

CITY of CARPINTERIA CALIFORNIA



June 25, 2012

Matt Fowler
Senior Environmental Planner
Department of Transportation, District 5
50 Higuera Street
San Luis Obispo, CA 93401

Re: South Coast 101 HOV Lanes Project DEIR/EA Comments
SCH# 2009051018

Dear Mr. Fowler:

The City of Carpinteria has received the Draft Environmental Impact Report/Environmental Assessment dated March 2012 for the construction of the US 101 High Occupancy Vehicle (HOV) Lanes Project. We appreciate the opportunity to review this environmental document and offer the following comments. As a portion of the project area is located within the City and within the coastal zone, a Conditional Use Permit and a Coastal Development Permit from the City are required. We have focused our comments on the segment of the project within our City boundary, as well as on our concerns regarding the required Local Coastal Program Amendment to address the project's conflict with wetland protection policies in the City of Carpinteria and County of Santa Barbara.

We begin by providing general comments on the document overall, and then proceed with specific comments indexed to document chapters and page numbers.

General Comments (Entire Document)

The summary discussion of the document (Page xi) correctly identifies that the South Coast 101 HOV Lanes Project would necessitate an Amendment to the Local Coastal Programs (LCP) of the City of Carpinteria and County of Santa Barbara. In the absence of such an Amendment to the City's Local Coastal Program, the project would be inconsistent with existing resource protection policies related to wetlands. California Coastal Commission staff has indicated that potential project impacts to coastal wetlands would run counter to policies contained in the California Coastal Act, and that extraordinary benefits of the project in other areas such as enhanced public access to coastal resources would need to be brought into the consideration of whether to approve an LCP Amendment and the project itself. On balance, the proposed LCP Amendment must be most protective of all coastal resources.

With respect to the "Coordination with Other Agencies" discussion on Page xi, the California Coastal Commission (CCC) should be identified in a separate bulleted discussion. NEPA must address a proposed action's consistency with the Coastal Zone Management Act, which in California means compliance with the California Coastal Act. The referenced Amendment to the

Carpinteria LCP is deemed necessary in order to achieve the certification necessary for satisfaction of the CZMA.

With regard to the foregoing discussion, it would be helpful for the DEIR to provide greater detail as to the specific ways in which the proposal itself would enhance public access to coastal resources in a regionally important manner. Opportunities for the project to accommodate connections or gap closures in pedestrian or bicycle facilities serving coastal areas should be identified, and where possible, included in the project description itself as bona fide benefit that can be ascribed to the proposal.

Given that the entire City of Carpinteria portion of the project lies within the Coastal Zone, and noting that an LCP Amendment is necessary, the CCC will necessarily be involved in the review of the Amendment request. The standard of review for project impacts on coastal resources, including efforts for avoidance and mitigation, is therefore the Coastal Act. Consultation with CCC staff to confirm the standards to be applied for mitigation would be advisable, in order to avoid potential understatement of such requirements in the environmental document. This effort should be conducted in cooperation with the City.

Chapter 1 – Proposed Project

1.1 Introduction

It would be helpful for this section to provide more detail on the part-time nature of the proposed HOV Lanes. Please provide more information about how a managed lane works once it is constructed in terms of how and when traffic counts are done over time to determine when to limit use of the lane to vehicles containing two or more passengers and when the lane use is unrestricted. What is a typical time-frame for the number and time of the weekday peak traffic hours when the facility would be limited to carpool use?

Is this proposal the first of other lane additions that could be added to Highway 101 in the region? Carpinteria residents have expressed concern that future expansion may be proposed rather than addressing other options to move people and goods through the corridor, such as rail and transit.

1.3.1 Build Alternatives

Page 15, Second to last bullet: Provide median landscaping from 0.4 mile south of Carpinteria Creek to 0.3 mile south north of Carpinteria Creek (this is the only location where median planting is the same for all alternatives).

Page 16, Alternative 1, Final Bullet: Would the proposed retaining wall along the southbound shoulder right-of-way preclude an alternative which extends Santa Claus Lane as a bike/pedestrian path to connect to the northern terminus of Carpinteria Avenue?

1.4 Permits and Approvals Needed

Table 1.4 Permits and Approval Required for Proposed Project

Coastal Development Permit *and Conditional Use Permit* needed from the City of Carpinteria.

A separate entry should be included for California Coastal Commission; the Permit/Approval would be Local Coastal Plan Amendment, Carpinteria and County of Santa Barbara; Status could be Early Consultation has occurred, LCP Amendment request to be submitted during design phase.

Chapter 2 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation

2.1, page 34

Venco should be Venoco

Table 2.1, page 39

Remove Bega and Clippinger from list of Proposed Development

Include Dahlia Court 33 apartments and Casas de las Flores 44 apartments

2.1.1.2 Consistency with State, Regional and Local Plans – Environmental Consequences

Last Paragraph, page 49

A Conditional Use Permit is also required in addition to the Coastal Development Permit

2.1.1.3 Coastal Zone

Avoidance, Minimization, and/or Mitigation Measures, page 52

Same comment regarding CUP requirement

2.1.1.4 Parks and Recreation

Affected Environment, page 53

Include reference to Bluffs Nature Preserve and Viola Fields, Farmer Parcel Open Space

Table 2.3, Park and Recreational Facilities

Add items 12 and 13 to Carpinteria's list: Bluffs Nature Preserve and Viola Fields, Farmer Parcel Open Space

2.1.5 Traffic and Transportation/Pedestrian and Bicycle Facilities

Affected Environment, page 88, Bulleted Items Mid-page

Three measures are used to assess mainline traffic operations for the project. The first metric, peak period and total daily delay (vehicle and person hours) is not common to the general public, and is not well explained in this section of the report. A description of how vehicle and person hour delays are calculated, using non-complex terminology, would assist the reader to grasp these concepts. For instance, vehicle delay could be described as the difference in the amount of time required for a vehicle to travel the distance of the corridor during a period of congestion, compared to the time this same trip requires at the posted speed limit. The number of minutes of delay per vehicle is then multiplied by the number of vehicles making the trip under congested conditions, to render total hours of vehicle delay (peak hour and daily). A similar explanation for the person hours would also be helpful.

Bicycle and Pedestrian Routes, page 107, second paragraph under heading.

The discussion indicates that local agencies desire bicycle and pedestrian improvements within the project limits. Two such facilities are of particular interest to the City of Carpinteria and include a Class I bikepath/pedestrian trail to connect Santa Claus Lane to Carpinteria Avenue on the west end of the City and a Class I bikepath/pedestrian trail to connect Carpinteria Avenue at Highway 150 to Rincon County Beach Park.

The City encourages Caltrans to include within the discussion of project alternatives establishing a bike and pedestrian trail from the eastern terminus of Santa Claus Lane to connect with the western terminus of Carpinteria Avenue.

For the Carpinteria Rincon Trail Project, the City released for public review on June 7, 2012 a Draft Mitigated Negative Declaration for this trail, thus advancing this proposal as a potential means to enhance the connectivity of regional bike and pedestrian facilities within the project corridor. There is currently no funding source identified nor have permit applications been made.

With regard to these improvements identified by the City, CCC staff have indicated that enhancing public access to coastal resources must be demonstrated by the proposed project, in order to balance against impacts upon coastal resources including wetlands. It would therefore be helpful for the DEIR to provide greater detail as to the specific ways in which the proposal itself would enhance public access to coastal resources in a regionally important manner, particularly with regard to alternative transportation modes that also serve the goal of decreasing greenhouse gas emissions from conventional transportation means. Opportunities for the project to accommodate connections or gap closures in pedestrian or bicycle facilities serving coastal areas should be identified, and where possible, included in the project description itself as bona fide benefits that can be ascribed to the proposal.

2.1.6 Visual/Aesthetics

Carpinteria City Unit

The paragraph indicates that "Carpinteria has limited to no views of the Pacific Ocean." Views to the ocean are available to Highway 101 travelers in the Bailard Avenue region across the Bluffs Nature Preserve and Viola Fields open space areas.

Carpinteria Salt Marsh Unit

The description should note that northbound travelers on US 101 enjoy expansive views of the Pacific Ocean across the Carpinteria Salt Marsh through this unit.

What is the standard height of the proposed median barrier? Is this height sufficient to shield vehicle headlights and the potential glare effect from vehicles traveling in the opposite direction in locations where no median landscape planting is proposed? What are the standard and minimum widths of a median barrier that includes landscape planting?

2.1.7 Cultural Resources

Page 226, Avoidance, Minimization, and/or Mitigation Measures, First Bullet

Care should be taken to ensure the fencing erected to establish the Environmentally Sensitive Area associated with cultural resource deposits on Via Real is not in any manner labeled to indicate to the public the presence of cultural resource materials. The potential for unlawful search and removal of artifacts could be associated with signage indicating the purpose of the exclusionary fencing.

2.2 Physical Environment

2.2.1 Hydrology and Floodplain, Affected Environment

What if the Linden Avenue – Casitas Pass Road Interchanges Project is delayed or denied? What are the impacts to the floodplain at Carpinteria Creek? Would this also have downstream effects at Franklin Creek? This seems to be a reasonable worst-case scenario that should be evaluated in this document.

2.2.2 Water Quality and Stormwater Runoff

State Water Resources Control Board and Regional Water Quality Control Boards

Page 235, paragraph 4: Municipal Separate Storm Sewer System Program

This paragraph has a typo in the first sentence: country should be county.

Carpinteria Creek, page 238

This section of the document indicates that the on-grade low-water bike/pedestrian crossing located in Carpinteria Creek would be removed as part of this project; however, in reviewing the Linden Avenue – Casitas Pass Road Project, the EIR for that project indicates that it will include realignment of the bike path and removal of the low-water crossing. Again, there is reference in the last bullet item of this discussion that the Linden Avenue – Casitas Pass Road project would construct several stormwater treatment best management plans. If that project does not move forward, how will this project address the impacts at Carpinteria Creek?

Avoidance, Minimization, and/or Mitigation Measures

Permanent Stormwater Treatment Best Management Practices, page 250

Using the area between US 101 southbound ramps and the frontage road (Carpinteria Avenue) as a bioswale or biostrip may have impacts to the existing vegetation and habitat in these locations. Has this been analyzed in the biological resources section of the document to evaluate the level of expected pollutants and what occurs with any accumulated contaminated runoff? These areas serve as foraging areas for white tailed kites and potential impacts to kite habitat should also be considered.

2.2.5 Hazardous Waste or Materials

Avoidance, Minimization, and/or Mitigation Measures, page 267

This paragraph indicates that reuse of soil contaminated with aerially deposited lead may be used. The Final EIR/EA must clarify whether the soil will be reused or not, and where. If this practice will occur within the City of Carpinteria, we want to ensure that all precautions are taken to reduce potential impacts to the maximum extent feasible.

2.2.6 Air Quality

Environmental Consequences, Naturally Occurring Asbestos, page 282

The second sentence seems to be missing the word “miles” from the second sentence (line five).

Avoidance, Mitigation, and/or Mitigation Measures

Second bullet, page 283

This mitigation measure identifies that recycling and waste diversion techniques will be used to the extent feasible. The City is concerned about the reuse of soil containing aerially deposited lead in the vicinity of sensitive receptors. The document must clarify if and where this soil will be reused rather than exported to an appropriate disposal site.

PM₁₀ Measures, page 285

Bullet 2 inadvertently refers to “map recordation and finish grading for the structure.” As these are not aspects of the project, please correct this reference.

2.2.7 Noise

Please address the noise effects that may occur at residences that do not abut the freeway and how those property owners may be involved in the discussion regarding soundwalls. Also, a concern was raised that the noise measurements were not taken during the peak traffic periods and that perhaps noise impacts, even the existing condition, were understated. Please ensure that the document analyzes the reasonable worst case scenario in this regard, and that it includes the potential for noise impacts to affect residents on one side of the freeway when a soundwall is proposed only on the opposite side of the freeway. Is there a potential for a reflection of noise that could cause a significant effect?

Regulatory Setting

Full Paragraph, page 289

While the existing discussion indicates that one of the factors used in determining the reasonableness for implementing a noise abatement measure (including erection of a sound wall) is “residents’ acceptance,” a separate explanation of the sound wall voting process would benefit the reader. Members of the public might assume all the walls identified as reasonable will be constructed, whereas in fact it would require a majority vote of the property owners benefitted from a particular sound wall for the wall to be constructed. Consequently, many of the reasonable sound walls identified in the DEIR might not be constructed as part of the project.

Page 290

The document includes an evaluation of six segments of the corridor relative to noise impacts but it seems that a seventh segment addressing the noise-sensitive receptors between Carpinteria Creek and Franklin Creek (specifically including residences along Cameo Road, Via Real and Nipomo Drive) should be included.

Sheffield Drive to San Ysidro Road/Eucalyptus Lane

Page 291

Third sentence suggested corrections: There is an at-grade ~~grade~~ crossing at ~~Posipilo~~ Posilipo Lane...

Receptor Group 2 (R4-R7A)

Page 303

Final sentence: Because the predicted future noise level exceeds the noise abatement criterion for residential uses (67 decibels), the homes represented by Receptors R4 through R7A ~~by these~~ receptors would be adversely affected by noise.

2.3 Biological Environment

Table 2.33 Riparian Impacts

First Column Heading

For clarity, the heading should be revised to: Number of Trees per Species

Coast Live Oaks

Initial paragraph, page 353

Second to last sentence: Although this section of right-of-way has the most terrestrial habitat value within the project limits, its habitat values are diminished by the presence of ornamental species and by the adjacent residential areas.

Avoidance, Minimization, and/or Mitigation Measures

Riparian (page 353), Coast Live Oaks (page 354)

The replacement ratio for native trees removed is identified as a maximum of 3:1, with a note that higher replacement ratios are sometimes appropriate, but that project-specific circumstances warrant this degree of replacement. In either this discussion, the discussion of biological resources in Section 3.2.2, or both, it should be noted that restoration or enhancement of native tree species above these ratios could be requested or required by the CCC in order to achieve, “on balance,” greater protection for coastal resources in association with the CCC consideration of necessary LCP Amendments for this project.

Avoidance, Minimization, and/or Mitigation Measures

Wetlands (page 383)

Compensatory areal mitigation for loss of wetlands is presented as a range from 1:1 up to 3:1. The project as proposed would be inconsistent with wetland protection policies of the Carpinteria LCP, thus necessitating an Amendment. In that the LCP Amendment directly involves wetland resources, it should be assumed that not less than the 3:1 replacement ratio would be acceptable to the City and the CCC. In either this discussion, the discussion of biological resources in Section 3.2.2, or both, it should be noted that compensatory mitigation for wetlands above these ratios could be requested or required by the City and the CCC in order to achieve, “on balance,” greater protection for coastal resources in association with the CCC’s consideration of necessary LCP Amendments for this project.

Page 384, first bulleted paragraph

Offsite mitigation is proposed in the Carpinteria Salt Marsh if full mitigation cannot occur within the Caltrans right-of-way. The City strongly supports actual wetland restoration by Caltrans in the same geographic region and would discourage any conversion of this approach to an in-lieu fee payment (contribution of funds to a mitigation project); simple contribution of mitigation funding

cannot guarantee the creation of the actual amount of wetland acreage necessary to offset the permanent impacts.

2.4 Construction Impacts

PM₁₀ Measures, page 412

Bullet 2 indicates in the first sentence that gravel pads must be installed at all access points. However, the last sentence indicates that the placement of automatic wheel-washing equipment or gravel pads at all site exit points is recommended. Perhaps the second sentence was only intended to address the automatic wheel-washing equipment as a recommended measure? Please clarify.

2.5 Cumulative Impacts

Where is analysis of other cumulative impacts in addition to the cumulative analysis provided for aesthetics/visual resources? It seems there should be an analysis of cumulative noise impacts and cumulative biological resources impacts, and perhaps all other issue areas where there are identified project-specific impacts.

Table 2.4.3 Potential Cumulative Project List

Residential Projects should also include the Dahlia Court Apartments Expansion, 33 units, and Casas de las Flores Apartments, 44 units. Both are located within the City of Carpinteria. The Dahlia Court project is under construction and the Casas de las Flores project has received all of its approvals other than Building Permits.

Chapter 3 – California Environmental Quality Act Evaluation

3.2.1 Less than Significant Effects of the Proposed Project

Noise, page 431

In the existing discussion, only one significance threshold is identified for determination of potential noise impacts under CEQA, “a significant impact occurs when the design year noise levels (20 years after construction of the project) increase by 12 or more decibels over existing noise levels”. However, the Initial Study Checklist in Appendix G of the CEQA Guidelines includes the following consideration.

Would the project result in:

- a) *Exposure of persons to the generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Thus, under CEQA, it is important not only to examine absolute noise increases due to a project, but whether the resulting noise levels would be in excess of adopted standards. This discussion should be augmented with reference to the County of Santa Barbara and City of Carpinteria Noise Elements, which indicate that exterior noise exposure for residential land uses should not exceed 65 dBA CNEL.

This exterior noise criterion was adopted by local agencies to ensure that the interior noise criterion of 45 dBA CNEL for residences (California Noise Insulation Standards, Title 24, California Code of Regulations) can be achieved through normal construction methods and materials. Exterior noise levels substantially greater than 65 dBA CNEL could prohibit or hinder compliance with the State indoor

criterion. Where noise abatement would not be provided for future project-related residential exterior noise levels exceeding 65 dBA CNEL, mitigation strategies to achieve compliance with the indoor criterion should be identified.

**3.2.2 Significant Environmental Effects of the Proposed Project
Cultural Resources, page 431, Second Paragraph**

The discussion indicates that a draft memorandum of agreement will be submitted for review and comment at the same time the environmental document is in public circulation. The City of Carpinteria requests a copy of the referenced memorandum in order to understand the resolution of cultural resources impacts.

Biological Resources, page 432

This discussion should indicate the proposed project is currently inconsistent with the City of Carpinteria LCP policies protecting wetland resources. As such, an LCP Amendment will be required. It should also be noted that compensatory mitigation for wetlands alone may not be sufficient to resolve a policy conflict at the Coastal Act level, and other benefits of the project may need to be strongly demonstrated in order to achieve, "on balance," greater protection for coastal resources in association with CCC consideration of a necessary LCP Amendment for this project.

Thank you again for the opportunity to comment on this environmental document. We look forward to continuing to work together on this important project to address regional traffic congestion through the South Coast area of Santa Barbara County.

Sincerely,



Al Clark
Mayor, City of Carpinteria

cc: Scott Eades, Project Manager