

## California Department of Transportation

DISTRICT 11  
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Governor's Office of Planning & Research

**Apr 07 2021**

April 7, 2021

### STATE CLEARINGHOUSE

11-SD-15, 56  
PM VAR  
Paseo Montril  
NOP/SCH#2021030038

Ms. Elizabeth Shearer-Nguyen  
City of San Diego  
1222 1<sup>st</sup> Ave.  
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Paseo Montril project located near Interstate 15 (I-15) and State Route 56 (SR-56). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation network to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

#### Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>1</sup>
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.
- Please submit the VMT and any Traffic/Transportation study that was not submitted as part of this package for review and impacts to Caltrans I-15 and SR-56 intersections, ramps, and freeway general purpose lanes.

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<sup>1</sup> California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." [http://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

- It is shown that the traffic study and a revised VMT report was submitted to the City of San Diego in the "Applicant Response to Issues..." PDF document.
- Proposed developments trip generation that impacts the exit ramps storage queue will need to be evaluated in the traffic study.
- All of Paseo Montril Development construction will be accessed through the project's private property and Paseo Montril street. There will be no access from Caltrans right of way or freeway ramps.

### **Hydrology and Drainage Studies**

- Please provide hydraulics studies, drainage, and grading plans to Caltrans for review.
- Provide a pre and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right-of-Way (R/W).
- Early coordination with Caltrans is recommended.
- Previous comments dated January 28, 2021 (see below), were sent via email to Civil Sense (consultants for the Paseo Montril project) related to the diversion of flow and the need to provide an alternative that does not drain into Caltrans R/W or Caltrans drainage facilities, remain unaddressed. An alternative must be provided for our review process to continue.

"After detailed discussions with the District 11 Design Liaison, it was determined that a Diversion of Flow is occurring by the proposed development regardless of the proposed mitigation of that diversion with the installation of a detention basin. Therefore, the Developer must provide an alternative where the Diversion of Flow does not occur.

Once a non-diversion alternative is provided and the Developer contends that this alternative is not practical, the Developer must go through the Encroachment Policy Exception request process, which includes a required documentation of all design options evaluated, including, but not limited to, the Preferred alternative, No Diversion Alternative and No Build . Be aware that projects proposed in interstate R/W will require FHWA review and approval. The estimated amount of time to process an EPE request is a minimum of 5 months."

- Previous Hydraulics Branch comments dated December 21, 2020 remain unaddressed.
- Placing private infrastructure (18" RCP and connection) in State R/W has no benefit to the public.

## **Design**

- An encroachment exception is needed if the drainage from the development will be entering State R/W.
  - HQ would be the approval authority for this exception.
- The encroachment exception would require concurrence from the district Hydraulics unit that our system could handle the additional drainage from the residential development.
  - The developer would have to pay for any necessary upgrades to our drainage system due to the change in land use.
- FHWA approval may be needed if there are any proposed access gates associated with the project.

## **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

## **Land Use and Smart Growth**

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with

local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable “smart growth” type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

## **Noise**

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-15 and SR-52.

## **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

## **Biology**

Approximately 4 acres of Lot 1 proposed for residential development consist of coastal sage scrub habitat. Coastal sage scrub provides habitat for the federally threatened coastal California gnatcatcher (*Polioptila californica californica*). Two recent occurrences of the coastal California gnatcatcher have been mapped within the area proposed for development. Habitat in the remainder of Lot 1 consists of disturbed non-native vegetation. Lot 2 consists primarily of coastal sage scrub habitat.

Mitigation for any impacts to sensitive species will be required. In addition, consultation pursuant to Section 7 of the Endangered Species Act will be required if there are impacts to the coastal California gnatcatcher, or any other federally listed species. Any impacts to state listed species would require a California Endangered Species Act incidental take permit pursuant to Fish and Game Code section 2081.

The preferred mitigation for impacts to coastal sage scrub and the coastal California gnatcatcher would be to debit credits from a mitigation bank, which would reduce the mitigation ratio. However, if coastal sage scrub impacts are not mitigated at a bank, mitigation at a ratio of at least 2:1 with an acquisition cost of approximately \$60,000-\$70,000/acre will be required.

It is recommended that any temporarily impacted areas within the project limits be seeded with an appropriate native erosion control mix. Any native trees removed, including oaks, should be replaced. In addition, any vegetation clearing including tree removal within the project limits should be limited to a time of year that is outside the breeding season to avoid impacts to nesting birds.

Less than 10% of the total project cost may be required for biological mitigation for this project. Please note that the preceding information is preliminary and based upon a cursory examination.

## **Cultural**

As part of brief background research, a review of cultural resource sensitivities was conducted. According to the results of this research there are no sites within or near Caltrans R/W that the project may impact. Therefore, potential for encountering any cultural resources during construction of this project is low.

## **Hazardous Waste/Materials**

Any soil disturbance work done within Caltrans R/W (via encroachment permit) will require that the Permittee be responsible for proper identification (including sampling and analysis) and management of any excess soil that is removed and/or excavated from the work site. It is the Permittee's responsibility to comply with the Department of Toxic Substances Control (DTSC) ADL requirements for soil management. "Hazardous Materials and Hazardous Waste Management Special Provisions" (TR-0408) must be included in the permit (see Appendix K of Caltrans Encroachment Permit Manual). A lead compliance plan, prepared by a Certified Industrial Hygienist (CIH), must be prepared, and implemented for all workers handling the soil.

## **NPDES/Storm Water**

The NPDES Branch has reviewed the above referenced project. The following has been concluded:

- In Utility Plan Sheet 5 of 15, there is a proposed 18-inch reinforced concrete pipe (RCP) that would connect to Caltrans existing storm drain. (Refer to Figure 1 in the next page.) In most cases, this is not allowed. Caltrans drainage is designed for Caltrans facilities, and not intended for use by private development without proper approval. It is recommended that the 18-inch RCP be re-designed to drain into City R/W that will not negatively affect Caltrans facilities.
- In the Grading Plan Sheet 4 and Landscape Concept Plan Sheet 11, there is a concern of inadequate erosion control. With the development on the edge of Caltrans R/W, there is a possibility that sediment would erode into Caltrans R/W, flow through Los Penasquitos Creek, and eventually settle into Los Penasquitos Lagoon, which has a Water Board designated total maximum daily load (TMDL) for sediment. Between the construction period and the time it takes for the proposed landscape vegetation to mature leaves the proposed graded slopes expose to rain events. It is recommended that further consideration for erosion control be taken, ensuring that the project abides by the State NPDES Permit and Construction General Permit.

## **Visual**

The applicant should confirm that the slope planting is adequate to ensure this project doesn't erode into Caltrans R/W.

## **Right-of-Way**

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, IGR Coordinator, at (619) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE EATON  
Branch Chief  
Local Development and Intergovernmental Review