

A-2 CALTRANS

A-2-1 The comment is an introductory comment indicating that the California Department of Transportation (Caltrans) has reviewed the Draft EIR Transportation Impact Study (TIS; Appendix 2.9-1 of the Draft EIR). The comment also summarizes the mission of Caltrans and the role of the Local Development-Intergovernmental Review (LD-IGR) Program. The comment further indicates that Caltrans' comments are to follow. This comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

A-2-2 The comment requests justification for the assumed project trip distribution along State Route (SR) 125, between Mt. Miguel Road and SR-54 under existing (13%), year 2025 (12%), and year 2030 (10%) conditions. The comment also states the decreasing trip distribution for this segment of SR-125 is unreasonable.

Section 2.9, Transportation and Traffic, of the Draft EIR discusses how the Proposed Project trip distribution was derived based on a series of San Diego Association of Governments (SANDAG) Series 11 Transportation Forecast model select zone assignments; the SANDAG model is widely accepted as the region's most comprehensive and accurate transportation model. Separate model runs and select zone assignments for the Project Area were conducted under base, year 2025, and year 2030 conditions. The Proposed Project trip distribution utilized for the analysis was based on the results of the respective select zone assignments. The select zone assignment results are provided in Appendix C of the Draft Otay Ranch Village 14 and Planning Areas 16/19 Transportation Impact Study, February 9, 2018 (TIS).

As to the decreasing distribution percentages, the potential reasons for the decreasing distribution include redistribution due to additional congestion on I-805 resulting in the model increasing drivers willingness to pay the toll to utilize SR-125, and future land use changes occurring outside the project study area that are reflected in the model distribution due to its regional nature.

A-2-3 The comment requests that the backup data for the information in Table 3.4 of Appendix 2.9-1 be provided.

The backup data for Table 3.4 has been provided in Appendix A of the Final Revised TIS, which is included as Appendix 2.9-1 to the Final EIR. The additional data do not include the identification of any new or significant greater impacts or mitigation measures and do not constitute substantial new information pursuant to the California

Environmental Quality Act (CEQA) because the information contained in Table 3.4 does not change.

A-2-4 The comment requests that the signal timing for the following intersections be revised to match current conditions:

- SR-125/San Miguel Ranch Road
- SR-125/East H Street / Proctor Valley Road
- SR-125/Otay Lakes Road

Table 2.9-23 and Table 2.9-24 of the Final EIR, as well as Table 3.1, Table 5.1, Table 6.2, and Table 7.1, Appendix B, Appendix F, Appendix J, Appendix L, and Appendix N of the Final Revised TIS have been revised in response to this comment. The Final Revised TIS is included as Appendix 2.9-1 to the Final EIR. As revised, the intersections would operate at an acceptable level of service (LOS) with the revised signal timings. As a result, no new significant impacts are identified.

These revisions are presented in the Final EIR in ~~strikeout~~/underline format. These revisions do not include the identification of any new or significantly greater impacts or mitigation measures and do not constitute substantial new information pursuant to CEQA.

A-2-5 The comment requests the TIS, and analysis presented in the Draft EIR, utilize various statements contained in the 2002 Caltrans Guide for the Preparation of Traffic Impact Studies (2002 Caltrans Guide) as thresholds of significance in assessing Proposed Project impacts. These statements include that “Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities.” Additionally, the comment asserts that “any volume added to a facility currently operating at LOS “D” is considered a significant impact.” Finally, the comment lists five segments on SR-125 under various analysis scenarios in which the comment contends the Proposed Project would result in significant impacts.

First, the County, as lead agency, has discretion in selecting the significance criteria and the significance criteria utilized in this case is supported by substantial evidence. Second, by its express terms, the text relied upon in the 2002 Caltrans Guide is permissive (“Caltrans endeavors”) and not mandatory (not “shall” or “must” or “required”), and, in any event, the 2002 Guide recently has been superseded by a subsequent guidance document specific to Caltrans LD-IGR review (Caltrans Local Development – Intergovernmental Review Program Interim Guidance – Revised November 9, 2016). Third, in the limited instances in which Proposed Project traffic

would cause the LOS on SR-125 to degrade from LOS C to LOS D, the increase attributable to the Proposed Project is less than 1% and, as such, does not constitute a significant impact as identified in the County's CEQA guidelines for determining significance.

Under CEQA, the lead agency has discretion to determine the significance criteria by which to assess impacts. Pursuant to the CEQA Guidelines (14 CCR 15064.7), lead agencies are encouraged to adopt and publish significance thresholds for use in determining whether environmental impacts are significant. Where a question is raised regarding the relevance of an adopted threshold, a lead agency determination that the threshold applies will be upheld if supported by substantial evidence (see *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1072).

In this regard, the County has approved Guidelines for Determining Significance and Report Format and Content Requirements, Transportation and Traffic. These Guidelines were approved by the County's Deputy Chief Administrative Officer as part of the County's Land Use and Environment Group's Guidelines for Determining Significance and Report Format and Content Requirements following consideration by the Director of Planning and Land Use, in coordination with the Director of Public Works.

Courts uphold lead agency discretion as to the determination of how to evaluate traffic impacts and which significance standards and methodologies to use (see *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 541 [upholding significance criteria on basis of performance standards adopted by local jurisdictions]; *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 362 [upholding significance standard for traffic impacts developed by drafters of EIR]).

By its express provisions, the 2002 Caltrans Guide does not mandate its use when assessing impacts as the relevant text indicates its use is permissive, not mandatory: "Caltrans **endeavors to maintain** a target LOS at the transition between LOS 'C' and LOS 'D' on State highway facilities" (Caltrans Guide, page 1 [emphasis added]). The use of the action verb "endeavor"—not "shall," "must," or "required"—demonstrates that use of the Caltrans Guide to establish thresholds of significance is not mandatory (see, e.g., *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 519–522).

Furthermore, Caltrans recently issued new, updated guidance, entitled Local Development – Intergovernmental Review Program Interim Guidance (2016), which supersedes the 2002 Caltrans Guide (Caltrans Interim Guidance, page 4):

This [Interim Guidance] supersedes the 2002 Caltrans Guide for the Preparation of Traffic Impact Studies in comments to local agencies. Instead of referencing the 2002 guide, Districts should make specific analysis requests of the Lead Agency when additional information is needed.

The Interim Guidance, which was prepared in response to Senate Bill 743 and utilizes a vehicle miles traveled metric, does not reference LOS standards, nor does it contain the referenced “endeavor” standard.

Additionally, in its comments on the Notice of Preparation for the Draft EIR, while Caltrans did submit comments, those comments included no mention of the 2002 Guide, i.e., no request that the County use the endeavor “standard” in assessing project impacts (letter from Jacob M. Armstrong to Gregory Mattson, December 29, 2016 [response to Notice of Preparation]).

As to the comments regarding SR-125, in assessing project impacts, the County utilized the Congestion Management Program significance criteria shown in Table 5 of the County Guidelines specific to Freeways. Under this criteria, a project would result in significant impacts if the project increases the vehicle/capacity (V/C) ratio by more than 0.01 on those segments operating at LOS E or F under “with Project” conditions (County Guidelines, page 23; TIS page 18). Under this standard, LOS D or better is used as the threshold for acceptable freeway operations, which is based upon Caltrans and the SANDAG Regional Growth Management Strategy requirements (Draft EIR, pages 2.9-19 to 2.9-20; TIS page 15).

The Draft EIR analyzed the potential impacts of the Proposed Project on SR-125 under four different scenarios – Existing plus Project, 2025 Cumulative Conditions, 2030 Cumulative Conditions, and 2030 Cumulative Conditions plus Hypothetical Development of the State Preserve Property. Twelve segments of SR-125 were included in the analysis, ranging from SR-94 in the north to Otay Mesa Road in the south.

Under the Existing plus Project scenario, at each of the twelve segments, the LOS under “with Project” conditions is unchanged from those existing under “without Project” conditions. That is, there is no segment at which Proposed Project-related

traffic causes the LOS to decrease from C to D, or any other decrease (Draft EIR Table 2.9-29; TIS Table 5.4).

Similarly, under the 2025 Cumulative Conditions scenario, at each of the 12 segments, the LOS under “with Project” conditions is unchanged from that existing under “without Project” conditions (Draft EIR Table 2.9-31; TIS Table 6.5).

Under the 2030 Cumulative Conditions scenario, the LOS is unchanged at 10 of the 12 segments. As to the other two segments, in one instance the change is from LOS A to B, and in the other the change is from LOS C to D. However, the increase in the V/C ratio attributable to the Proposed Project is only 0.007, less than 1% (Draft EIR Table 2.9-33; TIS Table 7.4). Therefore, even if the Caltrans “transition between LOS ‘C’ and LOS ‘D’” endeavor standard were to be applied, in the traffic engineer’s professional judgment, the resulting LOS would not be considered a significant impact.

The last scenario analyzed is the 2030 Cumulative Conditions scenario that adds the hypothetical development of the State Preserve Property. This scenario assumes all cumulative units from the Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (Otay Ranch GDP/SRP) would be developed, including those unlikely to be developed because they are included in the State of California’s Rancho Jamul Ecological Reserve (Draft EIR, page 2.9-22). Hence, the modifier “hypothetical” is used to describe this scenario.

Under this hypothetical scenario, the LOS would be unchanged at 8 of the 12 segments. As to the other four segments, in two instances the change is from LOS A to B, in one instance the change is from LOS C to D, and in the other instance, the change is from LOS E to F. As to the C to D transition, the increase in the V/C ratio attributable to the Proposed Project is only 0.008, and as to the E to F transition, the V/C increase is only 0.006 and, thus, less than 1% in both cases (Draft EIR Table 2.9-35; TIS Table 8.6). As noted above, even if the Caltrans “transition between LOS “C” and LOS “D”” endeavor standard were to be applied to the LOS C to D results, this limited increase would not be considered a significant impact.

As to the “E” to “F” transition, and in response to the comment that “any volume added to a facility currently operating at LOS ‘D’ is considered a significant impact,” the comment incorrectly states the law under CEQA. The courts have rejected the position that any additional effect necessarily creates a significant cumulative impact; specifically, as the court has stated, “the ‘one [additional] molecule rule’ is not the law” (*Communities for a Better Environment v. California Resources Agency* (2002)

103 Cal.App.4th 98, 120). In this case, the increase in V/C would be less than 0.01; therefore, substantial evidence supports the determination of no significant impact.

For these reasons, the segments of SR-125 identified in the comment would not be significantly impacted by the Proposed Project.

A-2-6 The comment requests that mitigation be proposed for the facilities identified in the previous comment.

As noted in the **Response to Comment A-2-5**, the Draft EIR analysis of the Proposed Project's impacts utilized the County of San Diego's Guidelines for Determining Significance and Report Format and Content Requirements – Transportation and Traffic to determine CEQA related significant impacts. As identified in the Draft EIR and TIS (Appendix 2.9-1 to the Draft EIR), based on the significance thresholds included in the County's Guidelines, the Proposed Project would not result in significant impacts on the SR-125 segments identified in comment number A-2-5; therefore, mitigation is not required. Please see **Response to Comment A-2-5** for additional information responsive to this comment.

A-2-7 The comment requests that the TIS use Highway Capacity Manual (HCM) 2010 methodologies and not HCM 2000. The comment notes that Section 2.3, Page 12, of the TIS noted the use of HCM 2000 methods. Finally, the comment requests that if the SYNCHRO analysis used the HCM 2010 methodologies then it should be reflected in the tables.

The reference to HCM 2000 is an error and is corrected in the Final EIR. As noted in the source for TIS Table 2.1, in Section 2.4.1, and in Section 2.4.2, in the source for Tables 2.5 and 2.6 of the TIS, as well as in the SYNCHRO analysis worksheets provided in Appendices B, F, G, J, K, L, M, N, and O, the Proposed Project TIS used the HCM 2010 methodologies for all peak hour intersection analyses.

The specific reference to HCM 2000 (Section 2.3, Page 12) noted in the comment refers to the two-lane state highway level of service standards. As noted in TIS Section 2.3:

“The two-lane state highway SR-94 was analyzed using both the County of San Diego and Caltrans (or HCM 2000) methodologies.”

Please note that all segments of SR-94 that were analyzed in the study are located within the County of San Diego; therefore, only the County of San Diego standards

were used. In response to the comment, the Final EIR and TIS are revised as follows in ~~strikeout~~/underline:

“The two-lane state highway SR-94 was analyzed using ~~both~~ the County of San Diego ~~and Caltrans (or HCM 2000)~~ methodologies.”

These revisions are presented in the Final EIR in ~~strikeout~~/underline format. These revisions do not include the identification of any new or significantly greater impacts or mitigation measures and do not constitute substantial new information pursuant to CEQA.

A-2-8 The comment requests that Section 2.3 to 2.5 of the TIS be revised to include the Caltrans methodologies included in the 2002 Caltrans Guide for locations within their right-of-way. The County does not agree with the comment.

As to TIS Section 2.5, Freeway Mainline Analysis, please refer to **Response to Comment A-2-5** for information responsive to the comment.

TIS Section 2.3 addresses Two-Lane State Highway Level of Service Standards and Thresholds, and Section 2.4 addresses Peak Hour Intersection Level of Service Standards and Thresholds. As explained in the **Response to Comment A-2-5**, the County, as Lead Agency, has discretion in selecting the significance criteria. In this regard, the County’s Guidelines expressly provide that the 2002 Caltrans Guide does not provide specific guidelines for determining when a significant impact occurs and, as a result, the County Guideline significance criteria is to be applied:

Several designated County Circulation Element Roads are State highways that are managed and maintained by Caltrans. These highways include State Route 67, State Route 76, State Route 78, State Route 79 and State Route 94 and within the unincorporated area of the County most of these routes operate as two-lane highways.... While the “*Guide for the Preparation of Traffic Impact Studies*” provides guidance for scoping a traffic study to assess impacts on Caltrans facilities, it does not provide specific guidelines for determining when a significant impact occurs; hence the development of the following significance guidelines for two-lane highways (County Guidelines, page 19).

Additionally, and importantly, the County Guidelines note that Caltrans (Caltrans-District 11) “concurred” with the County’s “criteria ... for use for most projects with the potential to affect two-lane highways” (County Guidelines, page 20).

Accordingly, the County's Guidelines—and not the Caltrans Guide—contains the significance criteria for assessing traffic impacts to the County's two-lane highways managed and maintained by Caltrans.

- A-2-9** The comment requests that Section 2.5, Page 15: Table 2.7, Caltrans District 11 Freeway and State Highway Segment LOS, of the TIS (Appendix 2.9-1 to the Draft EIR) should be used only for basic freeway segments with a speed limit of 65 miles per hour, but not for SR-94 or any other Caltrans highway segments.

As shown in Section 2.3 and Table 2.4, Two-Lane State Highway Level of Service Standards, of the TIS (Appendix 2.9-1 to the Draft EIR), two-lane highway segments, specifically those segments along SR-94, were analyzed using the County of San Diego's two-lane highway standards, as prescribed in the County of San Diego's Guidelines for Determining Significance and Report Format and Content Requirements - Transportation and Traffic. The analysis methodologies outlined in Section 2.5 and Table 2.7 of the TIS were only used for freeway mainline segments along SR-54, I-805, and SR-125, as shown in Tables 3.4, 5.4, 6.5, 7.4, and 8.6 of the TIS.

The comment also requests that the TIS include a table for two-lane highways per the 2002 Caltrans Guide for the Preparation of Traffic Impact Studies, Appendix C. Please refer to **Responses to Comments A-2-5 and A-2-8** regarding applicability of the 2002 Caltrans Guide.

- A-2-10** The comment states that Section 2.8, Determination of Significant Impacts, of the TIS (Appendix 2.9-1 to the Draft EIR) should be revised to include Caltrans' measures of effectiveness for intersections and segments within Caltrans right-of-way per the 2002 Caltrans Guide for the Preparation of Traffic Impact Studies. Please see the **Responses to Comments A-2-5 and A-2-8** for information regarding the applicability of the 2002 Caltrans Guide. Moreover, the County's Guidelines specifically address significance criteria relative to road segments in Section 4.1 of the TIS, and relative to intersections in Section 4.2 of the TIS. Please also refer to the Draft EIR, Section 2.9.3.1 (roadway segments significance determination) and Section 2.9.3.2 (intersections significance determination).

- A-2-11** The comment states that the roadway traffic volumes for I-805 existing conditions in Figure 3-4 of the TIS are lower than the published 2016 Caltrans freeway mainline volumes.

The freeway mainline analysis contained in the TIS (Appendix 2.9-1 to the Draft EIR) was conducted prior to publication of the Caltrans 2016 freeway mainline

volumes. In response to this comment, the Existing and Existing Plus Project freeway mainline analyses included in the TIS have been revised to reflect the most recent (year 2016) published freeway mainline volumes along all study area freeway segments. Updating the mainline volumes does not result in any additional significant project related impacts beyond those already identified in the Draft EIR.

These revisions are presented in the Final EIR in ~~strikeout~~/underline format. These revisions do not include the identification of any new or significantly greater impacts or mitigation measures and do not constitute substantial new information pursuant to CEQA.

- A-2-12** The comment states that the peak hour volumes, LOS, and delay results for the southbound (SB) I-805 / H Street intersection in TIS Table 3.1 show an LOS of A for both the AM and PM peak hours. However, per field observations and the Synchro file, the intersection should be LOS C with a delay of 23.4 seconds during the AM peak hour and LOS F with a delay of 160.6 seconds during the PM Peak Hour.

The LOS and delay results presented in Table 3.1 of the TIS (Appendix 2.9-1 to the Draft EIR) are based on the intersection lane configurations identified in Figure 3-3, the peak hour traffic volumes shown in Figure 3-4, the signal timing presented in Appendix B to the TIS, and the analysis methodologies outlined in the 2010 HCM, which were calculated using SYNCHRO analysis software.

The screen shots provided in the comment letter utilize SYNCHRO's own analysis methodology, which is not consistent with HCM 2010 and is not recognized by the County of San Diego or the City of Chula Vista as a valid analysis methodology. Therefore, these results are not applicable since the HCM 2010 methodology, which is what is reported in the TIS, is the accepted LOS methodology within the region.

As to the comment regarding field observations, the comment includes no information regarding how or when the referenced field observations were conducted at this intersection, nor does the comment present any actual results of the referenced field observations; therefore, the County is unable to respond to that portion of the comment.

- A-2-13** The comment states that the peak hour volumes, LOS, and delay results for the northbound (NB) I-805 / H Street intersection in TIS Table 3.1 show a LOS of A during the AM peak hour and LOS B during the PM peak hour. However, per field observations and the Synchro file, the intersection should be LOS B with a delay of

13.2 seconds during the AM peak hour and LOS D with a delay of 41.2 seconds during the PM Peak Hour.

Please refer to **Response to Comment A-2-12**.

- A-2-14** The comment states that the Proposed Project traffic distribution is higher or the same on SR-125 as it is on I-805. The comment theorizes that due to the tolling on SR-125, the Proposed Project trip distribution on I-805 should be higher.

The Proposed Project trip distribution was derived based on the SANDAG Series 11 Transportation Forecast model; the SANDAG model is widely accepted as the region's most comprehensive and accurate transportation model. Separate model runs and select zone assignments for the Project Area were conducted under base year, year 2025, and year 2030 conditions. The Proposed Project trip distribution was based on the results of these select zone assignments. The select zone assignment results are provided in Appendix C of the TIS. The SANDAG Series 11 model does take into account trip detractions due to tolling on SR-125 as SANDAG calibrated the model based on existing use and traffic volumes on the facility.

- A-2-15** The comment states that "fatal errors" appear when trying to use the SimTraffic component of the SYNCHRO Analysis Software, and requests that the errors be fixed.

The SYNCHRO files used for the analysis in the TIS (Appendix 2.9-1 to the Draft EIR) were developed specifically for use with the HCM 2010 components of the software and were not set up to conduct a micro-simulation analysis using SimTraffic, as the comment attempts to do. The numerous additional network and volume inputs that are required to conduct a micro-simulation analysis using the SimTraffic component of the software have not been entered into the model nor has the model been calibrated or verified to conduct a micro-simulation analysis. Therefore, it is not recommended that a micro-simulation analysis be conducted using the SYNCHRO files provided to Caltrans without first conducting the steps outlined above. Since neither the County of San Diego nor the City of Chula Vista require a micro-Simulation analysis for CEQA purposes or evaluation, it is not necessary to revise the SYNCHRO files in order to run a micro-simulation analysis.

- A-2-16** The comment states that the intersection spacing on H Street between the I-805 NB and SB ramps is 694 feet in the SYNCHRO model that was provided; however, the actual spacing of the ramps is 975 feet, per Google Earth.

The intersection spacing in the SYNCHRO file used for the analysis in the TIS and EIR has been revised in response to this comment; however, the revision only affects the SYNCHRO file and not the analysis output; therefore, no changes to Appendix 2.9-1 or Draft EIR are required. Furthermore, with the implementation of this revision, there was no change to the intersection delay or LOS at either the H Street / I-805 NB or H Street / I-805 SB ramp intersections.

- A-2-17** The comment states that at intersection 8, H Street / I-805 SB Ramps, the SYNCHRO model has the northbound dual right-turn lanes from I-805 NB to eastbound H Street, coded as a protected phase, when this is a permitted movement under existing conditions.

The intersection phasing is coded correctly; since the northbound right turn-movement has its own signal phase, it is a protected movement. The SYNCHRO model was coded to include right-turns on red for this movement, which acts as the permitted phase described in the comment. This is the correct way to code the intersection to conduct an HCM 2010 analysis, since it adheres to National Electrical Manufacturers Association phasing, which is required.

- A-2-18** The comment states that it is understood that no new utility crossings on State Facilities will occur as a result of the Proposed Project. However, if any work is performed within the Caltrans right-of-way, an encroachment permit will be required.

The comment is acknowledged; all necessary permits will be obtained prior to any work performed in the Caltrans right-of-way.

- A-2-19** The comment states that direct and cumulative significant impacts to the State Highway System should be eliminated or reduced to a level of insignificance pursuant to CEQA and National Environmental Policy Act standards. The comment recommends consideration of the payment of fair share funds toward future transportation projects related to measures identified to mitigate significant impacts identified in the TIS and that the TIS should identify feasible mitigation measures for significant cumulative impacts of the Proposed Project. The comment also states that the TIS should include a list of proposed transportation mitigation measures or multi-modal strategies for significant impacts identified on state facilities.

The only significant impact to a State Facility identified by the analysis in Appendix 2.9-1, and Section 2.9 of the Draft EIR, is at the intersection of SR-94 and Lyons Valley Road. The Draft EIR and Appendix 2.9-1 include a mitigation measure that requires signalization at this intersection. Signalization would reduce the Proposed

Project's significant impact at this location to less than significant and, therefore, no further improvements are necessary. However because the Proposed Project is subject to Caltrans approval for encroachment permits to construct, and ultimate construction of the improvement is outside of the jurisdiction and control of the County, the impact is considered significant and unavoidable. Additionally, it also is noted that the identified improvement has already been funded by the Jamul Indian Casino, and Caltrans has issued an encroachment permit to allow this improvement to be constructed in 2017/ 2018, per the Caltrans SR-94 Improvement Final EIR. Please see **Thematic Response – SR-94 Improvements** for additional information responsive to this comment.

- A-2-20** The comment states that the mitigation measures identified in the TIS, subsequent environmental documents and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation.

Mitigation Measure M-TR-2, which addresses the significant impacts at the SR-94 / Lyons Valley Road intersection, requires the Project Applicant to “coordinate with Caltrans” as to installation of the recommended traffic signal. Please see the **Response to Comment A-2-19** for additional information responsive to the comment.

- A-2-21** The comment provides contact information, and does not raise an issue regarding the adequacy of the Draft EIR. No further response is required or provided.