



## COUNCILMEMBER SHERRI S. LIGHTNER

FIRST DISTRICT  
CITY OF SAN DIEGO

November 22, 2010

Ms. Shay Lynn M. Harrison, Chief Environmental Analysis, Planning Branch C  
California Department of Transportation, District 11, MS 242  
4050 Taylor Street  
San Diego, CA 92110  
Via email: [I-5\\_NCC\\_EIR\\_EIS@dot.ca.gov](mailto:I-5_NCC_EIR_EIS@dot.ca.gov)

Subject: Comments on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison,

I represent the communities of Torrey Pines, Torrey Hills, Carmel Valley, La Jolla and University City in the City of San Diego. I also serve as the Vice Chair of the San Dieguito River Valley Joint Powers Authority (JPA), as the representative for the City of San Diego. I appreciate the opportunity to comment on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) prepared by the California Department of Transportation (Caltrans).

I also appreciate the extension of time which was granted for the public review period, although an additional time extension was merited given Caltrans' failure to provide all of the technical reports and associated documentation at the beginning of the review period (as documented in Attachment 1).

I have included as attachments to this letter the comment letters from the Torrey Pines Community Planning Board, the City of San Diego, the Carmel Valley Planning Board and the JPA. These comment letters may not be the final versions they submit to you, and I respectfully request to update the attachments and their references if the need arises. If there is any difficulty finding the reference material or citations for any of the attachments, please contact my office.

In the letters we see a recurring theme: the DEIR/DEIS is flawed and did not adequately consider alternatives, impacts or mitigations. Particularly, my constituents desire a reliable multi-modal transportation system that does not include freeway expansion and provides transportation options for both residents and tourists. Frustration has been conveyed that this was never explored as an option or alternative. Additional alternatives should be coupled with the No Build alternative, along with better and more appropriate technical studies and evaluations of the various Build alternatives. The evaluations should be performed using current data and the currently required simulation techniques. The comments on the DEIR/DEIS are substantial. A recirculation of the DEIR/DEIS is warranted to allow for a more informed review of the document by the public. All inadequacies, questions and comments



should be answered, and additional alternatives that are more consistent with the policies and goals of the relevant planning documents should be considered.

Possible alternatives to be considered should include immediate, substantial and aggressive investment in transit and freight infrastructure and improvements to encourage the use of transit. This should occur before there is any further widening of the freeway infrastructure. Creative changes to and temporal uses of the existing infrastructure may offer more environmental benefits over any of the build alternatives and allow for the better utilization of multi-modal transportation. For example, create the managed lanes from existing lanes. Then use the managed lanes during certain hours for BRT and HOV, and during other times to facilitate goods shipment with trucks and semi-trailers. Other ideas have included different types of infrastructure for different types of vehicle loads – single passenger vehicles confined to one type of roadway, transit to another and goods and freight with heavy trucks to another.

Of the alternatives proposed in the current DEIR/DEIS, the only option at this time is the No Build alternative, because the DEIR/DEIS is so deficient and the decision maker does not have adequate information to evaluate the limited alternatives presented for review.

I look forward to CalTrans' responses to the omissions and substantial limitations of the DEIR/EIS that are clearly identified by various comment letters including:

1. **The comment letter from the City of San Diego.** The project is not consistent with the City of San Diego General Plan Mobility Element and the Transportation elements of the Torrey Pines Community Plan, the Carmel Valley Community Plan and the Torrey Hills Community Plan. In particular the failure to address transit and multi modal transportation solutions in a meaningful way is inconsistent with the General Plan and Community Plans, which emphasize the importance of transit and transportation alternatives. The impacts on streets/arterials in communities adjacent to the expanded freeway have not been evaluated. The Mira Mesa Community Plan area is included in the project area and is not included in the DEIR/EIS. The University Community Plan goals and policies for open space and trails are not discussed.

Some specific comments from the City's comment letter (Attachment 2) are as follows:

- a. "Please provide detailed information about how the proposed project is consistent with the City's General Plan Policies in the Mobility Element of the General Plan, specifically ME-C.6.a-n...The Mobility Element contains policies designed to promote walking, bicycling, transit use, and car pooling to help achieve transportation and environmental goals." Please demonstrate consistency with these policies. (Attachment 2, page 2)
- b. "The General's Plan's Conservation Element has established goals and policies regarding air quality...Please discuss how the proposed project meets the... General Plan goals and policies of meeting federal and state regional air quality standards and reducing greenhouse gas emission." (Attachment 2, page 2)
- c. For the Torrey Pines Community, there are specific goals and policies that have not been addressed by the DEIR/DEIS, including the use of mass transit and multi-modal transportation before adding more roadway capacity, the protection of landforms from visual impacts, and the protection of the scenic and visual resources of the coastal areas and open space areas. There is a commitment in the Torrey Pines Community Plan to protect the community's quality of life from the proliferation of single vehicle transportation and its ever increasing infrastructure needs.

- d. The Torrey Hills Community establishes an additional, specific goals in its Community Plan: "Provide a transportation system that maximizes the opportunities for public transit." The Plan also discusses the northerly extension of the LRT line along the western edge of Torrey Hills. This was not evaluated in the DEIR/EIS.
- e. Property Acquisition. "An analysis should be conducted and a determination made as whether or not a community plan amendment will be required to amend the city and state jurisdictional line," if it is necessary to acquire property in the Carmel Valley Community Plan area. (Attachment 2, page 4)
- f. I-5 Managed Lanes. "The project alternatives do not appear to meet the purpose of the CSMP (corridor system management plan) or the project's purpose and need statement related to transit. While the ...HOV lanes can be used for by BRT, the DEIR/DEIS does not identify BRT station facilities including platform locations and station and HOV parking. The DEIR/DEIS does not consider any options that include improve Coaster commuter rail options between Oceanside and Downtown San Diego beyond those considered in the Final Program EIR/EIS for LOSSAN corridor that was released in September 2007. To reduce visual and noise impacts associated with the proposed alternatives and greenhouse gas emissions, it is the City's recommendation that additional alternatives be included that focus on improving transit service including commuter rail and BRT. (Attachment 2, page 6)
- g. There are detailed concerns raised by the City of San Diego's Development Services Department, Transportation Review, including comments about the evaluation tools used and the evaluations performed. "The information presented in the DEIR/DEIS's technical study, 'A Summary of Traffic Reports November 2008,' suggests" that the different alternatives would have "cumulative impacts at" identified "intersections in the City of San Diego... These impacts should be acknowledged in the DEIR/DEIS in accordance with the significance thresholds listed on pages 70 – 71 of the *City of San Diego's Significance Determination Thresholds, January 2007* and mitigation proposed." (Attachment 2, page 7-8)
- h. The Development Services Department, Environmental Analysis Section recommends that "impacts to biological resources should be quantified for each jurisdiction in order to assess the impacts to the resources within the City of San Diego boundaries. Mitigation should be provided to the maximum extent feasible in the same jurisdiction where the impacts occur, and should be provided in accordance with the mitigation ratios established by the City of San Diego Biology Guideline." (Attachment 2, page 8)
- i. The Environmental Services Department is concerned that the DEIR/DEIS does not address solid waste management, and no rationale is provided for the "No Impact" label in the "CEQA environmental Checklist...in appendix G section XVII Utilities and Service Systems...items F and G concerning landfill capacity and compliance with federal, state, and local statutes regarding solid waste."
- j. The Mira Mesa Community Plan area is included in the project area but is not included in the DEIR/EIS. Please provide an analysis of the relevant policies from the Mira Mesa Community Plan.
- k. The University Community Plan policies for open space and trails are not discussed, yet there are specific and relevant goals within this community plan which may be impacted by the proposed project. (Attachment 2, Pages 4 – 5)
- l. The San Diego Police Department provides lengthy comments on issues related to the proposed pedestrian bridge that would be located north of Del Mar Heights Road. (Attachment 2, pages 10 – 14)

2. **The comment letter from the Torrey Pines Planning Board (TPPB).** This letter (Attachment 1) emphasized the failure of the DEIR/EIS to address the policies of the Community Plan related to transportation. In particular:
  - a. The validity of the noise study for the area abutted by both the Torrey Pines and Carmel Valley communities is questioned on both the assumptions and methodology used. The results may be grossly under-predicting the noise levels that will be experienced with any of the alternatives. The noise study indicates that twelve sound walls are needed for mitigation along this corridor. However, the conclusion that the sound walls are too costly to be constructed is unacceptable and will create a loss in quality of life, possible health effects, damage the utility of a public school and adjacent playing fields, and most likely cause a serious reduction in property values for the affected properties.
  - b. The proposed amenity for the communities – a pedestrian bridge over I-5 – requires further evaluation and interaction with the communities, the City's Park and Recreation, Environmental Services and Police Departments. There is great concern for personal safety in regards to the bridge location, bridge design, and bridge use, as outlined in the comments from the Northwestern Division of the San Diego Police Department. (Attachment 2, pages 10 – 14)
  - c. Of particular importance is the assertion 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." (Attachment 1, Page 11). This project is contingent upon the completion of the I-5 NCC, and appears to be a significant omission by CalTrans.
  
3. **The comment letter from the Carmel Valley Planning Board (CVPB) (Attachment 3).** The letter from the CVPB states that "in its almost exclusive focus on the personal automobile, the 'I-5 North Coast Corridor Project' DEIR/EIS is in conflict with all relevant transportation policies and land use plans in the region. While (these) other policies and plans call for balanced, multi-modal transportation corridors, this plan can only suggest that the completed project might eventually lead to a mass transit system...the DEIR/DEIS remains relatively free of real analysis or what a massive investment in transit might accomplish, and the impacts of transit solutions are depicted as minimal." Some additional specific comments in the CVPB's comment letter are as follows:
  - a. "Each of the 'Build Alternatives' would significantly change the character of the I-5 coastal corridor throughout its 27-mile length, yet, the DEIR/DEIS fails to address the project's impact on communities." (Attachment 4, page 2) The Project "focuses on the automobile while suggesting that this project will lead to a mass transit system, thus it is in conflict with all relevant transportation policies and land use plans in the region. Given obvious attempts to (unjustifiably) minimize impacts, Caltrans further hurts communities by failing to make this project a true multi-modal one... Caltrans must rethink its role in shaping the environment." (Attachment 3, page 17)
  - b. "The four 'build alternatives' reflect no comprehensive regional transportation solutions to traffic congestion because they perpetuate automobile use and relegate mass transit to some vague future." They are inconsistent with the Mobility Element of the San Diego General Plan (2008), the Carmel Valley Community Plan and SANDAG's current Regional Transportation Plan (RTP) and the North Coast Transportation Study." (Attachment 3, page 2-3)
  - c. "Each build alternative would change the character of the coastal region and communities by virtue of high retaining walls, noise abatement walls and, as the

- DEIR/DEIS points out, the widened freeway would be experienced as double the current size. The DEIR/DEIS accurately states that this project would change the corridor from suburban to an urban setting. There are significant and unmitigable environmental consequences, which are judged inconsequential in the document. ... The entire 'Project' is presented as the only way to manage congestion in the region even though the character of each community in the corridor will be strongly urbanized and each community will become isolated by large barriers." (Attachment 3, page 3)
- d. "The Project' could likely return the corridor to failed levels of service (LOS) from 5-10 years after completion." (Attachment 3, page 2)
  - e. "Given the impacts to the coastal environment, to visual and aesthetic values, to communities, to noise and air qualities, and given the questionable success of reducing congestion with these alternatives, Caltrans and other transportation planners should begin anew with alternatives which would not totally alter the coastal corridor." (Attachment 3, page 2) "Such alternatives should incorporate the multi-modal principles of the City of San Diego, and numerous community plans, by evaluating a regional-serving and efficient mass transit system. Caltrans should evaluate alternatives with all transit or multi-modal proposals with appropriate supporting infrastructure (DAR's) and compare the near and long-term congestion management capability of these alternatives to the congestion management capability of the four build alternatives. Include in the evaluation the effects of local, community-serving and frequent public conveyances that would connect homes, businesses, commercial/office use and the recreation/entertainment with core communities." (Attachment 3, page 16-17)
  - f. "The DEIR/SEIS is flawed in not explaining why these multi-modal and TDM (Transportation Demand Management) alternatives ['strategies to maximize efficiency of the existing I-5 (ride-sharing; replacing stop signs with traffic signals at intersections to improve peak hour flow; 'integrating multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail and transit;' 'promoting mass transit...' (2-12)] were not included since the overall Project goal was to improve traffic congestion by 2030 using multi-modal transportation. We are provided no data of how much more efficient I-5 would be by incorporating mass transit now on portions of I-5." (Attachment 3, page 5)
  - g. The build alternatives conflict with the City of Villages formula for transportation planning that was adopted by the City of San Diego into its General Plan policies and SANDAG into the 2030 RTP. "Planners coined the term 'Transit First' to emphasize that the region can no longer improve traffic congestion by paving and widening more roads." (Attachment 3, page 7)
  - h. As indicated in the comments from the Northwestern Division of the San Diego Police Department (Attachment 2, pages 10 – 14), the proposed Pedestrian Bridge at Del Mar Heights Road connecting the communities of Torrey Pines and Carmel Valley raise serious safety concerns. Additionally, "...there is no 'benefit' because these communities do not rely on I-5 in order to access each other." (Attachment 3, page 9)
  - i. "Most of the neighborhood (Carmel Valley) is above the freeway, making it impossible to block the noise with traditional sound walls. Sound walls are designed to reduce noise impacts to areas at the same level or below the noisy environment." (Attachment 3, page 13) The build alternatives, as compared with the No-Build alternative, state that "The difference between the No-Build and Build traffic noise levels would be three decibels or less..." Additionally, "sound energy must be doubled to produce a 3-db increase..." As noted in the Carmel Valley comment

letter, "... the sound energy will double (on average) the entire length of the project." (Attachment 3, page 14). This is an unacceptable and unmitigable effect of the proposed build alternatives.

- j. The build alternatives do not appropriately address mitigation measures for the significant visual blight associated with this project. The "vastly-increased amount of asphalt, retaining walls and losses of open view of the coastal area cannot be considered 'minor inconsistencies' with State, Federal, Regional, City, and community plans in this area." (Attachment 3, page 11) Particularly, the DEIR's description that "'The additional lanes... (of) the I-5 NCC project would not substantially alter views' is not supported by the descriptions in the document of the retaining walls and widened roadway and bridge across the river valley and the San Dieguito Lagoon." (Attachment 3, page 11) These issues must be addressed in accordance with CEQA and NEPA guidelines and subsequently re-circulated to all responsive parties.

4. **The comment letter from the San Dieguito River Joint Powers Authority (JPA).** As the Vice-Chair of the San Dieguito River JPA, I am in full support of the organization's comment letter. This letter identifies 24 specific concerns ranging from the need for the project, the aesthetics and biological impacts, to apparent inconsistencies in the evaluation and outdated information in the technical studies which must be corrected.

In particular, the following statements are illustrative of the DEIR/EIS' inadequacies with respect to CEQA and NEPA:

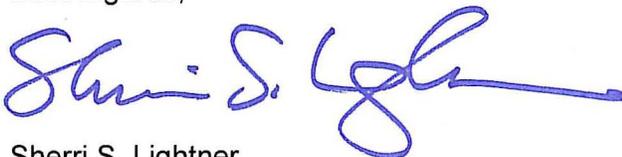
- a. "The Draft EIR/S does not adequately address the need for the project as required by NEPA, in particular the need relative to or in combination with the proposed LOSSAN rail corridor. In Section 1.3 (Need for the project), a statement is made 'even with the improvements (to the rail corridor), capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030,' yet no further explanation or analysis is provided to justify why widening of the I-5 to 14 lanes is needed if public transit along the LOSSAN corridor is expanded (i.e. double tracking). Caltrans' NEPA guidance regulations require explanation of and justification for the purpose and need of a project in an EIS. The Draft EIR/S should provide a quantified comparison of vehicular and rail trips within the I-5 corridor and how implementation of both the I-5 widening project and double tracking affects those trips." (Attachment 4, item 1)
- b. The project does not fit with the I-5 NCC Corridor System Management Plan (CSMP). It does not consider a multi-modal approach to transportation in the corridor. "The Draft EIR/S does not adequately convey how the different modes of transit work together to meet demand and how public transit would reduce vehicular travel. If Caltrans continues to widen freeways to improve level of service and decrease vehicular travel times then there is no incentive for the public to use public transit. Impacts associated with widening the freeway are numerous and significant and are not adequately justified." (Attachment 4, item 2)
- c. "The first paragraph on page A-29... completely dismisses any impacts to the (Coast to Crest) trail and San Dieguito River Park as *de minimis*. We strongly disagree with that assessment, which is based on vague unsubstantiated statements that appear to ignore the addition of 120 feet of freeway lanes, tall retaining walls, higher traffic volumes, increased shadowing...loss of habitat and new R/W over the Coast to Crest Trail." (Attachment 4, item 6)

- d. "Minimizing the project footprint should be one of the project objectives." (Attachment 4, item 7)
- e. "Of great concern to the JPA is the lack of community enhancements proposed for this portion of the North Coast Corridor that includes the western gateway to the regional 55-mile long San Dieguito River Park. ... The I-5 NCC does not contribute to any enhancements in the San Dieguito River Park area, a substantial deficiency in the project." (Attachment 4, item 14)
- f. "Because of the negative visual impact that sound walls would create through the lagoon area, the Draft EIR/S should address other design solutions to attenuate freeway noise... as feasible mitigation measures required by CEQA/NEPA... alternative freeway surface materials that reduce vehicular wheel sound should be examined as a mitigation measure... shorter noise walls that may reduce noise at sensitive receptor below the freeway elevation could also be examined as a mitigation measure. The DEIR/S should address other design solutions to attenuate freeway noise." (Attachment 4, item 16)
- g. "The information in the Draft EIR/S about widening (39 feet on each side) the San Dieguito Bridge over the river lacks the specificity needed to accurately determine impacts to habitat, hydrology, tidal flushing and to the existing trail undercrossing." (Attachment 4, item 19)
- h. The DEIR/S does not address a potential DAR at the Del Mar Fairgrounds. (Attachment 4, item 22)
- i. "The biological analysis must be updated to reflect the current condition of the lagoon... The biological surveys were conducted prior to the (SCE) restoration (lagoon technical study is dated June 2006, which is during construction of the restoration project) and do not reflect the existing condition.... Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts." (Attachment 4, item 23)
- j. "The floodplain and hydrologic analyses are based on conditions that existed prior to the ...restoration and must be updated." (Attachment 4, item 24)
- k. "We strongly recommend that Caltrans recirculate the DEIR/S prior to its certification as it is presently inadequate in its evaluation of significant effects and mitigation regarding the San Dieguito River Park." (Attachment 4, item 1)

Additional groups have commented on the inadequacies, the outdated information and the inconsistencies in this DEIR/EIS related to the alternatives selected for evaluation and the failure to consider changes in the law, which should have had a significant impact on the alternatives. Please correct the DEIR/DEIS and present alternatives which are realistic for a sustainable environment and economy.

If I can be of further assistance, please contact my office at (619) 236-6611.

Best regards,



Sherri S. Lightner  
Councilmember, District One  
City of San Diego