

Torrey Pines Community Planning Board
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To: Shay Lynn M. Harrison, Chief Environmental Analysis, Planning Branch C
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Via email: I-5_SR_56_Interchange_Draft_EIR_EIS@dot.ca.gov

Date: July 17, 2012

Re: Draft EIR for the Interstate 5/State Route 56 Interchange Project

The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the California Department of Transportation – District 11 (Caltrans) Draft Environmental Impact Report (DEIR) for the Interstate-5/State Route 56 Interchange Project issued May 18, 2012. Pursuant to California Environmental Quality Act (CEQA) guidelines and as a Responsible Agency, we believe it is our obligation to provide feedback, observations, and critical analysis to the Caltrans – District 11. The TPCPB feedback will identify Omissions in the DEIR, Inadequacies in the submission, as well as Errors and Alternatives not considered. The TPCPB reserves the right to amend, under separate cover, this document as new details and research become available up until the end of the comment period ending July 17, 2012 or as part of the administrative record after public comment is closed.

Background

On January 10, 1995 the Council of the City of San Diego adopted the Torrey Pines Community Plan (TPCP) and the certified Environmental Impact Report No. 92-0126. On February 8, 1996, the California Coastal Commission certified the Torrey Pines Community Plan Update and on April 16, 1996, the Council of San Diego accepted and adopted the California Coastal Commission’s modifications to the Torrey Pines Community Plan.

The Executive Summary of the TPCP states, “the vision of this community plan is to provide the highest possible quality of life for residents and businesses while preserving the community’s unique natural environment.” Furthermore, the Planning Area is a community “rich in environmentally sensitive resources.” The community contains large areas of Torrey Pine trees, lagoons, wetlands, and canyons, which in turn provide habitat for several species of unique wildlife.

The TPCPB, as a duly elected agency, is responsible to both its current residents and future generations. Based upon the guiding principles of the Community Plan, the TPCPB is a steward for the land, air, water, and unique flora and

fauna that live within and surround our community. That which negatively impacts surrounding environments has a ripple effect on our fragile ecological systems.

The proposed I-5/SR-56 Interchange Project provides one No Build alternative and four build alternatives.

Alternative #1 -The so-called “No Build” Alternative actually includes a number of construction projects including, the I-5 NCC adjacent project that has to move forward under separate environmental document.

Alternative #2-Direct Connector joins westbound SR-56 to northbound (NB) I-5 and southbound (SB) I-5 with eastbound SR-56 via two-lane freeway-to-freeway connector ramps at an estimate cost of \$270 million dollars. This alternative would **eliminate the Carmel Creek Road off ramp**, replaces the Del Mar Heights Bridge (DMHB), directly impacts Portofino Circle, and includes construction of 17 retaining walls. Phase One of this alternative is the **realignment of Portofino Circle**, construction of retaining walls and the majority of the highway grading (removal of vegetated hillsides).

Alternative #3 - Auxiliary Lane, adds one auxiliary lane on southbound I-5 between Del Mar Heights Road (DMHR) and Carmel Valley Road (CVR). This alternative includes replacing the DMHB and is the least expensive proposal at \$95-\$115 million dollars. A major drawback of this alternative is the **removal of the Carmel Creek Road slip-off ramp**, which would require drivers headed EB to **use local street** alternatives to access Carmel Creek Road.

Question: *Does this new lane not start north of the DMHB at the northern end of Minorca Cove and is it included in the I-5 NCC DEIR?*

Alternative #4 – Hybrid connects westbound SR-56 to NB I-5 via a two-lane freeway-to-freeway connector ramp. The alternative adds one auxiliary lane on SB I-5 between DMHR and CVR while adding two lanes on westbound (WB) SR-56 and one lane on eastbound SR-56 between Carmel County Road and El Camino Real. This proposal has an estimated cost of between \$160- \$180 million dollars. This alternative includes the replacement of the DMHB, construction of 13 retaining walls, and **closure of the Carmel Creek off ramp**.

Alternative #5 – Hybrid with Flyover, connects WB SR-56 to NB I-5 via a two-lane freeway-to-freeway connector ramp, connects EB CVR to EB SR-56 via an on-ramp connector. It adds one auxiliary lane on SB-56 between DMHR and CVR. It adds two lanes on WB SR-56 and one lane on EB SR-56 between Carmel Country Road and El Camino Real. The alternative includes replacing Del Mar Heights Road overcrossing, adding 21 retaining walls, and **includes the closure of Carmel Creek Road off-ramp** at a cost of between \$205- \$225 million dollars.

The TPCPB comments will mainly focus on the proposed construction alternatives within its jurisdiction or community planning area. The relevant boundaries are the northerly San Diego City limits (Via De La Valle), Interstate 5, and the Sorrento Valley Industrial Park, the Pacific Ocean and the city of Del Mar. Sensitive environmental settings include the watersheds associated with the Los Penasquito Creeks and the San Dieguito River and lagoons. Other protected environments within our boundaries include the Torrey Pines State Reserve, Extension, and Crest Canyon.

We wish to thank you in advance for your careful consideration and review of the TPCPB’s specific comments. We look forward to your detailed responses to our comments, which are as follows:

Outline of Comments

- I. General Considerations and Comments
 - A. Torrey Pines Community Plan and its Relationship to the Caltrans I-5/SR-56 Interchange DEIR
 1. Transportation Element
 2. Visual Element

3. Mass Transit Element
- B. The City of San Diego General Plan –Mobility Element
- C. SANDAG 2050 & 2030 Regional Transportation Plans (RTP)
- D. Omissions and Errors in Caltrans DEIR
 1. Generated Traffic and Induced Travel
 2. I-5 NCC Project Direct Relationship to the I-5/SR-56 Interchange Project
 3. Impacts to Property Values and Tax Revenues
 4. Biased Data Analysis and Presentation – Overview
 - a. Noise Study Report
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 - a. Water Damage as a Result of Caltrans Construction
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 6. Parking Strategies Effect on Transit Usage
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II. Comments on sections of the Caltrans DEIR

A. Specific Projects

1. Noise Study and Sound Walls Overview
 - a. Del Mar Hills Academy of Science & Art – Sound walls for Playground and Athletic Fields
 - b. Non-Residential Cost Considerations
2. View issues
 - a. Overview of Visual Impact Assessment from 11/11/2011
 - b. Existing Scenic Resources Protection
 - c. Analysis of Key Views
 - d. Viewer Exposure - Tourism
 - e. Key View #2 – I-5 NCC and “Tunnel Effect”
3. Removal of Existing Eastbound SR-56 Slip Off-Ramp
4. Local Street Segments
5. Mobile Source Air Toxics (MSAT)
6. Stormwater Runoff and Water Quality

B. Cumulative Environmental Impacts

1. Environmental Justice
2. Climate Change legislation SB375 & AB 32 Compliance
3. Atherosclerosis (hardening of arteries) and traffic pollution
4. Asthma linkage to Freeway Pollution (ultrafine particles)
5. Human Impact Assessment (HIA)
6. Inadequate Consideration of Cumulative Impacts

III Conclusion

I. General Consideration and Comments

A. Torrey Pines Community Plan (TPCP) and its relationship to the Caltrans I-5/SR-56 DEIR

The Torrey Pines Community Planning Board asserts that the DEIR **is in error** as it has inaccurately and improperly assessed how this project affects the Torrey Pines Community. In particular, Caltrans has inadequately documented the many ways in which this project is in direct conflict with the TPCP as detailed in the following sections.

1. Transportation Element

Page 43 of the TPCP, states that Torrey Pines Community faces the challenge of planning and developing a transportation system that **emphasizes mass transit**, without disrupting the community's unique environment and the lifestyle of its residents. On page 45 under Goals, item 2: "Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines Community." Item 7, on page 46, is the key to this discussion: -"Provide a transportation system that **encourages the use of mass transit, rather than building and/or widening roads and freeways.**" On page 11, under Issues, is the following "The **need to reduce auto trips** and improve air quality regionally through the implementation of transportation demand management strategies, transit oriented developments and other measures."

Question: *What mass transit alternatives have been considered that support the Torrey Pines Community Plan and reduce freeway auto trips in our community?*

The Caltrans DEIR, in Chapter 3, comments on page 3.1-8 on the TPCP. Caltrans restates portions of the Transportation, Open Space, and Resource Management elements and on Table 3.1-1 only states that the project would "not impact open space". Caltrans has failed to address the TPCP Goals, Policies, and Specific Proposals as mentioned in the DEIR. The following questions relate to TPCP Transportation elements starting on pages 45 to 46 of our plan and require answers.

Questions:

- *How does the I-5/SR-56 Interchange project provide a transportation system that **maximizes** the opportunities **for public transit use**?*
- *What are the public transit system(s) provided by this project to the Torrey Pines Community?*
- *If no public transit systems are provided, why not?*

The TPCP Transportation Policy #5 on page 46 and restated in the DEIR on page 3.1-9, is concerned with not only negatively impacting adjacent open space but also **residential neighborhoods**. Caltrans states that project would not impact open space areas and would facilitate traffic circulation.

Questions:

- *How can there be no impact to adjacent open space when the I-5 could be 57 feet closer to area where families live and children play?*
- *Will there be retaining walls built below Del Mar Hills Academy? If yes, include effect on schoolchildren, especially related to increased noise levels.*
- *Has Caltrans taken into consideration the open space around and within the community of Point Del Mar in the Del Mar Terraces?*
- *What did the Noise Studies indicate?*

- *Does Caltrans consider the playground and athletic fields at the Del Mar Hills Academy to be ‘open space’?*
- *If so, why would there be no impact to this open space that is already less than 200 hundred feet from I-5? (measurement taken from Google maps with scale bar)*

Caltrans quotes from the TPCP Policy #5 but only the first part about open space and does not go on to discuss negative impacts on residential neighborhoods.

Question: *Does Caltrans mean to imply that there are no negative impacts to residential neighborhoods?*

The TPCPB asserts that the Caltrans DEIR **is in error** and has misinterpreted or ignored the intent of the TPCP Transportation Vision. The proposed Build Alternatives are not consistent with the goals of the TPCP. The DEIR project causes further encroachment on residential neighborhoods and amenities including the Del Mar Hills Academy, Del Mar Villas, Point Del Mar, and residents living along Portofino Drive. This encroachment will raise noise levels along the project corridor and reduce air quality as a result of increased particulate matter and other by-products of automobile pollutants.

2. Visual Element

On page 58, the TPCP speaks to the issue of **Visual impacts** that include permanent landform change as a result of newly cut slopes, fill slopes, bridge structures, traffic movement, and retaining walls. Under Residential Element on page 66 of the TPCP, a stated Policy #4, is “Residential neighborhood’s should be preserved and protected from encroachment by adjacent uses and the construction of public roads and utilities.”

Question: *How does this I-5/SR-56 Interchange project protect the residential Torrey Pines’ neighborhoods?*

This DEIR is particularly lacking in its handling of Visual Impacts. Under Specific Proposals on page 34 of the TPCP, Item 3 clearly states that development adjacent to the Reserve Extension should be designed to reduce visual impacts and that development should be low profile and screened from view by landscape buffers. Under VISUAL RESOURCES on page 118 of the TPCP, the overview states, “the State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance.”

The TPCPB advises Caltrans to review its own comments in the I-5/SR-56 Interchange DEIR on page 3.8-1. The six key views were selected to illustrate the most critical visual changes that would affect the largest number of viewers. Therefore, Caltrans is overemphasizing the visual impact on I-5 drivers and not local residents.

Questions:

- *Why is no consideration given to the Torrey Pines residents living next to the I-5 who views the highway directly from their homes on a daily basis?*
- *Why are there no key views looking across the I-5 from the East to West? Or West to East?*
- *Why are there no close-up views of the connector alternatives?*

In the I-5 NCC DEIR, under the heading, Expansive Paving with Large Walls and Structures, Caltrans states that each Build Alternative would increase pavement **appearing to double the width** of the existing freeway. This would be done for the most part within the existing right-of-way envelope, proportionally displacing landscaped roadside areas and adding **large retaining walls**. Adjacent to Portofino Circle and Casa Del Mar Apartments-Ruette le Parc could be sound walls and retaining walls of varying heights.

The TPCPB asserts that the Caltrans I-5/SR-56 Interchange project is in fact an integral component of the I-5 NCC master plan and that the issues raised by the TPCPB remain unanswered. Furthermore, major sections of the I-5 NCC DEIR relate directly to the I-5/SR-56 Interchange project.

Question: *How does Caltrans justify: that the creation of 33 to 40 foot high retaining walls, which are not low profile and that, **add enormous bulk and scale** within a natural public view shed supports the Torrey Pines Community Plan?*

Changing land mass forms from sloping tree-lined and vegetated hillsides to massive retaining walls creates a “tunnel effect”.

Question: *Would this I-5/SR-56 project not forever alter the unique visual qualities of the Torrey Pines region? If not, why not?*

3. Mass Transit Element

The TPCP is very clear in its goal of supporting Mass Transit whether it is light rail systems, commuter rail, or local bus service. The I-5/SR-56 Project supports the creation of more auxiliary lanes coupled with HOV and Value Pricing for Managed Lanes. Value Pricing is another option under Managed lanes that allows single occupant vehicles (SOV) to pay to use the Managed Lanes. The long-term plans are to convert all HOV lanes into Managed lanes.

Question: *Would Caltrans agree that allowing single occupant vehicles to use Managed Lanes is counterproductive to the much-supported concept of car-pooling? This issue will be discussed further under Environmental Justice.*

The Los Angeles-San Diego (LOSSAN) rail corridor is mentioned on Page: 2-5 of the DEIR, but no details are provided as to how this double-tracking project would be funded.

Questions:

- *How would SANDAG fund this double-tracking and possible tunnel under I-5 when billions are being taken out of the TransNet gas tax fund to support the I-5 NCC expansion and the I-5/SR-56 Interchange?*
- *How does the State of California plan to provide its portion of funding for this project?*
- *How does the I-5/SR-56 Interchange DEIR adequately inform the public of the impacts the LOSSAN rail project in conjunction with adding more highway lanes will improve regional mobility?*
- *Why is there no quantified comparison of rail trips and vehicular travel?*
- *How would the LOSSAN project reduce/impact highway trips?*

In Section 1.3, of the I-5 NCC DEIR, “Need for the Project”, Caltrans states, “even with the proposed improvements to the rail corridor, capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030”.

Question: *Why are there no data related to the reduction of diesel truck hauling that would be replaced with Freight movement along the LOSSAN?*

The TPCPB asserts that the I-5 NCC and I-5/SR-56 project which purports to provide a better service level, decrease congestion, and reduce travel time, is in fact a **disincentive to the public to use a multi-modal transit system**.

It is the intention of the TPCPB to further expand comments and critical analysis within Part II, Specific Projects and where possible provide antidotal evidence to refute assertions made by Caltrans within this DEIR.

B. The City of San Diego General Plan –Mobility Element

The City of San Diego General Plan, March 2008, is another key official citywide document that relates directly to the I-5/SR-56 DEIR. Under Section B, “Transit First”, starting on page ME-16, the City states that “a primary strategy of the General Plan is **to reduce dependence on the automobile** in order to achieve multiple and inter-related goals including: increasing mobility, **preserving and enhancing neighborhood** character, improving air quality, reducing storm water runoff, reducing paved surfaces, and fostering compact development and a more walkable city. Expanding transit services is an essential component of this strategy.” Furthermore, the Regional Transit Vision (RTV), adopted as a part of the 2030 Regional Transportation Plan (RTP), calls for development of a fast, flexible, reliable and convenient transit system.

The TPCPB asserts that the I-5/SR-56 DEIR is in error as it has inaccurately and inadequately assessed the degree to which this project fails to support the San Diego General Plan and actually detracts from accomplishing the Plan’s stated goals. To more fully assess the compatibility of this project with the City of San Diego General Plan, Caltrans, and the DEIR needs to answer the following:

Questions:

- *Why does this project seek to encourage automobile travel by providing more General Purpose lanes?*
- *Why does this project include various configurations of Managed Lanes, which encourage Single-Occupancy Vehicles and therefore does not reduce the dependence on the automobile?*
- *How will the creation of massive retaining walls within Torrey Pines enhance or preserve neighborhood characters and what steps are planned to mitigate the destruction of scenic views in the Torrey Pines Community?*
- *As some sound walls are not considered “feasible” by Caltrans, what are the anticipated effects on quality-of-life for the residents of the Torrey Pines Community?*
- *How does this project reduce **paved surfaces**?*
- *How does this project improve **air quality**?*
- *How does this project foster compact development or support the City of Villages strategy?*
- *Why has Caltrans designed this project to encourage regional sprawl and long commute distances by single occupant vehicles?*

The TPCPB asserts that the DEIR is in error in claiming that this project supports Mass Transit.

Questions:

- *How can this project support mass transit if the San Diego –LOSSAN Rail Corridor improvements remain unfunded and if this project reduces available funds for such a project?*

- *Where are the MTS bus service plans that document the intent to provide services along this corridor in response to this project?*
- *What agreements are in place with MTS regarding mass transit services along this planned corridor as a result of this project?*

C. SANDAG 2050 and 2030 Regional Transportation Plan (RTP)

The TPCPB contends that this project is in conflict with the goals and philosophy of the 2030 and 2050 RTP and that the DEIR misrepresents the degree to which this project supports regional transportation goals of the SANDAG Communities. **The supporting statistical data and quotes are taken from the Executive Summary RTP, the complete RTP, the new Growth Forecast Update issued in August of 2008, and MOBILITY 2030.** The I-5/SR-56 DEIR ignores the SANDAG 2030 RTP, which states, **“we can’t build our way out of traffic congestion.”**

Furthermore, “traffic congestion in San Diego will worsen over time unless we take actions to directly address travel demand and have options to get people out of their single occupant vehicles, especially during peak travel periods.” SANDAG’s 2050 RTP does not reject or dispute the philosophy set out in the prior RTP. TPCPB would like to point out that the 2050 RTP is being challenged in court by the State Attorney General and the Sierra Club.

The **Pillars** supporting the 2030 RTP and Mobility 2030 Plan states, “during the next 30 years, we can expect more than a million new neighbors. We will create half million more jobs and need to build 340,000 new homes.” These are the statistical pillars that support the findings of the 2030 RTP. It is critical to examine how this growth will be supported.

Philosophy espoused by the Mobility 2030 plan

- Provide options to get people out of their single occupant vehicles, currently 80% drive alone.
- *The Most Bang for the Buck* –make the regional transportation network the **highest priority** for regional transportation **funding**.
- *Think before You Build* –evaluate all reasonable non-capital transportation improvement strategies **before pursuing major expansion to roadways**.
- *Smart Growth Carrots* –**use regional transportation funding** as an incentive for smarter land use.

The more up-to-date 2050 RTP is much more in keeping with the ‘sea change’ in the everyday lives of residents in the San Diego region. This radical, fundamental transformation has evoked a profound change in our life style, economics, and mode of transportation and where we choose to live. The TPCPB asserts that the I-5/SR-56 DEIR is based upon faulty traffic estimates due to a dramatic change in regional housing needs as outlined in the 2050 Regional Growth Forecast

Projected Housing Needs as detailed in the 2050 Regional Growth Forecast, as outlined in SB 375, requires that the Sustainable Communities Strategy (SCS) identify areas sufficient to house projected population growth within the region, and sufficient to house an eight-year projection of the regional housing need for the region as determined through the Regional Housing Needs Assessment (RHNA) process for the 2013-2020 housing cycle.

SANDAG’s October 19, 2010 Agenda for the Regional Planning Stakeholders Working Group has a thorough discussion of this topic on page 69 under Meeting Projected Housing Needs. The San Diego region has shown a significant increase in residential capacity since the preparation of the 2030 Forecast used in the 2030 RTP. “While the 2030 Forecast had an unmet need of nearly 100,000 homes to 2030 (which was addressed by **assuming significant interregional commuting into the region** from Riverside and Imperial Counties and Baja California,

Mexico), the 2050 Forecast provides sufficient capacity to accommodate more than the estimated 388,000 housing units needed to house projected population growth, and result in **only minimal interregional commuting.**”

“The 2050 Forecast shows that 80 percent of the 388,000 new homes projected to be built will be attached housing –with planned capacity of about 213,000 units at 30 dwelling units per acre and about 70,000 units at 20-29 units per acre.”

Questions:

- *With **only minimal interregional commuting**, why has Caltrans not taken these new projections into consideration?*
- *How has Caltrans determined the regional transportation impact of increased housing density and the need for more mass transit opportunities versus freeway expansion?*

The TPCPB asserts that Caltrans has failed to follow the guiding philosophy of the Mobility 2030 Plan especially the **“Think before You Build”** and **“The Most Bang for the Buck”**.

The TPCPB considers this a necessary and critical step in determining that all alternatives have been scrutinized. Although the DEIR is directly related to the widening of I-5 and SR-56, there should be a focus on the policy objectives established in the 2030 Mobility plan. It is worth repeating that a key Mobility Policy objective is to **“Minimize drive alone travel”**.

The following **questions** need to be thoroughly explored and answered by the I-5/SR-56 DEIR.

- *In what ways does this project align with the policy objectives of the SANDAG 2030 Mobility Plan?*
- *What will be the financial impacts of this project on real estate values, salability, and livability in the Torrey Pines Community and others within the corridor?*
- *For each alternative, how will noise be attenuated during both the proposed construction and final phase?*
- *What is Caltrans’ understanding of the expression “the Most Bang for the Buck” scenario?*
- *Why has the use of moveable traffic lane dividers, like those used on nearby I-15, not been included as an alternative to widening I-5?*
- *Would Caltrans agree that the EIR process should not be considered complete until all new relevant data and trends have been analyzed with special emphasis placed on viability of the 2030 MOBILITY plan?*
- *Has SANDAG’s commissioned report, Parsons Brinckerhoff for the 2050 Regional Transportation Plan entitled “Lessons Learned from Peer Regions” been reviewed, studied, and applied to the proposed plans?*
- *To what extent have the recommendations of this above report been considered in the DEIR?*
- *In the above report, the “Overarching Themes” relates to reducing Parking requirements in transit-supportive communities. The Brinckerhoff report on page 28 states “Abundant and inexpensive parking have proven to be key deterrents to transit use.” How does the prospect of future urban development with stricter and more limited parking impact the need for more general-purpose lanes or managed lanes?*

D. Omissions and Errors in I-5/SR-56 DEIR

1. Generated Traffic and Induced Travel

Question: *Why has the DEIR omitted any source studies that counter the notion that building more highway capacity reduced congestion?*

The TPCPB easily found scientific research that addresses this issue. For example, a June 4, 2010 report by Todd Litman of the Victoria Transport Policy Institute titled “Generate Traffic and Induced Travel –Implication for Transport Planning”. All References and Information Resources can be found at www.vtpi.org/gentraf.pdf

In the Abstract section of the above referenced report, it is made crystal clear that as “road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth”. The additional travel is called “generated traffic” and consists of diverted traffic (trips shifted in time, route and destination), and induced vehicle travel (shifts from other modes, longer trips and new vehicle trips). Research indicates that generated traffic often fill a significant portion of capacity added to congested urban roads.

On page 2 of the Introduction, it states:

“Generated traffic reflects the economic ‘law of demand,’ which states that consumption of a good increase as its price declines. Roadway improvements that alleviate congestion reduce the generalized cost of driving (i.e., the price), which encourages more vehicle use. Put another way, most urban roads have *latent travel demand*, additional peak-period vehicle trips that will occur if congestion is relieved. In the short-run generated traffic represents a shift along the demand curve; reduced congestion makes driving cheaper per mile...in terms of travel time and vehicles operating costs. Over the long-term induced travel represents an outward shift in the demand curve as transport systems and land use patterns become more automobile dependent, so people must drive more to maintain a given level of accessibility to goods, services and activities (Douglas Lee 1999).”

On page 4 of the report, please see the statement:

“Project planners are primarily concerned with traffic generated *on the expanded road segment*, since this affects the project’s congestion reduction benefits. Others may be concerned with changes in *total vehicle travel* (induced travel) which affects overall benefits and costs. Over the long term, an increasing portion is induced travel. Adding roadway capacity can reduce the network’s overall efficiency, phenomena called *Braess’s Paradox* (Youn, Jeong and Gastner 2008).

Highway capacity expansion can induce additional vehicle travel on adjacent roads (Hansen, et al. 1993) by stimulating more dispersed automobile-dependent development.”

Question: *Would not the long-term impacts include increased automobile dependency that can lead to degraded walking and cycling conditions, reduced public transit service quality, and reduced respect for alternative modes of transport be the final unwanted outcome(s) of this I-5/SR-56 project?*

And on page 6, under the heading “Measuring Generated Traffic”, various studies are referenced that have examined the amount of traffic generated by specific projects are discussed.

- Cervero (2003a & b) used data on freeway capacity expansion, traffic volumes, and geographic factors in California. He estimated that about “80% of additional roadway capacity is filled with additional peak-period travel, about half of which (39%) can be considered the direct result of the added capacity.
- Robert Noland (2001) found that 50% of the increased roadway capacity is filled with added travel within about 5 years and that 80% of the increased roadway capacity will be filled eventually.

- The medium-term elasticity of highway traffic with respect to California highway capacity showed that 60-90% of increased road capacity is filled with new traffic within five years (Hansen and Huang 1997). The research concludes, “it appears that adding road capacity does little to decrease congestion because of the substantial induced traffic” Hansen 1995).
- Table 2 (on page 7) entitled “Portion of New Capacity Absorbed by Induced Traffic”, shows that Long-term (3+years) capacity is absorbed from an average of 60% to 90% over this time-span.
- What is even more troubling is the finds of Noland and Mohammed A. Quddus (2006) that “increases in road space or traffic signal control systems that smooth traffic flow tend to induce additional vehicle traffic which quickly diminish any initial emission reduction benefits.”

Question: *Does not this I-5/SR-56 Interchange Project actually increase automobile and truck traffic and harmful emission in the long run? If not, then why does the DEIR not provide data to prove otherwise?*

Under **Land Use Impacts** on page 13, the report continues: “...highway improvements tend to encourage lower-density, automobile-oriented development at the urban fringe, while transit improvements tend to encourage higher-density, multi-modal, urban redevelopment.”

On Page 22, Roy Kienitz, executive director of the Surface Transportation Policy Project stated, “Widening roads to ease congestion is like trying to *cure obesity by loosening your belt*.” The report continues: “Highway expansion advocates ignore or severely understate generated traffic and induced travel impacts.” Advocates claim that roadway ‘capacity expansion reduces fuel consumption, pollution emissions and accidents, because they measure impacts per vehicle-miles and ignore increased vehicle miles. As a result they significantly exaggerate roadway expansion benefits and understate total costs.” And: “Some highway advocates suggest there are equity reasons to subsidize roadway capacity expansion, to allow lower-income households access to more desirable locations, but most benefits are captured by middle- and upper income households” (Deakin, et al. 1996).

Under the section titled **Alternative Transport Improvement Strategies**, starting on page 24, the report continues: “...A “No Build” option may become more attractive since peak-period traffic volumes will simply level off without additional capacity. This can explain... why urban commute travel times are virtually unchanged despite increases in traffic congestion, and why urban regions that have made major investments in highway capacity expansion have not experienced significant reductions in traffic congestion (Gordon and Richardson 1994; STPP 1998).”

The Generated Traffic study ends by asking, “Would you rather spend a lot of money to increased road capacity to achieve moderate and temporary congestion reduction and bear higher future costs from increased motor vehicle traffic, or implement other type of transportation improvements? The preference for road building might disappear.” Caltrans is asking people “Do you think traffic congestion is a serious problem”? And then saying the I-5 NCC and I-5/SR-56 Interchange solves congestion problems by expanding the roadway.

Under CEQA Guidelines 15151, a “good faith effort at full disclosure” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Caltran has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB asserts that Caltrans has failed to provide this “**good faith effort**” and has ignored a vast body of evidence that supports the superiority of the “No Build” alternative as compared to any of the other I-5/SR-56 Alternatives.

The TPCPB considers the DEIR to be in error and to have a major omission in its failure to factor in the concept of generated traffic into the project analysis. In addition to addressing this major omission, the TPCPB seek a response to each of the following:

Questions:

- *Why has the well-established concept of generated traffic and induced travel been ignored?*
- *How would consideration of these concepts alter the claimed benefits of this project?*
- *What would be the additional carbon load and GHG emissions resulting from generated traffic and induced travel?*
- *What would be the additional fuel consumption resulting from the generated traffic and induced travel?*

2. I-5 NCC Project direct relationship to the I-5/SR-56 Interchange Project

In Chapter 3 of the I-5 NCC, on page 3.25-4 /Table 3.25-1: Cumulative Projects, the I-5/SR-56 Direct Connectors are listed as Caltrans Project 11. In our response to the I-5 NCC DEIR, the TPCPB asked, “*Why was Project 11 not included under S.8 Other Projects and Considerations on page S-16?*” We again ask the same question.

The TPCPB had two seats on the Caltrans I-5/SR-56 subcommittee and has been involved for several years as active participants. Even under the I-5/SR-56 “No Build” Alternative, it states that the project includes the completion of the I-5 NCC project. If the I-5 NCC project is not built the I-5/SR-56 project would not move forward. Today, Caltrans claims that the projects are independent of each other.

Questions:

- *If the Attorney General of California’s legal action against the SANDAG 2050 RTP were upheld, what would the impact be on either the I-5 NCC or SR-56 Interchange project?*
- *If the I-5 NCC project cannot move forward due to legal actions or funding considerations, does Caltrans intend to move forward with the I-5/SR-56 Interchange even though there would be no shared costs saving for the I-5 NCC?*

Caltrans has failed to apply the Code of Federal Regulations (CFR) – Title 40: Protection of Environment, Chapter V, Part 1502.4 (a) - Federal actions requiring the preparation of environmental impact statements, correctly. Part 1502.4 (a) states “Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.” Part 1502.4 (b), states, “agencies shall prepare statements on broad actions so that they are relevant to policy, and timed to coincide with meaningful points in agency planning and decisionmaking.” Part 1502.4 (2) states that “generally, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.”

Question: *How does this I-5/SR-56 Interchange project comply with 40 CFR 1502.4, when the I-5 NCC, Project is not included?*

The TPCPB asserts that Caltrans has failed to properly include the I-5/SR-56 Direct Connectors, Project 11, as an integral component of the I-5 NCC DEIR as outlined in 40 CFR 1502.4. Original cost estimates for the I-5/SR-56 project were approximately \$300 million. During the I-5 NCC process, the I-5/SR-56 Interchange costs were substantially reduced to approximately \$110 million as shared costs for this project had been absorbed into the I-5 NCC project.

Questions:

- *What are the shared cost savings between the two projects?*
- *Why have the costs again risen to the original \$300 million for Alternative #2 Direct Connector (\$250-\$270 million)?*
- *Have savings been taken out of the original proposed SR-56 lane expansion and are they now included in the I-5/SR-56 Interchange project?*
- *How is the failure to include full consideration of the I-5 NCC project in the DEIR not considered to be a significant omission?*

3. Impacts to Property Values and Tax Revenue

In the Community Impact Assessment Technical Study for I-5 NCC, Caltrans states, “there would be no residential or business displacements within San Diego that would directly affect property values.” This same statement holds true for the I-5/SR-56 project, but on a smaller scale.

Questions:

- *How is this not a patently false assertion? Residents along this project corridor within Torrey Pines and Carmel Valley are already contemplating negative property value impacts as a result of the mere consideration of this project.*
- *Can Caltrans point to other projects in San Diego County where large retaining walls and direct connectors have been added in built-out residential communities?*
- *What have been the effects on property values to those residential communities as a result of such construction?*

Furthermore, residential properties immediately adjacent to I-5, in addition to those properties that would experience a partial loss of land to the proposed alternatives, will likely experience direct negative effects to property values as a result of I-5 /SR-56 Interchange project coupled with the I-5 NCC expansion. Residential areas that would become closer to I-5 and the proposed retaining walls and sound walls, especially if these walls are built on easements donated by property owners, could experience a decrease in property values.” Caltrans then makes a disingenuous statement that “it may be possible that the proximity to I-5 and installation of sound walls would improve property values, creating an environment with reduced traffic-related noise and a relative separation from the freeway.” Caltrans claims that “when viewing the proposed project along the entire I-5 NCC and the improvement to the region as a whole, property values will likely improve.”

Question: *Where are the realistic data to support this dubious contention?*

The TPCPB requests that a study be commissioned to ascertain, what the estimated short and long-term impact to property values would be within Torrey Pines and Carmel Valley. This study should include all properties within 1,000-feet of the proposed I-5/SR-56 project.

Question: *How is the absence of such analysis not considered to be a significant omission?*

Caltrans states under Impacts to Tax Revenue, 3.2.1.5, in the I-5 NCC DEIR that “impacts associated with the removal of residential and business property by ROW takes can result in losses to property and sales tax revenue for the local jurisdictions. “No properties within San Diego would be removed and thus no adverse tax revenue impacts.” Again, the TPCPB asks the same unanswered questions about the I-5/SR-56 project. The TPCPB asserts that Caltrans is in error and has not taken into consideration the impact of property value reductions owing to the combined I-5 and SR-56 project’s proximity to large tracts of high value residential homes bordering I-5.

Lastly, while under CEQA economic or social impacts of a project need not be analyzed, the extent they are part of a chain of “cause and effect” leading directly or indirectly to adverse physical changes in the environment is required. The EIR fails to evaluate the potential physical environmental impacts associated with blight that may result from the construction of the project to the surrounding area.

Questions:

- *Why hasn’t Caltrans provided a study that addresses this future loss of property value and the estimate percentage loss of residential value?*
- *Why should this study not correlate this percentage to a dollar figure in lost property taxes within the City of San Diego?*
- *Has Caltrans studied how many residents may move away from the impactful health risks associated with this project?*
- *Has Caltrans studied the possibility of urban decay and the resultant environmental impacts associated with the implementation of the project?*
- *Why has Caltrans failed to provide the research that supports their statement that most people relocate within the same jurisdiction?*
- *Has Caltrans prepared studies that confirm that bigger freeway system lead to new development and regional sprawl? If not, why not?*

4. Biased Data Analysis and Presentation - Overview

The I-5/SR-56 Interchange DEIR contains many examples of bias and fails to present a balanced and rigorous assessment of potential impacts of this project as required explicitly by the National Environmental Policy Act (NEPA) and CEQA. The DEIR is unacceptable in its entirety and various technical studies supporting the DEIR have used flawed and biased methodologies that greatly underestimate the likely impacts of this project.

For brevity, a few examples of bias and error are described here and only represent a small fraction of the misleading and incorrect statements that are not supported by facts or study. On Page S-8, of the I-5 NCC Caltrans claims that reconfiguration would “improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway.” The same claims are made regarding the I-5/SR-56 Interchange project, on Table ES-1 no page ES-7. Item 3.3 Community Cohesion and Charter, all Build Alternatives state “Positive impact to community cohesion”. The rest of the line goes on to say “Community character b”. TPCPC asserts that Caltrans has failed to include the negative impacts of noise, air pollution, and quality-of-life.

Questions:

- *Exactly how does Caltrans define connectivity?*

- *What tangible evidence is provided to the reader?*
- *What studies have been provided to support this claim?*
- *What community input, in the Torrey Pines and Carmel Valley area, is available to support that connectivity is in fact an issue?*

The National Environmental Policy Act (NEPA), under Title 40 Sec. 1502.14, is very clear on what actions must be taken when preparing a DEIR. “This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section, agencies shall:

- Rigorously explore and **objectively evaluate** all reasonable alternatives, and for alternatives, which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- Include **reasonable alternatives not within the jurisdiction of the lead agency**.
- Include the alternative of no action.
- Identify the agency's preferred alternative or alternatives**, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- Include appropriate mitigation measures not already included in the proposed action or alternatives.”

The I-5/SR-56 Interchange DEIR has largely avoided addressing these mandatory items under NEPA.

Question: *What are Caltrans' answers to items a-f above?*

In addition, the Council for Environmental Quality highlights the “40 most asked questions.” about NEPA including the following:

Q. “4c. Who recommends or determines the “**preferred alternative?**”

A. “The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.

Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, the statement **must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable and feasible alternatives.**”

The TPCPB asserts that Caltrans has not provided the public with a clear understanding of which Alternative is Preferred and has dismissed other non-highway solutions by failing to provide adequate supporting details. The DEIR, as presented, fails to follow the edicts of NEPA and CEQA in either form or intent and should be withdrawn. The communities of Torrey Pines and Carmel Valley first need their questions answered from the I-5 NCC DEIR in order to move forward and fully understand the impact of the combined I-5 projects.

4. a. Noise Study Report

As part of the I-5/SR-56 DEIR, a **Noise Study Report** (NSR) was completed in January 2010 that analyzed traffic noise impacts along I-5 from Carmel Valley Road north to Del Mar Heights Road. A Noise Abatement Decision

Report (NADR) was completed in April 2010. The NADR determines the reasonableness of the noise abatement feature and summary results were provided on Table 3.

The presentation is very misleading and biased. Caltrans assumes construction of noise abatement features on all of the Build Alternatives while assuming NCC project is built but **does not include noise abatement features**. This caveat is in small print footnotes. Therefore, Caltrans makes the No Build alternative appear to be the worse option by not putting all alternatives on equal footing.

The second biased presentation on Table 3 relates to the concern of 'Severely Impacted' residents. Caltrans defines severe noise impact of exterior noise levels to equal or exceed 75 dBA. A residence is considered to be impacted if the noise level approaches or exceeds the Noise Abatement Criteria (NAC) of 67 dBA. All of the Build Alternatives show zero (0) % Severely Impacted while No Build indicates 1% Severely Impacted. Again, 'apples and oranges' biased data with noise abatement features only included with Built Alternatives. Caltrans states, "the North Coast Project noise barriers were not included in the No Build Alternative because the **noise barriers have not been approved through the environmental process.**"

Questions:

- *How is the public expected to ascertain which Alternative(s) provides the best Noise Abatement when all the alternatives are not equally presented?*
- *Why does Table 3: Summary of Noise Impacts, not present information on the 'other residences impacted above 67 dBA but not over 75dBA'?*
- *Why has Caltrans chosen to present such misleading data?*
- *What assurances does the public have that noise barriers will be provided for the I-5/SR-56 project?*
- *If the proposed I-5/SR-56 Interchange soundwalls fails the "reasonable cost test", what would the sound study results indicate about impacted and severely impact residences?*
- *Why have the noise impacts for the No Build alternative been made assuming construction of the I-5 widening while not for the other alternatives?*
- *What would be the noise impacts on the Build Alternatives if the I-5 widening is assumed?*
- *If the I-5 widening has an important impact on noise why has Caltrans not included its consideration in this EIR?*

The TPCPB asserts that Caltrans has not provided the public with a clear understanding of which Alternative would provide the maximum noise abatement protection and that adequate supporting details have not been provided. The DEIR, as presented, fails to follow the edicts of both NEPA and CEQA in either form or intent and should be withdrawn. The communities of Torrey Pines and Carmel Valley first need their questions answered from the I-5 NCC DEIR in order to move forward and fully understand the impact of the combined I-5 projects, especially since Caltrans clearly states "the **noise barriers have not been approved through the environmental process**", for the I-5 NCC project.

Because the noise impacts of this project are not considered together with those of the planned I-5 NCC widening this I-5/SR-56 EIR is significantly flawed, has serious omissions and does not meet industry standards of care for an EIR. The noise measurements presented in Appendix A were taken in 2004 and 2007 well before the recent widening of the I-5 and additional lanes.

The TPCPB considers the DEIR to be error in the application of the Sound2000 noise model as the modeling contains significant simplifying assumptions that are not true, and uses an outdated methodology. The

executive summary of the noise model reports that the noise modeling along I-5 was not calibrated “because of the major changes proposed to be made to I-5”.

Questions:

- *How does data collected in 2004 and 2007 represent current conditions?*
- *Why has a new study not been conducted following a significant change to the I-5 in the study area that included changes to the side slopes and addition of lanes?*
- *How can modeling of noise impacts for the I-5/SR-56 Interchange be reliable when the baseline for the model is neither current nor representative of current conditions?*
- *How can a model that is not calibrated be expected to provide valid projections for noise levels for a future road design?*
- *If the I-5 widening has an acknowledged influence on this project, why are the two projects being proposed and analyzed as separately?*
- *Why have the noise impacts for the No Build alternative been modeled using Sound2000 rather than the currently accepted TNM model used for the Build Alternatives?*
- *Are the Sound2000 project noise levels higher than would have been projected by the TNM model?*
- *How can Caltrans predict noise levels accurately using outdated models that take no account of the changes in slopes along the I-5?*
- *What effect on noise levels will be created by replacing sloping vegetated slopes with vertical hardscape features including 40 foot retaining walls and an increased number of lanes?*
- *Did the noise modeling of the Build Alternatives incorporate the addition of lanes planned in the I-5 widening?*
- *Why has Caltrans selected “Lawn” as the appropriate ground adsorption category?*
- *What difference would the selection of a less absorptive ground surface have on model results?*
- *Wouldn’t a harder surface ground absorption factor be more representative of a residential neighborhood with paved landscaping?*

5. Geotechnical

The maximum height of the retaining wall presented in Table 12 of the geotechnical report for the southbound I-5 is 14 meters.

Questions:

- *Does the geotechnical investigation take into account the anticipated widening of the I-5 in its assessment of geotechnical stability of the retaining walls on the west side of the I-5?*
- *In the event of a catastrophic failure of the planned 10 to 14 meter high retaining walls along the southbound I-5, how many residences are at risk of damage to foundations or collapse?*
- *Do the proposed retaining walls create a potential failure plane that would result in ground subsidence beneath the residential properties that are located on the west side of I-5?*
- *Has consideration been given to what would happen to the geotechnical stability of the retaining walls if surface street water main breaks occur?*

- *How will irrigation of residential backyards be handled/re-routed to force the water towards the street(s)?*
- *Since sub-surface easement tiebacks are required under the Direct Connector Alternative beneath 8 homes located on Portofino Drive, will Caltrans use eminent domain to seize the homes if no agreement is reached with property owners?*
- *Has Caltrans studied how each Alternative will impact of the underground spring that lies beneath the Point Del Mar community? If not, why not?*

5. a. Water Damage as a Result of Caltrans Construction

TPCPB is aware of significant water issues/damages resulting from Caltrans construction and a legal settlement between Caltrans or its agent(s) and property owners for the properties located at 11803 Sorrento Valley Road and the entire 3300 block of Industrial Court in San Diego.

It is our understanding that after the construction of the multi-story retaining wall behind the properties on Industrial Court, ground water started seeping into building foundations and pooling around the various premises. The exact cause(s) have not been divulged but a site visit on July 11, 2012 revealed a significant volume of water running and pooling in the area (at a time when there has been no measurable rain for several months). While the property owners have been compensated, the community is now suffering as a result of unsightly run-down property with temporary fencing and uncontrolled growth. See photos attached as Exhibit A (photos were taken on July 11, 2012).

The I-5/SR-56 Interchange Build Alternatives include construction of large retaining walls, underground structures to support bridge connectors, easements under private property to attach 'anchors' to retaining walls/hillsides, and removal of hillsides. Also, TPCPB is aware of a 'natural spring' located at or by the Point Del Mar housing complex. Caltrans does not raise this issue of Mitigation measures nor Caltrans' legal reasonability and obligations if a similar event occurs during or after the proposed construction of the I-5/SR-56 Build Alternatives. The TPCPB is requesting the following questions be answered.

Questions:

- *What has Caltrans learned regarding the cause(s) of the ground water damage created by the construction of large retaining walls and sub-terrain support structures?*
- *What mitigation measures were attempted to resolve the water problems?*
- *If similar issues were to occur during the proposed construction of I-5/SR-56 Interchange project, would Caltrans agree to settle the issue without the need for a lawsuit?*
- *Is the sub-strata around the I-5/SR-56 similar to the soils found at Industrial Court?*
- *What issues were raised during the I-5/I-805 DEIR related to soil stability/instability?*
- *How does the soil along I-5/SR-56 in the project area compare to soil along the I-5/I-805 retaining wall by Industrial Court?*
- *What contingencies and/or reserves has Caltrans set aside to resolve similar issues resulting from this project?*

One of the reasons Caltrans rejected the "tunnel alternative" was a 'high' water table and threat of soil liquefaction due to earthquakes.

Question: *Why has Caltrans not raised these same concerns and issues about the Build Alternatives?*

5. b. Highway Pavement Distress Study in the I-5/I-805 Area

TPCPB is aware of significant pavement distress at the I-5/I-805 merge and a report/study conducted by Diaz Yourman & Associates which stated:

“It was found that major reasons for such distresses were ascribed to heavy rain storms, shale material degradation, construction quality, landslide movement, etc.”

Questions:

- *Is the sub-strata around the I-5/SR-56 Interchange project similar to the soils found at the I-5/I-805 merge?*
- *What has Caltrans learned regarding the cause(s) of the highway pavement distress in this area that will prevent similar issues with the I-5/SR-56 Interchange project?*
- *What mitigation measures have been attempted to resolve the pavement issues?*
- *What issues were raised during the I-5/I-805 DEIR related to soil stability/instability?*
- *What contingencies and/or reserves has Caltrans set aside to resolve similar issues resulting from this project?*

6. Parking Strategies Effect on Transit Usage

The I-5/SR-56 Interchange DEIR omits any serious consideration of the impact that Parking Strategies have on Transit Usage. SANDAG has done considerable research on parking restrictions/policies as an inducement to increase transit usage and transit mode share.

Questions:

- *Why has Caltrans failed to include information from SANDAG’s 2010 Parking Policies for Smart Growth?*
- *How is it not reasonable to work first in collaboration with affected communities through out San Diego County, and develop guidelines for parking availability and pricing for various jurisdictions before presenting the I-5 NCC project and I-5/SR56 project?*
- *How would it not make more sense to first initiate regional educational programs regarding the effects of free parking on congestion and mode choice?*

“Smart Growth” studies and experience across the country and including SANDAG’s 2010 Trip Generation for Smart Growth study, have concluded that smart growth development leads to a “reduction in vehicle trip generation and a higher transit, pedestrian and bicycle mode share.”

Question: *Why does this I-5/SR-56 project fail to support the SANDAG Smart Growth policies?*

Caltrans has excluded any mention of “form-based building codes” which SANDAG supports. SANDAG has established a regional policy basis for adoption of local form-based codes through its Smart Growth Design Guidelines including Multimodal Street – “describing how to create streets that balance the needs of all modes of transportation.”

Question: *Why has Caltrans failed to review this policy and adhere to the Smart Growth Guidelines?*

7. Alternatives Not Considered

The Melbourne Australia CityLink is an outstanding example of how **imaginative design** can tackle a problem (sound mitigation) and produce a practical and attractive solution. Its main structural element is a pair of sweeping, curved, and tapered C-shaped elements that are 140 feet wide and soar to 26 feet above the middle and is 985 feet long. It is done in a galvanized steel finish.

Questions:

- *Why has Caltrans chosen standard acoustic walls that are unsightly and do not effectively attenuate proposed freeway noise?*
- *Why wasn't a similar sound tube considered for the I-5/SR-56 portion running through Torrey Pines?*
- *Why has Caltrans failed to consider the alternative of **cars-only parkways** that were developed around New York, Connecticut and the Washington DC area? Such parkways can be built with narrower lanes and lower overhead clearance at underpasses. All car roads can be designed with more forgiving standards for sight distances, curvature, grades, and ramp design. The weight mismatch between tractor-trailers and a car makes many collisions fatal to car occupants.*
- *Why has Caltrans failed to consider **truckways** that would separate cars from trucks and allow for Longer Combination Vehicles that can haul up to 50 % more payload?*

Many more **Innovative Roadway Design** features can be reviewed in Peter Samuel's report called "Reason Foundation - Innovative Roadway Design –Making Highways More Likable". This paper states, "many of our highways have **gotten too big**, not because anyone wanted them to be that way, but because widening existing highways was the **simplest thing to do.**" "Highways needn't get ever wider."

The TPCPB asserts that the I-5/SR-56 project has failed to consider innovative design alternatives and has not met the standards set forth under CEQA. Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

Question: *Why was Caltrans failed to consider innovative design alternatives?*

8. Impacts to Arterial Streets within the Torrey Pines Community

The populations of Torrey Pines and the City of Del Mar are not contributing to the increased traffic. The populations of Torrey Pines and Del Mar will not substantially increase in the future. These communities are mature in the sense that there is very little developable land remaining. Our communities will not be contributing to the increased traffic conditions; however, we will be living with the results of being forced to deal with more traffic on our arterial streets.

Questions:

- *How is it not reasonable to conclude that the I-5/SR-56 Project will force additional traffic to the major and minor arterial streets in the Torrey Pines Community?*
- *Won't this happen at a minimum of two different phases of the project?*
- *During construction, would you not agree that I-5 users would opt for surface streets that would allow them to avoid traffic and avoid unsafe travel conditions? If not, why not?*
- *Upon completion of the project, would you not agree that the increased volume of I-5/SR-56 commuters would introduce more traffic to the arterial streets?*

- *What studies have been done to determine how many residents will need to use the local Torrey Pines arterial roads, such as Mango Drive and Portofino Drive, to reach their neighborhoods cut-off by the closure of Carmel Creek exit ramp on SR-56?*
- *Isn't the increased arterial traffic in the Torrey Pines area, strictly a result of the I-5 NCC Project or is it a combination of both projects?*
- *If the I-5 NCC project is delayed or cancelled, how much traffic would the I-5/SR-56 project generate separate from the I-5 NCC?*
- *Have funds been set-aside by Caltrans to up-grade local Torrey Pines arterial roads? If not why should the City of San Diego, be required to incur these costs generated by the Caltrans project(s)?*

The I-5/SR-56 DEIR states "Project documentation has been prepared in compliance with both CEQA and NEPA." The DEIR omits any consideration for the indirect impacts of arterial traffic for the following reasons:

1. The DEIR does not study or present any facts associated with this "foreseeable impact" caused by additional traffic and associated with the dated infrastructure of the Torrey Pines neighborhood.
2. The DEIR does not present or analyze any alternative or mitigation measures to help the community understand the indirect traffic impacts of the Project.

Since Caltrans must comply with CEQA guidelines, as stated above, the following sections of the CEQA guidelines must be addressed:

- Under CEQA 15064, "An indirect physical change is to be considered only if that change is a reasonably **foreseeable impact** which may be caused by the project."
- Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

Question: *Why are the above guidelines not being addressed in this DEIR?*

The Torrey Pines Community needs to understand how our major arterial streets will be impacted. In addition, we need to understand how Caltrans alternative plans will mitigate these harmful traffic impacts.

Questions:

- *Has Caltrans budgeted dollars outside of the I-5/SR-56 project to improve traffic for our arterial streets? If not, why not?*
- *How does Caltrans plan to aid in the implementation of a mass transit project(s) to ease traffic on our arterial streets?*
- *Does Caltrans plan for the expansion of current Park and Ride systems along the I-5 corridor that will lessen traffic impacts on Del Mar Heights Road, Carmel Valley Road, and Via de La Valle Road?*
- *Has Caltrans discussed the traffic impacts within the Torrey Pines Community with the City of San Diego and Councilmember Lightner? If so what were the results?*

9. Corridor of the Future – California Interstate 5 – Modal Characteristics 2010-2040

The I-5 NCC DEIR notes on page 1-11, that on September 10, 2007, the U.S. Department of Transportation announced six interstate routes to be part of a development plan to help reduce congestion. This federal initiative was entitled Corridor of the Future. The modal concept included “**building truck-only lanes and bypasses.**” On page 106 (112/154) of the U.S. Department of Transportation study under Freight Growth, the Freight Analysis Framework (FAF) identifies projected freight volumes and flow to the year 2020. This FAF is a tool used to “assist in matching infrastructure supply to demand and for assessing operational strategies.” “In 1998 over 1.1 billion tons of freight was moved to, from and within California by truck freight, more that 81 percent of all freight by mode type. The FAF projects that by 2020 highways will carry 83 percent of all freight and 73 percent of the total statewide value.”

Questions:

- *Why has Caltrans failed to support this Federally funded I-5 initiative, which supports **building truck-only lanes and bypasses**?*
- *What traffic congestion relief studies related to ‘weaving’ and truck traffic has Caltrans commissioned and reviewed?*
- *Why have the I-5 NCC DEIR and the I-5/SR-56 Interchange DEIR project documents failed to provide a **“building truck-only lanes and bypasses” alternative**?*

The TPCPB asserts that Caltrans has failed its legal duty to even consider Federal alternatives that support the California Interstate 5 Corridor of the Future.

Caltrans has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b).

II. Comments on sections within the I-5/SR-56 DEIR and Technical sub-reports

A. Specific Projects within Torrey Pines

1. Noise Study and Sound Wall Overview

To understand the Caltrans decision-making process regarding all sound barriers, one must consider the evaluation process portrayed in the Noise Abatement Decision Report (NADR). This report is part of the I-5 NCC Technical Studies under the heading Noise Abatement Data Report Vol. 1 October 2007 and is referred to in the I-5/SR-56 Interchange DEIR. On page 4 (10 of 166), this report states that “for many land uses that surround the interstate, noise levels are already at or above the Noise Abatement Criteria (NAC). This fact is reconfirmed in the I-5/SR-56 DEIR. Most of the noise comes from the traffic on the freeway rather than from background or local traffic noise.” Bear in mind that this 2007 report uses noise data obtained in 2004 that is prior to the addition of lanes between Del Mar Heights Road and Carmel Valley Road. On page 5 of this report, under Feasibility Criteria, “the feasibility of a noise abatement measure is defined as an engineering consideration.” A minimum 5-dBA noise reduction must be achieved for the proposed abatement measure to be considered feasible.

The determination of reasonableness of noise abatement is considered more **subjective** than the feasibility criterion. The I-5/SR-56 DEIR provides a preliminary reasonableness decision based on factors and a reasonable dollar value is allowed per benefited residence. These factors are listed as abatement cost, absolute noise levels, noise level changes, noise abatement benefits, date of development along the highway and life cycle of

abatement measures. "If the abatement can be constructed for a reasonable cost allowance, the preliminary reasonableness decision will be to provide abatement."

On page 3.15-7, of the I-5 NCC, Segment 4 – Carmel Valley Road to Del Mar Heights Road indicates four (4) sound walls were considered and in Segment 5 – Del Mar Heights Road to Via de la Valle Undercrossing shows eight (8) sound wall locations. All twelve (12) sound walls were deemed **Not Reasonable**. Even though the sound walls would benefit the Del Mar Hills School and local residential units, the construction costs are considered too high versus the reasonable allowance. On page S-5, Table S-1 states that noise impacts are reported to be "Not Substantial with abatement." In Section 4.3.2, Page 4-1, the conclusion that "implementation of proposed noise abatement would reduce noise impacts to less than significant" is a complete misrepresentation of the supporting details of the I-5 NCC Technical Studies. In the vast majority of cases, sound walls are judged to be **economically infeasible**.

Questions:

- *How is the **Noise impact not retained** and why is this not considered, by Federal Guideline Standards, to be **harmful and significant**?*
- *How has Caltrans justified this stance of claiming noise abatement and then not providing a common sense approach to mitigating the harmful impacts?*
- *How is Caltrans using "common sense and good judgement" in putting cost considerations before children's and adult's health?*
- *Did Caltrans study the direct and indirect ricochet noise waves that would be generated by each of the Build Alternatives? If so, what were the results?*
- *If no analysis of the direct and indirect ricochet noise waves was performed, are the noise studies presented in the I-5/SR-56 Interchange DEIR incomplete?*
- *Has consideration been given to adding noise absorbent materials to the retaining walls and sound walls? If not, why not?*

TPCPB has major concerns regarding the validity of the Noise Study used to support the I-5 NCC and I-5/SR-56 DEIRs. Sound measurements for this study were conducted in 2004 but not released until April, 2007. The Caltrans website on Noise and Vibration Studies states "implementation of Traffic Noise Model (TNM2.5) – The Federal Highway Administration (FHWA) published a Notice of Proposed Rulemaking on August 20, 2004 to change the national traffic noise model required for use on Federal Aid projects to TNM. In an agreement reached with FHWA, Caltrans has agreed to require all new project noise studies, beginning after January 15, 2005, to use TNM version 2.5 or later acoustic modeling of traffic noise. The exception to this requirement is for a reevaluation noise study of a project that was originally modeled using Sound 32 or Sound 2000."

Caltrans failed to release the 2004 study on a timely basis, issuing it more than two years after report completion.

Question: *Why were outdated modeling and measurement protocols used in the DEIR?*

The TPCPB contends that this noise study used outdated noise modeling methodology and that in light of the long interval between the collection of data and issuance of the report, Caltrans had more than sufficient opportunity and reason to analyze the sound data using new FHWA guidance. Significant roadway projects have been completed along the I-5 NCC corridor after the 2004 study, which means that the new Federal TNM2.5 should have been used. Furthermore, Sound2000 is a one-dimensional sound model that does not take into

consideration the proposed changes to the profile of cut sections of the I-5 NCC or I-5/SR-56 projects. The modeling has assumed that the project does not change the road profile.

Questions:

- *How does Caltrans reconcile this assumption with the fact that the alternatives being considered all replacing the sloping soft vegetated slopes with vertical hardscape features including 40 foot retaining walls and doubling the road surface?*
- *In what ways would these changes in road profile not be considered significant? If not, why not?*

The TPCPB considers both DEIRs to be in error in the application of the Sound2000 noise model as the modeling contains significant assumptions that are not true, and uses an outdated methodology.

1. a. Del Mar Hills School (DMHS) – Sound walls for Playground and Athletic Fields

The I-5 NCC Noise Study Report April 2007, provides the supporting details, methods and procedures use to evaluate Noise conditions at the Del Mar Hill Elementary School, located at 14085 Mango Drive, Del Mar (San Diego). In Section 5.0, “Study Method and Procedures”, Caltrans states, “all measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels.” The facts as present by Caltrans within this study still apply to the DMHS but fail to take into consideration the I-5/SR-56 DEIR Alternatives that would move the I-5 from between 26 feet to 59 feet closer to the school grounds.

On page 26 of this technical study, Table 6-4 – Classroom Noise Measurement indicates that site ST5.3A (Del Mar Hills School) showed Exterior Measurement of 57.1 dBA and Interior sound level of 55.0 dBA. A footnote states that “ the actual building attenuation at Site 5.3A could not be determined due to a noisy central HVAC system, and an **average of ST6.5A and ST17.1A building attenuation was utilized instead.** “ Site ST6.5A is the Santa Fe Montessori School in Solana Beach while site ST17.1A is the Saint Patrick’s School in Carlsbad.

The specific proposed Soundwall 05.S563 (R5.5A and R5.6) for the Del Mar Hills Academy indicates existing noise levels at from 63-65 dBA.

Question: *Since these measurements were taken in 2004, what would be today’s noise levels?*

Under all build alternatives, Soundwall 05.S563 is considered **not reasonable** due to estimated construction cost. Therefore, construction of this soundwall will not be considered unless the Del Mar Union School District is willing to give up land for an easement.

Questions:

- *How much land would be required for this easement?*
- *Would the use of the playing fields and/or the paved playgrounds closest to the proposed worksite/easement be curtailed during construction of the soundwall and for how long?*
- *What would the Noise level be during construction?*
- *Since out-of-date noise studies were used to interpolate future noise levels at this receptor, what would a new study indicate especially for Alternative 3 &5, which range from 60-69 dBA?*

Alternatives 2 & 4, even based on outdated details exceed acceptable levels of 66-69 dBA and cannot be considered due to the sensitive nature of a school, playground, and athletic fields.

The TPCPB asserts that Caltrans was **in error** using noise conditions from other school locations taken on a different day (9/22/04 versus 9/23/04) and time(s).

Question: *Why did Caltrans fail to retake noise measurement at the Del Mar Hills Academy?*

The most telling failure of this Noise Study occurs on page 12 under the caption 6.0 “Existing Noise Environment – Model Calibration”. Caltrans states that “since there will only be lane additions to the I-5 project **without any major changes to the profile of the existing alignment**, it is appropriate to calibrate the traffic noise computer model using the measured field data.” Caltrans has proposed a 40 foot-high retaining wall starting at Del Mar Heights Road going North on both side of the I-5 NCC project. The I-5/SR-56 project is following the same pattern of construction of massive retaining walls based upon which alternative becomes the Preferred Alternative.

Question:

- *How is Caltrans Noise Study adequate in forecasting the future noise generated by these 40 foot walls and removal of soft vegetated slopes directly across the I-5 from the Del Mar Hills School?*
- *Why was sound reflected from the vertical walls on the opposite side of the road ignored?*

The TPCPB asserts that Caltrans has failed to provide the community with accurate noise data and studies. The TPCPB requests that the Noise Study be redone and analyzed by current standards.

Questions:

- *If Caltrans refuses to provide this new data, why does it so refuse?*
- *How and under what Federal Highway Administration guidelines is the use of erroneous data acceptable?*

1. b. Non-Residential Cost Consideration – Del Mar Hills School

Reasonableness allowances may be calculated for exterior non-residential land uses as indicated in the Caltrans Traffic Noise Analysis Protocol of August 2006. Frontage units measurements were provided for Soundwall S563 (Del Mar Hills Playground) and Soundwall S565 (Del Mar Hills Athletic Field). On page 15 of the 2006 Protocol, it is stated, “this approach is intended to provide non-residential land uses with the same degree of abatement consideration that is provided for residential uses”. The playground and athletic fields are considered Activity Category B on page C-7 of the Protocol. On page 52 of the I-5 NCC Noise Study Report, under Soundwall S565, it states, “this soundwall would not provide abatement to any classroom.”

Question: *Why has Caltrans ignored the fact that the San Diego Boys and Girls Club have a facility at the end of the athletic field? Is this not considered a classroom-type environment?*

The TPCPB wishes to emphasize that the Del Mar Hills School has over 400 students and 30- 40 staff and teachers. The playfields are in constant use for sporting events almost year round. In addition, the San Diego Boys and Girls Club use the Del Mar Hills playfields. As part of the Reasonableness Criteria, item h., “Views/opinion of impacted residents” and item i., “Public and local agencies input”, are to be considered as part of the **subjective** criterion. “This determination requires **common sense** and **good judgement** in arriving at a decision to construct noise abatement measures.”

Questions:

- *Would Caltrans agree with the TPCPB that cost should not be a major factor when all the facts surrounding the Del Mar Hills School and San Diego Boys and Girls Club are considered?*
- *If not please state the specific reasons and criteria used to reject the Noise Barriers S563 and S565?*

In the Preliminary Noise Abatement Decision Report (NADR), on page 6, under the heading Construction Costs, it states that the Caltrans 2005 Contract Cost Data (CCD) book is published annually by Caltrans Division of Engineering Services – Office Engineer. Furthermore, the Noise Study Report dated April 2007 by Parsons was prepared for the I-5 NCC project.

Questions:

- *Why has Caltrans used outdated materials to prepare the Noise Barrier Reasonableness Cost Allowance versus Estimated Costs?*
- *If current Contract Cost Data were used, what would be the total cost impact on the I-5 NCC project and I-5/SR-56 Interchange? Why has Caltrans failed to provide the Noise Barrier Estimated Total Cost details?*

2. View Issues

2a. Overview of Visual Impact Assessment (VIA) report from 11/11/2011

Within the main body of the DEIR, Chapter 3.8 deals with the Visual/Aesthetics of the I-5/SR-56 Interchange project. The details of the supporting studies are included in the **Visual Impact Assessment report** of 321 pages. The TPCPB asserts that Caltrans refusal to grant the public and impacted community boards more than 60 days to respond to this DEIR has severely restricted the amount of time available to review this extensive technical VIA report.

On page 263 of the VIA under Comparative Summary, Hierarchy of Visual Impacts in order of severity, Caltrans finally addresses the real negative impacts of the 4 build Alternatives. The Direct Connector has the **highest adverse visual impact** followed closely by the Hybrid with Flyover Alternative. The Hybrid Alternative is rated as “moderately high degree of adverse visual impact”. The Auxiliary Lane Alternative is referred to as “Lesser degree of moderately high adverse impact.”

The one issue constantly repeated throughout the VIA is the severe visual impact of the **roadway widening, construction of large retaining walls, and removal of landscape buffers** on both sides of I-5. On page 210 of the VIA, the study states that ‘the removal of trees will open the width of the view, and allow an increased view of the office buildings, and homes on both sides of the highway’.

Under the **No-Build Alternative**, existing visual conditions would remain unchanged and improve, as future plant growth would increase the visual screening. “Visual impacts would not be increased”. On this one issue alone, the TPCPB should strongly consider rejection of the Build Alternatives.

2b. Existing Scenic Resources Protection

On page 63, of the I-5 NCC Visual Impact Assessment – Existing Scenic Resources, Caltrans clearly states: “the **I-5 corridor** within the project areas is part of the California Scenic Highway System and is eligible for designation as an Official Scenic Highway. If a highway is listed as eligible for official designation, care must be taken to **preserve** it eligible status”. According to the Caltrans Standard Environmental Reference, “all highway projects must be reviewed for scenic resources.” Caltrans has identified the following as Scenic Resources: The Pacific Ocean, **Coastal Wetlands, Torrey Pines State Reserve, Coastal Bluffs**, Agricultural Land, Encinitas and

Leucadia Hillside Neighborhoods, Del Mar Racetrack and Fairgrounds, and Encina Power Station. On page 78, Caltrans states, “the project area is within the California Coastal Zone, is part of the California Scenic Highway System.

Questions:

- *Does Caltrans consider the portion of I-5 from the Del Mar Heights Bridge to Carmel Valley Road part of the I-5 corridor? If not, why not?*
- *If Caltrans agrees that this portion of I-5 and addressed within the I-5/SR-56 Interchange project is part of the I-5 Corridor, would Caltrans agree that the DEIR should adhere to the concept that it is eligible for official designation, and care must be taken to **preserve** it eligible status?*
- *Would Caltrans agree that negative visual impact of denuded hillsides replaced by massive retaining walls would directly affect the eligible status of this I-5 Corridor?*
- *What steps to protect views of our **Coastal Wetlands, Torrey Pines State Reserve, and Coastal Bluffs** have been taken or discussed within the I-5/SR-56 DEIR?*

In 1972, Proposition 20 –“Save Our Coast” was passed by California voters. This proposition created the California Coastal Commission, and in 1976, the Legislature adopted the California Coastal Zone. On page 76, Caltrans quotes Chapter 3, Article 6, Section 30251 of the Coastal Act as follows: “The scenic and visual qualities of coastal areas shall be considered and **protected as a resource of public importance**. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.”

Question: *How does the I-5/SR-56 Interchange Project comply with the California Coastal Act?*

The Federal Highway Administration (FHWA) Technical Advisory –2130.03 provides guidelines for preparing environmental documents, including sections on visual impacts. “When there is a potential for visual impacts, the environmental document should identify the impacts to the existing visual element(s), the relationship of the impacts to potential viewers of and from the project, as well as measures to avoid, minimize, or reduce the adverse impacts. The **potential for impact can be recognized intuitively.**” The FHWA’s manual, Visual Impact Assessment for Highway Projects provides guidance for assessing visual impacts and refers to landscape units as “outdoor rooms”. Existing visual conditions and potential impacts should be described in terms of the visual character and quality of each Landscape Unit. Visual character is comprised of four pattern elements (form, line, color, and texture) and four pattern characteristics (dominance, scale, diversity, and continuity). Visual quality is evaluated on three attributes: Vividness, Intactness and Unity. **Vividness**, the memorability of the visual impression received from the contrasting landscape elements as they combine to form a striking and distinctive visual pattern. **Intactness**, the integrity of visual order in the natural and man-built landscape, and the extent to which the landscape is free from visual encroachment. **Unity**, the degree to which the visual resources of the landscape join together to form a coherent, harmonious, visual pattern. Unity refers to the compositional harmony or the inter-compatibility between landscape elements.

2. c. Analysis of Key Views

On page 84 of the I-5 NCC Visual Impact Assessment, Caltrans states, “because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project.” “ Specific mitigation requirements will be determined during the design phase according to the implementation procedures contained in the visual

mitigation section of this assessment.” The same statement holds true for the I-5/SR-56 project but only 6 ‘key views’ were considered.

Questions:

- *Does this mean that the I-5/SR-56 project will also be first approved and then the public gets to see the finished product without any community input?*
- *What were the other key views that Caltrans considered doing simulations of for the I-5/SR-56 project and was there public or TPCPB involvement in the selection of these views?*
- *Why are there no close-up key views of the Los Penesquitos River Valley or the Torrey Pines Reserve and Annex?*
- *Why is Caltrans I-5/SR-56 Key View #1, taken from a great distance away, the only view of the ‘Upland Torrey Pines State Park’?*
- *Why are there no Key Views taken from Point Del Mar Villas looking South under each Alternative?*
- *Does consideration of key views rather than representative views greatly increase the measurable impact of this project on views?*
- *Why were the **3-D simulations** of the total I-5/SR-56 Connector project not originally included and made available to the public from the start of the response period?*

Within the Visual Impact Assessment, Caltrans shows a graph of Visual Quality.

Question: *Where are the exact calculations that generate the Average Change over % change?*

2. d Viewer Exposure – Tourism

On page 72 of the technical study, “Visual Impact Assessment”, the I-5 NCC DEIR talks about “Freeway Travelers.” “The I-5 north coast corridor links two of the nation’s largest metropolitan regions and is a primary transportation gateway to San Diego from the north. As San Diego’s “front door”, it forms the first impression of the region’s scenic character for millions of tourists each year. Changes to the visual environment of the corridor may be **controversial due to the economic importance of tourism to the San Diego region.**” Tourist traveling to and from San Diego on the I-5 would likely have a high awareness of the visual environment. “Studies have shown that visitors’ perception of a metropolitan region is formed to a **great extent by the views they observe from the road.**”

Question: *Would Caltrans agree that the above analysis of the I-5 NCC holds true for the I-5/SR-56 Interchange project that is within I-5 Corridor? If not, why not?*

Since, none of the TPCPB comments on the I-5 NCC DEIR will be answered until late 2013, we again request answers to those questions in addition to those questions posed regarding the I-5/SR-56 Interchange project.

Questions:

- *What are the name(s) of these studies involved in both projects?*
- *What additional information is provided concerning viewer concerns with loss of scenic views?*
- *How has Caltrans made predictions of the total economic impact to the San Diego region related to lost tourism?*

2. e. Key View # 2 (I-5 NCC DEIR) and “Tunnel Effect” relationship to the I-5/SR-56 Interchange DEIR

Although Caltrans claims the I-5 NCC and I-5/SR-56 Interchange are wholly independent of each other, which the TPCPB disputes, the same view corridor is involved. The I-5/SR-56 Interchange DEIR carries on the extension of the I-5 expansion along with its massive retaining walls and slope removal, from the DMHB south to CVR. Therefore, the TPCPB asserts that the details of the I-5 NCC DEIR are **pertinent** to this discussion and DEIR response. The I-5/SR-56 fails to include an accurate depiction or provide relevant descriptions of what the remainder of I-5 the corridor south of the DMHB would look like. It is for this reason that sections of the Key View #2 are included to provide the public with Caltrans comments on the ‘other’ section of the I-5 Corridor.

Key View #2, in the I-5 NCC DEIR refers to the Del Mar Heights Landscape unit in San Diego, northbound I-5 between Del Mar Heights road and Via de la Valle interchanges, looking north. Currently, “the overall visual character is suburban due to the low density of the development and mature community landscaping”. The proposed project would create a pair of large retaining walls some 3,600 feet in length with the majority of height being 30-35 feet in both directions.

The proposed walls would **decrease** the intactness and unity of the viewshed from moderate to low levels. Vividness would be reduced as the attention of the viewer is directed more toward foreground views of the widened freeway. “In this key view location, the freeway surface would **increase to almost twice its existing width.**” Caltrans states, “the large-scale **monolithic built forms** in both the horizontal and vertical planes **would be incompatible** with the small-scale suburban character of the community. The change to visual character would be high.” “Viewer sensitivity to changes in the visual environment in the Torrey Pines and Del Mar communities would be high. It is likely that **changes would be considered adverse.**”

On page 165 of the I-5 NCC Visual Impact Assessment, Caltrans summarizes the visual effects of the project on the natural character of the I-5 corridor as follows: noticeably more urban, mitigation measures would not help. “The loss of open views that provide variety, interest, and orientation would change the visual character of I-5.” “Each build alternative would approximately **double the width** of the existing freeway and **require ten football fields of new paving per mile.**” In some cases, large walls would be in close proximity to residents, “affecting light access, air circulation, and microclimate, creating an **uncomfortable feeling of enclosure.**”

The TPCPB asserts in its response to the I-5 NCC DEIR that this wholesale destruction of the Scenic View Corridor by building **monolithic** retaining walls accompanied by sound walls and the **doubling of the freeway width** are **unacceptable** to the citizens of Torrey Pines.

Caltrans has failed to answer our question: *Why is there no discussion of landform changes south of Del Mar Heights Road in the I-5 NCC DEIR?*

Under the Deputy Directive number DD-31, “Caltrans is to examine and implement **innovative and alternative** methods and the **latest technology in planning** and designing transportation facilities, to **avoid**, minimize or mitigate visual impacts of transportation projects to scenic corridors, particularly facilities with the highest potential for scenic view obstruction or degradation.”

Questions:

- *Has Caltrans violated their own directive?*
- *What innovative approaches and designs were used to protect this scenic corridor?*
- *How does the I-5/SR-56 project avoid obstruction and degradation of ‘Landscape units’ whether listed as Key View or views that **should have been** addressed within the project?*

3. Removal of Existing Eastbound SR-56 Slip Off-Ramp

On page 3.7-7 of the I-5/SR-56 DEIR, Caltrans informs us that all four Build Alternatives include the removal/closure of the Carmel Creek Road off-ramp for vehicles existing eastbound SR-56 and vehicles entering eastbound SR-56 from El Camino Real. Furthermore, the removal of the slip ramp would divert an estimated 75 percent of potential future users of the facility to the northbound I-5 Carmel Valley Road off ramp. “The remaining 25 percent would be diverted to other alternative routes, such as **Carmel County Road and Del Mar Heights Road.**”

Questions:

- *Would any of the rejected Alternatives allowed for the continued use of the Carmel Creek slip off-ramp?*
- *Have the local merchants and the Jewish Academy, directly off this slip off-ramp, been contacted to discuss financial impact and disruption to services and clients?*
- *Will Caltrans assume financial and technical responsibility for the revamping of all San Diego City streets within 2 to 3 miles of the Carmel Creek Road off-ramp? If not, why not?*
- *Will Caltrans work with both the City of San Diego and local planning groups to first implement an action plan and provide necessary local street changes before the slip off-ramp is closed? If not, why not?*

Caltrans speaks about 3 right turn lanes being added at the northbound I-5 to Carmel Valley Road off-ramp termini. This option is deemed ‘likely’.

Questions:

- *How ‘likely’ is this and is this option part of the I-5/SR-56 Interchange or another project?*
- *What is the anticipated wait time for these 3 right turn lanes and the likely traffic back up onto I-5?*
- *Have traffic models been developed to ascertain if the 3 right turn lanes would help the situation and to what degree?*

Based upon the ‘facts’ presented on the Carmel Creek slip ramp closure, the ‘best guess’ of Caltrans on how much traffic maybe diverted, and the fact that Caltrans will not provide ‘adequate’ review time to review and study this DEIR, the TPCPB cannot support any of the Built Alternatives as presented.

4. Local Street Segments

Caltrans addresses Local Street Facilities on page 3.7-13 in the I-5/SR-56 Interchange DEIR. Caltrans states that “compared to existing conditions, **all proposed build alternatives would result in an overall degradation in LOS (level of service) on local streets.**” Caltrans then claims that ‘the proposed project would not be the cause of the decline’. Caltrans then contradicts itself by indicating ‘by 2030, the lack of freeway-to-freeway connectors for the south-to-east and west-to-north movements at the I-5/SR-56 interchange would result in very congested traffic conditions at the the interchange and considerable increase in demand on the ‘cut through’ local street routes with Carmel Valley community.’

Caltrans goes on to say that by 2030, the No Build, Auxiliary Lane, Hybrid, and Hybrid with Flyover Alternative would have failing street segments (LOS E or below) on Del Mar Heights Road between Camino Del Mar and High Bluff Road and on Carmel Valley between I-5 and El Camino Real. Caltrans then claims that the Direct Connector would provide **some improvement** along Carmel Valley Road between I-5 Northbound ramp and Carmel Valley Road at a LOS of D.

Questions:

- *What is the justification for Caltrans inflicting such local street level of service degradation on the communities of Carmel Valley and Torrey Pines?*
- *Is Caltrans trying to justify the perceived improvement in highway traffic flow can somehow be justified at the cost of local communities **Quality of Life**?*
- *Would Caltrans agree that all of its Alternatives fail to provide or maintain LOS for Carmel Valley and Torrey Pines?*
- *Why has Caltrans only provided Alternatives based upon the removal of the slip ramp and proposed collector –distributor system?*

Based upon the ‘facts’ presented on the Local Street Segments and the ‘best guess’ of Caltrans on LOS in 2015 and 2030, plus the fact that Caltrans will not provide ‘adequate’ time to review and study this DEIR, the TPCPB cannot support any of the Build Alternatives as presented.

5. Mobile Source Air Toxics

In the Air Quality Section of the I-5/SR-56 Interchange DEIR is a discussion on Mobile Source Air Toxics (MSAT) on page 3.15-14. The discussion is based on an FHWA informational memorandum regarding “Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents,” dated September 30, 2009. The document advises when and how to analyze MSAT’s in the NEPA process for highways.

Air toxics analysis is a “continuing area of research” with many questions remaining unanswered. A key statement is made that the tools and techniques for **assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited**. These limitations impede the ability to evaluate the potential health risks posed by MSAT exposure and should be factored into project-level decision-making.

Currently available technical tools would not enable the predication of project-specific health impacts. This limitation requires discussion in accordance with 40 CFR Section 1502.22(b) when incomplete or unavailable information is presented to the public. All methodologies for forecasting health impacts are “encumbered by technical shortcomings or uncertain science that presents a more complete differentiation of the MSAT health impacts among a set of project alternatives”. There is a “tendency to overstate the air quality benefits of mitigating congestions at intersections”. There is a lack of national consensus about what an acceptable level of risk might be.

On page 3.15-17, Caltrans states that the proposed project is **not expected to facilitate significant additional capacity on I-5 or SR-56**. Therefore, the proposed project would not be included in Category (3). By default, the proposed project would be included in Category (2) and would have a low potential for MSAT effects. The TPCPB fails to understand this jump in logic that the Interchange project will not add to capacity in any significant way. Caltrans has verified that there would be more cars travelling on I-5 and the cars would be travelling faster. Therefore, less toxins and greenhouse gases released into nearby neighborhoods.

Questions:

- *Has Caltrans studied the impact on air pollution if their assumption of traffic flows though the I-5 Corridor does not meet their expectations for faster motoring speeds?*
- *If various speed levels were studied, what were the results?*
- *At what level of congestion would air pollution increase over today’s levels?*

- *Will this assumption of faster throughput of traffic always hold true?*
- *Is there a time projection for when demand exceeds I-5 highway capacity?*

The U.S. Department of Transportation Federal Highway Administration on September 30, 2009 issued a memorandum entitled Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA. On page 4 of 5, Project 3 category has a two-prong test. A project must: Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor with traffic volumes where AADT is projected to be the range of 140,000 to 150,000 or greater by the design year; and also proposed to be located in proximity to populated areas. Projects falling within this category 3 should be more rigorously assessed for impacts.

Caltrans indicates on Table 3.7.1 Existing and Projected (2015 & 2030) Freeway ADT, shows that I-5 between Del Mar Heights Road and Carmel Valley Road ADT increase matches or exceeds the Category 3 requirement.

Questions:

- *Why has Caltrans failed to explain the MSAT definitions related to Categories 2 and 3?*
- *What additional health safety risks and mitigation measures must be considered under Category 3?*
- *Could this project even be considered under Category 3 MSATs?*
- *Would Caltrans agree that the statement “proposed project is **not expected to facilitate significant additional capacity on I-5 or SR-56**” is blatantly false and conflicts with a major goal(s) of this project?*
- *How does Caltrans define **significant additional capacity** in terms of both percentage and absolute traffic ADT’s for both 2015 and 2030?*
- *Has Caltrans performed analysis on the local street segments to determine what would be the MSAT Category for impact intersections? If not, why what? What were the results if studies were done?*
- *Has Caltrans studied the possible impacts of long-term MSAT exposure to residences, especially children, either living or playing within 500 feet of the proposed project?*
- *Would a Category 3 MSAT require such a study if none has been done?*
- *What would be the MSAT Analysis indicate if the results of the I-5 NCC project were included?*

The TPCPB asserts that Caltrans has not performed its due diligence nor met its obligation under CEQA to prevent harm to citizens within the project’s boundaries. Caltrans has failed to err on the side of caution even knowing that the methodologies are still being developed and results are uncertain. The TPCPB as stewards of the Torrey Pines community must err on the side of caution to protect our children and at-risk citizens (with asthma, COPD, emphysema, chronic lung disease and cardiovascular disease) must reject all the proposed build alternatives until such time as a Category 3 study is analyzed on these Build Alternatives.

6. Stormwater Runoff and Water Quality

Caltrans addendum #5 and Chapter 3.11 – Water Quality and Stormwater Runoff, involve both current and proposed stormwater drainage into Los Penasquitos Creek and Soledad Canyon. Caltrans concedes that the proposed Build Alternatives have the potential to impact water quality during both the construction and operation phases of the freeway. This impact is directly attributed to the large increase in hardscape which adds to the “impervious area’ acreage. On page 3.11-1, Caltrans goes on to say “as the proposed project progressed through design, the locations of the treatment Best Managed Practice’s (BMP) would be further evaluated to

determine whether they could be incorporated or **rejected** because of **right-of-way or environmental constraints**".

On page 5-1 of Addendum 5, under Permanent Impacts, Caltrans would retrofit the I-5/SR-56 Interchange project area with treatment BMP's to the **Maximum Extent Practicable (MEP)**. MEP is "defined as the process of evaluating the selected BMP's based on legal and institutional constraints, technical feasibility, relative effectiveness, and **cost/benefit ratio**".

Questions:

- *Why should a cost/benefit analysis enter into the decision making process?*
- *If the cost versus benefit expense is deemed too costly, can Caltrans dump untreated runoff into the Los Penasquitos Creek by simple paying a fine?*
- *Does the final BMP's solution require a Coastal Commission permit?*
- *Why weren't BMP issues resolved during the original construction of the other two I-5/SR-56 Connector projects?*
- *Has the stormwater runoff from the I-5 NCC project been included in the estimates of total volume runoff and capacity needs? If not, why not?*
- *If any of the Build Alternatives is selected, has seepage from residential irrigation along the west side of I-5 been taken in to consideration?*
- *How would the BMP's alternatives handle a major oil/gasoline spill that might occur and find its way in to the detention basins?*

B. Cumulative Environmental Impacts

1. Environmental Justice

In Chapter 3, section 3.5 Environmental Justice, Caltrans states that "all considerations under Title VI of the Civil Rights Act of 1964 have been included in this project." Census Block group 83.39.1 is at 31.1% below the poverty income level and represents 574 individuals, Table 3.5-2.

Question: *Why then does the largest financial impact fall on minority and low- income renters and homeowner directly adjacent to the I-5 project at the seeming benefit of middle to higher income wage earners?*

The concept of Value Pricing, where excess capacity in the managed lanes would be sold to Single Occupancy Vehicles (SOV), appears to create an inequitable situation that allows higher income wage earners to benefit unfairly by being able to continue to drive alone while lower wage earners are forced to sit in congested traffic lanes.

Question: *Since the I-5/SR-56 along with the I-5 NCC project is funded with TransNet taxes, Federal Stimulus funds and future State Bonds, why should not there be a fuller analysis of this perceived inequity under Title VI?*

In order to understand the issue of Environmental Justice, we have reviewed key issues raised by another California agency, Sacramento Area Council of Governments (SACOG). In their Metropolitan Transportation Plan 2035, Chapter 9 Equity and Choice, SACOG talks about the broader interpretation of equity and choice as follows:

- “The division of funding between transit and roads becomes an equity issue as well, because drivers paying gasoline taxes expect road improvements, **while the most effective investment for the system may be in transit.**”
- “Investment in regional-scale facilities cannot be divided piecemeal, but must be concentrated onto large projects of system-wide importance, regardless of location. The benefits accrue to all who travel; the **impacts, however, fall mainly upon those who live close alongside these facilities.** “

Another important issue is reflected in the Metropolitan Transportation Commission’s study of November 2009, entitled “Bay Area Housing and Transportation Affordability: A Closer Look”. San Diego is included in the statistical analysis on page 8 under Average Annual Housing + Transportation Costs and Average Housing + Transportation Affordability (Cost as % of Area Median Income). It states “For low-income households earning less than \$35,000 per year, the combined cost of housing and transportation places the vast majority of Bay Area municipalities beyond the reach (only 94,000 of the region’s housing units (less than 4 percent of the regions’ total) are located in neighborhoods affordable to low-income households.”

Questions:

- *Has Caltrans, as part of the I-5/SR-56 DEIR, performed a similar Social Equity and Environmental Justice study?*
- *If so what were the results and if not studied why?*

The Torrey Pines Community Planning Board asserts that the San Diego region cannot afford to lose any more low-income housing units.

2. Senate Bill 375 Implementation

SANDAG is developing its 2050 RTP subject to provisions of Senate Bill 375 (SB 375). The Sustainable Communities Strategy (SCS) is a new element of the RTP required by SB 375. SCS will demonstrate how development patterns and the transportation network, policies, and programs can work together to achieve the greenhouse gas (GHG) emission targets for cars and light truck that will be established by the California Air Resources Board (CARB). SANDAG is recognized as the region’s Metropolitan Planning Organization (MPO). The California Air Resources Board (ARB) created a Regional Technical Advisory Committee (RTAC) to work with information, data, and analysis provided by the MPO’s. The ARB released a report on August 9, 2010 that moves forward with SB 375 goals. The ARB released staff recommendation that will likely lead to goals for regions around the state to reduce per capital emissions of gases believed to contribute to global warming. SANDAG’s proposed Targets for 2020 is 7% and for 2035 is 13%. The targets for SB 375 include more support for transit, denser development, and toll roads. Future growth is focused in the urban core and existing suburban centers and a higher proportion of the development is served by transit.

Caltrans does not address the issues and goals established by SB 375, ARB or SANDAG. There appears to be no Compliance section in the I-5/SR-56 DEIR. Chapter 3.15, Air Quality, does not appear to address these statutory rules regarding Air Quality. Since the TPCPB and the **public were not given adequate time to fully review this DEIR**, this subject may very well be covered elsewhere but not in the logical section for easy public reference. The TPCPB asserts that the I-5/SR-56 DEIR is lacking in scope and has not provided sufficient details under CEQA Guidelines 15151. A “good faith effort at full disclosure” has not been made. “An EIR should be prepared with a

sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences”.

The TPCPB requests that at a minimum Caltrans answer the following **questions**:

- *How does the I-5/SR-56 project support and contribute to achieving SANDAG’s proposed Targets for 2020 and 2035?*
- *What are the variances in pollution levels for each Alternative?*
- *Which of the Alternatives is the Preferred Alternative?*
- *Why has Caltrans failed to select one alternative over another?*
- *Is not transit a better way to support SB 375’s goals?*

Caltrans should consider revising its DEIR and re-issue this document. Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

3. Atherosclerosis (hardening of arteries) and traffic pollution

A research article entitled, “Ambient Air Pollution and the Progression of Atherosclerosis in Adults”, was quoted by Margot Roosevelt of the Los Angeles Times on February 14, 2010 in an article entitled, “Study finds traffic pollution can speed hardening of arteries” concluding that people living within 328 feet of LA. Freeways were found to have twice the average progression of atherosclerosis (thickening of artery wall) that can lead to heart disease and stroke.

This paper is the first to link automobile and truck exhaust to the progression of atherosclerosis in humans. Measurements were taken every six months for three years at homes within 100 meters (328 feet) of the Los Angeles freeways. The researchers from the University of Southern California, University of California at Berkeley, and research centers in Switzerland and Spain, found that artery wall thickness in study participants accelerated annually by 5.5 micrometers, more than twice the average progression.

According to co-author Howard Hodis, director of the Atherosclerosis Research unit at USC’s Keck School of Medicine, the finding show that, “environmental factors may play a larger role in the risk for cardiovascular disease than previously suspected.” This study shows that air pollution contributes to the early formation of heart disease, which is connected to nearly half the deaths in Western societies.

The TPCPB asserts that the I-5/SR-56 DEIR does not address this correlation between highway air pollution and the progression of atherosclerosis.

Questions:

- *Has Caltrans considered this major health threat to residential neighborhoods and schoolchildren along the proposed highway expansion?*
- *What did the Caltrans studies show?*
- *If no studies were performed, why not?*

Caltrans should consider revising its DEIR and re-issue this document to include **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

Question: *If not, please state how this document fulfills the requirements of **sufficient information**?*

4. Asthma linkage to Freeway Pollution (ultrafine particles)

A July 5, 2010 article (UPI), states, “brief exposure to ultrafine pollution particles near a Los Angeles freeway can boost the allergic inflammation that makes asthma worse.” Dr. Andre Nel, of the David Geffen School of Medicine at the University of California, Los Angeles said, “ultrafine particles are primarily from vehicular emissions and are found in highest concentration along freeways.” This study was published in the American Journal of Physiology – Lung Cellular and Molecular Physiology. This study showed that “ultrafine pollution particles may play an important role in triggering additional pathways of inflammation that heighten the disease” (asthma).

Environmental health researchers from University of Southern California and the California Air Resources Board have found during hours before sunrise, freeway air pollution extends as far as 1.5 miles from the freeway. A June 10, 2009 article by Sarah Anderson, entitled “Air Pollution From Freeway Extends Further Than Previously Thought”, highlights a joint research study along Interstate 10 in Santa Monica. “This distance is 10 times greater than previously measured” and “has significant exposure implications”.

Caltrans states, “some locations are considered more sensitive to adverse effects from air pollution than others. These locations are commonly term **sensitive receptors** and they include hospitals, schools, day care centers, nursing homes, and parks/playgrounds. Sensitive receptors in proximity to localized CO sources, toxic air contaminants, or odors are of particular concern.” Table 3.15.4: Sensitive Receptors, indicates 11 schools and 6 Preschools within the envelope of the I-5/SR-56 project. The distance calculation is from the proposed project but it is not clear if this is before or after the implementation of the project and how that distance may vary based upon the four Build Alternatives. The Del Mar Hills Academy (DMHA) is listed in the I-5 NCC as **431 feet** from the roadway. On page, 3.15-8, of the I-5/SR-56 DEIR, that distance has double to **857 feet**. However, the linear map distance from the highway’s air column at the height of the school is **less than 200 feet**.

Questions:

- *Which calculation is correct for the DMHA and all other schools and preschool on this table?*
- *What different methods were used to make these measurements?*
- *Would Caltrans agree that this erroneous detail is of major important and directly impacts both sound and air quality measurements?*

The Del Mar Hills playground and playing fields are next to the Caltrans sound wall and may be even closer than the listed measurement.

The TPCPB asserts that the I-5/SR-56 DEIR has not adequately researched or considered the long-term impact to schoolchildren’s health regarding asthma and ultrafine freeway air pollution.

Questions:

- *What are the health implications of expanding, to the fullest extent, the I-5 Caltrans Right of Way (ROW) next to schools, preschool and school playgrounds and playing fields?*

Medical and scientific research clearly indicates a causal relationship between freeway air pollution and childhood diseases such as asthma.

- *Does Caltrans agree with these medical and scientific findings? If not why?*

- *Is Caltrans willing to establish a baseline medical study of the school-area population listed under the Sensitive Receptors locations?*
- *Is Caltrans willing to establish a baseline medical study that would provide a long-range health tracking measurement to indicate the current health levels of children within the Sensitive Receptors areas? If not, why not?*

5. Human Impact Assessment (HIA)/ I-710 Expansion

Interstate 710 is a major transportation artery linking the Ports of Long Beach and Los Angeles to Southern California and San Diego County. The proposed I-710 expansion would run through 15 cities and unincorporated areas of Los Angeles County. This I-710 Caltrans project is very similar to the I-5 NCC projects as it is in close proximity to schools, day-care centers, hospitals, and residential neighborhoods. Health concerns about the additional impacts of this proposed project were raised with Caltrans and other decision-making agencies. As a direct result of these community concerns, LA Metro, Gateway Cities Council, ICF International, Arellano Associates, Human Impact Partners and Western Solution have agreed that a Human Impact Assessment and an Air Quality Action Plan (AQAP) should be provided for the I-710 project and the 15 Gateway Cities. LA Metro and their contractor, ICF International will conduct this HIA and AQAP. The LA County Department of Public Health has become a Cooperating Agency in this EIR process.

On July 13, 2010, the San Diego County Board of Supervisors released a Health Strategy Agenda for Building Better Health. Under the heading "Pursuing Policy Changes for a Healthy Environment, Section 2 –Call for Active Communities, item 2.4 Explore integrating **health impact assessments**, where feasible for land use and transportation decision making in order to facilitate active communities." Grant money is available through the Centers for Disease Control for some type of study.

The TPCPB believes that the Human Impact Assessment and Air Quality Action Plan approach(s) is justified due to the similar proximity of schools, day-care centers, and large tracks of housing adjacent to the I-5 NCC and I-5/SR-56 project. The scientific establishment of numerous health and wellness bench markers will establish a baseline health index for the communities bordering the proposed I-5 and SR-56 projects. This HIA and AQAP will help to answer scientific and health, namely:

- *What is the current state of health along the I-5/SR-56?*
- *What are the projected health risks associated with the I-5/SR-56 project?*
- *Based on these studies and taking into consideration other medical research, how would the proposed project further impact children and residents living along this freeway?*

Caltrans should wait for the results from these joint research studies along the I-710 freeway and incorporate the HIA and AQAP findings into the I-5 /SR-56 DEIR process. Furthermore, Caltrans should support both the County of San Diego and the City of San Diego's Health Department efforts to provide similar HIA and AQAP studies for the I-5/SR-56 project.

Question: *Why would Caltrans not support such Public Health efforts?* Cost concerns are not a justifiable reason to exclude this HIA or AQAP request. The possible long-term damage to children's' health will cost society much more in the future.

6. Inadequate Consideration of Cumulative Impacts

When analyzing the cumulative impacts of a project under CEQA Guidelines Section 15130 (b)(1)(A), the Lead Agency is required to discuss not only approved projects under construction and approved related projects not

yet under construction, but also unapproved projects currently under environmental review with related impacts or which result in significant cumulative impacts.

This analysis should include a discussion of projects under review by the Lead Agency and projects under review by other relevant public agencies, using reasonable efforts to discover, disclose, and discuss the other related projects. The cumulative impact analysis requires a discussion of projects with related cumulative impacts which required EIRs, Negative Declarations, or were exempt from CEQA.

A list of cumulative projects is provided Table 3.26-1 of the Draft EIR. Specifically, with regard to the San Diego Corporate Center Project, known as the One Paseo Project (City of San Diego Project Number 193036/State Clearinghouse No. 2010051073), the DEIR states on page 3.26-3 in Table 3.26-1 that:

“At the time of this evaluation, the level of information available regarding this [One Paseo] project was insufficient to determine the project’s potential cumulative impacts. As such, a cumulative impact analysis for this issue area could not be conducted.”

The EIR for the One Paseo Project was released on March 29, 2012. Because a new significant body of information related to the One Paseo Project is now available, Caltrans is obligated to consider the cumulative impacts of the One Paseo project as it relates the Caltrans I-5/SR 56 Interchange Project in the final EIR.

III. CONCLUSION

The Torrey Pines Community Planning Board requests that Caltrans respond to the comments contained in this document as required by CEQA. At this point-in-time, the Torrey Pines Community Planning Board cannot support any of the four (4) Build Alternatives as proposed by Caltrans in the I-5/SR-56 Interchange DEIR. The TPCPB **has voted to only support the ‘No Build’ option.**

This decision is based on many factors including but not limited to:

- The denial of our request along with the requests of County Supervisor Pam Slater-Price, City of San Diego Councilmember Sherri Lightner and others to provide the public with sufficient time (90 days) to review, analyze and respond to the DEIR.
- Caltrans has failed to provide some of the most basic details and measurements such as the dimension (height) of the proposed flyovers, the correct distance of the Del Mar Hills Academy of Arts and Science from I-5, and replacing outdated Noise studies from 2004 with more current and technology enhanced measurements.
- Caltrans continues to claim that the I-5/SR-56 Interchange project is wholly independent of the I-5 NCC expansion but continues to use supporting data from the I-5 NCC DEIR.
- Caltrans has failed to address the issue of the CA Attorney General’s legal action against SANDAG’s 2050 RTP.
- The Torrey Pines Community responses and questions related to the I-5 NCC DEIR remain unanswered and are pertinent to the Board’s understanding of major highway construction impacts and related health and quality-of-life concerns.
- The Build Alternatives, which all include the SR-56 closure of the Carmel Creek slip ramp only serves to severely congest local street segments.
- Failure to protect the public health related to Noise and Air Pollution (MSAT).
- Failure to adequately explore transit options or reassess rejected alternatives.

It is our belief that for the City of San Diego to remain a world-class city, we all need to learn that it takes more than cars to effectively take advantage of what the city offers its residents throughout our metropolitan region and county. San Diego will not remain world class if Caltrans and SANDAG fail to provide preferential funding for mass transit over supporting roadway projects that encourage single ridership.

Under CEQA Guidelines 15151, a “good faith effort at full disclosure” must be made. “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Caltrans has failed to exercise “careful judgement” based on available “scientific and factual data” as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB is optimistic that even a cursory review by Caltrans of the countless concerns raised by the TPCPB and other regional agencies will prompt a halt to this DEIR. Caltrans should consider revising its DEIR and re-issue this document only after the FEIR is issued on the I-5 NCC. Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

Thank you for your consideration of these comments and concerns.

Sincerely,

Dennis E. Ridz, Chair TPCPB

A special thanks to Co-authors and Editors

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County Supervisor Pam Slater-Price
San Diego City Councilmember Sherri Lightner, District One

Exhibit A
Photos Taken by Cathy Kenton
July 11, 2012 & July 13, 2012

Location: Sorrento Valley Road and Industrial Court, San Diego, CA















