

Letter A2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11, DIVISION OF PLANNING
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June 24, 2014

Mr. Mark Slovick
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92026

11-SD-15
PM 43.28
Lilac Hills Ranch Revised EIR

Dear Mr. Slovick:

The California Department of Transportation (Caltrans) has reviewed the Lilac Hills Ranch Draft Revised Environmental Impact Report (DREIR), located near Interstate 15 (I-15). Caltrans does not agree with the following statements identified for the mitigation measures within Caltrans jurisdiction:

A2-1

M-TR-2, 3: Language was added in the revised EIR that the applicant or designee would be required to install traffic signals at the I-15/Gopher Canyon Road intersection, or Caltrans would agree to install signals provided funding by the applicant equivalent to the cost of installation. It should be noted that Caltrans would most likely not be involved in installing direct impact mitigation for a land development regardless of it being funded by others.

A2-2

Caltrans does not agree with mitigation language throughout the EIR, whereby mitigation is determined to be infeasible and would remain significant and unavoidable because the impacts are within the jurisdiction of Caltrans, or there is no project, fund or program to contribute fair-share for cumulative impacts. It is the Lead Agency's responsibility to determine and disclose under CEQA the feasibility of implementing a mitigation measure. Stating that Caltrans does not have an identified project at a location identified to have an impact as justification for not mitigating does not meet the intent of CEQA. Furthermore, Caltrans does have a mechanism or program to collect fair-share contributions for cumulative impacts on Caltrans facilities.

A2-3

"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"

A2-1 The comment is an introduction to comments that follow and expresses the opinions of the commentator. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. No further response is required.

A2-2 Mitigation measures M-TR-2 and M-TR-3 are included in the FEIR to address the identified significant direct (i.e., project) impacts to the intersections at I-15 Southbound Ramps/Gopher Canyon Road and I-15 Northbound Ramps/Gopher Canyon Road, respectively. The mitigation measures were developed based on the project traffic engineer recommendation that the identified significant impacts would be mitigated with installation of traffic signals at each of the two intersections (TIS [FEIR Appendix E], pp. 226-227.) In light of the comment, mitigation measures M-TR-2 and M-TR-3 have been revised as follows to eliminate the scenario under which the applicant would provide the necessary funding and Caltrans would install the improvements:

Prior to recordation of the Final Map associated with the 363rd EDU of the Lilac Hills Specific Plan, the applicant or its designee shall, coordinate with contingent upon Caltrans to approval, either: (1) install traffic signals at the I-15 SB Ramps/Gopher Canyon Road intersection, or (2) enter into an agreement with Caltrans whereby the applicant or its designee would provide funding equivalent to the cost to install a traffic signal at the I-15 SB Ramps/Gopher Canyon Road intersection and Caltrans would agree to install such signal prior to recordation of the Final Map associated with the 363rd EDU of the Lilac Hills Ranch Specific Plan.

[Mitigation measure M-TR-3 includes similar language specific to the northbound ramps.] (See FEIR subchapter 2.3.)

Because the improvements identified in mitigation measures M-TR-2 and M-TR-3 are under the jurisdiction and control of an agency other than the County (i.e., Caltrans) such that the County does not have the ability to enforce implementation of the improvements, there is no assurance that the improvements would be implemented within the necessary timeframe (i.e., prior to recordation of the Final Map associated with the 363rd EDU). Therefore, the impacts at the two intersections are considered significant and unavoidable. (FEIR, subchapter 2.3.)

LETTER

RESPONSE

June 24, 2014
Mark Slovik
Lilac Hills Ranch Revised EIR

If you have any questions, please contact Marisa Hampton at (619) 688-6954.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

A2-3 The FEIR determined that the proposed project, in combination with other cumulative traffic, would result in significant cumulative impacts on I-15 from SR-78 north to the Riverside County boundary. (FEIR, subchapter 2.3; TIS, pp. 267-272, 356-357.) To mitigate the identified impacts it would be necessary to add additional I-15 travel lanes to provide increased capacity. However, there are no plans with a corresponding funding program in place to provide the additional lanes within the timeframe necessary to mitigate the identified impacts. Since submittal of its June 24, 2014 comment letter, Caltrans submitted a third comment letter stating that it "recognizes that no mitigation program, which the EIR could rely upon, is currently in place to implement" the necessary I-15 improvements, and, that based on the most recent SANDAG Regional Transportation Plan, the necessary improvements "are not planned to be in place until sometime between 2040 and 2050." (Letter, Armstrong to Slovik, October 22, 2014.) Under CEQA, in circumstances as these in which the necessary improvements are outside of the jurisdiction and control of the lead agency (i.e., County), and the party with jurisdiction and control (i.e., Caltrans) has no plan or program in place to fund and construct the necessary improvements within the necessary timeframe, mitigation is infeasible and the impact is deemed significant and unavoidable. (FEIR, subchapter 2.3; TIS, p. 284.) The FEIR discloses this information and in doing so complies fully with CEQA. Please see Global Response: I-15 Mitigation Infeasible, for additional information responsive to the comment.

LETTER

RESPONSE