

Appendix G Response to Comments

This appendix contains the comments received during the public circulation and comment period (May 27, 2008 to July 11, 2008). The comments have been numbered (Comment Set #1, Comment Set #2 and so on) in the order that they were received; a Caltrans response follows each comment set. In this appendix, comments are divided into three groups, based on whom the comment came from: individual members of the public, property owners or their representatives, or a public agency. The Governor's Office of Planning and Research, State Clearinghouse closeout letter (dated June 24, 2008) is first, acknowledging this document's compliance with the State Clearinghouse requirements for environmental documents. No response was required for this letter.

Individuals:

- Comment Set #1 – Amy Salas
- Comment Set #2 – Penny Takier
- Comment Set #3 – Cheryl Crow
- Comment Set #4 – Michael Zappas
- Comment Set #5 – Robert Miller
- Comment Set #6 – Robert Polley
- Comment Set #8 – Bryce Dilger
- Comment Set #9 – Don Simoneau
- Comment Set #10 – Kim Simoneau
- Comment Set #11 – Captain Carl

Property Owner Representatives:

APN 009-631-011

- Comment Set #7 – Jeff Wagner, North Coast Engineering
- Comment Set #12 – INS and OUTS of ROUNDABOUTS
- Comment Set #13 – North Coast Engineering, Inc.
- Comment Set #14 – Ourston Roundabout Engineering
- Comment Set #15 – Carolyn Leach Consulting, LLC
- Comment Set #19 – Matteoni O'Laughlin & Hechtman Lawyers

APNs 040-031-001, 040-091-041

- Comment Set #16 – eda design professionals

Target Retail Center

- Comment Set #17 – Ellis Partners, LLC

Public Agency Comments:

- Comment Set #18 – San Luis Obispo Council of Governments (SLOCOG)
- Comment Set #20 – Air Pollution Control District
- Comment Set #21 – San Luis Obispo County Department of Planning and Building

Comment Set 15

**Review of
Natural Environment Study
for
Oak Tree Impacts**

**U.S. 101 / S.R. 46 West Interchange
Improvement Project**

By

Carolyn Leach Consulting, L.L.C.



Carolyn Leach, Certified Arborist #727



Date

Introduction

This report has been prepared to document the author's review of environmental documents and state her opinions regarding the proposed project at the U.S. 101 / Hwy. 46 West interchange. Many native oak trees exist in the vicinity of this project. The project proposes various design alternatives, which will have different degrees of impacts on the existing oak trees.

Brief Project Description

Two alternatives have been proposed for the design of the street improvements at this intersection. Both Alternative #1 and #2 include changing the off and onramps by creating roundabouts. Alternative #1 merges Vine Street with the roundabout directly west of 101. Alternative #2 moves Vine Street farther to the west so it intersects Highway 46 West about 900 feet west of the 101.

Information Regarding Oak Trees

My review of this project is based on information provided within the Cal Trans published document, titled "Natural Environment Study" dated April 2007, written by Greg Hoisington of URS Corporation and John Luchetta, biologist. Their report maps the tree locations, designates tree numbers, and lists the species, trunk diameters, and canopy sizes for each tree anticipated to be removed. The design layout was shown for Alternative #1 and #2 within the report. Included in the report are aerial photos of the project area that show the tree canopies.

15-1

Additionally, portions of the Initial Study, dated May 2008, were reviewed.

15-2

The species of oaks present include blue oak (*Quercus douglasii*), Coastal live oak (*Quercus agrifolia*), and valley oak (*Quercus lobata*). The report states that these species are of regional / local significance.

Page nine of the report states that field surveys were completed using binoculars or by viewing aerial photos when property access was unavailable. No indication of field measurement of any trees was included in the report.

The report also summarizes the City of Paso Robles Tree Ordinance requirements for removal permits and mitigation. That mitigation would include replanting with 24" box size replacement trees, at the ratio of 25% of the total trunk diameters of all removed trees over 6" in diameter.

Oak Tree Impacts, Alternative #1 v. Alternative #2

15-3

The total number of trees removed by this project varies within the two documents that I reviewed. The Environment Report shows 24 trees removed with Alternative #1 and 47 trees removed with Alternative #2. The Initial Study states 34 trees removed with Alternative #1 and 45 trees removed with Alternative #2. No information was presented that explains this discrepancy.

No data was provided in the Initial Study as to the specific trees that are to be removed.

Regardless of which report is used, it is obvious that vastly more oak trees are removed under the Alternative #2 design. By looking at Figure #5 of the Environment Study, we see that the additional removals are located in the northwest quadrant of the project, in the location of the Vine Street extension. This includes trees #12-17, and 44-50.

Table #5 of the Natural Environmental Study provides information on the trunk diameters (DBH) of the trees. It also lists the measurement of each tree's dripline radius, in feet. This is the measurement from the trunk outward to the outside edge of the canopy foliage. The trunk diameters listed appear to be too small to match the dripline radius shown.

To further examine the data, I looked at the aerial photo shown on Figure #5. Specifically, I looked at the single trees - #44, 45, 46, and 47. Tree #46 has a canopy about the same width as the proposed roadway, while trees #44, 45, and 47 are much wider than the roadway. Table #5 lists them as having dripline radii at 40, 30, 20, and 32 feet respectively. Their canopy diameters, therefore are twice the radius, or 80, 60, 40, and 64 feet. The right of way is about 64 feet wide, which corresponds approximately with the information in Table #5 for the tree's dripline radius.

Next I looked at the given trunk diameters (DBH) for these four trees - 9" for tree #44 (80' canopy), 7" for tree #45 (60' canopy), 6" for tree #46 (40' canopy), and 8" for tree #47 (64' canopy). In all of my years of inventorying and measuring trees - and I have measured thousands of trees - I have never seen an oak tree with an 80 foot canopy diameter being supported by a 9 inch diameter trunk. I don't think it is physically possible for an oak to have those proportions. A more typical trunk diameter for an oak with an 80-foot canopy is about 48 inches DBH.

This leads me to conclude that the authors of the Cal Trans study made a gross error in either measuring or recording the trunk diameters.

Canopy Replacement Growth Rates

15-4

Included in my analysis of this project are my estimates for the length of time for the replacement trees to grow and reach the same size as the removed trees.

Growth rates in trees vary from specie to specie. For this project, the three oak types have widely different growth rates, with the Coastal live oak growing the fastest, the Valley oaks nearly but slightly slower rates, and the Blue oaks with extremely slow growth rates. Additionally, growth rates are affected by environmental factors, such as climate, soil type, soil fertility, water availability, and pest influence.

Additionally, trees generally grow much faster when young (first 5 years), then maintain a fairly steady growth rate for the following 10 to 20 years, then taper off and slow their growth rates once they have reached mature sizes. I have adjusted my calculations to reflect those changes.

Specie	Qty. to be Removed	Largest Dripline Radius (ft.)	Average Dripline Radius (ft.)	Yrs. To Reach Original Size, Largest Tree	Yrs. To Reach Original Size, Average Tree
Quercus lobata Valley oak	24	42'	18'	140 yrs.	44 yrs.
Quercus douglasii Blue oak	8	30'	18'	175 yrs.	103 yrs.
Quercus agrifolia Coastal live oak	15	45'	29'	115 yrs.	67 yrs.

I am assuming the replacement trees will be planted from #1 gallon sized pots, as stated in the Initial Study. Should larger trees be used as replacements as the City standards require, reduce the above timelines by five years.

I am also assuming good growing conditions so that the replacement trees will grow normally.

Conclusions

15-5

The Natural Environmental Study and Initial Study both present information that can be used to compare Alternative #1 with Alternative #2. Although significant flaws exist within the data presented, both shows clearly that Alternative #1 is the preferred design when the oak tree impacts are considered.

Alternative #1 removes far fewer oak trees compared to Alternative #2. Approximately 11 fewer trees are removed using Alternative #1.

Alternative #1 removes 24,865 square feet less of trunk canopy area than does Alternative #2.

The largest Valley oaks will not be removed if Alternative #1 is chosen.

Many of the largest Coastal live oaks will not be removed if Alternative #1 is chosen.

There are significant errors in the Environment Study in representing the actual size of the trees to be removed in both Alternatives, which causes mitigation proposals to be inadequate. This understatement of tree loss is compounded under Alternative #2.

Mitigation to satisfy City of Paso Robles requirements is impossible to determine based on flawed data (inaccurate DBH) in the Environment Study.

The length of time it takes to replace the canopies of mature oak trees is long, from 140 to 175 years for the largest trees at this project. Therefore, Alternative #1 is preferred to Alternative #2, as Alternative #1 removes fewer of the largest trees.

A complete tree impact study should be undertaken by a professional arborist (who is experienced in tree inventories and tree measuring) prior to final determination of the impacts to existing trees for this project. Mitigation should be determined based on the new report findings.

Response to Comment 15-1:

The Natural Environment Study is a comprehensive compilation that reflects the efforts and analysis of all individuals listed in Appendix C of the Natural Environment Study. For a summary of its contents, interested individuals are referred to Section 2.3 “Biological Environment” of the environmental document.

Response to Comment 15-2:

Please also refer to answer 7-2; after public circulation of the draft environmental document and preparation of the Natural Environment Study (Minimal Impacts), additional on-site, on-foot field surveys were performed for the entire project area with a greater level of access to individual parcels and locations. This was done to reassess the characterization (species and size [diameter at breast height]) and location of trees, particularly oak trees, anticipated to be affected as a result of the proposed project. Results of the subsequent on-foot tree surveys showed Build Alternative 1 would remove 24 oak trees and Build Alternative 2 would remove 49 oak trees. Given the results of the updated tree field survey, and for purposes of reporting consistency throughout the project reports, the Natural Environment Study (Minimal Impacts) has been updated to reflect the minor variations reported through the subsequent tree survey. Furthermore, the results of the updated tree survey have been incorporated into the environmental document.

The project would likely be built in phases as described in Section 1.3.1.2 “Unique Features of Build Alternatives” of the environmental document, with some phases to be built many years from the current inventory date. As is commonly practiced, the ultimate number of trees, including oak trees that would be affected by the proposed project would be determined during the project’s final design phase and by actual construction activities. Regardless of timing or final design/construction specifics, mitigation ratios would apply. As the draft environmental document stated, every attempt would be made to minimize the number of affected oak trees, to the extent practicable. The alignment shown was specifically chosen to avoid large oak trees in the northwest quadrant.

The draft environmental document indicated that the focus was on “biological communities, not individual plant or animal species” in Section 2.3.1 “Natural Communities” where oak woodland is discussed and reinforced this focus in Section 2.4 “Cumulative Impacts.” The City of Paso Robles’ Tree Ordinance was not used to define mitigation as discussed in response to comment 7-2. A 10:1 mitigation ratio was used in lieu of individual tree characteristic analysis and percentage of dbh replacement to increase overall woodland habitat.

Response to Comment 15-3:

Please see response to comment 15-1, 15-2 and the subsequent field surveys discussed in response to comment 7-2. Noted revisions to correct dbh measurements or number of tree impacts do not change the ratio replacement approach and the anticipation that final and specific number of oak tree impacts would be determined based on final design and construction activities, which are expected in phases at various future years. The dbh and potential number of oak tree impacts are expected to change over the years due to both human actions and natural events.

Response to Comment 15-4:

Please see response to comments 7-2 and 15-3. Thank you for your information and estimates on oak tree growth rates. Please note that while oak tree growth rate estimates may vary by subjective experience, your estimates on the initial accelerated growth rate of smaller-sized oak tree plants are consistent with the reasoning to use larger numbers of smaller-size oak tree mitigation plants as discussed in response to comment 7-2.

Response to Comment 15-5:

We must respectfully disagree with the conclusions contained in this comment; please see response to comments 15-1 through 15-4. The selection process of a preferred alternative includes, but is not limited to, consideration of oak tree impacts. The locally preferred alternative was defined by the consideration of all impacts as well as benefits, as presented in the draft environmental document and related studies. Please see Section 1.3.4 of this document, Identification of a Preferred Alternative. Please also note that mitigation measures NC-1 and AES-1 in the draft environmental document include specificity on the 10:1 oak tree mitigation ratio, the requirement to generate a landscaping plan with mitigation oak planting and a 3-year monitoring of the plantings. A preferred alternative is chosen based on the full consideration of the project purpose and need, the impacts of viable alternatives along with the mitigation measures possible for those impacts, and the benefits of the viable alternatives.

Comment Set 16



July 16, 2008

Mr. Stephen Sahadi
Cenco, LLC
5940 Rocky Canyon Road
Atascadero, CA 93422

RE: Comments on the Initial Study for US 101 / State Route 46 West

eda analyzed the Alternative #2 roadway impacts across Cenco's property at your request. Our review was inhibited by basic flaws in the geometry of the roadway, which may understate the grading impacts, tree losses, and right-of-way requirements indicated in the Initial Study.

We understand that the new road would be designed to City of Paso Robles' standards for a Collector Street, with a 35 MPH design speed. In addition, the California Highway Design Manual (Figure 201.4, K=47, 250-foot stopping sight distance) provides roadway design parameters to provide for public safety. The road profile for Alternate #2 provided by URS Corporation, the City's engineering consultant, specifies vertical curves that do not provide the minimum safe stopping distance specified by the Highway Design Manual.

16-1

In our opinion, a road design with the curves specified by the Highway Design Manual would likely result in significant horizontal and vertical shifts in the road alignment. Such a revision is required to make accurate estimates of the road's grading impacts, tree losses, ingress and egress issues for new development, and the location and amount of property that would be required for right-of-way and slope easements.

16-2

You also asked eda to estimate the area of Cenco's property from the south property line to the north edge of the Alternative #2 right-of-way, including slope easements on the north edge of the right-of-way. Based on the current design, we estimate that area to be approximately 146,138 square feet, or 3.4 acres. These areas will change as the road design is refined and realigned.

16-3

Please call me if you have any questions.

eda - design professionals

Jeffrey P. Wagner, PE

eda - design professionals

1998 Santa Barbara Street, San Luis Obispo, CA 93401
805-549-8658 fax 805-549-8704
www.edainc.com

Response to Comment 16-1:

The comments assessment is based on the incorrect assumption that the frontage road is to accommodate a 35-mile-per-hour design speed. The horizontal and vertical geometry of South Vine Street has been designed in accordance with Highway Design Manual standards, including stopping sight distance, for a 25-mile-per-hour design speed per City direction for design speed of this roadway and not for 35 miles per hour as presumed in the comment. To clarify the design criteria, the design speed has been added to Section 1.3.1.1 “Common Design Features of Build Alternatives” for the Theatre Drive frontage road design speed and Section 1.3.1.2 “Unique Features of Build Alternatives” for the South Vine Street frontage road design speed. The proposed design of South Vine Street in Build Alternative 2 has been aligned to minimize environmental impact and cost while meeting city and state design standards. The design may be modified during final design as long as changes do not result in impacts that are inconsistent with the environmental clearance.

Response to Comment 16-2:

This comment makes suggestions about impacts from design criteria that are not proposed by the preliminary design contained in this environmental document. Please see response to comment 16-1 for additional information.

Response to Comment 16-3:

Thank you for the information estimating the area of Cenco’s property from the south property line to the north edge of the Build Alternative 2 right-of-way, including the slope easements on the north edge of the right-of-way.

Comment Set 17

ELLIS PARTNERS LLC

July 17, 2008

VIA EMAIL

Ms. Yvonne Hoffman
Caltrans District 5
50 Higuera Street
San Luis Obispo, CA 93401

RE: US-101/Route 46 West Interchange Improvement Project

Dear Ms. Hoffman:

I am writing as the owner of the 196,000 square foot shopping center located at 2001-2307 Theatre Drive in Paso Robles and known as The Crossings at Paso Robles.

We have reviewed the *U.S. Highway 101/State Route 46 West Interchange Modification Project Initial Study with Proposed Mitigated Negative Declaration/ Environmental Assessment* ("Initial Study") dated May 2008 prepared by Caltrans in connection with the above-referenced project. Also, we reviewed the *U.S. Highway 101/SR 46W PA-ED City of Paso Robles, California Traffic Report* ("Traffic Report") dated November 2, 2006 prepared by Associated Transportation Engineers. After reviewing these documents, we would like to submit the following comments, and/or request for additional information:

Initial Study (IS):

1. In general, the IS passes on the evaluation of a Health Risk Assessment (HRA), Green House Gas Emissions, and Growth Inducement (Jobs/Housing Imbalance, induced commute lengths, increases in VMTs due to reduced vehicle delay as a result of the project). In these sections, the report includes conclusion statements with no technical back-up or claims that the project is too small to justify such an analysis, regulatory guidelines are unavailable or the lack of available information to conduct a reasoned analysis. There also is no discussion of how induced growth can lead to increased VMTs and increased green house gas emissions.
2. Based on the above, one could argue that the lack of specificity or technical evaluation cannot lead to a conclusion of less than significant impacts to support a Mitigated Negative Declaration or Finding of No Significant Impacts.
3. There is no mention of how long the project will be constructed in the early sections of IS/EA. This information is included in the noise impact section, page 108 (construction is to last 48 months). This has a direct bearing on construction impacts and how impacts are derived.
4. The future planned Salinas River crossing east of the Highway 101 interchange was identified in the General Plan and could have consequence of adding more traffic to the proposed project. While it was included in the traffic analysis, it was not in the list of cumulative projects.

17-1

17-2

17-3

17-4

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111 SUTTER STREET, SUITE 800 • SAN FRANCISCO, CA 94104
TEL: 415-391-9800 FAX: 415-391-4711
www.ellispartners.com

5. The Purpose and Need does not address any safety or accident data. Given that the traffic report suggests that accident rates are relatively low, this may have been intentional. 17-5
6. Page 43 - the Traffic Management Plan is a major mitigation measure that will need to be implemented over 48 months. It contains no detail or information about how will it address traffic impacts to adjacent businesses and traveling motorists. 17-6
7. Environmental Justice does not explain whether the relocation or possible displacement of certain businesses and whether that is a disproportionate effect on minority or low income populations in the area. 17-7
8. Page 54, Table 2.1-7: It appears that the LOS values reported in the table reflect operations before the improvements implemented in mid-2006. If this is the case, the LOS should be recalculated or a note should be added that indicates that the existing LOS is likely better than reported in the table; 17-8
9. Page 54, last sentence – “Traffic on US 101 southbound to State Route 46 West is approximately 20 percent higher on Fridays and Saturdays during the summer months, operating at LOS D during these periods, with higher than normal delays and longer queues.”: It is not clear what this sentence means. What operates at LOS D? Is it the off-ramp intersection? That intersection already operates at LOS D. The southbound freeway (north of the interchange) also operates at LOS D. The fact that the delays and queues are longer is not surprising, given that volumes are higher, but is there an operations issue? 17-9
10. Page 55, Table 2.1-8: What is the LOS for opening year (2018)? 17-10
11. Page 56, second full paragraph – “The proposed...”: Would the LOS F operations on the mainline result in on-ramp queues that could affect the roundabouts? 17-11
12. Page 56, third full paragraph – “Furthermore...”: The text says that “the interchange is expected to degrade to level service F during the 2010-2014 time period.” It is not clear what is “the interchange”. Is that a specific intersection? Is it for a typical weekday or for a summer Friday? It seems surprising that the weekday traffic would degrade to LOS F that quickly given that the intersections are currently operating at LOS B to D (or maybe better). Also, since the existing summer Friday traffic is LOS D, it doesn’t seem like the (presumably SB) intersection would degrade to LOS F by 2010-2014. The stated growth rate, per the traffic report, is only 2%/year so the increase in traffic between 2006 and 2010/2014 is only 8%/17% (compounding growth rates). The traffic report doesn’t provide any backup on these issues. 17-12
13. Page 57: The statement that “the anticipated impacts to traffic congestion (during construction) would be minor and cease upon completion.” is not backed up by any technical information. 17-13
14. Page 58, Mitigation TRF-1: A more detailed Traffic Management Plan should be provided in IS/EA that addresses impacts to local businesses, motels, shopping center access and egress, signage, etc. 17-14
15. Page 67 - There is no mention of how and what agency would be responsible for implementing a Landscape Plan. 17-15
16. Page 73, the IS does not address how close the project area is to the Salinas River or jurisdictional wetlands. 17-16

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- 17. Page 75, water quality mitigation: WQ-1 should prescribe distances to keep construction vehicle maintenance areas away from receiving water bodies (such as the Salinas River and wetlands). Also, revegetation should occur as soon as feasible and prior to predicted rains and/or the rainy season. Also, no mention is made of an emergency spill response plan to address solvents, vehicle leaks, etc. and construction employees trained in emergency spill response. 17-17
- 18. Geology section - No mention is made of the 2003 Paso Robles earthquake and its effect on freeway structures in the area. 17-18

Traffic Report:

- 1. Page 2: The report notes that “the intersections operate at LOS D during these periods” (i.e., Fridays and Saturdays). There is no backup in the appendices, but it seems surprising that both intersections operate at LOS D given that the SB intersection operates at LOS D on regular weekdays and the north intersection operates at LOS B. Please clarify. 17-19
- 2. Page 2, Table 2: Is there any explanation for why accident rates are lower than statewide accidents? The queuing and tight spacing of the existing configuration might suggest higher rates. 17-20
- 3. Page 3, Table 3: Is there a reason why the 2018 no-build analysis wasn’t presented? Later in the report (see comments below), there is an implication that the 2018 is LOS F, but a summary would be helpful. 17-21
- 4. Page 13 (U.S. Highway 101 Operations): The first paragraph says “Widening to [sic] the mainline to six lanes will be required...the freeway will operate at LOS F...with six lanes...” Is this correct? Will it still be LOS F with six lanes? If so, was there any queuing analysis conducted to see if the mainline queues will spill back onto the ramps and then the roundabouts? 17-22
- 5. Page 15: No analysis of the Vine/Theatre intersection was provided for the summer weekend operations analysis for Alternative 2. 17-23
- 6. Page 17 (South River Crossing Analysis): Is there a reason why the no-build was not analyzed (for either 2018 or 2038)? 17-24
- 7. Page 20 (Project Planning): the second paragraph says that “the interchange will degrade to LOS F during the P.M. peak period in the 2010-2014 horizon period...” It is not clear what is “the interchange”. Is that a specific intersection? Is it for a typical weekday or for a summer Friday? It seems surprising that the weekday traffic would degrade to LOS F given that the intersections are currently operating at LOS B to D. Also, since the existing summer Friday traffic is LOS D (but see the first comment), it doesn’t seem like the (presumably SB) intersection would degrade to LOS F by 2010-2014. The stated growth rate is on 2%/year, so the increase in traffic between 2006 and 2010/2014 is only 8%/17% (compounding growth rates). 17-25

As a general comment, we are very concerned about the negative impact that these proposed improvements will have on our customers and their ability to find and/or access our shopping center. We feel very strongly that new drivers will need guidance in the form of signs at the intersection that either say “Theatre Drive – Use SR 46 West” or 17-26

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guide the shoppers to Theatre Drive and our shopping center with arrows. We would request at least two signs, one at each of the two off-ramps (northbound and southbound) before the roundabouts.

We look forward to hearing back from you on the above requested information and comments.

Sincerely,

PASO ROBLES VENTURES LLC,
a Delaware limited liability company

by: CEP Investors V, L.P.,
a Delaware limited partnership
its Managing Member

by: EPI Investors V, L.P.,
a California limited partnership
its General Partner

by: Ellis Partners, Inc.
a California corporation
its General Partner



Melinda Ellis Evers
Vice President

cc: Ditas Esperanza, City of El Paso de Robles

MEE:sac

Response to Comment 17-1:

With regard to a Health Risk Assessment, such assessments are prepared to assess cancer and chronic non-cancer health risks associated with toxic air contaminants (i.e., diesel particulate matter) emissions from project-generated diesel trucks. The proposed project does not generate, in and of itself, additional diesel traffic. Nonetheless, this environmental document does provide a mobile source air toxics analysis. Please refer to Section 2.2.6, Air Quality, of this document, which is in accordance with pertinent Federal Highway Administration guidelines.

With regard to greenhouse gas emissions, please refer to Section 2.5, Climate Change, of this document for a discussion of the project's greenhouse gas emissions-related impacts. This section of the document contained a qualitative statement of the project net benefits on emissions reduction due to delay reduction and a quantitative assessment of reduction of just under 16 million hours of delay within the 20-year analysis period of the project. Greenhouse gas emissions analysis is a rapidly evolving field with new and more quantitative analytical tools and guidance being developed at a rapid pace.

The results of the qualitative greenhouse gas emissions analysis indicate that Build Alternative 1 would reduce daily CO₂ emissions at the interchange when compared to the no-build scenario, and Build Alternative 2 would further reduce daily CO₂ emissions at the interchange compared to Build Alternative 1. In summary, Build Alternatives 1 and 2 would have the following greenhouse gas emissions-reducing benefits:

- **Reduced congestion:** High traffic volumes and inadequate access control would contribute to congestion, delays, and undesirable operating conditions at the interchange. Reduced delay would improve local accessibility. Congestion relief would reduce long lines of traffic.
- **Traffic flow control:** Consistent movement would reduce the CO₂ emissions due to the relatively non-varying traffic speeds and flow through Build Alternatives 1 and 2 compared to the no-build scenario. Consistent flow through the roundabouts would reduce idling time, which in turn would reduce CO₂ emissions.
- **Reduced greenhouse gas emissions:** Both roundabout Build Alternatives 1 and 2 would result in fewer CO₂ emissions due to reduced stop-and-go movement compared to the No-Build Alternative.

- **Growth management:** Taking into account current growth variables projected by the U.S. Bureau of the Census, the build alternatives would better facilitate the projected increased number of vehicles in the project area.
- **Caltrans Standard Specification Provisions:** According to Caltrans Standard Specification Provisions, idling time for lane closure during construction is restricted to 10 minutes in each direction; in addition, the contractor must comply with the San Luis Obispo County Air Pollution Control District's rules, ordinances, and regulations with regard to air quality restrictions.
- **County's Regional Transportation Plan:** The project is consistent with the Transportation Plan, which discusses improved traffic flow and reduction of congestion and accidents for the region.
- **Compliance with AB 32:** The roundabout Build Alternatives 1 and 2 support the climate change strategies of Assembly Bill 32.

In summary, both Build Alternatives 1 and 2 would result in less delay time for each turn option and would therefore reduce future greenhouse gas emissions compared to the No-Build Alternative. Because of the congestion relief anticipated with implementation of the project, project operations would not contribute to the climate change effect, but rather would produce long-term greenhouse gas emissions benefits through improved operation. Also refer to response to comment 20-7.

With regard to growth inducement, the proposed project would not affect job/housing ratios, total VMTs, or provide the impetus for increases in commute lengths for travelers. The difference in commute length and VMT is anticipated to be negligible between existing conditions and either build alternative. The comment implies that reduced vehicle delay is proportional to an increase in VMT. This implication is erroneous and does not consider the basic origin/destination tenants for VMTs.

Response to Comment 17-2:

As discussed in response to comment 17-1, an MSAT analysis and qualitative greenhouse gas emissions analysis was included in the environmental document. Additionally, the origin/destination tenants of VMTs are not anticipated to be affected by the congestion relief at the interchange. We must respectfully disagree for the reasons stated in response to comment 17-1.

Response to Comment 17-3:

The project is expected to be completed in phases due to funding constraints as discussed in the Section 1.3.1.2, Unique Features of Build Alternatives, Project Phasing subsection of this environmental document. The project is expected to be constructed in phases as funding is secured and the noise analysis assumes a worst-case scenario of continuous single-phase construction. Construction phasing is discussed in Section 1.3.1.2 and in Table 1.3-1, Comparison of Project Effects by Alternative, in the final environmental document, and impacts are addressed under each issue and analyzed throughout Chapter 2, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures section, as deemed appropriate. Please also refer to response to comment 1-3 regarding the methodology for assessing project-related noise impacts for the proposed project.

Response to Comment 17-4:

Traffic from the future Salinas River crossing is included in the projections and is discussed in detail in the Traffic Report. The cumulative list in the draft environmental document detailed land use projects in the vicinity of the interchange that are traffic generators. The Salinas River crossing is not a traffic generator by land use, but would allow traffic to access the US 101/State Route 46 West interchange from the east instead of only by the current connections. The different traffic pattern and the redistribution of traffic potential were analyzed to ensure the roundabout would function adequately in the event the crossing was built.

Response to Comment 17-5:

The accident rates are below state averages as stated in the Traffic Report prepared for the proposed project. Therefore, accident mitigation is not part of the need and purpose for this project.

Response to Comment 17-6:

For purposes of clarification, and as typically done for Caltrans projects, the details regarding the Traffic Management Plan would be developed and documented during final project design and before construction depending on actual phasing and final design details and impacts. Refer to the Section 1.3.1.2, Unique Features of Build Alternatives, Project Phasing subsection of this document for information on project phases and timing. Business owners in the project area would be kept informed of the project planning process and upcoming construction activities. Further, appropriate signage would be included in the Traffic

Management Plan to properly direct motorists through or around the construction zone. These elements are all standard principles/features of a Traffic Management Plan that final design and construction staff would be required to prepare for Caltrans review and approval before project construction.

Response to Comment 17-7:

As further detailed in Section 2.1.4.3, Environmental Justice, Environmental Consequences section, of this document, the proposed project would not result in disproportionately high and adverse effects on minority and/or low-income populations. As further described in Section 2.1.4.2, Relocations, persons displaced as a result of the proposed project would receive relocation assistance, including financial assistance, per Caltrans' Relocation Assistance Program, which is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and Title 49 Code of Federal Regulations, Part 24. Appendix C of the draft environmental document included a summary of Caltrans' Relocation Assistance Program.

Response to Comment 17-8:

For clarification, the 2006 Level of Service values shown in Table 1.2-2 of this document are based on the conditions with the improvements implemented in 2006.

Response to Comment 17-9:

For clarification, both intersections operate at Level of Service D with the summer Friday and Saturday volumes, but with higher delays and longer queues when compared to other times of the year. The Level of Service is still D because Level of Service represents a range of delay not a point.

Response to Comment 17-10:

For clarification, there is no established Level of Service criterion for measuring roundabout operations. Roundabout operations are measured using vehicle delay. Please refer to Section 2.5, Climate Change, Table 2.5-1, for a summary of projected future delay for the No-Build Alternative, Build Alternative 1, and Build Alternative 2 for future years 2018 and 2038. The results indicate that the project would reduce the delays for all turn movements at the interchange. Additional 2018 forecast and analysis results are included in the Traffic Report (bound separately).

Response to Comment 17-11:

For clarification, flows from the roundabouts onto the mainline are expected to merge with the stop-and-go mainline flow without affecting the roundabouts. Merging operations would be the same with or without the project. Note that the Level of Service F condition on the mainline is for the peak 15 minutes of the peak hour period.

Response to Comment 17-12:

A sensitivity analysis was prepared to determine when the interchange would degrade to forced-flow conditions (Level of Service F). The analysis is based on straight-line projections of traffic volume growth. The sensitivity analysis notes that generally when intersections are nearing saturated conditions, smaller amounts of traffic have incrementally larger impacts on delays and levels of service. The analysis found that the interchange would degrade to Level of Service F sometime within the 2010-2014 time period as discussed in Section 1.2.2 “Need” of this document, depending on the magnitude and location of future development as well as the rate of growth for regional traffic. Please also see response to comment 17-25.

Response to Comment 17-13:

Short-term construction-related traffic impacts are to be mitigated per the terms of a Traffic Management Plan that would be developed based on the final design and phasing conditions. Refer to Section 1.3.1.2, Unique Features of Build Alternatives, Project Phasing subsection, of this document for information on project phases and timing. Please also see response to comment 17-6 regarding timing for the development and Caltrans approval of the Traffic Management Plan.

Response to Comment 17-14:

Please see prior response on the development and Caltrans’ approval of the Traffic Management Plan.

Response to Comment 17-15:

Development and implementation of a landscape plan depends on the project sponsor as part of the final project design per Avoidance, Minimization and/or Mitigation Measures AES-1 in this document. **In this case, the City will be responsible for developing and implementing the plan in coordination with Caltrans.**

Response to Comment 17-16:

The various figures (Figure 2.2-1, 2.3-2 and 2.3-3) included in this document show the project alignment in relation to the Salinas River; all such figures are drawn to scale to enable the reader to estimate the distance of the project from the Salinas River. Section 2.2.2 of this document acknowledges that the project is near the Salinas River. The distance from the easterly edge of the easterly roundabout to the nearest westerly edge of the defined channel for Salinas River is approximately 900 feet.

As noted on the first page of Chapter 2 of this document (bullet 5, Wetlands), no wetlands would be affected by the proposed project.

Response to Comment 17-17:

The issues raised by these combined comments are typically addressed in the final permit and special technical specification conditions of a fully designed and approved project. The details referenced in the comment would be included at the point of final design for the project and/or phases of the project and in the required coordination with resource agencies discussed in Section 2.3.2 “Wetlands and Other Waters” of this document.

Response to Comment 17-18:

For clarification, freeway structures are checked by Caltrans after earthquakes or other such major events. No issues were discussed because no issues were discovered.

Response to Comment 17-19:

Both intersections operate at Level of Service D with the summer Friday and Saturday volumes, but with higher delays and longer queues than those of regular weekdays. Because Level of Service D is a range of delay and not a singular point of delay, the statement is consistent.

Response to Comment 17-20:

Comment noted. It is unknown why rates are lower than average. Statewide averages are averages of similar facilities. The Caltrans accident database does not provide the information needed to determine why rates are lower than average.

Response to Comment 17-21:

Per Caltrans criteria, the no-build analysis is provided for year 2038, which is 20 years beyond anticipated construction. The interchange is expected to degrade to Level of Service F before the year 2018, and this expectation is stated in Section 2.1.6 Traffic and

Transportation/Pedestrian and Bicycle Facilities section, the Environmental Consequences subsection, of this document.

Response to Comment 17-22:

Level of Service F is forecast for the mainline during the peak 15 minutes of the peak hour period. Flows from the roundabouts onto the mainline are expected to merge with the stop-and-go mainline flow without affecting the roundabouts. Merging operations would be the same with or without the project.

Response to Comment 17-23:

The summer weekend analysis is focused on operations at the roundabouts to ensure that traffic would not affect US 101 mainline operations.

Response to Comment 17-24:

The South River Crossing is included in the expected build-out of the area as shown in the City's General Plan. The Project Development Team made the decision to include analyses of 2038 operations for the project without the river crossing traffic as a check to determine if the change in traffic volume/movements would substantially change the project design and to assess whether regional traffic splits would substantially change the project. County versus City or other jurisdictional agency funding could be affected depending on traffic splits and project changes; no major project design differences were found for the 2038 year, therefore it was not deemed necessary to conduct further analysis for prior years.

Response to Comment 17-25:

The interchange is composed of the State Route 46 West/US 101 Northbound and Southbound ramp terminals. Those two locations have signals, and those traffic signals include signal indications and phasing to accommodate the adjacent frontage roads (Theatre-Vine on the west and Ramada on the east). Operations on both sides of the interchange would be forced-flow (Level of Service F) sometime within the 2010-2014 timeframe. Note that when intersections are nearing saturated conditions, smaller amounts of traffic have incrementally larger impacts on delays and levels of service.

Response to Comment 17-26:

US 101, its ramps and State Route 46 West are all under Caltrans jurisdiction. It is recognized that signage to guide vehicles from the freeway off-ramps and through the roundabouts is a very important part of the operations through roundabouts and through the

interchange. This would include signs to direct travelers to the State Route 46 West direction and to Theatre Drive at the appropriate points determined during final design and as approved by Caltrans.

Comment Set 18

<gbaker@slocog.org>
g>
07/18/2008 01:48
PM

To
<Yvonne_Hoffman@dot.ca.gov>
cc
"Rich Murphy" <RMURPHY@SLOCOG.org>
Subject
U.S. Highway 101/State Route 46
West Interchange Modification
Project Environmental Assessment

Dear Yvonne,

Thank you for the opportunity to review the US 101/SR 46 West Interchange Modification Project Environmental Assessment. As the regional transportation agency we have an interest in the city's success in developing low cost and fundable solutions for interchange deficiencies. The San Luis Obispo Council of Governments (SLOCOG) has reviewed the document and has prepared the following general comments.

- q General -
 - o References throughout the document to the need for phasing should be stronger. For instance, the Project Phasing section on page twelve should indicate that phasing is likely.
 - o Because Build Alternative 1 results in less ground disturbance, loss of vegetation (including oaks), lower construction-related emission than Alternative 2, and lower visual impact to sensitive viewers, will not result in the physical division of an established community, and is significantly more cost feasible; SLOCOG conceptually supports Build Alternative 1.
- q Traffic/Circulation -
 - o While the project is consistent with the Regional Transportation Plan and the City of Paso Robles Circulation element, please consider the following transportation related suggestions.
 - \$ Closing 46 west access on Gahan Place; create cul-de-sac and re-direct to the realigned Theatre Drive.
 - \$ Investigate possibility of including a Park and Ride lot between Alexa Court and the proposed west side roundabout, or at some other logical location in the project limits.

18-1

18-2

18-3

Please feel free to contact me with any questions or comments in regard to this issue.

Respectfully,

Geiska Baker

Transportation Planner
San Luis Obispo Council of Governments
1150 Osos St., Suite 202
San Luis Obispo, CA 93401

(805)788-2104
gbaker@slocog.org

From: Geiska Baker [mailto:gbaker@slocog.org]
Sent: Friday, July 25, 2008 4:46 PM
To: Yvonne Hoffman@dot.ca.gov
Cc: Ditas Esperanza; ron_whisenand@prcity.com; Rich Murphy
Subject: U.S. Highway 101/State Route 46 West Interchange Modification
Project Environmental Assessment

Dear Yvonne,

This letter builds and supplements our letter dated July 16, 2008.

We have since had an opportunity for additional review and input. We concur with the prior comments and recommendations as modified below.

We find Alternative 1 for the reasons previously stated is the least costly and more environmentally preferred alternative.

18-4

We reserve final selection of the preferred alternative for input by the Project Development Team. We do find Alternative 2 to be the most (operationally) preferred alternative. This alternative clearly separates local traffic from regional traffic. Additionally, it operates more effectively by eliminating local left turn movements on highway 46 in both the northbound and southbound directions.

We are especially concerned with the potential conflicts of left-turn movements in any phasing alternative. It appears that there is a high likelihood of traffic backing up into the roundabout in the initial phase of the project. We request the Project Development Team and traffic assessment more clearly evaluate this potential.

18-5

It is also important to note that Alternative 2 operates more effectively for alternative modes including pedestrian, bicyclists and local transit. This alternative is more effective as it allows these movements to occur at a controlled intersection with the realignment Vine Street across from Theatre Drive.

18-6

We look forward to more specific assessment of these issues and working with the project development team in the selection of the preferred alternative.

Please contact Geiska Baker at (805) 788-2104 for any clarification.

Sincerely,

Ronald DeCarli
Executive Director

Cc: Ron Whisenand and Ditas Esperanza; City of Paso Robles

Response to Comment 18-1:

Phasing potential is discussed in this environmental document (as referenced in this comment). Details on phasing potentials and timing are included in Section 1.3.1.2, Unique Features of Build Alternatives, the Project Phasing subsection, to emphasize the phasing potential.

Response to Comment 18-2:

Please refer to response to comment 7-1 for a detailed discussion on visual analysis; response to comment 21-3 for discussion on grading activities and fill in the ravine; response to comment 7-2 for discussion on oak tree impacts; response to comments set 20 for discussion on emissions for both temporary construction and permanent traffic operations; and response to comments set 21 relative to lack of support for the concept that the project creates a physical division in an established community.

While Build Alternative 2 is more expensive and has a greater number of individual oak tree impacts than Build Alternative 1, it also provides greater operational benefit as stated in the subsequent comment 18-6 (also see response to comment set 14) and greenhouse gas reduction (see response to comment 20-7). Costs, operational and social benefits, and environmental impacts are to be considered in determining a preferred alternative. A preferred alternative is chosen based on the full consideration of the project purpose and need, the impacts of viable alternatives along with the mitigation measures possible for those impacts, and the benefits of the viable alternatives.

Response to Comment 18-3:

Thank you for your comment. It is agreed that the project is consistent with regional and local planning as stated. Creating a cul-de-sac at the westerly end of Gahan Place was discussed by the Project Development Team, which determined that the cul-de-sac would be inconsistent with the operational improvements to the interchange as stated in the purpose for the project because it would redirect traffic from an alternate corridor toward the interchange. The closure of Gahan Place at State Route 46 West would also negatively affect access for emergency vehicles. Consideration was given to using the area between Alexa Court and the westerly roundabout, but it was determined to have insufficient usable area for parking and circulation within the parking area. Other areas for park-and-ride facilities were considered in the current alternatives as well, particularly in the area between Ramada Drive and the US 101 northbound off-ramp just south of the proposed easterly roundabout. It was decided that while the project would not preclude park-and-ride lots, additional access points would be

detrimental to areas immediately adjacent to the roundabout and that the loop area immediately south of the northbound off-ramp connection to the roundabout was to be protected for a potential bypass lane in the future. Other areas for potential park-and-ride facilities adjacent to the interchange were deemed to be topographically constrained due to the steep ravine or adjacent hillsides.

Response to Comment 18-4:

Please see response to comment 18-2.

Response to Comment 18-5:

Potential phasing options include a combination of signals west and east of a roundabout at the west side of the interchange. Measures such as loop detection are envisioned to detect any back-up close to the roundabout. If a queue were detected, the traffic signal would be set to green to release the traffic prior to the traffic backing up into the roundabout to ensure a free flow of traffic within the roundabout. Traffic analyses have been reviewed with the Caltrans Traffic Operations division for various phasing options to avoid any impact of traffic backing up at the ramps. Please see response to comment 18-1.

Response to Comment 18-6:

Thank you for your comment and participation. Please also see response to comment 1-1.

Comment Set 19



July 18, 2008

Norman E. Matteoni
Peggy M. O'Laughlin
Bradley M. Matteoni
Barton G. Hechtman
Gezzy Houthan

Advance Copy Via E-Mail

CalTrans
Attention: Yvonne Hoffmann
50 Higuera Street
San Luis Obispo, CA 93401

Re: IS/MND for US 101/SR46W Interchange Improvement Project

Dear Ms. Hoffmann:

This office represents CENCO Investment, LLC, the owner of a 12.9-acre parcel located at the northwest corner of the 101/46W interchange. This letter constitutes CENCO's written comments to the May 2008 Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment ("IS/MND") for the Interchange Improvement Project ("Project"). CENCO reserves the right to provide additional comments, either in writing or at public hearings associated with the approval of the environmental declaration and/or approval of the Project itself. These comments are limited to the portion of the Project located in the northwestern quadrant of the 101/46W intersection.

CEQA and NEPA both apply to the Project. Both Acts were conceived primarily as a means to require public agency decision-makers to document and consider environmental implications of their actions. (See, e.g., Public Resources Code §§21000, 21001.) Though NEPA has been characterized as a "procedural" statute, it has been held that CEQA contains a "substantive mandate" requiring public agencies to refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can avoid or substantially lessen those effects. (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16

 848 The Alameda
San Jose, CA 95126
ph. 408.293.4300
fax. 408.293.4004
www.matteoni.com

Cal.4th 105, 134; PRC §21002; see also *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 440-441: "a project may not be approved as proposed if feasible alternatives or mitigation measures would substantially lessen the project's significant environmental effect.")

The initial study is the "preliminary analysis" prepared by the lead agency in order to determine whether to prepare a negative declaration or an EIR. (CEQA Guidelines §15365.) When the agency determines that an EIR is not necessary, the initial study serves the purpose of "providing documentation of the factual basis" for the conclusion that a negative declaration will be sufficient. (CEQA Guidelines §15063(c)(5).) The initial study must "disclose the data or evidence upon which the person(s) conducting the study relied. Mere conclusions simply provide no vehicle for judicial review". (*Citizens' Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.)

Whether the initial study results in the determination that an EIR is required or that a negative declaration is sufficient, in either event findings are required regarding the significance of environmental impacts. These findings are legally required to connect the conclusion reached with the factual support for those conclusions:

"Among other functions, a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusion." (*Topanga Association for Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 516-517.)

This findings requirement of CEQA "reveals to citizens the analytical process by which the public agency arrived at its decision." (*Mountain Lion Foundation, supra*, 16 Cal.4th at 134.)

These principles are applied in our comments on the IS/MND below.

General Plan Consistency

According to the IS/MND, both alternatives are consistent with the City's general plan (pp. v and 26-35). As the document notes, the City's General Plan map designates CENCO's parcel for commercial use (p. 27). Alternative 1 is consistent

19-1

with the General Plan because it only clips the corner of CENCO's parcel, and consequently it has very limited impact on lands available for commercial development. Alternative 2 is not consistent with the General Plan because it takes a larger portion of CENCO's property that could otherwise be used for commercial development and, by virtue of its location bisecting the property, limits the commercial utility of the land on both sides.

Further, the City's General Plan and other governing documents include policies requiring that grading be minimized (see, e.g., Section 21.16E.140(B) of the City's Zoning Code) and limiting removal of oak trees (see, e.g., Policy C-3 A and the Oak Tree Preservation Ordinance). The IS/MND provides no discussion of General Plan consistency regarding grading or trees and is hence incomplete. From evidence provided elsewhere in the IS/MND, it is apparent that Alternative 1 involves substantially less grading and removal of fewer trees, and is hence more consistent with the City's General Plan.

19-2

Visual Impacts

The City's General Plan describes the northwest quadrant of this intersection as a "visual corridor" and as a "gateway to the City". The IS/MND does not appear to account for the heightened visual sensitivity applicable to this area.

19-3

On page 67, it states that Alternative 1 would have a greater visual impact at the location of the roundabout, but that Alternative 2 would have an overall greater visual impact. This conclusion that Alternative 2 would have greater visual impacts is confirmed at multiple locations in the Visual Impact Assessment prepared by URS and dated March 23, 2007 ("VIA"). In the simulations provided for both Alternatives on page 66, trees are shown on the simulation for Alternative 2, but no trees on the simulation for Alternative 1. There is no explanation in the text for this difference, which appears to have been done to minimize the visual impacts of Alternative 2, but not of Alternative 1.

19-4

Most importantly, the visual impact analyses in both the IS/MND and the VIA entirely omit any discussion of the improvements which constitute the greatest difference in visual impacts between the two Alternatives. Key View #3 (pp. 59-63) looks west from a point between 101 and Theatre Drive. Today the view to the right of 46W is of open land rolling toward the coast. With Alternative 2 that pristine view will be disrupted by a 190 foot bridgespan, retaining walls, and a road in a 64-foot wide right of way meandering from the bridge toward 101. It appears that no visual impact analysis was done from the vantage point of looking east on Hwy 46W from a

19-5

point west of Theatre Drive. The IS/MND cannot have a complete analysis of the visual impacts caused by Alternative 1 versus Alternative 2 without a discussion of the visual impacts of the bridge from these perspectives. It is conceivable that the visual impact of the bridge is so significant that an EIR would be required because there is no way to mitigate that visual impact.

Natural Habitat Impacts

Paso Robles means "The Pass of the Oaks." Not surprisingly, the City has adopted extremely strong regulations to protect its oak trees and its oak woodlands (see, e.g., Policy C-3 A). Further, oaks are considered a species of regional/local significance (CalTrans' Natural Environment Study dated April 2007 ("NES"), p. 29). These regulations do not appear to have been considered or addressed in the IS/MND.

19-6

The IS/MND states that approximately 34 oak trees would be removed under Alternative 1 and 45 oaks under Alternative 2. It is unclear where these figures come from. The NES includes a list of 47 oaks in the path of Alternative 2, and 24 oaks affected by Alternative 1 (pp. 40-41).

19-7

By focusing on the total number of oaks affected, the IS/MND masks the real difference between the Alternatives in terms of oak loss. Based on Figure 5 of the NES, there are 32 oaks to be removed regardless of which Alternative is selected. If Alternative 1 is chosen, two more oaks will be removed (Nos. 93 and 94). If Alternative 2 is chosen, then thirteen oaks will be removed that would not be affected under Alternative 1 (Nos. 44-50 and 12-17), along with four walnut trees. Thus, the relevant comparison is two oaks for Alternative 1 versus thirteen oaks for Alternative 2.

19-8

Further, the IS/MND contains no qualitative assessment of these trees. Rather, it appears to treat all oaks as being of equal value. As recognized in the City of Paso Robles' Oak Tree Preservation Ordinance, all oak trees are not the same.¹ Larger and older oaks are more highly valued, and receive greater protection. The IS/MND is deficient for failing to include any discussion of this issue. Many of the oaks which would be removed under Alternative 1 are scrub oaks which have a lower protection value than the larger oaks that would need to be removed to implement Alternative 2.

19-9

¹ The NES, and hence the IS/MND, appears to have grossly underestimated the size of the oaks, stating a diameter range of 1" to 12" DBH (pp. 40-41). A drive-by at the area reveals many oaks in the path of the Project with diameters in excess of 24", some having diameters of more than 48 DBH.

These issues are discussed in the VIA, but that discussion appears to have been ignored in the IS/MND. In fact, the mitigations described in the IS/MND are in conflict with, and inadequate based upon the NES (see Mitigation No. 6 on p. 45 of that Study). For example, oak trees would be replaced at a 10 to 1 ratio, but one gallon-sized specimens would be used (p.123). This sizing of new oaks would conflict directly with the City requirement that 24" box sized trees with a minimum diameter of 1.5" be used (VIA at pp. 3-4). Further, deer populations are prevalent in the northwest quadrant of the intersection. One gallon oak specimens will serve as a convenient meal for these deer. Absent specific protection of the specimens, very few of these new oaks will survive the three year plant establishment period. At a minimum, more detail is required in the IS/MND to explain how the Project will protect these tiny oaks from deer, and larger specimens which meet the local requirements and are less susceptible to destruction by foraging animals should be required.

19-10

Additionally, the IS/MND needs to examine the temporal loss of the canopies of the oak trees to be removed in the oak woodland habitat areas. When a mature oak is cut down, its canopy which created habitat for a variety of plants, animals and insects is lost. (See p. 17 of the NES.) Mitigations are to be designed to replace that canopy. Replanting oaks, even at a 10 to 1 ratio (assuming they all survive) will not immediately replace the canopy. The IS/MND's discussion is deficient for lack of any analysis of how many of these one gallon species will survive to maturity, and how long it will take for those new trees to replace the canopy of the mature oak which they were intended to replace.

19-11

Finally, it does not appear that the IS/MND has included the requirements of PRC Section 21083.4, which applies where, as here, oak woodlands are proposed to be removed from property located in an unincorporated county area. See the attached report of Carolyn Leach Consulting, LLC, dated July 16, 2008, which discusses many of the issues above and identifies other deficiencies in the analysis of native habitat impacts.

19-12

Growth Inducing Impacts

Page 37 of the IS/MND states the conclusion that neither Alternative would cause growth inducing impacts. Alternative 2 would route a major collector street through County property immediately west of CENCO's parcel. That land is not currently served by any internal roads, and has access restrictions into 46W, which limits its development potential. Alternative 2 would facilitate annexation and

19-13

development of this County land at an earlier date than development would occur without Vine Street being rerouted to run through the parcel, and would eliminate the currently existing access limitation. The IS/MND must accurately address growth inducing impacts.

Farmland Protection Policies

Related to growth inducing impacts, the IS/MND discusses the Farmland Protection Policy Act on page 38. However, the IS/MND analysis appears to only take into account farmland conversion of the actual acreage utilized for the right-of-way. The County parcels immediately west of CENCO's parcel are farmland (p. 27). As described above, Alternative 2 is likely to hasten development of that farmland to the north of the proposed roadway. That farmland acreage must be taken into account in accurately analyzing the impact of Alternative 2 on Prime and Unique Farmland, and on Farmland of Statewide and Local Importance.

19-14

Liquefaction

Pages 78-79 discuss the risks of seismic activity and liquefaction. However, there is no discussion of the particular seismic risks associated with the 190 foot freespan bridge which is a part of Alternative 2. According to the City's Web site (<http://www.prcity.com/government/departments/commdev/planning/pdf/general-plan-2003/figS-3.pdf>), the area where the bridge will be located is at high risk for liquefaction. The general conclusions stated in this section of the IS/MND lack factual support in the absence of information demonstrating that the analysis includes consideration of the bridge which, by its elevated nature, creates a greater safety risk than a grade-level roadbed in the event of an earthquake event.

19-15

Road Design

The environmental impacts analysis in the IS/MND is based upon the current roading design. If the design changes, the impacts change. The current design of relocated Vine Street in Alternative 2 does not provide the required minimum sight distance. (See July 17, 2008 letter from Jeffrey Wagner of eda to Stephen Sahadi, attached.) Consequently, for the IS/MND to be completed and accurate as required by CEQA, a redesign of the Alternative 2 version of Vine Street must be done, and an analysis of environmental impacts associated with the redesign must be completed.

19-16

Traffic Impact Conclusions

The IS/MND says that "the operations in alternative 2 are better than alternative 1." (pp. vi. and 57) That conclusion conflicts with the quantitative data provided in the IS/MND: Alternative 1 results in a Theatre Drive/46 LOS of B/C, where alternative 2 results in an LOS of C/C. (p. 19.) Attached please find a letter report dated July 12, 2008 from Mark Lenters, P.E. of Ourston Roundabout Engineering. As their name suggests, Ourston has a particular expertise in roundabout design. According to Ourston, Alternative 2 is operationally inferior to Alternative 1, based upon a quantitative analysis. In Attachment #1 to their report, they identify eight computation errors they discovered in the URS Draft Project Report. Ourston recommends consideration of two additional alternatives for the roundabout design, each of which would improve operations compared to either of the Alternatives described in the IS/MND.

19-17

Additionally, the IS/MND states that the Project could save the public \$44 Million Dollars in avoided delays between 2018 and 2038 when compared to the No Project Alternative. (p. 55.) Missing from the IS/MND analysis is any comparison of the estimated savings arising from delay reductions comparing Alternative 1 with Alternative 2. Those figures, and the data upon which they are based, are necessary for the public to know the benefits of either Alternative over the other.

19-18

Finally, the IS/MND needs to include an aspect of significance in the analysis of the volume to capacity ratios and delay per vehicle ranges discussed for each Alternative on pages 56 and 57. While the document states on page 57 that these figures reflect that Alternative 2 will perform better than Alternative 1, it appears from the figures that the "improvement" in the operation is so nominal that it does not justify the additional environmental impacts and expenses associated with Alternative 2. Further, the Ourston Report suggests that these figures provide an incomplete view of the overall performance of each Alternative.

19-19

Cost Estimates

The IS/MND states that Alternative 1 would cost substantially less than Alternative 2 (\$29,929,000 vs. \$35,668,000) and would require the acquisition of less right of way (4.69 acres vs. 7.27 acres) (p. 19). However, the cost documentation (the May 8, 2008 Data Report) provides insufficient detail to support the cost or acreage conclusions. On CENCO's parcel alone, Alternative 2 would require acquisition of approximately an acre of right of way (compared to a few

19-20

thousand square feet for Alternative 1). Further, Alternative 2 bisects the CENCO parcel at the edge of a plateau, with the terrain sloping down immediately south of the roadbed. As a result, there will be no safe access to the 2+ acre remainder of CENCO's parcel, and difficulty building into the slope even if access were available. Accordingly, we believe that the Project will be required to acquire this 2+ acres, which is not accounted for in either the cost or acreage conclusions. In order for the cost and acreage figures to be accurate, the IS/MND must address this issue.

The Data Report appears to have relied on outdated data from May of 2006. Recent sales of comparable properties by the City for the Project (see map at p. 47) have been in the \$20 - \$36 per square foot range. Consequently, the additional acquisition costs for Alternative 2 solely for the 3+ acres of the CENCO parcel (see July 17, 2008 letter from eda to Stephen Sahadi, attached), appears to be in the \$4,000,000 (at \$30/sf) to \$5,000,000 at (\$36/sf) range.² Add to that (1) the costs of acquiring the acre+ from the adjacent County parcel to the west for the right of way, (2) severance damage issues those owners may have regarding the south end of their parcel which would be similarly rendered unusable, (3) litigation expense regarding both CENCO's parcel and the parcel to the west, and (4) the estimated \$2.3 million for the bridge, and Alternative 2, accurately estimated, will cost over \$40 Million Dollars, \$10 Million Dollars more than Alternative 1.

Page 16 of the Draft Project Report states that another previously considered alternative design estimated to cost \$40.7 Million Dollars was rejected due to excessive cost. It appears from the facts that Alternative 2 is similar to that rejected alternative in cost and impacts. The IS/MND must be augmented to include sufficient information so that the public can determine accurate acreage figures (including lands required for slope or other easements) and updated cost information demonstrating realistic present day acquisition and construction costs associated with each Alternative.

Miscellaneous

Page 12 has the construction phasing for both Alternatives, but the phasing for Alternative 1 does not mention the Vine Street relocation. Though the document

19-21

19-22

19-23

² Not included in this calculation are severance damages to the portion of CENCO's parcel north of relocated Vine. Though CENCO has a legal right to access from Vine Street (see Deed recorded May 12, 1964 at Volume 1297, pages 14-16), the curve of Vine Street in Alternative 2 could result in the absence of any safe second point of access to CENCO's parcel, resulting in substantial diminution in the value of the land. The IS/MND should include a diagram demonstrating access locations to CENCO's land north of relocated Vine, just as it shows access to parcels along Theatre Drive (p.17).

discusses right-of-way acquisition for non-residential parcels with buildings (p. 44 - this discussion is in the context of relocation benefits), there is no discussion of how many vacant parcels, such as CENCO's, would be affected by each of the Alternatives, and the degree of impact on each parcel. From the mapping on page 31, it appears that three parcels would be affected by Alternative 2 (with Vine Street bisecting two of those three parcels), while only two vacant parcels would be affected by Alternative 1 (with Vine Street only clipping the corner of both of those parcels).

Recirculation

Based on the deficiencies described above, the IS/MND will need to be recirculated (CEQA Guidelines § 15073.5), unless it qualifies to proceed under CEQA Guidelines Section 15074.1 and CalTrans holds the public hearing required by that Section.

19-24

Environmentally Superior Alternative

Alternative 1 is clearly the environmentally preferable Alternative. Compared to Alternative 2, Alternative 1 involves fewer impacts in the following categories: visual/aesthetic, storm water runoff (2.3 acres of impervious surface vs. 3.5 acres) (p.73), trees (loss of 34 oak trees vs. 45) (pp. vii, 118), ground disturbance causing construction-related emissions (20.2 acres vs. 24) (pp. 13, 73) and size of project footprint (p. 13), and farmland loss (3.95 acres vs. 4.85) (p. 19). Alternative 1 would involve permanent impacts to less acreage of natural communities (.96 vs. 2.16) (p. 117) and temporary impacts to less acreage of natural communities (2.0 vs. 4.56) (p. 118). While Alternative 1 would impact nominally more jurisdictional waters (.38 acres vs. .29), there are no wetlands affected under either alternative.

19-25

A portion of the funding for this Project will come from the Federal government, and accordingly, Federal laws and policies apply. As noted on page 58 of the IS/MND, the "National Environmental Policy Act [23 U.S. Code §109(h)] directs that the final decisions regarding projects are to be made in the *best overall public interest taken into account adverse environmental impacts, including among other destruction or disruption of aesthetic values*" (*italics added*). The IS/MND then notes that CEQA contains similar requirements. These same requirements are found in California's eminent domain law, which requires that projects be designed in a manner that affords the greatest public good with the least private injury (Code of Civil Procedure Section 1245.230(c)(2)).

19-26

Yvonne Hoffmann, CalTrans

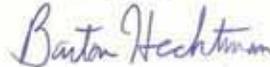
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19-27

Based on the currently incomplete analyses provided in the IS/MND, it appears abundantly clear that Alternative 1 is superior in terms of environmental impacts, General Plan consistency, cost effectiveness and operational efficiency. Consequently, there is no justification for the selection of Alternative 2 over Alternative 1 consistent with Federal and State Law.

Thank you for the opportunity to comment on the IS/MND. We look forward to CalTrans' responses to this comments, and to the completion of the project approval process that complies in all respects with the requirements of CEQA, NEPA, and all local regulations.

Very truly yours,



BARTON G. HECHTMAN

Att.

cc: (by email only)
Iris Yang, Paso Robles City Attorney
John Falkenstein, Paso Robles Public Works Director
Steve Sahadi
Fred Sahadi
Dennis Law
Mike Thomas, CalTrans

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Response to Comment 19-1:

The CENCO property referred to in the comment letter is identified as Assessor Parcel Number 009-631-011. Figure 2.1-4, Potential Project Displacements, City-Owned Parcels, and Right of Way Acquisitions, identifies this parcel number in the northwest quadrant of the US 101/State Route 46 West interchange.

We agree in part with the comment: Build Alternative 1 is consistent with the General Plan. But we respectfully disagree with the portion of the comment that concludes Build Alternative 2 is not consistent with the General Plan. The project does not change the land use designation, and the comment is speculative on the future commercial use of that parcel with implementation of Build Alternative 2.

Both build alternatives address the issues, as shown in Table 1.3-1 “Comparison of Project Effects by Alternative, and are consistent with the City General Plan, as discussed in Section 2.1.1.2 “Consistency with State, Regional and Local Plans” of this document. Although Build Alternative 2 would require more right-of-way from the identified 12.9-acre parcel than Build Alternative 1 would, neither alternative substantially affects the overall existing condition of the parcel because Build Alternative 2 follows existing contours as shown in Figure 1.3-2 of this document and provides greater frontage road access potential to the parcel in question. Any development of the southerly portion of the parcel with or without the proposed project would need to consider the existing terrain. It should be noted that the alignment of the frontage road may change in final design as long as it is consistent with the analysis of the environmental clearance, but the principle of the commercial viability of the parcel is maintained in each alternative.

Response to Comment 19-2:

The Initial Study/Mitigated Negative Declaration and Natural Environment Study (Minimal Impacts) specifically include discussion on aesthetic, planting and grading concerns in Section 2.1.7 “Visual/Aesthetics” and Sections 6 “Avoidance and Minimization Measures,” respectively. Oak tree issues are again specifically addressed in relation to the City Oak tree ordinance in Section 2.3 “Biological Environment.” The Visual Impact Assessment (pages 3-4 and 3-5) for the project explicitly addresses the project’s consideration of the referenced City Oak Tree Ordinances and specifically Title 20 (Grading) of the City’s Municipal Code as it relates to management of grading and excavation-related activities.

Please see response to comment 19-1 for grading considerations; response to comment 7-1 for visual impacts addressing grading concerns; and response to comment 7-2 for discussion

on oak tree impacts and mitigation issues. Response to comment 7-2 also notes updated tree surveys that were done; the updated Natural Environment Study (Minimal Impacts) (2009) concluded that Build Alternative 1 resulted in 24 oak tree impacts and Alternative 2 resulted in 49 oak tree impacts. The comment states that Build Alternative 1 is more compatible with the City General Plan based on tree and grading consideration, but does not note the need to balance all impacts and differing levels of benefits. Please see response to comment 15-5. Examples of consideration in addition to grading and oak tree impacts include the considerations of the City's Circulation Element of the General Plan, the continuity of frontage roads, system hierarchy and relative congestion relief as discussed in response to comment 14-1, or with regard to other matters of consistency with federal, state, regional and local goals as discussed in response to comment 21-3.

Response to Comment 19-3:

A Visual Impact Assessment was prepared for the proposed project, and the results are included in this document. The Visual Impact Assessment specifically addresses, and takes into account, applicable federal, state, and local planning policies. Local policies include the county and city policies on visual and aesthetic resources. The City of Paso Robles' visual gateway is specifically discussed in Section 2.1.7 Visual/Aesthetics, the Existing Visual Character subsection, of this document. In addition, the Visual Impact Assessment identifies Key View 2 as the view for travelers eastbound on State Route 46 West traveling toward US 101. The existing visual character from Key View 2 is co-dominant urban/rural with some open space/rural influences, mature trees, traffic lights, street signs, and other roadway features. This key view was selected as a key visual simulation location in coordination with Caltrans. As the proposed project would introduce a newly aligned roadway and roundabout, several measures including landscaping and aesthetic treatments would be implemented. This environmental document includes recognition of the visual gateway aspects of the location, and the Visual Impact Assessment considered this aspect. See also response to comments 1-5 and 7-1.

Response to Comment 19-4:

The comment correctly notes that the environmental document states that Build Alternative 2 would have a greater footprint and therefore a greater visual impact overall than Alternative 1; Table 2.1-10 lists the key views and resulting visual impacts by each alternative from the perspective of each key view. The simulations are for Key View 2, and that view has been shown to be less affected by Build Alternative 2. Key View 3 is shown to have a higher level of impact with Build Alternative 2. Both key view impacts are in the Low/Moderate and

Moderate range without substantial difference or impacts. Please note that simulations are conceptual in nature; they are not detailed landscape plans.

Response to Comment 19-5:

This document and the Visual Impact Assessment contain discussion related to the visual impact analysis done from the perspective of Key View 3; in Table 2.1-10 “Visual Environment, Before and after Proposed Project” of this document and at various points, but more specifically on pages 6-7 through 6-9 of the Visual Impact Assessment. Comparison between alternatives was also noted in Section 2.1.7 Visual/Aesthetics, the Environmental Consequences subsection, under headings Build Alternative 1 and 2 of the environmental document as noted in the previous comment (comment 19-4).

Refer to response to comment 7-1 regarding the visual analysis for the proposed South Vine Street bridge for motorists traveling eastbound and westbound along State Route 46 West. The analysis is based on actual visibility by the traveling public considering geographic and other visual obstructions not readily apparent when looking at a two-dimensional graphic. Field reviews were done after receipt of comments to confirm prior decisions on the appropriateness of key views contained in the Visual Impact Assessment. This document does not include impacts sufficient to require an Environmental Impact Report.

Response to Comment 19-6:

The City’s Oak Tree Ordinance was considered during the project development process by the Project Development Team, which was formed early in the project and consisted of personnel from the City, Caltrans, San Luis Obispo Council of Governments, County and consultant firms. See the updated discussion in Section 2.3.1 “Natural Communities” of this document. Roadway alignments were designed to minimize oak tree and grading impacts; this is now specifically clarified as discussed in Section 5 of the Project Report. The Project Development Team decided to use a 10:1 ratio in lieu of the City Ordinance requirements for unavoidable oak tree impacts. Refer to responses to comments 7-2 and 15-1 through 15-5.

Response to Comment 19-7:

Please refer to responses to comments 7-2 and 15-1 through 15-5 regarding analysis and replacement ratios for anticipated impacts to oak trees as well as results of subsequent oak tree surveys done after circulation of the draft environmental document. See the revised Natural Environment Study (Minimal Impact) (2009) for additional discussion.

Response to Comment 19-8:

We respectfully disagree with the statement that the environmental document masks the real difference between alternatives in terms of oak loss. This document includes individual oak tree data to provide readers with the mitigation intent, overall mitigation strategy and individual tree impacts. Individual tree counts have been verified and included in this document and Natural Environment Study (Minimal Impact) (2009). The focus of the mitigation strategy is creation of oak woodland. A 10:1 oak tree replacement mitigation ratio is a more aggressive mitigation strategy in terms of creation of oak woodland and total number of mitigation oak tree plantings than the City Ordinance requirements. Please see responses to comments 7-2 and 15-2.

Response to Comment 19-9:

Please refer to responses to comments 7-2 and 15-1 through 15-5 regarding analysis and replacement ratios for anticipated impacts to oak trees as well as results of subsequent oak tree surveys done after circulation of the draft environmental document. See also the updated Natural Environment Study (Minimal Impact) (2009). The response to comment 7-2 and the updated Natural Environment Study (Minimal Impact) (2009) contain figures showing the specific oak tree impacts, including dbh measurements and species details.

Response to Comment 19-10:

Please refer to above response regarding the results of the confirmation tree survey information contained in the updated Natural Environment Study (Minimal Impact) (2009) and additional information regarding oak tree planting, protection and monitoring contained in response to comments 7-2 and 15-1, in particular as it relates to anticipated project-related impacts to oak trees and the basis for oak tree mitigation (including means to protect planted oak trees from, among other things, wildlife during the establishment period). The Natural Environment Study (Minimal Impact) Section 5 Project Impacts has been updated to reflect the results of the subsequent tree surveys. Measures addressing oak tree replacement ratios in Section 7.0 (Mitigation Measures) of the Visual Impact Assessment have been updated to match that reported in the Natural Environment Study (Minimal Impact) and this document (Section 2.3.1 Natural Communities) to be consistent.

Response to Comment 19-11:

We respectfully disagree with this comment as it implies that this environmental document is required to study temporal loss of oak tree canopies and that mitigations are required to be included or the document is deficient. No such requirement exists, and the Natural

Environment Study (Minimal Impact) specifically notes that the project is not expected to affect special-status plant or wildlife species, their habitats, or special aquatic resources (see Natural Environment Study [Minimal Impact] Section 1. Summary) and identifies mitigation measures for general grading and vegetation clearing.

Response to Comment 19-12:

With regard to Public Resources Code Section 21083.4, the Natural Environment Study (Minimal Impact) determined that the oak woodland is characterized as Disturbed/Oak Savannah with understory characteristic of grazing activities (Natural Environment Study [Minimal Impact] Section 4.1.1.1 Vegetation Community Types). The proposed project, regardless of alternative selected, would not result in a substantial impact to oak woodlands (Natural Environment Study [Minimal Impact] Section 4.2 Regional Species and Habitats of Concern). Therefore, the proposed project is not subject to the particular oak woodlands mitigation of Public Resources Code Section 21083.4. However, the project would comply with the spirit of the mitigation policy defined by Public Resources Code Section 21083.4(b)(2)(A) and would focus on oak woodland conservation and mitigation. Please refer to responses to comments 7-2 and 15-1.

Response to Comment 19-13:

With regard to access limitations, as shown on Figure 2.1-2 of this document, the CENCO property is served at its northern perimeter area by Wilmar Place, which connects to South Vine Street. Wilmar Place continues westerly to bisect the referenced parcels immediately west of the CENCO parcel and provides access to South Vine Street from those parcels. Wilmar Place does not have direct access to State Route 46 West, but the agricultural parcels immediately at and east of the proposed South Vine Street connection to State Route 46 West do have access control breaks to the state route.

Annexation by the City of unincorporated County land, zoning of the area for development and then approval of development require multiple actions, approvals by a variety of agencies, and the consideration of such future development is too speculative to be analyzed in detail; the California Environmental Quality Act specifically excludes from analysis (cumulative impacts analysis) speculative actions/development. No less, any request to develop land on nearby parcels would be subject to the County's (and City's) development review process separate from the proposed transportation operational improvement project discussed in this document. Furthermore, while it is true that Build Alternative 2 would locate South Vine Street through currently undeveloped land under the jurisdiction of the

County, the most of this frontage is expected to be a limited access roadway due to physical constraints. Please see response to comment 21-6.

Response to Comment 19-14:

Please refer to responses to comments 19-13 and 21-6 regarding the proposed project's influence of hastening development on adjacent/nearby undeveloped lands.

The proposed project, regardless of alternative built, would not affect active farmland as noted in Section 2.1.3 (Farmlands) of this document. That section also discusses the Farmland Conversion Rating analysis that documented the lack of substantial impact to farmlands. See also response to comment 21-7.

Response to Comment 19-15:

This comment states there is no discussion on seismic risks with regard to design of the bridge structure. The requirement to use the maximum credible earthquake in the design of structures by Caltrans standards is discussed in Section 2.2.3 Geology/Soils/Seismic/Topography, the Environmental Consequences subsection. Table 2.2-1 "Summary of Potential Seismic Sources" in Section 2.2.3 Geology/Soils/Seismic/Topography lists various faults and the approximate maximum credible earthquake values. Source citation for that listing includes the City's Hazard Mitigation Plan. Figure S-3, Liquefaction Risk, of the City of Paso Robles General Plan was used in the analysis of liquefaction risk. As noted in the General Plan Safety Element, Seismic and Geologic Hazards Section, the assessment contained in the Safety Element and its appendix should be used as a general guide to indicate when further study may be needed. As indicated in this document, site-specific geotechnical and geological studies that focus on potential liquefaction hazard would be performed as part of the project design studies. The project components would be designed and built to the seismic design requirements for ground shaking specified in the project design documents.

Response to Comment 19-16:

This comment is based on the erroneous assumption that South Vine Street is designed for a 35-mile-per-hour design speed. See response to comment 16-1. The horizontal and vertical geometry of South Vine Street was designed in accordance with Highway Design Manual standards, including stopping sight distance, for a 25-mile-per-hour design speed per City direction, not a 35-mile-per-hour design speed as presumed in the comment.

Response to Comment 19-17:

This comment relies on comments contained in set 14. Please see prior responses to comments 14-1 through 14-5.

Response to Comment 19-18:

The Build versus No-Build comparison was listed as the primary comparison; cost comparisons and the magnitude difference in delays was also reported. Section 2.5 has been updated to reflect additional tools and analysis available for quantification of greenhouse gas emissions and now also includes estimated delay savings for either alternative. As would be expected, the lower expected delays of Build Alternative 2 would mean a higher level of savings due to the cost of delay. The delay differences and corresponding savings are relatively comparable for the build alternatives and therefore not a substantial difference between alternatives.

Response to Comment 19-19:

This comment requests an aspect of significance be applied to the volume-to-capacity ratios, speculates that operational differences are so nominal that the differences don't justify cost differences, and further speculates that the operational analysis provides an incomplete representation per the comments contained in comment set 14. This document summarizes a variety of technical reports; the section in question contains a summary of the Traffic Report. More detailed discussion of volume-to-capacity levels for various legs of the roundabouts and their interrelation with queue distances can be found in the Traffic Report.

Level of significance will vary due to consideration of system hierarchy and interpretation and is not a standard that can be readily defined across circumstances or facilities and is therefore not appropriate as requested. The comment concludes that, based on operational delay differences between alternatives, the cost differences outweigh the benefits. In addition, the ORE methodology is referred to by the comment as support for speculating that an incomplete view of the operations is provided. Please see responses to comments 14-1 through 14-5 and 13-1 and 13-2 for discussion on system hierarchy as well as other benefits of system separation that are not accounted for by this comment.

Response to Comment 19-20:

We respectfully disagree with this comment's conclusion that insufficient information was provided in the May 8, 2008 Draft Project Report. The Draft Project Report, as referenced by this comment, includes details to support cost and acreage estimates used. Construction cost

estimates as itemized in Attachments G1/G2, right-of-way impacts are delineated with acreage calculations shown in Attachments H and J and Right of Way data sheets are also attached (per Caltrans Project Development Procedures Manual and Right of Way valuation processes). Given these data sets, the comment approximates the Build Alternative 2 impact on the CENCO parcel of 0.867 acre as 1 acre, but incorrectly characterizes the Build Alternative 1 impact of approximately 0.454 acre as a few thousand square feet. The comment then describes a bisecting of the parcel on the south side of the parcel caused by the Build Alternative 2 South Vine Street alignment and concludes there will be no safe access to approximately 2 acres, with further speculation that the access issue is incorrect, and then difficulty in building on the sloping area remains as a problem. The comment finishes with the conclusion that the project should buy the approximate 2 acres that was not accounted for and the environmental document must address this.

Safe access can be achieved as long as safe stopping sight distances are met and the project is designed to meet stopping site distance criteria per professional standards and as further discussed in response to comment 16-1. With regard to sloping terrain, the natural slope of the parcel is shown in Figures 1.3-1 and 1.3-2 of this document. Contours show slopes ranging from 11:1 to 4:1 outside of the defined ravine and the cut and fill lines of the proposed grading for the roadway to be minimal; in other words, the roadway is following the existing and natural grade of the parcel. The project right-of-way impacts were reviewed by the City Engineer, and it was determined that commercial viability was not negated by the project. Difficulty building on a slope is a subjective reference, and the project does not affect the existing condition of that slope. It should be noted that design variations of the alignment are possible within the parameters of the environmental clearance, that the project is likely to be phased over multiple phases and years, that valuation of the property is subject to change due to market conditions, and that the project cost estimates include substantial contingencies to account for expected fluctuations.

The process for valuation and negotiation of property acquisitions is a legally prescribed process with safeguards for independent valuation and review. This process would be used by the agencies at the appropriate time of project delivery. We respectfully disagree with the conclusions of this comment.

Response to Comment 19-21:

We respectfully disagree per response to comment 19-20. It is important to note that while market conditions will cause fluctuations of actual anticipated costs, the estimates include contingencies and are used for relative comparison of alternatives.

Response to Comment 19-22:

This comment references page 18 of the Draft Project Report. On page 18 of the Draft Project Report, the previously rejected alternative is described as having excessive cost and construction impacts, including replacement of US 101 structures and two new bridges over the unnamed creek. These issues are not similar to this case. Prior comparison of alternatives and estimation of their costs were done at the Project Study Report phase, an earlier more preliminary planning level study. Those comparisons used equivalent assumptions and unit costs between those alternatives, which is not true if attempting to compare to a different set of assumptions. It is not an “apples to apples” comparison and not directly comparable to the alternatives contained in the current study. Please see response to comment 19-20 on procedures for determining cost and right-of-way data for relative comparison of alternatives.

Response to Comment 19-23:

Phase 1 of Build Alternative 1 includes construction of the southbound ramp roundabout. This would require the relocation of South Vine Street. The document discusses structure impacts and relocation processes. The citation to “page 44” as referenced by the comment is specific to the section discussing relocations, which would not be applicable to undeveloped land. Please see response to comment 19-20 for information on right-of-way data.

Response to Comment 19-24:

Per the response to comments discussed within this section, we disagree that this document requires recirculation. As stated in California Environmental Quality Act Guidelines Section 15073.5(a), “a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability.” Further, and as stated in California Environmental Quality Act Guidelines Section 15073.5(b), a “substantial revision” of the negative declaration shall mean: (1) “a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance;” or (2) “the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.”

Finally, and as set forth in California Environmental Quality Act Guidelines Section 15073.5(c), “recirculation is not required under the following circumstances: (1) mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1; (2) new project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects; (3) measures or conditions of project approval are added after circulation

of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; and (4) new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

Given the above criteria set forth in the California Environmental Quality Act Guidelines regarding when it is that a lead agency must recirculate a negative declaration, and as demonstrated in the responses to comments provided in this document, no substantial revisions to the environmental document (Mitigated Negative Declaration) are required based on comments received subsequent to noticing the availability of, and circulating, the draft environmental document. As detailed in response to comment 7-2, additional mitigation measures have been incorporated into the project to improve the effectiveness of oak tree plantings to account for those anticipated for removal. In addition, Section 2.5, Climate Change under the California Environmental Quality Act, of this document has been updated to include a quantitative greenhouse gas emissions analysis for the project alternatives per pertinent guidelines and legislation. Please also refer to responses to comments 17-1 and 20-7 for additional information regarding the expanded greenhouse gas emissions analysis included in this document. Updating of the greenhouse gas emissions analysis does not result in an avoidable environmental effect; the update clarifies and amplifies the analysis in this document.

With regard to California Environmental Quality Act Guidelines Section 15074.1, and as further detailed in previous responses to comments (responses to comments 7-2 and 15-1), no “infeasible” or “undesirable” mitigation measures have been “deleted” or “substituted.” Rather, and as noted above, additional mitigation measures have been incorporated into the project to improve the effectiveness of oak tree plantings to account for those anticipated for removal. More specifically, the original oak tree mitigation measures as provided in the Natural Environment Study (Minimal Impacts) and this document have been augmented to help ensure the effectiveness of that mitigation. Therefore, consideration of this final document is not subject to another public hearing, nor must Caltrans, as the Lead Agency, adopt a written finding that the added measures are equivalent or more effective in mitigation impacts to oak trees.

Response to Comment 19-25:

Thank you for your comment. Your interest in the project and environmental process is appreciated.

As detailed in Table 2.1-10 of this document, impacts to the five key views resulting from Build Alternatives 1 and 2 would vary at each respective key view from low to moderate; neither of the build alternatives would result in a substantial visual impact. The only key view under Build Alternative 2 would result in a greater visual impact is Key View 3 (Alternative 1 = Low/Moderate impact, whereas Alternative 2 = Moderate impact). In fact, Build Alternative 1 would result in a greater visual impact than Build Alternative 2 at Key Views 2 and 5. The proposed project, regardless of build alternative implemented, would not result in a substantial visual impact.

As the comment states, Build Alternative 1 would result in an area of reduced impervious surface (2.3 acres) compared to Build Alternative 2 (3.5 acres). However, with the implementation of storm water management measures described in Section 2.2.2 (Water Quality and Storm Water Runoff), impacts to water quality and storm water runoff would be reduced to inconsequential levels.

With regard to oak trees, and as noted previously (responses to comments 7-2 and 15-1), the results of the subsequent on-foot tree surveys revealed that Build Alternative 1 would remove 24 oak trees, whereas Build Alternative 2 would remove 49 oak trees. As further detailed in response to comment 7-2, additional oak tree mitigation measures have been added to the project to increase the effectiveness of the mitigation. Regardless, impacts to oak trees, particularly with the mitigation measures incorporated into the project, would continue to be inconsequential.

It is true that the area of ground-disturbance (project footprint) is greater for Build Alternative 2 than Build Alternative 1. However, with regard to construction-related air quality emissions, and as further detailed in the “Construction (Short-term) Emissions” section of Section 2.2.6 (Air Quality) of this document, project construction is not anticipated to exceed the San Luis Obispo County Air Pollution Control District’s thresholds for fine particular matter with implementation of at least one daily watering of all disturbed areas.

With regard to impacts to farmlands, and as further detailed in Section 2.1.3 (Farmlands) of this document, Build Alternative 1 is anticipated to affect 3.95 acres of farmland, whereas Build Alternative 2 is anticipated to affect 4.85 acres of farmlands. However, no portion of the area encompassing the farmlands is currently being actively used (cultivated or harvested) as farmland. As Section 2.1.3 (Farmlands) of this document states, Caltrans’ consultation with the Natural Resources Conservation Service revealed that the proposed project, regardless of build alternative implemented, would result in a very minimal amount of potential farmland conversion as a percentage compared to total existing farmlands within

the County planning area. Therefore, neither Build Alternative 1 nor Build Alternative 2 would result in a substantial amount of farmland conversion.

As the comment states, and as further detailed in Table 2.3-1 (Permanent Impacts to Natural Communities) and Table 2.3-2 (Temporary Impacts to Natural Communities) in Section 2.3.1 (Natural Communities) of this document, Build Alternative 2 would result in higher levels (acreage) of permanent and temporary impact to natural communities. However, and as further described in Section 2.3.1 (Natural Communities), neither build alternative would result in any impact to special-status species. Furthermore, implementation of revegetation, including the oak tree mitigation described in the above responses to comments, would keep impacts to natural communities to a level of insignificance.

Build Alternative 1 would affect more acreage of waters (0.38 acres versus 0.29) subject to the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, and California Department of Fish and Game, as described in Table 2.3-3 (Estimate Impacts to Jurisdictional Areas) of this document. No wetlands would be affected under either build alternative.

Selection of the preferred alternative takes into account a variety of factors: environmental (human, physical, and biological), engineering feasibility/practicability, and economic considerations, as well as public and agency input.

Response to Comment 19-26:

The project would comply with all applicable California Environmental Quality Act and National Environmental Policy Act requirements. Thank you for your comment and participation.

Response to Comment 19-27:

We disagree with the conclusion that the current analysis is incomplete for the reasons contained in these responses to comments. This environmental document was prepared with current available information and incorporated the use of technical studies prepared specifically for the proposed project. We also disagree with the conclusive comment that “there is no justification for the selection of Alternative 2 over Alternative 1.” As stated in Section 1.3.3 (Comparison of Alternatives) in this document, after the public circulation period, all comments will be considered, and Caltrans will select a preferred alternative and make the final determination of the project’s effect in the environment. Further, identification of the preferred alternative takes into account a variety of factors, including environmental impacts and the potential for successful mitigation of those impacts, engineering feasibility

and the success in achieving the project's purpose, economic considerations, plus public and agency input. Section 1.3.4 of this document outlines the reasons why Caltrans identified Build Alternative 2 as the preferred alternative.