



BOARD MEMBERS: Dennis Ridz, Chair; Dee Rich, Vice Chair; Patti Ashton, Treasurer; Jake Mumma; Richard Caterina; Barbara Cerny; Pat Whitt; Troy Van Horst; Ryan Gordon; Jill W. MacDonald; Samson Gavranian:

To: Councilmember Barbara Bry

July 24, 2017

Subject: Caltrans I-5/SR-56 Final Environmental Impact Report (FEIR)

### **Background on Final Environmental Impact Report**

On April 24, 2012, the Draft EIR/EIS was circulated for public comment. In August, 2014, this project was identified as part of the I-5 North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Plan and Coastal Act policies apply. On June 26, 2017, Caltrans determined **public disclosure** of the analysis of Project's anticipated impact(s) was desirable and the FEIR was issued. A lawsuit or other legal claim would be barred unless it is filed within 150 days of published notice.

### **Torrey Pines Community Planning Board – General Concerns**

For 5 years, the public heard nothing about this Project despite frequent inquiries and then the FEIR was issued in June 2017. Caltrans self-certifies its own projects and as a Final document, **no public comments are taken into consideration**. Both TPCPB and the public in general are not readily available to meet on short notice during the summer months, let alone analyze a 1,600 plus page technical document within the prescribed 150 legal claim filing period. The major reason that Caltrans chose to issue the FEIR was a Federal requirement to do so or forfeit \$11 million dollars of Federal Highway funds.

## Specific Concerns and Issues

1. **Issue:** Caltrans claims that there will be a 25% increase in Truck traffic generated by this new link between highways east of I-5 and a faster I-5 route to port facilities. **Concern: Truck emissions worsen smog** and affect coastal communities creating higher asthma rates and cancer risk in what is labeled the “**diesel death zone**”. Research in and around Los Angeles highways indicates that this zone extends between 500 to 1,000 feet from a heavily traveled and congested highway. This project does not take into consideration this new research nor study the **direct impact on children** or the elderly being exposed to more diesel toxins.
2. **Issue:** The State of California has a Clean Air Action Plan that calls for a target that slashes **greenhouse gas emissions** to 40% below 1990 levels by 2030, and to 80% by 2050. **Concern:** Caltrans remains silent on how this will be accomplished within this project. This project provides **ZERO support to Mass Transit** on a regional basis. More car pool lanes or managed fee lanes are still grossly underutilized during the work week.
3. **Issue: Del Mar Hills Academy** of Arts and Sciences will be directly impacted as the I-5 will be widening by the school. Caltrans claims that the project would not substantially impair the activities, or attributes of the recreational facility (playing fields). **Concerns:** Based upon the research done regarding I-5 and the Barrio Logan community, I-5 was found to be the culprit in causing school age children to have a **25% increase rate of asthma**. Caltrans does not concern itself with the decrease in air quality nor the findings in Los Angeles studies that the fine particulate particles impact areas up to a 1,000 feet from the highway. Los Angeles now requires new homes to have a high-efficiency air filter. There appears to be no funding to support the installation of high-end air filtration

system with the DMH Academy. Of course this would not help children exercising on the play grounds, who are directly exposed to the poor air quality.

4. **Issue:** Design Exception Features and Mandatory Design Features are part of Appendix A. There are **26** Headquarters Approved **Mandatory Design Exceptions**, **17** District Delegate **Mandatory Design Exception** and **39** Advisory Design Exceptions. This information was available, according to dated pages as of October, 2016. There was **no attempt to review** with the Torrey Pines Community Planning Board, these **82 Design Exceptions** and what changes could have been revised. There are so many alterations to the original DEIR, the Final is for all intents **reflects a different project** with new impacts. **Concerns:** In section 1d, Design feature #8 changes the radius curve from a required minimum design speed of 50 mph to 46 mph. The 50 mph curve would have required the full property acquisition of the **Shell Gas Station** on Carmel Valley road. TPCPB never opposed the acquisition of the Shell property **ONLY** the taking of homes. Caltrans failed to communicate with the TPCPB about how leaving the gas station would in fact move the Direct Connector closer to our homes and establish a substandard speed curve on the flyover.
5. **Issue: Subsurface Easements** featured in Preferred Alternative Layouts do not indicate by street address which homes are impacted along Portofino Drive nor the extent of property damage that may be caused. **Concerns:** The DEIR examined this issue in greater detail and stated that if a resident refused to agree to have these earthen anchors placed under their property then Eminent Domain would be used to **'take' their home**. This situation has not changed but no details or further discussion is provided. This contradicts the statement that Caltrans 'has made a mindful effort to avoid full property takes'.
6. **Issue: Inverse condemnation** or "taking" occurs when a property owner is deprived of the economic beneficial use of their property without

compensation. **Concerns:** Caltrans is only concerned with the direct taking of land, whether it be hillsides or flat portions of 5 backyards along Portofino Drive. Caltrans blithely dismisses all concerns related to air pollution, noise, liquefaction, views and long-term health issues that can only diminish property values and are a text book case for Inverse Condemnation legal issues.

7. **Issue:** Increased **Noise Level** (dBA) appears to be calculated from a 2007 measurement study and certainly does not include or predict the increased truck traffic or the opening of One Paseo. Table 3.16-2 Noise Level for Common Activities indicates “Diesel Truck at 50 feet is between 90 to 80 dBA’s for comparison a garbage disposal at 3 feet. **Concerns:** “With the Direct Connector Alternative, **86 receptors** would approach or **exceed the FHWA NAC and would be impacted**. Eighteen receptors along southbound I-5 would be **severely impacted**. Many soundwalls are NOT being considered based upon a Caltrans formula of \$31,000 allowance per residence. If cost exceeds ‘benefit’ then the State does not require Caltrans to provide Noise protection. It will take a much more intensive investigation including sound readings and visits to the sites not qualifying for soundwalls to determine the validity of Caltrans position on this issue.

**Conclusions:** Back on March 17, 2005, Caltrans held a Public Scoping meeting to inform the public about the goals of the I-5/SR-56 Connector. In June 2012, a **Steering Committee** was formed by Caltrans to collect input from the public and Carmel Valley and Torrey Pines Community Planning Boards. Both boards provided input on which of the alternatives worked for their communities.

Then silence for 5 years even though the TPCPB requested updates from Caltrans on a fairly regular basis. With all the mandatory design changes, this ‘new’ alternative does not reflect community input. Caltrans had ample opportunities to seek public

input and concerns when in October, 2016, they redesigned the Direct Connector with exceptions and new design features. Caltrans completed a Visual Impact Assessment in November 2011 with an addendum in September 2013, 'final' Aesthetics details not released to TPCPB. This action **does not support full public disclosure** and only serves to provoke legal action.

Councilmember Bry, please contact Caltrans District 11, Director Allan Kosup and **arrange for Caltrans staff to provide residents and board members of Torrey Pines and Carmel Valley with a public review of the FEIR I-5/SR-56 Direct Connector Alternative 2.** The TPCPB will have its monthly meeting on September 14, at 7:00 PM the Del Mar Hills Academy on Mango Drive.

Dennis E. Ridz, Chair Torrey Pines Community Planning Board