

I-211 Mark Jackson (2)

- I-211-1** The comment states that the project creates massive direct and cumulative traffic impacts to regional road networks under the jurisdiction of the County, City of San Marcos, and Caltrans.

The County acknowledges the comment as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-2** The comment states that a major question for decision makers is whether enough financial resources are available to pay the huge cost of mitigation in a timely manner and that the mitigation claims in the EIR are unsubstantiated.

The County disagrees with the comment. The EIR proposes enforceable measures to ensure the timely implementation of mitigation. The comment expresses the opinion regarding the mitigation identified in Section 2.13.12; however, no specific reason for why the measures identified therein are unsubstantiated. In fact, the Draft EIR acknowledges that several mitigation measures, though feasible and adequate to reduce impacts to less than significant, are not within the County's jurisdiction and therefore, the Draft EIR concludes that such impacts which would otherwise be mitigated are significant and unavoidable (Draft EIR, Section 2.13.13, Conclusions). The County further notes the comment raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-3** The comment states that the County recognizes there would be 19 direct impacts (9 intersections and 10 road segments) and 26 cumulative impacts to regional transportation network elements.

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-4** The comment states that additional right of way (ROW) is required from 20 parcels to widen Deer Springs Road (Option B) and 30 additional parcels to widen Twin Oaks Valley Road. The comment states that the use of Eminent Domain seems likely and proceedings will take a lot of time to acquire the ROW.

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The County acknowledges the comment and notes it expresses the opinions of the commenter, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-5** The comment states that the Draft EIR identifies the impacted road segments and intersections but does not provide the essential information to decision makers to determine whether the mitigation proposed are feasible, and whether or not the improvements can be funded and implemented in the timeframe required to mitigate those impacts.

The County does not agree with this comment. First, if a mitigation measure was found to be infeasible, an explanation is provided after the identified mitigation measure as listed in Section 2.13.12.

Second, regarding funding for the improvements, as addressed on page 2.13-112 in Section 2.13, Transportation and Traffic, the County has adopted and is implementing a Traffic Impact Fee (TIF) Program to collect impact fees from new development and construct new or expanded road, highway, interchange, and intersection facilities in the unincorporated County necessary to accommodate new development planned under the County's General Plan. In so doing, the TIF Program is an impact fee program designed to facilitate compliance with CEQA by providing a funding mechanism for these new facilities which serve to mitigate the indirect, cumulative traffic impacts created by new development. Accordingly, where the project would result in cumulative impacts to TIF Eligible Facilities, compliance with the County's TIF Program would serve as mitigation for those impacts.

TIF fees are deposited into local Community Planning Area accounts, regional accounts, and regional freeway ramp accounts. TIF funds are only used to pay for improvements to roadway facilities identified for inclusion in the TIF program, which includes both County roads and Caltrans highway facilities. TIF funds collected for a specific local or regional area must be spent in the same area. By ensuring TIF funds are spent for the specific roadway improvements identified in the TIF program, the CEQA mitigation requirement is satisfied, and the Mitigation Fee Act nexus is met.

Third, as stated in Section 2.13.12, each significant impact that would result in the City of San Marcos and/or Caltrans jurisdictions, implementation of the recommended improvements is outside the jurisdiction and control of the County of San Diego. However, in the case of San Marcos, the project applicant is expected to gain the concurrence and approval of the City of San Marcos to build and contribute funding as mitigation for the identified improvements to Twin Oaks Valley Road and

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associated intersections, thereby resulting in mitigation of the project's direct and cumulative impacts in San Marcos to less than significant.

In the case of Caltrans, as previously stated in Section 2.13.1, the planning, environmental review, design, and construction of the I-15/Deer Springs Road interchange are subject to a three-phase process that will involve separate CEQA/NEPA review under the jurisdiction of Caltrans. At the conclusion of that process, the project applicant anticipates approval from Caltrans to build the new interchange. Construction of a new interchange would mitigate the project's impacts at the interchange to less than significant.

Nevertheless, while the project applicant is working with the City of San Marcos and Caltrans towards implementation of those road improvements necessary to mitigate the project's identified significant direct and cumulative impacts within the respective jurisdiction, because the County does not have jurisdiction and control over the construction of these improvements, the County cannot be assured of their timely and effective implementation. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

I-211-6 The comment states that there are three top level defects in the traffic section of the County's Draft EIR.

The County acknowledges the comment as an introduction to comments that follow. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

I-211-7 The commenter asks what the impacts of I-15/Deer Springs Road ramp improvements and other direct and cumulative impacts to Caltrans jurisdiction roads and intersections required for Project mitigation.

Please refer to **Response to Comment O-238-3** and **Topical Response TR-2**. The Project would result in a significant and unavoidable direct and cumulative impact to the Deer Springs Road/I-15 Interchange Northbound (NB) Ramps and Southbound (SB) Ramps (Caltrans).

In the case of Caltrans, as previously stated in Section 2.13.1, the planning, environmental review, design, and construction of the I-15/Deer Springs Road interchange are subject to a three-phase process that will involve separate CEQA/NEPA review under the jurisdiction of Caltrans. At the conclusion of that process, the project applicant anticipates approval from Caltrans to build the new

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interchange. Construction of a new interchange would mitigate the project's impacts at the interchange to less than significant.

- I-211-8** The commenter asks what the impacts of I-15/Deer Springs Road ramp improvements are, and if this mitigation is feasible.

Refer to **Topical Response TR-2**. As stated in Section 2.13.12, each significant impact that would result in Caltrans jurisdiction, implementation of the recommended improvements is outside the jurisdiction and control of the County of San Diego. Therefore, this impact is significant and unavoidable. In the case of Caltrans, as previously stated in Section 2.13.1, the planning, environmental review, design, and construction of the I-15/Deer Springs Road interchange are subject to a three-phase process that will involve separate CEQA/NEPA review under the jurisdiction of Caltrans; therefore, impacts associated with I-15/Deer Springs Road ramp improvements are not identified at this time.

- I-211-9** The commenter asks how much funding is required to implement the Project's 19 direct impacts and 26 cumulative impacts.

Please refer to **Response to Comment I-238-5**. There would be 19 direct and 26 cumulative significant and unavoidable impacts to intersections, roadway segments, and freeway segments. The project applicant has an estimated \$25.4 to \$27.6 million in offsite road and intersection improvements and an additional \$11 million in County Traffic Impact Fee payments for cumulative impacts. (See Final EIR Appendix JJ-23.)

The County acknowledges the comment and notes it does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-10** The comment questions who would provide mitigation funding for the traffic improvements.

Please refer to **Response to Comment I -238-8**.

- I-211-11** The comment questions if the mitigation could reasonably be completed in time to mitigate Project impacts.

Please refer to **Response to Comment I -238-8**.

- I-211-12** The comment states that the "Option A" mitigation for widening Deer Springs Road from Mesa Rock to Sarver Land to a 2.1 B Community Collector two lane road would

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result in a Level of Service F, which does not mitigate impacts. The commenter asks why this option is considered.

As stated in Section 2.13, Transportation and Traffic, page 2.13-8, the Project would have a significant direct impact to Deer Springs Road from Sarver Lane and Mesa Rock Road.

“Mitigation for this impact would depend on whether Option A or Option B is selected by the Board of Supervisors for Deer Springs Road. If Option A is selected, this segment of Deer Springs Road between Sarver Lane and Mesa Rock Road would be built to a 2.1B Community Collector with a two-way center turn lane. To clarify, under this Option, the Sarver Lane and Mesa Rock Road intersections would be built to the 4.1A Major Road classification with transition areas east and west, respectively, of these intersections. If Option B is selected, this segment of Deer Springs Road between Sarver Lane and Mesa Rock Road would be built to San Diego County 4.1B Major Road classification. Under Option A, the impact to this segment would remain **significant and unavoidable** whereas, under Option B, the impact would be mitigated to less than significant.”

As stated in Appendix HH of the Draft EIR (page 13), Option A would include the following:

“Option A would maintain Deer Springs Road as a two lane road with two bike lanes for an approximately 6,600-foot-long section of the road between Mesa Rock Road and Sarver Lane but upgrade this road segment to conform to the County’s 2.1B Community Collector with Continuous Turn Lane classification. The balance of Deer Springs Road, including its intersections with Sarver Lane and Mesa Rock Road, would be constructed as a 4.1A Major Road, a four-lane road with a raised median and with auxiliary lanes as necessary. Also under this Option, the 6,600-foot-long section of Deer Springs Road to be constructed as a two-lane road would be reclassified in the General Plan Mobility Element from a 6.2 Prime Arterial (six-lane) to the 2.1B Community Collector classification. This 6,660- foot-long section of the road east of Sarver Lane and west of Mesa Rock Road would have two travel lanes and a continuous two-way center left turn lane with a paved width of 50 feet in a 74-foot-wide right-of-way. The proposed alignment would follow the current road alignment except that the minimum centerline radius would be increased to 750 feet at the existing 90 degree curve as the road turns south at Sarver Lane.”

As stated in Appendix HH of the Draft EIR (page 15), Option B would include the following:

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“Option B would widen and realign Deer Springs Road to four lanes of travel and two bike lanes with a paved width of between 64 and 76 feet within a right of way between 88 and 100 feet in width for its entire length from I-15 to its intersection with Twin Oaks Valley Road to conform to the County’s 4.1A and 4.1B Major Road standards. Under this Option, an approximately 7,600-foot-long section of Deer Springs Road between Sarver Lane and Mesa Rock Road would be constructed as a 4.1B Major Road, a four-lane road with a continuous center left turn lane, and the balance of the road from I-15 to its intersection with Twin Oaks Valley Road would be constructed as a 4.1A Major Road, a four-lane road with a 14-foot-wide raised median. Under this Option, a portion of the 4.1B segment west of Mesa Rock Road would be constructed with a reduced right-of-way width (down to 88 feet) to avoid the taking of an existing residence along the north side of Deer Springs Road. Unlike Option A, Option B would not reclassify Deer Springs Road and, therefore, would not require a General Plan Amendment. Instead, the Project would maintain the County’s Mobility Element classification of Deer Springs Road as a 6.2 Prime Arterial.

Additional right-of-way and a temporary construction and slope easements along the north and south sides of the existing Deer Springs Road right of way would be required to support the Major Road classification within the 88 to 100-foot-wide right of way. The road improvements proposed under this Option would require grading of approximately 202,700 cubic yards of cut and 99,900 cubic yards of fill; and 102,800 cubic yards of export would be taken to the Project Site for use on-site.”

Option B would require that additional right of way, when compared to Option A. Therefore, Option A and B were analyzed to provide the Board of Supervisors multiple options.

I-211-13 The comment states that the Draft EIR had an inadequate disclosure of impacts for Caltrans road segments and intersections. The comment states that the County discloses massive impacts without substantiated mitigation for four direct impacts and 5 cumulative impacts to Caltrans road segments and intersections. The comment states that the impacts include a “to be determined” redesign of the I-15/Deer Springs Northbound and Southbound ramps and intersections. The comment provides a table with the impacted road segments and intersections within Caltrans jurisdiction.

As stated in Section 2.13.12, each significant impact that would result in Caltrans jurisdiction, implementation of the recommended improvements is outside the jurisdiction and control of the County of San Diego. Therefore, this impact is significant and unavoidable. In the case of Caltrans, as previously stated in Section

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2.13.1, the planning, environmental review, design, and construction of the I-15/Deer Springs Road interchange are subject to a three-phase process that will involve separate CEQA/NEPA review under the jurisdiction of Caltrans; therefore, impacts associated with I-15/Deer Springs Road ramp improvements are not identified at this time.

The County acknowledges the comment and notes it expresses the opinions of the commenter, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-14** The comment states that the Draft EIR does not provide information of the design, cost or schedule associated with the proposed mitigation.

Please refer to **Response to Comment I-283-13**.

The County acknowledges the comment and notes it expresses the opinions of the commenter, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-15** The comment states that mitigation measure M-TR-1 is totally ineffective. The comment states that the Developer is unwilling to pay for Caltrans improvements and the County offers a circular discussion that faults the Caltrans planning process and provides no information whatsoever. The comment states that the County is employing deficient reasoning by allowing M-TR-1 to be called mitigation for the direct and cumulative Project I-15 ramp impacts.

The County disagrees for the following reasons. As stated in Section 2.13, on page 2.13-101, the I-15/Deer Springs Road interchange improvements are included in the County's Transportation Impact Fee (TIF)/Transportation Needs Assessment Report (2012) as a necessary improvement that will be funded partially by the development. As stated on page 2.13-35, TIF fees are deposited into local Community Planning Area accounts, regional accounts, and regional freeway ramp accounts. TIF funds are only used to pay for improvements to roadway facilities identified for inclusion in the TIF program, which includes both County roads and Caltrans highway facilities. TIF funds collected for a specific local or regional area must be spent in the same area. By ensuring TIF funds are spent for the specific roadway improvements identified in the TIF program, the CEQA mitigation requirement is satisfied, and the Mitigation Fee Act nexus is met. Therefore, the Project will contribute a fair share contribution to the I-15 interchange improvements. The County will include the comment as part of the

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Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-16** The comment states that the obvious remedy is to not process the Draft EIR until the Caltrans jurisdiction mitigations can be quantified and disclosed to the decision maker and the public.

Please refer to **Response to Comment I-238-15**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-17** The comment states that the information required for decision makers is engineering preliminary design and an estimate of mitigation costs and implementation schedule and that funding sources need to be identified and binding commitments made. The comment states that a schedule assessment needs to be performed to determine whether the project's impacts will be able to be mitigated in a timeframe in which the Project's traffic loads enter the network.

The County acknowledges the comment and directs the commenter to Section 2.13, Transportation and Traffic. As concluded in Section 2.13.13, "No feasible mitigation exists to mitigate the project's impact to the segment of I-15 between Deer Springs Road and Pomerado Road (**Impact TR-18**). Therefore, **Impact TR-18** is considered **significant and unavoidable**." Further, "As it relates to the project's cumulative impact to the segment of I-15 between Old Highway 395 and Pomerado Road (**Impact TR-41**), no feasible mitigation exists to mitigate the project's impact to less than significant. Therefore, Impact TR-41 is considered significant and unavoidable." Thus, as required under CEQA, the Draft EIR has identified the proposed project's impacts and identified that no such mitigation exists to feasibly reduce these impacts. No further response is required.

- I-211-18** The comment states that a Project decision without this information is a flawed decision. The comment asks if there is enough money available to fix the I-15 freeway to handle the Project's impacts. Please refer to **Response to Comment I-238-8** The comment asks if the Project will pay or if taxpayers would be required to subsidize direct and cumulative Project impacts.

Please refer to **Response to Comment I-238-17**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

- I-211-19** The comment states that the County should provide the required design, cost, and schedule information for Caltrans jurisdiction impacts and proposed mitigation prior

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to making a decision on the Project. The comment states that the format and information content is provided in Attachment 2 to the comment.

Please refer to **Response to Comment I-238-17**. Regarding Attachment 2, see **Response to Comment I-238-26**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

I-211-20 The comment states that there are 15 direct and 21 cumulative project impacts to County and City of San Marcos jurisdiction roads and intersections. The comment provides a list of these intersections and road segments.

Please refer to **Response to Comment I-238-17**. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

I-211-21 The comment states that improvements to County roads are accomplished in the 5 year Capital Improvement Plan (CIP) process. The comment states that the Fiscal Year 2016/17 CIP has a single placeholder page for Deer Springs/Twin Oaks Road widening with zeros and blanks in the budget and schedule column. The comment states that there are 12 other County impacts with no planning in the CIP. The comment states that the fidelity of this information indicates to the public that the implementation of effective mitigation for direct and cumulative impacts is at high risk of having adequate funding in time to provide feasible mitigation of Project impacts, given design, ROW acquisition, and construction lead times.

Section 2.13.3.2, County of San Diego Transportation Impact Fee Program/Ordinance, explains what the TIF program and RTCIP fund is, how the funds are calculated, and how the funds are used.

As stated in Section 2.13, on page 2.13-101, the I-15/Deer Springs Road interchange improvements are included in the County's Transportation Impact Fee (TIF)/Transportation Needs Assessment Report (2012) as a necessary improvement that will be funded partially by the development. As stated on page 2.13-35, TIF fees are deposited into local Community Planning Area accounts, regional accounts, and regional freeway ramp accounts. TIF funds are only used to pay for improvements to roadway facilities identified for inclusion in the TIF program, which includes both County roads and Caltrans highway facilities. TIF funds collected for a specific local or regional area must be spent in the same area. By ensuring TIF funds are spent for the specific roadway improvements identified in the TIF program, the CEQA mitigation requirement is satisfied, and the Mitigation Fee Act nexus is met. Therefore, the Project will contribute a fair share contribution to the I-15 interchange improvements.

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In some cases, such as the implementation of **M-TR-2** (Deer Springs Road/Mesa Rock Road Intersection), **M-TR-3** (Deer Springs Road/Sarver Lane Intersection), **M-TR-6** (Buena Creek Road/Monte Vista Drive Intersection), **M-TR-7** (Buena Creek Road/S. Santa Fe Avenue Intersection), the Project applicant, or its designee, would be responsible for reconstruction of an intersection, installation of a traffic signal or roundabout, etc. Because these impacts are driven by the Project, these improvements would likely not be identified in a Capital Improvement Plan.

As stated on page 2.13-104, the timing of implementing each mitigation measure is based on the number of “Equivalent Dwelling Units” (EDU) that would trigger the significant impact. Each mitigation measure identifies a specific EDU trigger for when the impact would occur and when the improvement needs to be completed.

The County periodically updates its TIF Program, including its list of eligible road facilities, its fee structure, other provisions of the TIF Ordinance, etc. Although Deer Springs Road is not currently included in the County’s TIF Program as a TIF eligible facility, it is part of the Regional Arterial System, improvements to which can be funded by RTCIP Fees which, in the case of the County, are collected through the County’s TIF Program. Further, the County may add Deer Springs Road to the TIF Program in the future under a scenario where, because of the improvements made by the Sierra project, the road is no longer failing, but future growth would be expected to cause the road to fail.

As stated in Section 2.13.12, each significant impact that would result in the City of San Marcos and/or Caltrans jurisdictions, implementation of the recommended improvements is outside the jurisdiction and control of the County of San Diego. However, in the case of San Marcos, the project applicant is expected to gain the concurrence and approval of the City of San Marcos to build and contribute funding as mitigation for the identified improvements to Twin Oaks Valley Road and associated intersections, thereby resulting in mitigation of the project’s direct and cumulative impacts in San Marcos to less than significant.

In the case of Caltrans, as previously stated in Section 2.13.1, the planning, environmental review, design, and construction of the I-15/Deer Springs Road interchange are subject to a three-phase process that will involve separate CEQA/NEPA review under the jurisdiction of Caltrans. At the conclusion of that process, the project applicant anticipates approval from Caltrans to build the new interchange. Construction of a new interchange would mitigate the project’s impacts at the interchange to less than significant.

Nevertheless, while the project applicant is working with the City of San Marcos and Caltrans towards implementation of those road improvements necessary to mitigate the project’s identified significant direct and cumulative impacts within the respective

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jurisdiction, because the County does not have jurisdiction and control over the construction of these improvements, the County cannot be assured of their timely and effective implementation. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

- I-211-22** The comment states that the Project contribution to RTCIP and TIF is offered as the primary Developer contribution to regional cumulative impacts. The comment states that the end of a ten year buildout will contribute a grand total of \$5.1 million of Regional Congestion Impacts Fees and \$3.8 million of County Transportation Impacts Fees (TIF). The comment states that \$8.9 million is inadequate to mitigate the Project's cumulative impacts. The comment asks where the balance of the money is coming from to pay for cumulative impact mitigation.

Please refer to **Response to Comment I-238-21**. The comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the analysis in the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- I-211-23** The commenter requests that the County complete Attachment 2 to the comment for direct and cumulative traffic impacts for Caltrans, the County, and the City of San Marcos.

The comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the analysis in the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

- I-211-24** The comment states that inadequate capacity is offered on Deer Springs Road from Mesa Rock Road to Sarver Lane and requests that Option A be eliminated and that Option B be implemented.

The comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the analysis in the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

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I-211-25 The comment provides an attachment (Attachment A), which is a CIP placeholder for Deer Springs Road.

The comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the analysis in the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.

I-211-26 The comment provides an attachment (Attachment B), which includes a spreadsheet of the Project mitigation measures and requests that the County provide associated costs.

The comment does not raise an environmental issue within the meaning of CEQA or challenge the adequacy of the analysis in the Draft EIR. The County will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required because the comment does not raise an environmental issue.