu>  
**Sent:** Monday, October 1, 2018 10:59 AM  
**To:** Ry Rivard  
**Subject:** Re: PRA for records related to JMI Equity

Ry Rivard:

We have received the public records act request dated September 20, 2018, requesting the following records:

- All invoices from JMI Reality in the period of January 1, 2017 - present

The Public records Act allows for the protection of records that constitute preliminary drafts and notes; records pertaining to pending litigation; certain records contained in personnel files the disclosure of which would constitute an unwarranted invasion of personal privacy; and records exempted or prohibited from disclosure pursuant to federal or state law, including but not limited to, the privacy provisions of the federal and state constituents, the California Information Practices Act, and the provisions of the Evidence Code relating to privilege. See Government Code section 6254 (a), (b), (c), and (k). In addition, Government Code section 6255 provides that an exemption exists where the public interest served in disclosure of the record, including records that are in the deliberative process. Records subject to these exemptions will not be disclosed. Further, any records not deemed to be public records, as defined by the Act, will not be disclosed.

Under Government Code section 6253, San Diego State University has conducted a reasonable search for these records and has concluded that all records requested are protected from disclosure under attorney client privilege, attorney work product, and/or deliberative process. Therefore there are no responsive documents to this request.

Thank you.

On Thu, Sep 20, 2018 at 11:33 AM Ry Rivard <[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)> wrote:

**Ry Rivard**  
REPORTER  
[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)  
Desk: (619) 550-5665  
Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)  
Twitter: [@ryrivard](#)

---

**From:** Ry Rivard  
**Sent:** Thursday, September 20, 2018 11:09 AM  
**To:** 'cbarrad@calstate.edu' <[cbarrad@calstate.edu](mailto:cbarrad@calstate.edu)>  
**Cc:** Margie Newman <[margie@intasacom.com](mailto:margie@intasacom.com)>; 'Gina Jacobs' <[gina.jacobs@sdsu.edu](mailto:gina.jacobs@sdsu.edu)>; 'Felix Tinkov' <[felix@tinkovlaw.com](mailto:felix@tinkovlaw.com)>  
**Subject:** PRA for records related to JMI Equity

Ms. Valerio Barrad,

Attached you will find a request for records related to SDSU's relationship with JMI Equity.

**Ry Rivard**

REPORTER

[ry.rivard@voiceofsandiego.org](mailto:ry.rivard@voiceofsandiego.org)

Desk: (619) 550-5665

Cell: (304) 389-9982 (Use [Signal](#) if you want to encrypt our communication.)

Twitter: [@ryrivard](#)

--

Dominoe Franco  
Risk & Emergency Management  
Business & Financial Affairs  
San Diego State University  
[dfranco@sdsu.edu](mailto:dfranco@sdsu.edu)  
619-594-6018

# EXHIBIT B



SAN DIEGO STATE  
UNIVERSITY

Business and Financial Affairs  
San Diego State University  
5500 Campanile Drive  
San Diego CA 92182-1620  
Tel: 619 · 594 · 5631  
Fax: 619 · 594 · 6022  
Email: tmccarron@mail.sdsu.edu

Thomas McCarron  
Vice President and CFO

September 20, 2018

SoccerCity San Diego/GoalSD  
c/o FS Investors: Nick Stone and Mike Stone  
1250 Prospect Street, Suite 200  
La Jolla, CA 92037

Dear Mr. Stone,

San Diego State University is the State of California acting in its higher education capacity and while it is restricted by law in certain matters relating to election campaigns, that restriction does not prohibit us from pointing out inaccuracies or misrepresentations about the university, even if made during a campaign. As such, we are compelled to send this letter asking SoccerCity, its affiliates and sponsors to refrain from making inaccurate or misleading statements as they relate to SDSU and the university's proposed plan to redevelop the Mission Valley stadium site.

The SoccerCitySD.com website and other political advertisements make a number of factually questionable statements about the university, none of which have been substantiated by SDSU or its leadership.

Because of this and additional misinformation and inaccuracies about the SoccerCity plan's ability to support SDSU's future needs, we request you add the following disclaimer to your website and any other electronic, broadcast or print materials where claims about SDSU are made: ***None of these statements have been validated or endorsed by San Diego State University.***

Please also correct the inaccurate and misleading statements about SDSU's proposed Mission Valley plan in your materials. Four such statements are particularly egregious. First, the soccercitysd.com website is misleading in its statement that SDSU's plan for Mission Valley would require new student fees or taxpayer funds. SDSU's financing plan for the proposed development does not rely on either student fees or taxpayer funds, and it has repeatedly publicly stated that it will not raise either tuition or fees in order to pay for any portion of the development in Mission Valley, including the stadium. The plan would be funded through public-private partnerships, revenue generated from the uses on the site and philanthropic gifts. Any statement otherwise – including your statement that SoccerCity is the "only" plan that "will not raise student fees" – is unsubstantiated speculation that does not derive from any of the University's plans.

Beyond being factually incorrect, such statements regarding the use of student fees betray ignorance of the California State University student fee process. We encourage you to educate yourself regarding the generation and use of student fees at the California State University system, including through the relevant Executive Orders.

Second, the various claims that the SoccerCity proposal “saves” the University money or is a “gift” to the University are also inaccurate and misleading. The latest statements are that the proposal is “saving the university \$150 million” and that the stadium is a “gift valued at \$100 million.” Each of these statements presupposes a set of facts and circumstances that do not presently exist and may never come to pass, and thus each statement is misleading. The statements are also inaccurate because there is no basis in fact to validate either of these dollar figures, including whether the figures include the effect of debt financing and anticipated debt payments, or if these numbers reflect how any such theoretical “gift” would be valued under accepted donor valuation guidelines and standards.

Third, unsubstantiated assertions that SDSU would not pay fair market value or wants the land for free, or that the University’s proposed site development would not generate any tax revenue, are additional examples of inaccurate and misleading statements. SDSU has repeatedly stated publicly that the university would pay fair market value for the stadium site and that it intends to develop the land using public-private partnerships that would be required to pay property taxes just like any other builder.

Finally, because the SoccerCity initiative makes no specific accommodations for SDSU in the present and has no requirement to accommodate the needs of SDSU in the future, the statements that the initiative provides any long-term benefits to the university in the form of student housing, classroom or academic space are at best misleading and inaccurate. There is no plan for a campus expansion as part of the SoccerCity plan and to assert otherwise misrepresents to the public the effect of the initiative on the University.

Again, we insist that you refrain from making such assertions and add the aforementioned disclaimer to your website and any other electronic, broadcast and print materials where these claims are made.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom McCarron', with a stylized flourish extending to the right.

Tom McCarron

Vice President for Business and Financial Affairs & Chief Financial Officer

# EXHIBIT C



# Overview

## Overview: SDSU Mission Valley

SDSU believes that any development on the Mission Valley site should serve higher education, the public good, and the community's goals and aspirations. SDSU Mission Valley envisions a vibrant, mixed-use, medium-density development that is transit-oriented, and expands the university's educational, research, entrepreneurial, and technology transfer programs.

[The Logic of SDSU Mission Valley \(PDF\)](#)

### **HIGHLIGHTS OF THE PLAN INCLUDE:**

River Park



Stadium



Housing	+
Hotel	+
Retail	+
Campus / Innovation District	+
Transit	+
Financing	-

San Diego State University intends to increase its local impact through an expansion in Mission Valley. Here's how it will be financed.

- No reliance on tax dollars (state appropriation) nor tuition or student fees. These revenues are exclusively for our operating budget – instruction and instruction support. SDSU would not increase tuition or student fees to pay for SDSU Mission Valley.
- Initial costs are estimated at \$300 million, to be financed through short-term financing and revenue bonds issued by the California State University (CSU) system; the site will ultimately be developed through public-private partnerships (P3s). These are not the same as taxpayer dollars; bonds will be repaid with revenue generated by leases with SDSU's public-private partners.
- The multi-use stadium is estimated to cost \$250 million which will be financed by revenue bonds. The repayment of the revenue bonds will be covered by revenue generated by the facility (e.g., ticket revenue, facilities rental revenue, naming rights, sponsorships, donations).
- The stadium is fully self-supporting with revenue generated by the facility (e.g., ticket revenue, facilities rental revenue, naming rights, sponsorships, donations) covering the development costs and ongoing operations of the project.

# CONTACT US

---

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## SDSU Mission Valley Email List

Sign up for the SDSU Mission Valley email list to receive timely news and other important updates.

EMAIL LIST SIGN UP





## ABOUT

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5500 Campanile Drive  
San Diego, CA 92182  
Tel: 619-594-5200

## QUICK LINKS

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| <a href="#">WebPortal</a>       | <a href="#">Network Status</a>            |
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Note: documents in Portable Document Format (PDF) require Adobe Acrobat Reader 5.0 or higher to view;  
[download Adobe Acrobat Reader.](#)

# EXHIBIT D

**INITIAL STUDY**

**SAN DIEGO STATE UNIVERSITY**  
**MISSION VALLEY CAMPUS**  
**MASTER PLAN PROJECT**

***Prepared for:***

The Board of Trustees of the  
California State University  
401 Golden Shore  
Long Beach, California 90802

***Prepared by:***

San Diego State University  
Facilities Planning, Design, and Construction  
5500 Campanile Drive  
San Diego, California 92182-1624



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## **ACRONYMS AND ABBREVIATIONS**

Acronym/Abbreviation	Definition
CEQA	California Environmental Quality Act
CSU	The California State University
CY	cubic yards
EIR	environmental impact report
GHG	greenhouse gas
I-	Interstate
LOS	level of service
MRZ	Mineral Resource Zone
MSCP	Multiple Species Conservation Program
SDSU	San Diego State University

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# 1 INTRODUCTION

The Board of Trustees of the California State University (CSU), which is the State of California acting in its higher education capacity, on behalf of San Diego State University (SDSU) (one of 23 campuses in the CSU system) is proposing to implement the SDSU Mission Valley Campus Master Plan project (proposed project). The proposed project is referenced in San Diego Municipal Code section 22.0908, *Sale of Real Property to SDSU*, which was adopted after the *SDSU West Campus Research Center, Stadium, and River Park Initiative* (Measure G) was approved by City of San Diego voters on November 6, 2018, enabling the City of San Diego to sell the existing property site to CSU for this proposed project. The proposed project is located south of Friars Road, west of Interstate 15 (I-15), north of the San Diego River, and east of the existing Fenton Marketplace shopping center (see **Figure 1**, Vicinity Map). The proposed project would include (a) development of a Mission Valley campus for SDSU, including facilities for educational, research, technology, and support programs within a mixed-use campus village and research park; (b) demolition of the existing San Diego County Credit Union Stadium (“Stadium,” previously known as “San Diego Stadium,” “Jack Murphy Stadium,” and “Qualcomm Stadium”); (c) construction of a new, multipurpose stadium; (d) creation of the River Park; (e) passive and active recreation space and parks; and (f) associated infrastructure and amenities. Specifically, the proposed project would consist of development of facilities to accommodate the new 35,000-seat multipurpose stadium; approximately 1.6 million square feet for campus uses; approximately 4,600 residential units; 2 hotels with approximately 400 hotel rooms; approximately 95,000 square feet of commercial/retail uses to support SDSU’s Mission Valley campus and related project facilities; approximately 84 acres of parks, recreation, and open space, including the approximate 34-acre River Park and pedestrian and bicycle trails; transit opportunities due to the existing on-site transit station; and associated infrastructure and other amenities. For further project-related information, please refer to **Figure 2**, Site Plan, which graphically depicts the proposed project and its components; and **Table 1**, Campus Land Use Summary Table, which provides a statistical breakdown of the components of the proposed project. See also Section 1.6, Project Description, below.

This Initial Study has been prepared for the CSU Board of Trustees to address the potential environmental effects associated with the planning, construction, implementation, and operation of the proposed project. The CSU Board of Trustees is the lead agency for the proposed project (as required for all CSU campus CEQA discretionary actions). The purpose of this Initial Study is to provide information to use as the basis for determining CSU’s CEQA compliance for the proposed project in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), and Title 14 of the California Code of Regulations section 15000 et seq. (hereafter, “CEQA Guidelines”). This Initial Study will assist in preparing the EIR by, among other things: (a) focusing the EIR on the environmental effects determined to be potentially significant, (b) identifying the effects determined not to be significant, and (c) explaining the reasons for determining that potentially significant effects would not be significant.

This Initial Study has been prepared in accordance with the provisions of CEQA and the CEQA Guidelines, and is intended to satisfy, and satisfies, the “content” requirements of CEQA Guidelines section 15063(d)(1)-(6).

**Table 1  
Campus Land Use Summary**

Proposed Campus Land Uses	Footprint (acres)	# of Buildings	Stories	Units	
				Homes	Hotel Rooms
Parks, Recreation, and Open Space <sup>1</sup>	83.6 <sup>2</sup>	— <sup>3</sup>	—	—	---
Mixed-use Campus (Including Stadium)	28.6	17	3-5	—	---
Campus Residential	24.6	16	3-24	4,600	
Campus Hospitality <sup>4</sup>	5.2	2	3-22		400
Circulation	27.4	—	—	—	
Total <sup>5</sup>	169.4	34	—	4,600	400

Notes:

- <sup>1</sup> Includes trails.
- <sup>2</sup> Excludes 1.3-acre MTD fee-title for San Diego Trolley Line; no development proposed within that area.
- <sup>3</sup> A dash (—) signifies that the information does not apply for a given category.
- <sup>4</sup> Hotel H1 includes both hotel and residential uses.
- <sup>5</sup> All values are approximate and subject to change in the Draft EIR.

## **1.1 Project Title**

SDSU Mission Valley Campus Master Plan project

## **1.2 Lead Agency Name and Address**

The Board of Trustees of the California State University  
401 Golden Shore  
Long Beach, California 90802  
562.951.4700

## **1.3 Contact Person and Phone Number**

Laura Shinn, Director  
Facilities Planning, Design, and Construction  
Business and Financial Affairs  
San Diego State University  
5500 Campanile Drive  
San Diego, California 92182-1624  
619.594.5224

## **1.4 Project Location**

The proposed project site is located at 9449 Friars Road, San Diego, California 92108, which is the current site of the existing San Diego County Credit Union Stadium.

## **1.5 Project Sponsor's Name and Address**

Facilities Planning, Design and Construction  
San Diego State University  
5500 Campanile Drive  
San Diego, California 92182-1624

## **1.6 Project Description**

### **1.6.1 Local and Regional Environmental Setting**

The proposed project is located at 9449 Friars Road, in the City of San Diego, California. The project area is situated south of Friars Road, west of Interstate (I-) 15, north of I-8, and east of the existing Fenton Marketplace shopping center. The project site is approximately 5.25 miles from downtown San Diego and approximately 2.75 miles west of the existing SDSU main campus. The project site has regional access to four major freeways: I-15, which is adjacent and to the east; I-

8, which is approximately 0.25 miles to the south; I-805, which is less than 1 mile to the west; and State Route 163, which is accessed via Friars Road and located approximately 2.4 miles to the west. The project site is also accessed from the north by Friars Road, via Stadium Way at the western boundary of the project site, and Mission Village Drive in the central portion of the project site. Further, the project site is accessed from the east by San Diego Mission Road, an east–west roadway near the northern boundary of the project site, and Rancho Mission Road, an east–west roadway near the southern boundary of the project site. The existing San Diego Trolley line traverses the project site, and the Stadium trolley station is located on site and provides existing, convenient transit access to the project site.

The project site is surrounded by major roadways, interstate freeways, existing development, and two surface-water features. Existing higher-density, multifamily residential land uses are located to the northwest, southwest, and east of the project site, across I-15. The San Diego River, which flows east to west, is located along the south border of the project site. South of the San Diego River are additional office uses and I-8. To the north of Friars Road is San Diego Fire Department Fire Station 45, undeveloped hillsides, and single-family residences, which are located atop the mesa. Fenton Marketplace is located west of the project site and consists of large commercial and retail uses (including Lowe’s, Costco, IKEA) and office uses. Murphy Canyon Creek, a partially earthen- and concrete-lined channel that conveys flow into the San Diego River, is located immediately to the east of the project site. Multifamily residential uses dominate the landscape to the east of the project site, east of I-15.

The Kinder Morgan Energy Partners Mission Valley Terminal is located to the northeast of the project site at 9950 San Diego Mission Road in the City of San Diego. This existing facility is located on both sides of Friars Road and west of I-15.

### **1.6.2 Description of the Proposed Project**

The proposed project would consist of approximately 34 new buildings in addition to the multipurpose stadium. The multipurpose stadium is proposed in the northwest corner of the project site. The multipurpose stadium is proposed to be 35,000 seats and constructed through a combination of aboveground seating, and a below-grade lower bowl to reduce the overall height of the stadium while also reducing construction costs. Overall grading would include approximately 913,000 cubic yards (CY) of cut and 1,062,000 CY of fill, which would require off-site import to balance the grading quantities.

Approximately 17 buildings would serve as office, research and development, and technology uses, and convert over time into educational classrooms and facilities for the future expansion of SDSU, ranging from approximately 50,000 gross square feet to approximately 140,000 gross square feet, and between three and five stories in height, for a total of approximately 1.6 million

square feet of campus uses. These uses are situated south and immediately east of the multi-use stadium as shown on **Figure 2**.

Approximately 16 buildings would provide approximately 4,600 residential homes, including student, faculty, staff, and market-rate housing, ranging from approximately 70,000 gross square feet (Building R-9) to 490,000 gross square feet (Buildings R-6 and R-7), and between 3 and 24 stories in height, for a total of approximately 4.5 million square feet of residential uses. Residential uses are located on the eastern half of the project site.

Two hotel buildings located on the northern edge of the project site would provide for approximately 400 hotel rooms and range between 60,000 square feet and 156,000 square feet and 3 to 22 stories. One of these buildings would provide for a mix of both hotel and residential uses.

Parking would be provided in parking garages, surface parking, and on-street parking. Approximately 5,065 garaged parking spaces would be provided, with an additional 1,140 surface parking spaces made available in the “tailgate park” to accommodate game-day parking needs. Parking in the residential areas of the proposed project would consist of three- to five-story parking garages in each of the residential buildings, which would provide approximately 5,660 parking spaces. On-street parking would be located throughout the residential areas of the proposed project. In addition, approximately 485 garage and on-grade parking spaces would be provided for the campus hospitality uses.

Parks, recreation, and open space would be provided throughout the project site as shown in **Figure 2**. The 34-acre River Park is proposed along the southern and eastern edge of the project site, north of the San Diego River, and would provide both passive and active recreational opportunities, as well as serve as a retention/treatment source for stormwater runoff and act as a buffer to the San Diego River and its sensitive habitat. Additional parks and open space uses include 12 acres of parks and recreation, a 2-acre mall, and 11 acres of open space in the residential and other project areas. Trails are proposed through the parks and open space areas, and would connect through the residential and other project areas, providing walking and biking opportunities and connecting to the existing Stadium trolley station. Approximately 4 miles of trails are proposed throughout the project site.

As part of the proposed project, CSU would approve the SDSU Mission Valley Campus Master Plan for the project site. As part of that Campus Master Plan, the proposed project would facilitate 15,000 full-time equivalent students (FTES).<sup>1</sup>

As required by Measure G, as a condition of the sale of the property from the City of San Diego to CSU, the Campus Master Plan for the proposed project will use the content requirements of a Specific Plan, pursuant to California Government Code section 65461(a), though such content requirements are not required by the CSU Campus Master Plan process.

---

<sup>1</sup> One full-time equivalent student (FTES) is defined as one student taking fifteen course units (which is considered to be a “full course load”). Two part-time students, each taking 7.5 course units, also would be considered one FTES; and, therefore, the total student headcount enrolled at the university is higher than the FTES enrollment. SDSU projects that at buildout, when enrollment reaches 15,000 FTES at the SDSU Mission Valley campus, total students enrolled at the Mission Valley campus could be approximately 20,000 students.

## **2 OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED**

Other public agencies whose approval may be required as a prerequisite to future construction and/or implementation of the proposed project include at this time:

- Federal Emergency Management Agency (Letter of Map Revision)
- Division of the State Architect (handicapped facilities compliance)
- State Fire Marshal (approval of facility fire safety review)
- San Diego Regional Water Quality Control Board (National Pollution Discharge Elimination System or alteration of wetlands or waters of the state permits, if necessary)
- San Diego Air Pollution Control Board (authority to construct and/or permits to operate, if necessary)
- City of San Diego (approval and execution of purchase/sale agreement to sell the land to SDSU)
- City of San Diego (permits for construction within City right-of-way, tie-in to existing City-owned utilities, if necessary).
- City of San Diego water and wastewater approval (authority to connect to existing City-owned infrastructure)
- City of San Diego Fire Department (approval of project plans for fire and safety access review)
- California Department of Fish and Wildlife (permits for alteration of a stream or lakebed, if necessary)
- U.S. Army Corps of Engineers (permits for the alteration of wetlands or waters of the United States, if necessary)

The above list is subject to change based on agency input received in response to the accompanying Notice of Preparation and as part of the Draft EIR that may be prepared for the proposed project (subject to the analysis presented below).

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### 3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources  | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources      | <input checked="" type="checkbox"/> Cultural Resources       | <input checked="" type="checkbox"/> Energy                             |
| <input checked="" type="checkbox"/> Geology/Soils             | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials      |
| <input checked="" type="checkbox"/> Hydrology/Water Quality   | <input checked="" type="checkbox"/> Land Use/Planning        | <input checked="" type="checkbox"/> Mineral Resources                  |
| <input checked="" type="checkbox"/> Noise                     | <input checked="" type="checkbox"/> Population/Housing       | <input checked="" type="checkbox"/> Public Services                    |
| <input checked="" type="checkbox"/> Recreation                | <input checked="" type="checkbox"/> Transportation           | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Wildfire                 | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

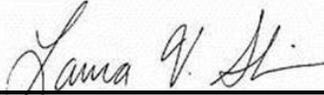
The above environmental factors subject to change based on agency input received in response to the accompanying Notice of Preparation and as part of the Draft EIR that may be prepared for the proposed project (subject to the analysis presented below).

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## 4 ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been incorporated into the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Laura Shinn, Director  
Facilities Planning, Design, and Construction  
San Diego State University

**January 17, 2019**

\_\_\_\_\_  
Date

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## **5 INITIAL STUDY**

The Initial Study has been prepared by CSU to address the potential environmental effects associated with the planning, construction, implementation, and operation of the proposed project. The Initial Study provides the information used to make the above-determination that an EIR is required for the proposed project in compliance with CEQA and the CEQA Guidelines.

This Initial Study uses the CEQA Appendix G, Environmental Checklist (2018) as the significance criteria for both this Initial Study and the Draft EIR with regard to the proposed project.

### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance

## 5.1 Aesthetics

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a scenic highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

Construction activities associated with the proposed project would alter the existing visual character or scenic resources of the project site. Proposed construction would alter the appearance of the existing parking lot and would have the potential to alter visual quality and character. Changes in land use, such as construction and development of residential structures and other buildings and facilities ranging from 3 stories to over 20 stories, and landscaping, will have the potential to alter visual quality in the area. Increased sources of light and/or glare may also occur as a result of the new buildings, scoreboards, signage, and lights from the multi-use stadium. The proposed project's size, scale, and design will be evaluated from the perspective of whether it would markedly contrast with the character of the surrounding area or be incompatible with such area.

The Draft EIR will analyze the potential for the proposed project to affect identified vistas or scenic views, including those that are visible from key vantage points and those that may be affected by views from the surrounding area, including single-family and multifamily residences with views of the project site. The Draft EIR will analyze whether the visual character or quality of the site and its surroundings would be adversely impacted. The EIR will also address any new sources of light and glare to evaluate potential impacts on daytime or

nighttime views in the area as a result of project implementation. The Draft EIR also will evaluate all feasible mitigation measures and alternatives to the proposed project.

## 5.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

According to the San Diego County Important Farmlands Map (California Department of Conservation 2016), the proposed project site is designated as “Urban and Built-Up Lands.” The project area does not include any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, development of the proposed project would not convert agricultural land to nonagricultural uses. The project area is not currently zoned for agriculture, nor does the project site include any land under a Williamson Act contract. No surrounding uses are designated as farmland or forest land; and, therefore, no changes in the existing environment are anticipated that would convert farmland, as defined, to nonagricultural use or forest land to non-forest use. No impacts to agricultural resources or forest land are anticipated to occur as a result of the proposed project; and, therefore, agricultural and forestry resources will not be discussed further in the Draft EIR.

### 5.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion

The proposed project site is located within the San Diego Air Basin under the jurisdiction of the San Diego Air Quality Management District, which is the local agency responsible for the administration and enforcement of air quality regulations for the area. Construction and operation of the proposed project may result in the emission of additional short- and long-term criteria air pollutants from mobile and/or stationary sources, which may exceed federal and state air quality standards or contribute to existing nonattainment of air quality standards. In addition, the proposed development, combined with known and reasonably foreseeable growth in the area, could result in cumulatively considerable emissions of non-attainment criteria air pollutants.

Construction activities associated with the proposed project would result in sources of fugitive dust and construction vehicle emissions. Earthwork and construction-related activities would also result in the emission of diesel fumes and other odors typically associated with construction activities. Sensitive receptors located in the vicinity of the construction site, including off-site residences and future on-site residents, may be affected. Any odors associated with construction activities would be temporary and would cease upon project completion; however, construction may be phased over a 15-year horizon and could continue after residents move into portions of the project site. Long-term operation of the proposed project would result in daily vehicular trips and energy consumption, both of which would generate emissions. An air quality technical report will be prepared to analyze the proposed project's effects on air quality. Further, health risk assessments will be prepared to analyze the potential human health effects of locating sensitive

receptors on the project site and the surrounding land uses. The Draft EIR will evaluate the proposed project's potential air quality impacts and all feasible mitigation measures and alternatives to the proposed project.

## 5.4 Biological Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

The proposed project would be constructed on previously disturbed portions of the project site, north of the San Diego River and west of Murphy Canyon Creek. While direct impacts to these areas are not anticipated, there is the potential for off-site improvements (i.e., drainage outfalls, head walls and energy dissipating devices/riprap, etc.) to be constructed within or adjacent to the

floodway of the San Diego River and/or Murphy Canyon Creek to meet stormwater and hydrology requirements. These improvements may result in direct and/or indirect impacts to (1) species identified as a candidate, sensitive, or special status species in the Multiple Species Conservation Plan (MSCP) or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service; (2) Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the City's Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or (3) waters/wetlands. While the site of the proposed project is previously developed, the introduction of 20-story buildings and 35,000-seat multipurpose stadium may result in potentially significant impacts to migrating birds. The Draft EIR will evaluate the proposed project's consistency with the MSCP. The Draft EIR and associated biological resources technical report will evaluate the proposed project's impacts on sensitive biological resources, identify feasible mitigation measures, and analyze reasonable alternatives to the proposed project.

## 5.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Draft EIR will include a cultural resources and other appropriate resource reports, the results of which will be described and evaluated in the Draft EIR. Should any archaeological, historic, paleontological, or other religious/sacred resources be discovered requiring recordation during field surveys, technical reports will be completed and included as appendices to the Draft EIR. The Draft EIR and associated technical reports will evaluate the proposed project's impacts on such resources, identify feasible mitigation measures, and analyze reasonable alternatives to the proposed project. For example, the proposed project would result in the demolition of the existing

Stadium. The Draft EIR and technical reports will include an assessment of the significance of this demolition from a significant historic resources perspective.

While the project site was heavily disturbed during the grading for and construction of the existing Stadium, the potential exists to disturb human remains during project grading. The Draft EIR will analyze the potential to impact human remains during project implementation and identify any feasible mitigation measures and reasonable alternatives to the proposed project.

## 5.6 Energy

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Draft EIR will include an energy impact analysis for the proposed project. The analysis will address Appendix F of the CEQA Guidelines, which addresses Energy Conservation. The Draft EIR’s analysis will include the proposed project’s energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project’s size, location, orientation, equipment use, and any renewable energy features that could be reasonably incorporated into the proposed project (and guidance on such information that may be included in such an analysis is presented in Appendix F). Further, this analysis is subject to the rule of reason and will focus on energy use that is caused by the proposed project. The analysis also may be included in related analyses of the Draft EIR’s air quality, greenhouse gas emissions, transportation, or utilities assessments.

## 5.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:  i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The proposed project site is located in Southern California, an area where several faults and fault zones are considered active by the California Division of Mines and Geology. The nearest fault, with the potential for a 7.0-magnitude earthquake, is located in Rose Canyon, approximately 4 miles west of the project site. Due to the presence of faults within proximity to the proposed project

area and the questionable activity level of these faults, the potential for ground rupture to occur on the project site resulting in damage from surface rupture or fault displacement would be a potentially significant impact. All new building design projects shall be consistent with the California Building Code and the CSU Seismic Requirements, which mandates, in part, that all new structures must provide an acceptable level of earthquake safety for students, employees, and the public who occupy these buildings and facilities, to the extent feasible (CSU 2016). The Draft EIR and geotechnical report to be prepared for the project site will evaluate the potential hazard from ground failure and liquefaction, and evaluate seismic hazard maps to identify the proximity and level of potential hazard from earthquake faults and other known faults. The Draft EIR will also analyze the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse to occur on or off campus.

Construction activities associated with the proposed project, including grading, would expose underlying soils, thereby increasing the potential to cause soil erosion or the loss of topsoil. The Draft EIR will examine the potential for erosion hazards and the loss of topsoil where development is proposed to occur and describe project design features and/or feasible mitigation measures to reduce or avoid these impacts.

The proposed project includes over 2,000 cubic yards of excavation. Due to the proximity of the San Diego River, this Initial Study will assume a moderate to high resource potential. For that reason, the Draft EIR will evaluate impacts to paleontological resources, identify feasible mitigation measures, and evaluate alternatives to the proposed project.

## **5.8 Greenhouse Gas Emissions**

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **Discussion**

Greenhouse gas (“GHG”) emissions would be generated from construction and operation of the proposed project. Construction activities would result in GHG emissions from heavy construction

equipment, truck traffic, and worker trips to and from the project site. Operation of the proposed project would generate GHG emissions from several sources, including, among others, those associated with new buildings (natural gas, purchased electricity), water consumption, landscaping, and vehicle emissions. The Draft EIR will identify the sources of construction and operational GHG emissions, and project design features that would be incorporated to reduce GHG emissions from such sources.

The proposed project also will be analyzed against the City of San Diego’s GHG emission reduction goals as set forth in Measure G. (The City of San Diego’s GHG emission reduction goals are identified in the City’s Climate Action Plan. The City also uses the CEQA Appendix G criteria, set forth above, for the analysis of GHG emissions.) Consistent with CEQA Guidelines section 15064.4, the Draft EIR will describe, calculate, or estimate the amount of GHG emissions associated with the proposed project. Feasible mitigation measures will be identified, as necessary, to reduce or avoid potentially significant GHG emissions resulting from construction or operation of the proposed project. The Draft EIR will also evaluate reasonable alternatives to the proposed project.

### 5.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

Due to the presence of natural vegetation and wildland area adjacent to the site, the potential for wildland fires exists. The Draft EIR will address the existing conditions and analyze the potential for development of the proposed project to adversely affect people or structures as a result of wildland fires. The increase in residents would affect implementation of an emergency response or evacuation plan. The Draft EIR will address these potentially significant impacts.

The project site is located near the Kinder Morgan Energy Partners Mission Valley Terminal. These facilities are located approximately 0.25 miles north of the project site. Construction near these facilities may result in the risk of exposing receptors to potentially hazardous materials, the potential effects of which will be analyzed in the Draft EIR, and feasible mitigation proposed as necessary to reduce impacts as appropriate. Further, the project site is within 500 feet of a major interstate freeway; accordingly, the Draft EIR will consider potential health effects related to criteria air pollutants from I-15. The proposed project area includes an existing parking lot that most likely has vehicular oil residue. Construction activities at the project site could potentially encounter contaminated soils and result in the accidental release of hazardous materials to the environment. The Draft EIR will address these potential impacts and provide mitigation to reduce or avoid potentially significant impacts, as appropriate.

The proposed project site is not located within an airport land use plan; however, it is located approximately 2 miles south of Montgomery Field,. Therefore, the proposed project may result in potential impacts related to these issues, and they will be discussed in the hazards analysis or the Draft EIR.

## 5.10 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The project site is largely dominated by paved surface parking under existing conditions. Implementation of the proposed project would reduce the impervious surface and associated runoff from the project site. Further, although the proposed project would alter the existing drainage of the parking lot, the intent is to more closely mimic the conditions present at the project site prior to development of the current stadium and parking lot. While the effect would be to lower flow rates through compliance with applicable regulatory requirements, impacts are still considered potentially significant. A hydrology technical report will be prepared for the Draft EIR that will

evaluate the impacts of the project and improvements on groundwater hydrology and provide mitigation as appropriate. Impacts to local storm drain systems and adjacent land uses as a result of flooding and runoff will be evaluated.

During construction activities, gasoline, diesel fuel, lubricating oils, grease, and solvents may be used on the project site. Accidental spills of these materials during construction activities could result in potentially significant water quality impacts. In addition, soils loosened during excavation and grading could degrade water quality if mobilized and transported off site via water flow. As construction activities may occur during the rainy season or during a storm event, construction of the proposed project could result in adverse impacts to water quality without incorporation of a Stormwater Pollution Prevention Plan and implementation of appropriate best management practices. Once operational, the primary source of pollutants would be impervious areas such as any pavement and any chemicals used for landscaping. The proposed project could result in additional erosion and sedimentation impacts, which would adversely affect receiving water quality. The Draft EIR will evaluate the potential impacts of the proposed project, including pipelines and improvements on surface water quality, and provide mitigation as appropriate. The Draft EIR will also evaluate any potential impacts to groundwater recharge.

The project site is located within a Federal Emergency Management Agency-designated 100-year flood hazard area (FEMA 2016). The project site may expose future residents and other structures to a significant risk due to flooding. The project area exhibits a low potential for inundation by seiche, tsunami, or mudflow because it is approximately 7 miles east of the Pacific Ocean.

A water quality technical report will be prepared for the Draft EIR that will evaluate the impacts of the proposed project and improvements on surface water quality and related water quality issues, and provide mitigation as appropriate. Impacts to local storm drain systems and adjacent land uses as a result of flooding and runoff will be evaluated.

### **5.11 Land Use and Planning**

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

An existing land use, planned land use, and applicable policy and guideline analysis will be prepared for the Draft EIR, taking into consideration CSU’s state agency status. Preparation of the project’s Campus Master Plan will also provide project-specific land use planning and design guidelines, rather than rely upon standard zoning requirements.

The proposed project is located within the boundary of the City of San Diego’s Multi-Habitat Planning Area. As such, the MSCP Subarea Plan will be considered as part of the site-specific biological resources technical report, the results of which will be disclosed in the Draft EIR.

The project site is defined by existing surrounding uses (San Diego River to the south, Fenton Marketplace to the west, Friars Road to the north, I-15 to the east); thus, development of the proposed project is not expected to physically divide an established community.

**5.12 Mineral Resources**

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The proposed project site is adjacent to the San Diego River and may contain sand and gravel deposits. The site is located within the Mineral Resource Zone (MRZ)-2, as indicated on the State of California Department of Conservation Division of Mines and Geology (California Department of Conservation 1996). The MRZ-2 mineral resource classification indicates areas of known or inferred mineral resources, the significance of which is undetermined based on available data (California Department of Conservation 2000). An evaluation of the mineral resources present in on site, and their significance will be identified in the Draft EIR.

## 5.13 Noise

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

Potential increases in existing noise levels would be associated with certain aspects of the proposed project, including the introduction of a new stadium, residences, and commercial/retail establishments as well as parks and recreational facilities. Construction of the proposed project will also introduce construction noise and ground-borne vibration to the area.

Once operational, the proposed project may result in additional sources of noise from outdoor mechanical equipment associated with new buildings, facilities, and utility improvements; more frequent noise from stadium events, as well as increased vehicular traffic. A noise analysis will be conducted that will evaluate the effects of construction activities, stadium, and building operations, as well as altered traffic on nearby sensitive receptors, and will document any substantial increases to existing ambient or community noise equivalent levels that would occur. The Draft EIR will evaluate whether implementation of the proposed project would expose people to noise and/or ground-borne vibration levels in excess of applicable standards. The Draft EIR also will analyze any temporary or permanent increase in noise levels generated from construction and/or operational activities, identify any construction and/or operational noise impacts that would result from the proposed project, and provide appropriate mitigation to reduce or avoid any potentially significant impacts.

The project site is not located within an airport land use plan; however, it is located approximately 2 miles south of Montgomery Field. Therefore, the proposed project may result in potential impacts related to these issues and they will be discussed in the noise analysis or the Draft EIR.

### 5.14 Population and Housing

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The proposed project is expected to increase the projected population associated with the project area due to the addition of the proposed project’s identified campus-related uses, including the proposed housing, commercial, office, retail, hotel, technology, stadium, transit, park, recreation, and open space uses. The Draft EIR for the proposed project will evaluate the population and housing impacts of the proposed project, including an assessment of associated cumulative impacts.

The proposed project also would facilitate the enrollment of 15,000 FTES on the SDSU Mission Valley campus over time, and the environmental impacts associated with this projected increase in enrollment at the Mission Valley campus will be assessed in the Draft EIR.

The proposed project’s land uses will likely generate additional employment as part of the construction and operational phases, and the Draft EIR will evaluate such effects as appropriate. Further, the proposed project will include extensions of roads and other facilities and infrastructure. The Draft EIR will identify and evaluate such extensions and identify and consider feasible mitigation measures, if applicable, and reasonable project alternatives. The proposed project is not expected to displace substantial numbers of people or housing as shown on the land use plan.

## 5.15 Public Services

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Draft EIR will evaluate whether implementation of the proposed project would increase demand for police, fire protection, schools, parks, and other public facilities, and compare the project's increased demand with existing and planned facilities. The Draft EIR will also evaluate any potential physical impacts associated with the need, if any, for any new or expanded facilities.

## 5.16 Recreation

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

The Draft EIR will evaluate whether implementation of the proposed project will increase the use of existing neighborhood and regional parks or other recreational facilities. The Draft EIR will also evaluate the potential impacts of the construction or expansion of such recreational facilities.

### 5.17 Transportation

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>CSU Transportation Impact Study Manual (November 2012)</i>				
Off-Site Traffic Operations				
A roadway segment or intersection operates at LOS D or better under a no project scenario and the addition of project trips causes overall traffic operations on the facility to operate at LOS E or F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A roadway segment or intersection operates at LOS E or F under a no project scenario and the project adds both 10 or more peak hour trips and 5 seconds or more of peak hour delay, during the same peak hour.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If an intersection operates at a very poor LOS F (control delay of 120 seconds or more), the significance criterion shall be an increase in v/c ratio of 0.02 or more.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bicycle Facilities				
A project significantly disrupts existing or planned bicycle facilities or significantly conflicts with applicable non-automotive transportation plans, guidelines, policies, or standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedestrian Facilities and Americans with Disabilities Act (ADA) compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
A project fails to provide safe pedestrian connections between campus buildings and adjacent streets and transit facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A project significantly disrupts existing or planned pedestrian facilities or significantly conflicts with applicable non-automotive transportation plans, guidelines, policies, or standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transit				
A project significantly disrupts existing or planned transit facilities and services or significantly conflicts with applicable transit plans, guidelines, policies, or standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intersection Traffic Control				
The addition of project traffic causes an all-way stop-controlled or side street stop-controlled intersection to meet Caltrans signal warrant criteria.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation Plan Consistency				
A project significantly conflicts or creates significant inconsistencies with applicable transportation policies or the Campus Master Plan transportation policies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety				
Directly or indirectly cause or expose all users (motorists, pedestrians, bicyclists, and bus riders) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction Period (Temporary)				
The construction of a project creates a temporary but prolonged significant impact due to lane closures, need for temporary signals, emergency vehicles access, traffic hazards to bikes/pedestrians, damage to roadbed, truck traffic on roadways not designated as truck routes, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
On-Site Circulation				
Project designs for on-site circulation, access, and parking areas are inconsistent with the circulation and parking plans in the Campus Master Plan or with applicable roadway design standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A project fails to provide adequate accessibility for service and delivery trucks on-site, including access to truck loading areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A project fails to provide adequate accessibility for buses accessing appropriate drop-off areas on-campus.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A project fails to provide adequate accessibility for pedestrians and bicyclists.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The Draft EIR will evaluate the transportation impacts of the proposed project based on a traffic impacts technical report. The Draft EIR and technical report will evaluate project and cumulative traffic, access, and transit impacts; identify and consider feasible mitigation measures; and evaluate project alternatives to reduce or minimize such impacts. Further, the Draft EIR and technical report will address potential impacts associated with the shift in traffic volumes and travel patterns to and from the project site, including the effect on key intersections and street segments based on applicable level of service standards. The analysis will address potential related effects on traffic hazards, vehicle miles traveled, transit ridership, emergency access, and vehicle parking access to the extent required by CEQA. The proposed project’s transportation-related impacts will be assessed against CEQA Appendix G transportation factors, which CSU will use as significance criteria in the Draft EIR. In addition, CSU has developed and relies on additional significance criteria to evaluate traffic and related impacts as part of its Transportation Demand Management Manual (CSU 2012). These criteria will also be considered in the Draft EIR.

**5.18 Tribal Cultural Resources**

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The proposed project site spans areas previously developed as an existing sports stadium and parking lot. To determine the potential extent of Native American resources on or in the immediate

vicinity of the project site, CSU will conduct a cultural resources record search, make a request to the Native American Heritage Commission for a “Sacred Lands” file, and contact all Native American tribes known to have occupied or used lands within the project area. Once these resources are understood, CSU will authorize field surveys of the project site to conduct surveys for such resources. The Draft EIR will determine whether potential significant impacts could occur to tribal cultural resources, based on the above data. In the event any such resources are discovered requiring recordation during field surveys, an archaeological resources technical report may be necessary. Applicable mitigation measures to reduce or avoid potentially significant impacts will be identified and considered in the Draft EIR.

## 5.19 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

New facilities proposed in connection with the proposed project will necessitate public utilities, including natural gas, water, sewer, communication systems, and solid waste. The Draft EIR will

analyze these improvements and associated environmental impacts related to these utility demands and consider and discuss feasible mitigation measures and project alternatives.

Energy usage will be estimated based on the uses identified as part of the proposed project. The Draft EIR will analyze the potential impacts of increased energy usage as a result of the construction and operational aspects of the proposed project.

## 5.20 Wildfire

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Would the project:				
1. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Draft EIR will evaluate whether the proposed project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and consider and discuss feasible mitigation measures and project alternatives, if applicable. The Draft EIR will also analyze the proposed project against the significance criteria identified above for the risk of wildfires.

Further, due to the presence of natural vegetation and wildland area adjacent to the site, the potential for wildland fires exists. The Draft EIR will address the existing conditions and analyze the potential for development of the proposed project to adversely affect people or structures as a result of wildland fires. The increase in residents would affect implementation of an emergency response or evacuation plan. The Draft EIR will address these potentially significant impacts.

## 5.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
Environmental Issues – Does the project:				
1. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have possible environmental effects which are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have environmental effects of a project which would cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The proposed project would have the potential to impact sensitive habitat and associated rare, endangered, or sensitive wildlife species in the San Diego River as a result of off-site improvements. The Draft EIR will include a biological resources technical report, which will disclose all significant biological resource impacts, feasible mitigation measures, and project alternatives. Further, the Draft EIR will evaluate significant archaeological and historical resources present on site, along with the identification of feasible mitigation measures and project alternatives.

The Draft EIR will also provide a cumulative impacts analysis for each environmental topic area. A list of cumulative projects will be prepared, and impacts from the proposed project, in combination with those cumulative impacts, will be analyzed in the Draft EIR in each impact area to determine the proposed project’s incremental contribution to existing and future significant impacts. Potentially significant cumulative impacts may result.

The Draft EIR will discuss growth-inducing impacts of the proposed project, consistent with CEQA Guidelines section 15126.2(e). As stated above, the Draft EIR will (a) consider and discuss feasible mitigation measures proposed to avoid or minimize significant environmental effects of the proposed project and (b) identify a range of reasonable alternatives to the proposed project.

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## **6 PREPARERS**

This Initial Study was prepared by SDSU Facilities Planning, Design, and Construction personnel, with assistance from CSU personnel. Other persons participating in the Initial Study include Laura Shinn, Director of Planning, Planning Design, and Construction; Sarah Lozano, Principal, Dudek; Sean Kilkenny, Project Manager, Dudek; Mark J. Dillon, Gatzke Dillon & Ballance LLP; and Michael P. Masterson, Gatzke Dillon & Ballance LLP.

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## 7 REFERENCES

- 14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.
- California Department of Conservation. 1996. “Generalized Mineral and Classification Map of Western San Diego County, California; Aggregate Resources Only” [map]. 1:100,000. Department of Conservation, Division of Mines and Geology. Accessed November 30, 2016. [ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR\\_96-04/OFR\\_96-04\\_Plate1.pdf](ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_96-04/OFR_96-04_Plate1.pdf).
- California Department of Conservation. 2000. *Guidelines for Classification and Designation of Mineral Lands*. Accessed January 17, 2019. <https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf>.
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- California Public Resources Code, Sections 21000–21177. California Environmental Quality Act, as amended.
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- CSU. 2016. *CSU Seismic Requirements*. November 1, 2016. Effective January 1, 2017 for use on all projects using CBC 2016. Accessed January 11, 2019. [http://www.calstate.edu/cpdc/ae/seismic/november\\_2016\\_final.pdf](http://www.calstate.edu/cpdc/ae/seismic/november_2016_final.pdf).
- FEMA (Federal Emergency Management Agency). 2016. *Federal Emergency Management Agency Flood Map Service Center Locator Map*. <https://msc.fema.gov/portal/search>.

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## **8            DISTRIBUTION LIST**

Table 2 provides a list of federal, state, and local agencies and organizations to which the NOP was distributed. In addition, the NOP was distributed to individuals that were identified as interested parties or stakeholders (out of respect for individuals' privacy, their names/contact information has not been included in the following table). To be added to this list or for questions, please contact Laura Shinn, Director; Facilities Planning, Design, and Construction; SDSU, 5500 Campanile Drive, San Diego, California 92182-1624, or via email to [lshinn@mail.sdsu.edu](mailto:lshinn@mail.sdsu.edu).

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
<i>Federal Agency</i>						
Karen	Goebel	U.S. Department of the Interior, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office	2177 Salk Avenue, Suite 250	Carlsbad	CA	92008
—	—	U.S. Army Corps of Engineers, Carlsbad Field Office	5900 La Place Court, Suite 100	Carlsbad	CA	92008
—	—	Federal Emergency Management Agency	1111 Broadway, Suite 1200	Oakland	CA	94607
—	—	U.S. Department of Labor, Occupational Safety and Health Administration	7575 Metropolitan Drive, Suite 207	San Diego	CA	92108
—	—	U.S. Department of Homeland Security	DHS 245 Murray Lane, SW	Washington,	DC	20528-0075
—	—	Federal Aviation Administration	8525 Gibbs Dr	San Diego	CA	92123
<i>State Agency</i>						
Laura	Shinn	SDSU, Facilities Planning, Design, and Construction	5500 Campanile Drive	San Diego	CA	92182
—	—	SDSU South Coast Information Center	5500 Campanile Dr	San Diego	CA	92182
Steven	Lohr, Ed.D., Chief of Land Use Planning and Environmental Review	California State University Chancellor's Office	401 Golden Shore	Long Beach	CA	90802-4210
—	—	SDSU Love Library	Government Publications, 3rd Floor, 5500 Campanile Drive	San Diego	CA	92182-8050

**Table 2**  
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First Name	Last Name	Company/ Organization	Address	City	State	Zip
Chris Ganson, Senior Planner, and Michael	McCormick, Senior Planner	State of California, <b>Governor's Office of Planning and Research, State Clearinghouse and Planning Unit</b>	1400 Tenth Street	Sacramento	CA	95812-3044
—	State Historic Preservation Officer	California Department of Parks and Recreation Office of Historic Preservation	1725 23rd Street, Suite 100	Sacramento	CA	95816
—	—	Department of California Highway Patrol	4902 Pacific Highway	San Diego	CA	92110
Craig	Rush, Regional Manager	Division of State Architect, San Diego Regional Office	10920 Via Frontera, Suite 300	San Diego	CA	92127
Tonya Hoover, State Fire Marshal and Mike	Richwine, Assistant State Fire Marshal	State of California, Department of Forestry & Fire Protection, Office of the State Fire Marshall	602 East Huntington, Suite A	Monrovia	CA	91016-3600
Dave	Singleton, Program Analyst	Native American Heritage Commission	1550 Harbor Blvd., Suite 100	West Sacramento	CA	95691
Ed	Pert, Regional Manager	State of California, Department of Fish & Wildlife, South Coast Regional Office	3883 Ruffin Road	San Diego	CA	92123
David Gibson, Executive Officer, and Christopher	Means	San Diego Regional Water Quality Control Board	2375 Northside Drive, Suite 100	San Diego	CA	92108
Sean	McClain	San Diego Regional Water Quality Control Board	2375 Northside Drive, Suite 100	San Diego	CA	92108

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First Name	Last Name	Company/ Organization	Address	City	State	Zip
Robert	Kard, District Director	San Diego Air Pollution Control District	10124 Old Grove Road	San Diego	CA	92131
Cory	Binns, Director	State of California, Department of Transportation, Caltrans – District 11, Development Review Branch	004050 Taylor St.	San Diego	CA	92110
Maryam	Tasnif-Abbasi	State of California, Dept. of Toxic Substances Control, Southern California Cleanup, Operations Branch – Cypress	5796 Corporate Avenue	Cypress	CA	90630-4732
—	—	California Transportation Commission	1120 N Street MS 52	Sacramento	CA	95814
Senator Toni	Atkins, 39th District	California State Senate	701 B Street, Suite 1840	San Diego	CA	92101
Assemblywoman Shirley	Weber	California State Assembly	1350 Front Street, Suite 6046	San Diego	CA	92101
Assemblymember Todd	Gloria	California State Assembly	110 West C Street, Suite 1300	San Diego	CA	92101
<i>Local Agency</i>						
Planning Director	—	Metropolitan Transit System	1255 Imperial Avenue, Suite 1000	San Diego	CA	92101-7490
—	—	San Diego Regional Airport Authority	3225 North Harbor Drive	San Diego	CA	92101
Susan	Baldwin, Senior Regional Planner	San Diego Association of Governments (SANDAG)	401 B Street, Suite 800	San Diego	CA	92101-4231
Andy	Phillips	Civic San Diego	401 B Street, Fourth Floor	San Diego	CA	92101
Maureen	Stapleton, General Manager	San Diego County Water Authority	4677 Overland Avenue	San Diego	CA	92123

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First Name	Last Name	Company/ Organization	Address	City	State	Zip
Chris	Thomas, Chair	Associated Students of SDSU, San Diego State University	Conrad Prebys Aztec Student Union, Suite 310, 6075 Aztec Circle Drive	San Diego	CA	92182-7804
Mayor Kevin	Faulconer	City of San Diego, Office of the Mayor	202 C Street, MS 11	San Diego	CA	92101
City Attorney Mara W.	Elliott	City of San Diego, Office of the City Attorney	1200 Third Avenue, Suite 1620	San Diego	CA	92101-4108
—	—	City of San Diego, Real Estate Assets Department	1200 Third Ave., Suite 1700	San Diego	CA	92101
James	Nagelvoort, Interim Director	City of San Diego, Public Works	<b>202 "C" Street, 9th Floor, MS 9A</b>	San Diego	CA	92101
Halla	Razak, Director	City of San Diego, Public Utilities Department	9192 Topaz Way, MS 901	San Diego	CA	92123
Mike	Hansen, Planning Director	City of San Diego, Planning Department	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Laura	Black, Deputy Director	City of San Diego, Planning Department	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Elyse	Lowe, Director	City of San Diego, Development Services Department	1010 Second Ave., MS 413	San Diego	CA	92101
Tom	Tomlinson, Assistant Director	City of San Diego, Planning Department	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Mario	Sierra, Director	City of San Diego, Environmental Services	9601 Ridgehaven Court, Suite 210, MS 102A	San Diego	CA	92123
Kris	McFadden, Director	City of San Diego, Transportation and Stormwater	<b>202 "C" Street, 9th Floor, MS 9A</b>	San Diego	CA	92101
Misty	Jones, Director	City of San Diego, Public Library	330 Park Blvd.	San Diego	CA	92101

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First Name	Last Name	Company/ Organization	Address	City	State	Zip
Alyssa	Muto, Deputy Director, Environmental and Policy Analysis	City of San Diego, Planning Department	9485 Aero Drive, M.S. 413	San Diego	CA	92123
—	—	City of San Diego, Development Services Department, Land Development Review Division	1222 First Avenue, MS 301	San Diego	CA	92101- 4155
Ben	Hafertepe, Project Manager	City of San Diego, Facilities Financing	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Chief David	Nisleit	City of San Diego Police Department	1401 Broadway	San Diego	CA	92101- 5729
Colin	Stowell, Chief	City of San Diego, Fire- Rescue Department	1010 Second Avenue, Suite 400	San Diego	CA	92101
—	—	San Diego Historical Resources Board, City Administration Building	202 C Street	San Diego	CA	92101
Marlon	Pangilinan	City of San Diego Planning Department, College Area Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Lisa	Lind	City of San Diego Planning Department, Navajo Area Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Lesley	Henegar	City of San Diego Planning Department, Tierrasanta Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123

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**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Nancy	Graham	City of San Diego Planning Department, Mission Valley Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Nathen	Causman	City of San Diego Planning Department, Normal Heights Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Elizabeth	Ocampo Vivero	City of San Diego Planning Department, Greater North Park Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Michael	Prinz	City of San Diego Planning Department, Uptown Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Lisa	Lind	City of San Diego Planning Department, Serra Mesa Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Lisa	Lind	City of San Diego Planning Department, Kearny Mesa Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Michael	Prinz	City of San Diego Planning Department, Linda Vista Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123
Nathen	Causman	City of San Diego Planning Department, Kensington-Talmagdge Community Planner	9485 Aero Drive, M.S. 413	San Diego	CA	92123

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Barbara	Bry, City Councilmember District 1	City of San Diego, City Administration Building	202 C Street, MS #10A	San Diego	CA	92101
Jennifer	Campbell, City Councilmember District 2	City of San Diego, City Administration Building	202 "C" Street, 10th Floor	San Diego	CA	92101
Chris	Ward, City Councilmember District 3	City of San Diego, City Administration Building	202 "C" Street, 10th Floor	San Diego	CA	92101
Monica	Montgomery, City Councilmember District 4	City of San Diego, City Administration Building	202 C Street, MS #10A	San Diego	CA	92101
Mark	Kersey, City Councilmember District 5	City of San Diego, City Administration Building	202 C Street, 10th Floor	San Diego	CA	92101
Chris	Cate, City Councilmember District 6	City of San Diego, City Administration Building	202 C Street, 10th Floor	San Diego	CA	92101
Scott	Sherman, City Councilmember District 7	City of San Diego, City Administration Building	<b>202 "C" Street MS #10A</b>	San Diego	CA	92101
Vivian	Moreno, City Councilmember District 8	City of San Diego, City Administration Building	202 C Street, 10th Floor	San Diego	CA	92101
Georgette	Gomez, City Councilmember Elect District 9	City of San Diego, City Administration Building	202 "C" Street, 10th Floor	San Diego	CA	92101
Ernest	Dronenberg	County of San Diego Recorder/Clerk, The County Administration Center	1600 Pacific Highway, Room 260, MS A-33	San Diego	CA	92101
Mark	Wardlaw, Director	County of San Diego, Planning and Development Services	5510 Overland Avenue #110 & 310	San Diego	CA	92123
Elise	Rothschild	County of San Diego, Department of Environmental Health	5500 Overland Avenue #170	San Diego	CA	92112-9261

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
—	—	County of San Diego, Office of Emergency Services	5580 Overland Avenue	San Diego	CA	92123
—	Environmental Coordinator	County of San Diego, Planning and Development Services	5510 Overland Avenue #110 & 310	San Diego	CA	92123
Greg	Cox, Supervisor District 1	County of San Diego, County Administration Center	1600 Pacific Highway , Room 335	San Diego	CA	92101
Dianne	Jacob, Supervisor District 2	County of San Diego, County Administration Center	1600 Pacific Highway , Room 335	San Diego	CA	92101
Kristin	Gaspar, Supervisor District 3	County of San Diego, County Administration Center	1600 Pacific Highway , Room 335	San Diego	CA	92101
Nathan	Fletcher, Supervisor District 4	County of San Diego, County Administration Center	1600 Pacific Highway , Room 335	San Diego	CA	92101
Jim	Desmond, Supervisor District 5	County of San Diego, County Administration Center	1600 Pacific Highway , Room 335	San Diego	CA	92101
—	—	San Diego Unified School District	4100 Normal Street	San Diego	CA	92103
Principal	—	Juarez Elementary School	2633 Melbourne Dr	San Diego	CA	92123
Principal	—	Taft Middle School	9191 Gramercy Drive	San Diego	CA	92123
Principal	—	Kearny High School	1954 Komet Way	San Diego	CA	92111
Karen	Reilly, Branch Manager	Mission Valley Branch Library	2123 Fenton Parkway	San Diego	CA	92108
—	—	College Rolando Branch Library	6600 Montezuma Road	San Diego	CA	92115

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
—	—	Allied Gardens/Benjamin Branch Library	5188 Zion Avenue	San Diego	CA	92120-2728
—	—	San Carlos Branch Library	7265 Jackson Drive	San Diego	CA	92119
—	—	Serra Mesa Branch Library	9005 Aero Drive	San Diego	CA	92123
—	—	Tierrasanta Branch Library	4985 La Cuenta Drive	San Diego	CA	92124
—	—	Kensington-Normal Heights Branch Library	4121 Adams Avenue	San Diego	CA	92116
—	—	North Park Branch Library	3795 31st Street	San Diego	CA	92104
—	—	Mission Hills Branch Library	925 W Washington St	San Diego	CA	92103
—	—	Balboa Library	4255 Mt Abernathy Ave,	San Diego	CA	92117
—	—	Linda Vista Branch Library	2160 Ulric Street	San Diego	CA	92111
Mayor Peter	Weiss	City of Oceanside	300 N Coast Highway	Oceanside	CA	92054
Mayor Judy	Ritter	City of Vista	200 Civic Center Drive	Vista	CA	92084
Mayor Rebecca	Jones	City of San Marcos	1 Civic Center Drive	San Marcos	CA	92069
Mayor Paul	McNamara	City of Escondido	201 North Broadway	Escondido	CA	92025
Mayor Matt	Hall	City of Carlsbad	1200 Carlsbad Village Drive	Carlsbad	CA	92008
Mayor Catherine	Blakespear	City of Encinitas	505 S Vulcan Avenue	Encinitas	CA	92024
Mayor David	Zito	City of Solana Beach	635 South Highway 101	Solana Beach	CA	92075
Mayor Dave	Druker	City of Del Mar	1050 Camino Del Mar	Del Mar	CA	92014
Mayor Steve	Vaus	City of Poway	13325 Civic Center Drive	Poway	CA	92064
Mayor Mark	Arapostathis	City of La Mesa	8130 Allison Avenue	La Mesa	CA	91944-0937

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Mayor Bill	Wells	City of El Cajon	200 Civic Center Way	El Cajon	CA	92020-3996
Mayor Mary	Casillas Salas	City of Chula Vista	276 Fourth Avenue	Chula Vista	CA	91910
Mayor John	Minto	City of Santee	10601 Magnolia Avenue	Santee	CA	92071
Mayor Alejandra	Sotelo-Solis	City of National City	1243 National City Blvd	National City	CA	91950
Mayor Racquel	Vasquez	City of Lemon Grove	3232 Main Street	Lemon Grove	CA	91945
Mayor Richard	Bailey	City of Coronado	1825 Strand Way	Coronado	CA	92118
Mayor Serge	Dedina	City of Imperial Beach	825 Imperial Beach Blvd	Imperial Beach	CA	91932
<i>Organization</i>						
Todd	Reh fuss, President	Rolando Community Council	todd@rolandocc.org			
Jonathan	Frankel, Chair	Mission Valley Community Council	9485 Aero Dr MS 413	San Diego	CA	92123
—	—	Serra Mesa Community Council	PO Box 23315	Serra Mesa	CA	92193
Jose	Reynoso, President	College Area Community Council	PO Box 15723	San Diego	CA	92175
Shain	Haug, President	Allied Gardens/Grantville Community Council	5173 Waring Road #445	San Diego	CA	92120
—	—	El Cerrito Community Council	elcerritocommunitycouncil@gmail.com			
Saul	Amerling	Mesa Colony Community Group	—	San Diego	CA	92123
Jan	Whitacre, Council President	Tierrasanta Community Council	6030 Santo Rd. #435	San Diego	CA	92124
Frisco	White, Chair	Carmel Valley Community Planning Board	5335 CAMINITO EXQUISITO	San Diego	CA	92130

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Bryce	Niceswanger, Chair	Serra Mesa Planning Group	2161 Ainsley Road	San Diego	CA	92123
Henish	Pulickal, Chair	Pacific Beach Planning Group	3920 Riviera Drive, #G	San Diego	CA	92109
Noli	Zosa, Chair	Linda Vista Planning Group	6987 Camino Pacheco	San Diego	CA	92111
Jonathon	Frankel, Chair	Mission Valley Planning Group	5765 Friars Rd Unit 150	San Diego	CA	92110
Don	Taylor, Chair	Kensington Talmadge Planning Group	4062 Hilldale Road	San Diego	CA	92116
David	Smith, Chair	Navajo Community Planners	5839 MISSION GORGE RD, SUITE A	San Diego	CA	92120
Gary	Weber, Chair	Normal Heights Community Planning Group	4649 Hawley Boulevard	San Diego	CA	92116
David	Moty, Chair	Community Planners Committee	4553 49th St.	San Diego	CA	92115
Jay	Wilson, President	Del Cerro Action Council	jwilson2@cox.net			
Mark	Rawlins, President	Del Cerro Action Council c/o Temple Emanu-El	6299 Capri Drive	San Diego	CA	92120
—	—	Mission Hills Town Council	325 West Washington Street, Suite 2-159	San Diego	CA	92103
Roarke	Shanley, Coucil Representative	San Carlos Area Council, San Carlos Library	7265 Jackson Drive	San Diego	CA	92119
Ky	Snyder, VP Operations	University of San Diego	5998 Alcala Park HC204	San Diego	CA	92110
Dr. Peter	Anderson	Sierra Club San Diego	8304 Clairemont Mesa Blvd, #101	San Diego	CA	92111
Chris	Redfern, Executive Director	San Diego Audubon Society	4010 Morena Blvd., Suite 100	San Diego	CA	92117
Dan	Silver, Executive Director	Endangered Habitats League	8424 Santa Monica Blvd., Suite A 592	Los Angeles	CA	90069

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Rob	Hutsel, President & CEO	San Diego River Park Foundation	PO Box 80126	San Diego	CA	92138
Julia	Richards, Executive Director	San Diego River Conservancy	1350 Front St. Suite 3024	San Diego	CA	92101
—	—	San Diego River Park Foundation	PO Box 80126	San Diego	CA	92138
Jim	Peugh	San Diego Audubon Society	4010 Morena Blvd, Suite #100	San Diego	CA	92117
Cindy	Stankowski	San Diego Archeological Center	16666 San Pasqual Valley Road	Escondido	CA	92027
—	Environmental Review Committee	San Diego County Archaeological Society, Inc.	Los Penasquitos Ranch House, Canyonside Park Driveway	San Diego	CA	92129
Bruce D.	Coons, Executive Director	Save Our Heritage Organisation	2476 San Diego Avenue	San Diego	CA	92110
Cody	Petterson, Chair	San Diego County Democrats for Environmental Action	PO Box 16254	San Diego	CA	92176
Heather	Foley, Executive Director	San Diego-Tijuana Urban Land Institute	1620 Fifth Ave, Suite 400	San Diego	CA	92101
Robert	Pinto, Chairperson	Ewiaapaap Tribal Office	4054 Willow Road	Alpine	CA	91901
Raymond	Hunter, Chairperson	Jamul Indian Village	14191 Highway 94	Jamul	CA	91935
Carmen	Lucas	Kwaaymil Laguna Band of Mission Indians	—	Pine Valley	CA	91962
Mark	Romero, Chairman	The Mesa Grande Band of Mission Indians	26000 Mesa Grande Road	Santa Ysabel	CA	92070
Allen	Lawson, Chairman	San Pasqual Band of Mission Indians	27450 North Lake Wohlford Road	Valley Center	CA	92082
Frank	Brown	Inter-Tribal Cultural Resources Council	240 Brown Road	Alpine	CA	91901

**Table 2**  
**NOP Distribution List**

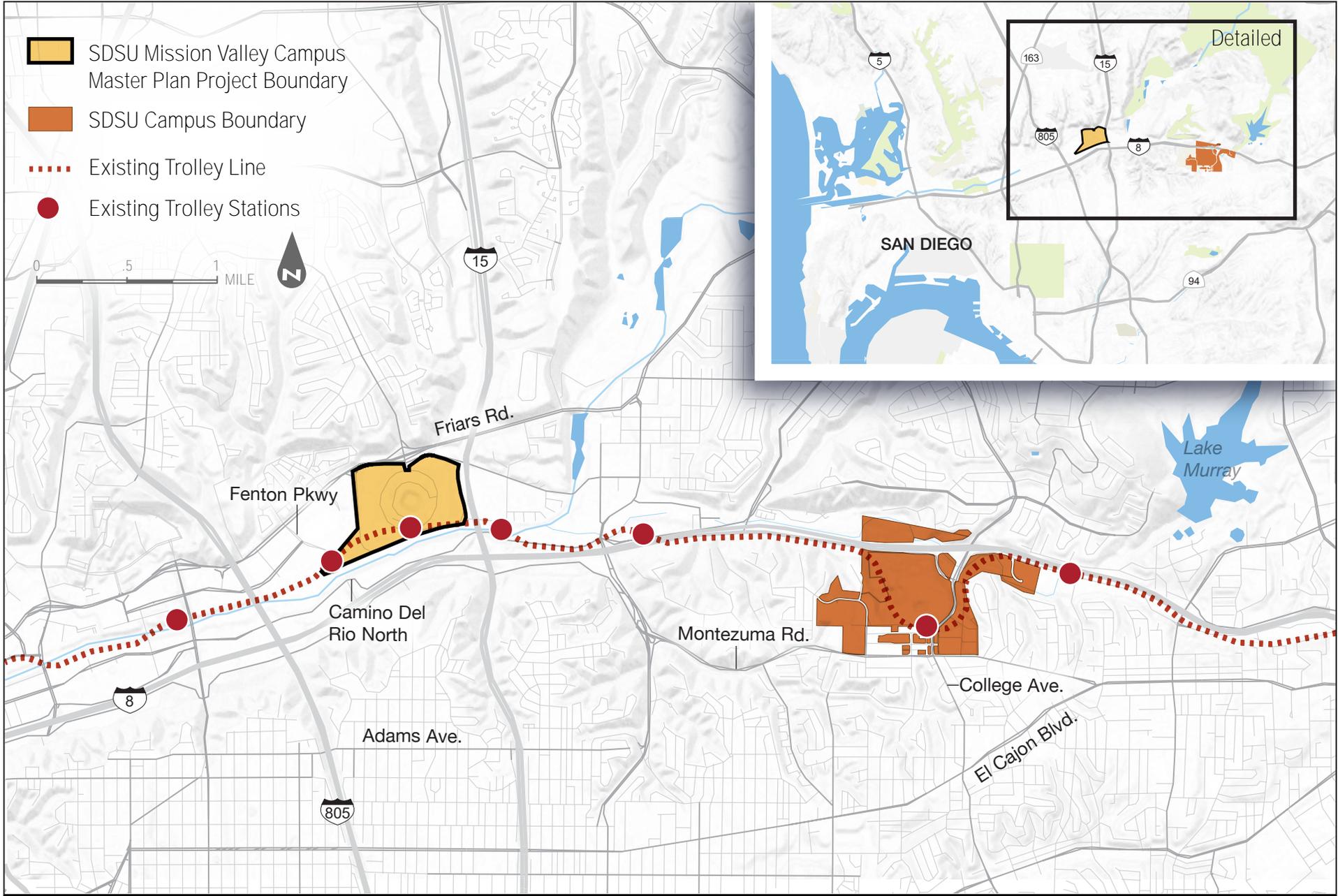
First Name	Last Name	Company/ Organization	Address	City	State	Zip
—	—	Kumeyaay Cultural Heritage Preservation	36190 Church Road, Suite 5	Campo	CA	91906
Jim	Schneider, Executive Director	College Area BID	4704 College Avenue	San Diego	CA	92115
Borre	Winckel, President & CEO	BIA San Diego	9201 Spectrum Center Blvd., Suite 110	San Diego	CA	92123
Debra	Rosen	North San Diego Business Chamber	10875 Rancho Bernardo Rd, Suite 104	San Diego	CA	92127
Charlotte	Cagan, Executive Director	San Diego History Center	1649 El Prado, Suite 3	San Diego	CA	92101
—	—	Union-Tribune, City Desk	600 B Street, Suite 1201	San Diego	CA	92101
Bastiaan	Bouma, Executive Director & CEO	American Institute of Architects	233 A Street, #200	San Diego	CA	92101
Mark	Cafferty, President & CEO	San Diego Regional EDC	530 B Street, 7th Floor	San Diego	CA	92101
—	—	Rotary Club of Del Mar	—	—	—	—
Haney	Hong	San Diego County Taxpayers Association	2508 Historic Decatur Rd, Suite 220	San Diego	CA	92106
Joe	Terzi	San Diego Tourism Authority	750 B St, 7th Floor	San Diego	CA	92101
Mark	Balmert	San Diego Military Advisory Council	409 Camino Del Rio South, Suite 302	San Diego	CA	92108
Carey	Lowe	Citizens Coordinate for Century 3 (C3)	2127 Olympic Parkway, Suite 1006 PMB 273	Chula Vista	CA	91915
Kai	Snyder	University of San Diego	—	—	—	—
Dr. Bob	Brower	Point Loma Nazarine University	3900 Lomaland Dr	San Diego	CA	92106
H. Eugene Swantz, Jr. and Joan	Rapp, Co-Trustees	The Carolyn M. Holmer Trust, US Bank, Re: 6367 Alvarado Court	400 Prospect Street	La Jolla	CA	92037
Edwin	Romero	Barona Group of the Capitan Grande	1095 Barona Road	Lakeside	CA	92040
Rebecca	Osuna	Inaja Band of Mission Indians	2005 S. Escondido Blvd.	Escondido	CA	92025

**Table 2**  
**NOP Distribution List**

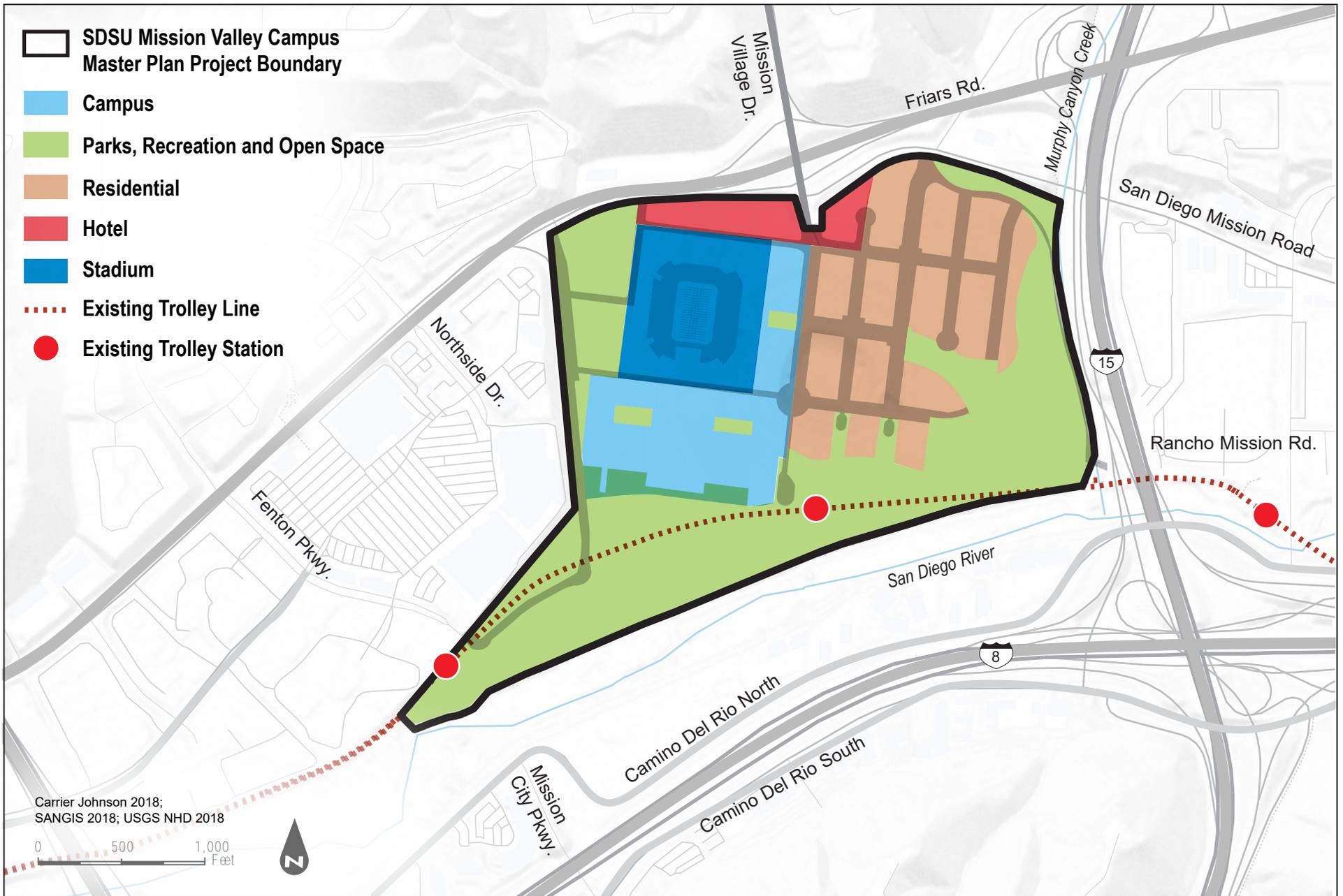
First Name	Last Name	Company/ Organization	Address	City	State	Zip
Ralph	Goff	Campo Band of Mission Indians	36190 Church Road, Suite 1	Campo	CA	91906
Erica	Pinto	Jamul Indian Village	14191 Highway 94	Jamul	CA	91935
Robert	Pinto	Ewiiapaayp Tribal Office	4054 Willows Road	Alpine	CA	91901
Michael	Garcia	Ewiiapaayp Tribal Office	4054 Willows Road	Alpine	CA	91901
Javaughn	Miller	La Posta Band of Mission Indians	8 Crestwood Road	Boulevard	CA	91905
Gwendolyn	Parada	La Posta Band of Mission Indians	8 Crestwood Road	Boulevard	CA	91905
Clint	Linton	Iipay Nation of Santa Ysabel	100 School House Canyon Road	Santa Ysabel	CA	92070
Virgil	Perez	Iipay Nation of Santa Ysabel	100 School House Canyon Road	Santa Ysabel	CA	92070
Leroy	Elliott	Manzanita Band of Kumeyaay Nation	ljbirdsinger@aol.com			
Mario	Morales	Mesa Grande Band of Mission Indians	26000 Mesa Grande Road	Santa Ysabel	CA	92070
Lisa	Haws	Sycuan Band of Kumeyaay Nation	1 Kwaaypaay Court	El Cajon	CA	92019
Virgil	Oyos	Mesa Grande Band of Mission Indians	26000 Mesa Grande Road	Santa Ysabel	CA	92070
John	Flores	San Pasqual Band of Mission Indians	16400 Kumeyaay	Valley Center	CA	92082
Allen E.	Lawson	San Pasqual Band of Mission Indians	16400 Kumeyaay	Valley Center	CA	92082
Julie	Hagen	Viejas Band of Kumeyaay Indians	1 Viejas Grade Road	Alpine	CA	91901

**Table 2**  
**NOP Distribution List**

First Name	Last Name	Company/ Organization	Address	City	State	Zip
Robert J.	Welch	Viejas Band of Kumeyaay Indians	1 Viejas Grade Road	Alpine	CA	91901
Cody J.	Martinez	Sycuan Band of Kumeyaay Nation	1 Kwaaypaay Court	El Cajon	CA	92019



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# EXHIBIT E



## Notice of Preparation

The process of environmental review begins with issuance of a Notice of Preparation (NOP), which informs the public and government agencies that a Draft Environmental Impact Report (DEIR) is being prepared to study the environmental impacts of the project, and provides an opportunity for the government agencies and members of the public to weigh in on the environmental topics to be analyzed in the DEIR.

The NOP comment period **January 18, 2019 - February 19, 2019** formally begins the public input process of this project, which also includes three scoping meetings and additional community presentations.

### Scoping Materials

- [Notice of Preparation of Draft Environmental Impact Report](#) (posted 1/18/19)
- [Initial Study](#) (posted 1/18/19)

The dates and locations of the public scoping meetings are as follows:

#### **Tuesday, January 29, 2019, 3:30-5:30 p.m.**

San Diego State University  
Parma Payne Goodall Alumni Center  
5250 55th Street  
San Diego, California 92182

#### **Wednesday, January 30, 2019, 5:30-7:30 p.m.**

San Diego Marriott Mission Valley  
8757 Rio San Diego Drive  
San Diego, California 92108

**Thursday, February 7, 2019, 5-7 p.m.**

San Diego Marriott Mission Valley  
8757 Rio San Diego Drive  
San Diego, California 92108

Consistent with CEQA guidelines, written comments can also be shared during the 30 day scoping period. All written comments received by February 19, 2019 will be considered. Please send written response to [mvcomments@sdsu.edu](mailto:mvcomments@sdsu.edu). Please provide the name of the contact person for commenting parties or agencies. Written responses may also be sent via mail to Laura Shinn, Director; Planning, Design and Construction; SDSU; 5500 Campanile Drive, San Diego, California 92182-1624.

## Past Meetings and Presentations

### *Off-campus*

- AGC Government Relations Committee
- Allied Gardens/Grantville Town Hall
- American Council of Engineering Companies
- American Institute of Architects
- American Society of Civil Engineers
- BIA Affordable Housing Committee
- College Area Community Council
- Carmel Valley Community Planning Group
- Carmel Valley Sponsor Group
- Citizens Coordinate for Century 3 (C3)
- Clairemont Democratic Club
- Cushman and Wakefield
- EDC Strategic Roundtable
- El Cerrito Community Council
- JLL
- Junto Dinner
- Kensington Talmadge Planning Group
- Kensington/Talmadge & Normal Heights Community Association
- La Jolla Rotary Club
- La Jolla Strategic Roundtable
- Mesa Colony Community Group
- Mission Hills Town Council
- Mission Valley Planning Group
- NAIOP

- Navajo Community Planners
- Normal Heights Community Planning Group
- North San Diego Business Chamber
- Pacific Beach Planning Group
- Point Loma Democratic Club
- Point Loma Optimist Club
- Rancho Bernardo Democratic Club
- Rolando Community Council
- Rotary Club of Del Mar
- San Diego Audubon Society
- San Diego County Democrats for Environmental Action
- San Diego County Taxpayers Association
- San Diego Hall of Champions
- San Diego Regional Chamber of Commerce
- San Diego Regional Economic Development Council
- San Diego River Conservancy
- San Diego River Park Foundation
- San Diego-Tijuana Urban Land Institute
- San Diego Tourism Authority
- San Diego Military Advisory Council
- Serra Mesa Community Planning Group
- Serra Mesa Planning Group
- Sierra Club
- Society for Marketing Professionals
- Tierrasanta Community Council
- Tierrasanta Kiwanis Club
- UCSD Osher Institute
- USD School of Business, policy advisory board

### ***On-campus***

- Academic Deans Council (SDSU)
- American Society of Interior Design-SDSU Student Chapter
- Associated Student Board of Directors
- Aztec Electric Racing Club
- AGC and CMA Student Chapter of SDSU
- Aztec Parents Association
- Beta Alpha Psi
- Campus Development Committee)

- College of Arts & Letters
- College of Arts & Letters Student Council (CAL Council)
- College of Business
- College of Business Council
- College of Education
- College of Education Student California Teachers' Association
- College of Engineering
- College of Engineering Student Council
- College of Extended Studies
- College of Health & Human Services
- College of Health & Human Services College Council
- College of Professional Studies & Fine Arts
- College of Professional Studies & Fine Arts College Council
- College of Sciences
- College of Sciences Student Council
- College Democrats
- College Panhellenic Association
- Corky McMillin Center for Real Estate Panel
- Council of Chairs (SDSU)
- Dance Marathon SDSU
- Epsilon Eta Environmental Honors Fraternity
- Faculty/Staff Open Forum
- Financial Planning Association
- Graduate Council
- Interfraternity Council
- Lamda Sigma Gamma
- Lamden School of Accountancy Advisory Board
- Los Angeles Regional Alumni Council
- Mechatronics
- Office of Housing Administration
- Orange County Regional Alumni Council
- Real Estate Society
- Rotaract SDSU Chapter
- School of Accountancy Advisory Board
- School of Journalism & Media Studies
- SDSU Alumni Board
- SDSU BRIDGES
- SDSU Informal Coffee reg. site plan release to campus community
- SDSU Osher Institute

- SDSU Planning, Design and Construction
- SDSU Project Management Team
- SDSU Research Foundation Board and Staff
- SJMS Faculty
- Student Accountancy Society
- Students for Public Health
- The Campanile Foundation
- University Senate
- University Senate Executive Committee
- ZIP Launchpad Advisory Board

## SDSU Mission Valley Email List

Sign up for the SDSU Mission Valley email list to receive timely news and other important updates.

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### ABOUT



5500 Campanile Drive  
San Diego, CA 92182  
Tel: 619-594-5200

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