

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared By: Joseph R. Vacca, Principal Planner



**DATE:** June 8, 2012 (CC Meeting of 06/20/2012)

**SUBJECT:** Consider Response to County of Ventura Public Works Agency on Draft Environmental Impact Report (EIR) for Proposed Donlon Road Realignment Project (State Route 118 Intersection at State Route 34 - Somis Road)

**BACKGROUND**

At the June 6, 2012 City Council meeting, the City Council, during its review of the Caltrans SR-118/SR-34 improvement project Draft EIR, asked staff to provide a report on the County's Donlon Road realignment project.

**DISCUSSION**

On August 10, 2011, County of Ventura Public Works Agency distributed a Notice of Preparation (NOP) for a Draft Environmental Impact Report, (EIR) to evaluate two alternative intersection improvements to realign Donlon Road with Somis Road. The purpose of the project is to alleviate congestion and reduce the risk for traffic accidents in this area. Community Development staff requested in its NOP comment letter (Attachment 1) to be placed on the notification list for environmental review and for any hearings regarding the project proposal.

County of Ventura, Public Works Agency, Transportation Department prepared a Draft EIR to analyze environmental impacts associated with the Donlon Road Realignment project. The Executive Summary, (provided as Attachment 2), of the Draft EIR indicates that the proposed project involves two alignment options. Both of the proposed roadway realignments would traverse an existing nursery and cross over Coyote Canyon Creek via a super-span arch. Both of the options would require the establishment of a new

right-of-way through the nursery that would connect to Donlon Road to the north and to SR 118/Somis Road intersection to the south. A traffic signal modification would be made at the intersection of SR 118/Somis Road to accommodate the new intersection configuration. Under each of the options, the traffic signals would be programmed to include two phases for the SR 118 westbound left-turn movement during each signal cycle. It is anticipated that construction would require 4 to 6 months.

The Draft EIR analyzes the no build alternative and two other alternatives that are described as two alignment options, which are outlined as follows:

- Option 1

This alignment includes a curved roadway with a radius of 300 feet that begins at SR 118/Somis Road intersection to the south and connects to Donlon Road north of the Donlon Road/La Cumbre intersection. The total right-of-way area of this option would be approximately 0.31 acres. There would be one traveled lane in each direction with a left hand turn lane for vehicles turning onto SR 118 to the south. The proposed roadway would pass over the proposed culvert. A cul-de-sac would be constructed at the western terminus of La Cumbre Road north of SR 118, thereby discontinuing access from SR 118 to La Cumbre Road, (Attachment 3 illustrates this option).

- Option 2

This alignment includes a straight roadway that begins at the SR 118/Somis Road intersection to the south and terminates northwest of the Donlon Road/La Cumbre Road intersection to the north. The total area of this option would be approximately 0.39 acres. There would be one travel lane in each direction with a left turn center lane at both ends. The proposed roadway would pass over the proposed culvert. A cul-de-sac would be constructed at the western terminus of La Cumbre Road north of SR 118, thereby discontinuing access from SR 118 to La Cumbre Road, (Attachment 4 illustrates this option).

The Draft EIR, provides the Project Objectives, as follows:

The unsignalized SR 118/Donlon Road intersection is approximately 200 feet east of the signalized SR 118/SR 34 intersection. The close spacing of the two intersections and the volume of traffic on SR 118 creates substantial delays for vehicles turning to and from Donlon Road, provides a limited area for left-turn storage on SR 118, and results in congestion on SR 118 during peak travel periods. A review of the accident history at the intersection of SR 118 and Donlon Road found that the congestion caused by the close spacing of the two intersections resulted in higher than average accident rates. The proposed objectives of the Donlon Road Realignment Project are as follows:

- *To improve vehicular flow and reduce congestion by eliminating one of the two closely spaced intersections of SR 118/SR 34 and SR 118/Donlon Road.*
- *To resolve delays turning to and from Donlon Road.*
- *To decrease the acute congestion of SR 118 by creating a single four-way intersection at SR 118/SR 34-Donlon Road.*
- *To reduce the potential for accidents along Donlon Road and SR 118 for motorists, pedestrians, and bicyclists.*
- *To improve the level of service on SR 118, Donlon Road, and SR 34 by reducing congestion in the area.*
- *To meet County of Ventura minimum acceptable level of service standards at the intersection of SR 118/Donlon Road.*
- *To improve turning movement conditions for motorists near the project site.*
- *To implement improvements to transportation facilities in accordance with the County of Ventura's road construction standards (such as appropriate road gradients, curbs, drainage, and concrete specifications).*

The Draft EIR indicates that there are no significant and unavoidable impacts associated with the project and all potential impacts are mitigable. The Transportation and Circulation portion of the Draft EIR shows that the cumulative plus project intersection level of services analysis for both options 1 and 2 would improve the subject intersection of SR-118 / SR-34 AM and PM peak Level of Service (LOS) from LOS - F to LOS - C; the Donlon Road LOS will also be significantly improved. The Draft EIR does not provide analysis of growth-inducing impacts related to potential increase in truck traffic at this intersection if improvements result in less congestion.

On February 29, 2012, a notice of availability of the Draft EIR on the Donlon Road Realignment project was prepared by County of Ventura, Public Works Agency, Transportation Department, with the public review and comment period ending on April 14, 2012. Community Development staff did not receive this notice. On April 9, 2012, a second notice of availability of the Draft EIR on the Donlon Road Realignment project was prepared by County of Ventura, Public Works Agency, Transportation Department, with an extension of the public review and comment period to May 14, 2012. Community Development staff did not receive this second notice either and therefore did not review the Draft EIR nor provide comments on the Draft EIR.

Shute, Mihaly and Weinberger, LLP, the attorney for Save our Somis (SOS), drafted a comment letter on the Draft EIR, which is provided (Attachment 5). The comment letter includes an Exhibit A: which is a chronology of events – SR 118/SR 34 and Donlon Intersection; and an Exhibit B: which is a letter from Engineer Tom Brohard.

Alison Sweet, Engineering Manager, Public Works –Transportation, County of Ventura, provided a timeline for the Donlon Road Realignment Project, dated June 11, 2012, which is provided (Attachment 6).

Even though the formal comment period on the Draft EIR has past, there is still time for the City to comment to the Board of Supervisors on the project itself.

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

Direct staff as deemed appropriate.

**Attachments:**

1. Staff comment letter on Notice of Preparation, dated September 1, 2011
2. Copies of Executive Summary of the Draft EIR, Proposed Project, dated February 2012
3. Donlon Road Realignment Option 1 – exhibit from Draft EIR
4. Donlon Road Realignment Option 2 – exhibit from Draft EIR
5. Comment letter on the Draft EIR, dated April 19, 2012, from Shute, Mihaly and Weinberger, LLP, the attorney for Save our Somis (SOS) with attachments A and B
6. Timeline for Donlon Road Realignment Project, provided by Public Works – Transportation, County of Ventura, dated June 11, 2012



# City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING - BUILDING AND SAFETY - REDEVELOPMENT AGENCY - CODE COMPLIANCE  
799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

September 1, 2011

Lead Agency:  
David Fleisch, Director  
County of Ventura Public Works Agency  
Transportation Department  
800 South Victoria Avenue  
Ventura, CA 93009-1620

Environmental Consultant:  
Rincon Consultants, Inc.  
180 North Ashwood Avenue  
Ventura, California 93003

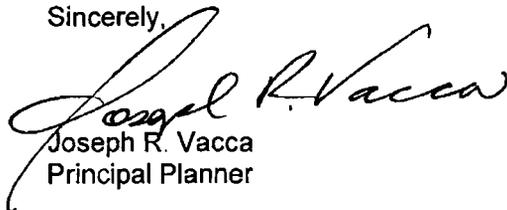
RE: **Notice of Preparation of a Draft EIR for the Donlon Road Realignment Project  
Located in Somis, Ventura County, (APN 110-017-058)**

Dear Mr. Fleisch,

Thank you for sending a Notice of Preparation of a Draft EIR to the City of Moorpark on the proposed Donlon Road Realignment Project, Somis, Ventura County, (APN 110-017-058). Although the City of Moorpark is neither a responsible or trustee agency for this project under CEQA, a project of this scale could impact the residents and businesses in Moorpark, based on the growth inducing potential for additional truck trips through the City. Moorpark is already significantly impacted by truck traffic on State Routes 118 and 23. We anticipate that the Draft EIR will include analysis on growth inducing impacts on the State Route 118, which may affect Moorpark.

Additional comments will be provided by the City on the Draft EIR for this project when it is available. Please include me as the contact person for the Moorpark Community Development Department on the notification list for environmental review and for any hearings regarding this project proposal. I can be reached at (805) 517-6236 or via email at [jvacca@ci.moorpark.ca.us](mailto:jvacca@ci.moorpark.ca.us) Thank you for your consideration of these comments.

Sincerely,

  
Joseph R. Vacca  
Principal Planner

C: Honorable City Council  
Honorable Planning Commission  
Steven Kusny, City Manager  
David A. Bobardt, Community Development Director  
Dave Klotzle, City Engineer / Public Works Director  
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JANICE S. PARVIN  
Mayor

KEITH F. MILLHOUSE  
Mayor Pro Tem

ROSEANN MIKOS, Ph.D.  
Councilmember

DAVID POLLOCK  
Councilmember

MARK VAN DAM  
Councilmember

CC ATTACHMENT 1

## EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed project and the significant environmental impacts, mitigation measures, and residual impacts associated with the proposed project.

### PROJECT SYNOPSIS

#### Project Applicant

County of Ventura  
Public Works Agency, Transportation Department  
800 South Victoria Avenue  
Ventura, California 93009-1620  
Contact: Alison Sweet  
(805) 477-1911

#### Project Description

The proposed project involves the realignment of the Donlon Road/SR 118 intersection to align Donlon Road with Somis Road. The County is considering two alignment options. Both of the proposed roadway realignments traverse an existing nursery and cross over Coyote Canyon Creek. Both of the options would require the establishment of a new right-of-way through the nursery that would connect to Donlon Road to the north and to SR 118/Somis Road intersection to the south. A traffic signal modification would be made at the intersection of SR 118/Somis Road to accommodate the new intersection configuration. Additionally, the culvert design for the proposed project is the same for both of the options. This design includes a 30'11" X 10'8" super-span arch with a soft bottom. The proposed arch was designed to pass the 50-year storm event and to reduce flooding over the road during a 100-year storm event. The traffic signals would be programmed to include two phases for the SR 118 westbound left-turn movement during each signal cycle under each of the options.

It is anticipated that construction would occur for 4 to 6 months. During construction, the staging area would be located east of the existing Donlon Road alignment north of SR 118 and the proposed stock pile area would be located west of the proposed alignment north of SR 118 under both Option 1 and Option 2. The project would require 900 cubic yards of excavation under both alignment options. Under Option 1 or Option 2, the project would require 1,200 cubic yards of fill with 900 cubic yards of local borrow and 300 cubic yards of imported borrow.

Construction of the project would require 60 total truck trips and the trucks would carry 5 cubic yards per trip. There would be 12 employees onsite during construction activities, including a foreman, masons, laborers, and operators. The following equipment would be used onsite during construction: crane, paving machine, road roller, trucks, backhoe loader, and grader.

The two alignment options are discussed below.



### Option 1

This alignment includes a curved roadway with a radius of 300 feet that begins at SR 118/Somis Road intersection to the south and connects to Donlon Road north of the Donlon Road/La Cumbre intersection. The total right-of-way area of this option would be approximately 0.31 acres. There would be one traveled lane in each direction with a left hand turn lane for vehicles turning onto SR 118 to the south. The proposed roadway would pass over the proposed culvert. A cul-de-sac would be constructed at the western terminus of La Cumbre Road north of SR 118, thereby discontinuing access from SR 118 to La Cumbre Road. Figure 4 illustrates this option.

### Option 2

This alignment includes a straight roadway that begins at the SR 118/Somis Road intersection to the south and terminates northwest of the Donlon Road/La Cumbre Road intersection to the north. The total area of this option would be approximately 0.39 acres. There would be one travel lane in each direction with a left turn center lane at both ends. The proposed roadway would pass over the proposed culvert. A cul-de-sac would be constructed at the western terminus of La Cumbre Road north of SR 118, thereby discontinuing access from SR 118 to La Cumbre Road. Figure 6 illustrates this option.

## ALTERNATIVES

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the project. Included in this analysis are three alternatives, including the CEQA-required "No Project" alternative. This section also identifies the Environmentally Superior Alternative in accordance with CEQA.

The following alternatives evaluated in this EIR:

- *Alternative 1: No Project (no change to existing land uses)*
- *Alternative 2: Save Our Somis Alternative*
- *Alternative 3: Alternative Alignment 3*

The No Project alternative would avoid all of the Project's impacts. Consequently, the No Project Alternative is considered environmentally superior. However, the No Project Alternative would not fulfill the basic objectives of the project stated in Section 2.0, *Project Description*. Furthermore, the No Project Alternative would not include any potential benefits associated with realignment of Donlon Road, including an anticipated decrease in accidents near the site.

Among the other alternatives being considered, the Alternative Alignment 3 provides the most reductions in environmental impacts, primarily due to the reduction in the overall size as compared to the Save Our Somis Alternative. However, this alternative has been rejected from consideration by the County due to the turning movement radius'.



## AREAS OF CONTROVERSY

Pursuant to Section 15123(2) of the *CEQA Guidelines*, a summary section must address areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The County of Ventura prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Donlon Road Realignment and circulated it for a 30-day public comment period that originally was to end on October 11, 2010. The public comment period was extended until November 11, 2010 as stated in a second Notice of Intent to Adopt a Draft IS/MND. The public comment period was then extended for a second time, with the comment period ultimately ending on December 13, 2010.

Subsequent to circulation of the IS/MND (on June 10, 2011), the County received a comment letter requesting preparation of an EIR to further analyze project impacts. The County decided to prepare an EIR based on community input contained in the June comment letter.

A Notice of Preparation (NOP) of an environmental impact report was prepared for the project and distributed for agency and public review for a 45-day review period that began on August 10, 2011. The NOP and responses are presented in Appendix A, along with the Initial Study/Mitigated Negative Declaration that was prepared for the project.

Table ES-1 summarizes the issues relevant to the EIR that were brought up in responses to the NOP and the EIR sections where the issues are addressed. Comments on the NOP pertained to cultural resources, biological resources, air quality, solid waste, and hydrology.

**Table ES-1  
NOP Topics**

Air Quality
<ul style="list-style-type: none"><li>• Prepare in accordance with the 2003 Ventura County Air Quality Assessment Guidelines.</li><li>• Consider reactive organic compound and nitrogen oxid emissions from project-generated motor vehicles and construction equipment.</li><li>• Consider fugitive dust during construction.</li><li>• If impacts are significant, identify appropriate mitigation measures.</li></ul>
Solid Waste
<ul style="list-style-type: none"><li>• Comply with the requirements of Ventura County Ordinance #4308 and Ordinance #4421 to assist the County in its efforts to meet the requirements of Assembly Bill 939.</li><li>• Recyclable construction materials should be recycled at a permitted recycling facility.</li><li>• Sediment and soil not reused onsite should be transported to a permitted facility for recycling or reuse. Illegal disposal and landfilling of soil is prohibited.</li><li>• Wood waste and vegetation removed during the construction phase of the project should be diverted from the landfill.</li><li>• Contractors working on the project should comply with local, state, and federal hazardous waste regulations and arrange for the collection and recycling of discarded recyclable materials.</li><li>• The project should comply with Section 7-15 of the Ventura County Standard Specifications.</li></ul>
Hydrology



**Table ES-1  
 NOP Topics**

<ul style="list-style-type: none"> <li>• The project should not interfere with the Coyote Canyon Debris Basin right-of-way or operation.</li> <li>• A permit will be required for any work within the Coyote Canyon watercourse, a District jurisdictional red line channel.</li> </ul>
<p>Cultural Resources</p> <ul style="list-style-type: none"> <li>• Include a record search in the environmental document prepared for the project.</li> <li>• Analyze effects on archaeological resources as part of the environmental document prepared for the project.</li> <li>• Analyze any impacts to sacred lands that would be affected by the project.</li> </ul>
<p>Biological Resources</p> <ul style="list-style-type: none"> <li>• Include an assessment of flora and fauna within and adjacent to the project area.</li> <li>• Include an assessment of rare plants and natural communities.</li> <li>• Include an assessment of sensitive fish, wildlife, reptile, and amphibian species.</li> <li>• Include a discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources.</li> <li>• Include a regional setting in the environmental document biology section.</li> <li>• Include a cumulative analysis in the environmental document prepared for the project.</li> <li>• Discuss any impacts to migratory wildlife.</li> <li>• Discuss any impacts to breeding birds.</li> <li>• Determine feasible mitigation measures to minimize impacts.</li> </ul>
<p>Alternatives</p> <ul style="list-style-type: none"> <li>• Need to consider a range of alternatives</li> </ul>

**ISSUES TO BE RESOLVED**

Pursuant to Section 15123(3) of the *State CEQA Guidelines*, a summary section must address issues to be resolved, including the choice among alternatives and whether or how to mitigate significant effects.

As discussed above, an Initial Study/Mitigated Negative Declaration was prepared for the proposed project. The IS/MND did not identify any environmental impacts that would be significant and unavoidable. Nonetheless, an Environmental Impact Report (EIR) was completed to further evaluate the following issue areas: Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology, Noise, and Transportation/Circulation. As discussed in each of the subsequent sections and as shown in Table ES-1 below, with mitigation, all project impacts would be less than significant. Additional mitigation beyond what is outlined in this EIR would not be required.

As discussed above, the County is considering two alignment options for the intersection of Donlon Road/SR 118. The choice between the two alignment options will be made by the County.



Pursuant to the Section 15126.6 of the *State CEQA Guidelines*, an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. There were three alternatives examined in addition to the two project options: The alternatives included the No Project alternative, the Save Our Somis alternative, and the Alternative Alignment 3. As discussed in Section 6.0, *Alternatives*, the No Project alternative would avoid all of the project's impacts. Consequently, the No Project Alternative is considered environmentally superior. However, the No Project Alternative would not fulfill the basic objectives of the project stated in Section 2.0, *Project Description*. Furthermore, the No Project Alternative would not include any potential benefits associated with realignment of Donlon Road, including the prevention of accidents. The environmentally superior alternative between the Save Our Somis Alternative and Alternative Alignment 3 would be Alternative Alignment 3. It should be noted that the project has no unavoidable impacts; therefore, adoption of an alternative is not necessary to avoid significant effects.

**SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

Table ES-2 includes a brief description of the environmental issues relative to the project, the identified significant environmental impacts, proposed mitigation measures, and residual impacts. Impacts are categorized by classes. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding considerations to be issued pursuant to the *State CEQA Guidelines* §15093 if the project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the *State CEQA Guidelines*. Class III impacts are considered less than significant impacts. Potential impacts that were analyzed in the Initial Study and found to be less than significant are not included in this table. The table presents the Class II impacts followed by the Class III impacts.

**Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<b>AESTHETICS</b>		
<b>Impact AES-1</b> The proposed project would not affect scenic views for travelers along SR 118 and would not physically alter a scenic resource or a scenic vista. Therefore, impacts to scenic vistas would be Class III, less than significant.	None.	Less than significant.
<b>Impact AES-2</b> The project would be consistent with applicable County of Ventura goals and policies related to aesthetics. Impacts related to consistency with County policies would be Class III, less than significant.	None.	Less than significant.



**Table ES-2 Summary of Environmental Impacts,  
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p><b>Impact AES-3</b> The project would not alter the amount of light or glare in the project site vicinity. Impacts would be Class III, less than significant.</p>	None.	Less than significant.
<b>AIR QUALITY</b>		
<p><b>Impact AQ-1</b> The project would generate temporary air pollutant emissions during construction; however, Ventura County Air Pollution Control District has not established thresholds for temporary construction emissions. Impacts would be Class III, less than significant.</p>	None.	Less than significant.
<p><b>Impact AQ-2</b> As the project would reduce LOS at analyzed intersections, operation of the project would reduce air pollutant emissions and carbon monoxide levels in the site vicinity. Impacts would be Class IV, beneficial.</p>	None.	Beneficial.
<p><b>Impact AQ-3</b> The project would disturb soil during construction, which could make construction workers and nearby sensitive receptors susceptible to San Joaquin Valley Fever; however, with Mitigation Measure AQ-3, impacts would be Class II, significant but mitigable.</p>	<p><b>AQ-3</b> The following measures shall be required to the extent feasible during construction of the project:</p> <ul style="list-style-type: none"> <li>• Crews from the local population shall be hired where possible.</li> <li>• Crews shall use respirators during project clearing and grading in accordance with California Division of Occupational Safety and Health regulations.</li> <li>• Cabs of grading and construction equipment shall be air-conditioned.</li> <li>• Crews shall work upwind from grading activities to the extent feasible.</li> <li>• Construction access roads shall be paved to the extent feasible or treated with dust control agents.</li> <li>• Soil in the project area shall be undisturbed to the extent feasible.</li> </ul>	Less than significant.
<b>BIOLOGICAL RESOURCES</b>		
<p><b>Impact BIO-1</b> The proposed road alignment options have a low potential to affect endangered, threatened, or rare animal or plant species, or their habitats. No listed species of federally designated critical habitat is known within at least one mile of the project site, and suitable habitat for these species is lacking onsite. Impacts to endangered, threatened, or rare animal or plant species would be</p>	None.	Less than significant.



**Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
Class III, less than significant.		
<p><b>Impact BIO-2</b> If construction occurs during the bird nesting season, either of the two proposed road alignments could directly or indirectly affect protected nesting birds. This is a Class II, significant but mitigable, impact.</p>	<p><b>BIO-2 Avoid Bird Nesting Season or Conduct Nesting Bird Surveys and Provide Buffers.</b> Tree removals, grading, and the initiation of construction shall either: a) occur outside of the bird nesting season (February 1 to August 31), or b) be subject to bird survey requirements. If vegetation clearing occurs during the breeding season, pre-construction bird nesting surveys shall be conducted to determine the locations of nesting birds. Bird surveys shall include a minimum of two nesting bird surveys to be conducted by a qualified biologist no more than one week prior to the start of vegetation clearing or construction. Bird nesting surveys shall be reinitiated if construction is halted for more than two days. The nesting bird surveys shall include a survey buffer around the project site of 500 feet. If a nesting bird or special-status species is located, consultation with the local CDFG representative shall occur to determine what avoidance actions may be taken. Generally, if an active bird nests is found, a minimum 100-foot buffer (depending on noise and site conditions) shall be established surrounding the nest(s) and shall be flagged for avoidance. If any active raptor nests are found, typically a suitable buffer area of 250-500 feet from the nest shall be established until the nest becomes inactive (vacated). If any special-status bird species nests are found, a suitable buffer area of 300-500 feet from the nest shall be established until the nest becomes inactive (vacated), and CDFG/USFWS shall be consulted. Disturbance can occur within the buffer area after the birds are no longer reliant on the nest. As required under mitigation measure BIO-6 below construction monitoring will also avoid and minimize impacts to potential nesting birds and raptors. The results of the nesting bird survey(s) and any buffer efforts as a result of those surveys shall be documented in a brief letter report and submitted to the County no later than two weeks following the final survey.</p>	<p>Less than significant.</p>
<p><b>Impact BIO-3</b> Coyote Canyon Creek and two small tributary ditches traverse the project site. Coyote Canyon Creek and both tributaries are under the regulatory and permitting authority of the USACE, RWQCB, and CDFG. Coyote Canyon Creek is also regulated by VCWPD. The proposed alignment options would temporarily impact regulated waters</p>	<p><b>BIO-3 Restore Jurisdictional Waters and Riparian Habitats.</b> In-kind restoration of riparian habitat shall occur for all temporarily disturbed areas within the project site at a mitigation ratio of 1:1 (for every 1 acre impacted, 1 acre shall be restored). In addition, for those areas that are permanently impacted, the County shall provide for onsite in-kind riparian restoration/creation at a 2:1 mitigation ratio, or as otherwise indicated by the regulatory agencies during the permitting</p>	<p>Less than significant.</p>



**Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p>and associated habitat onsite. Impacts to jurisdictional areas as a result of either Option 1 or Option 2 would be Class II, significant but mitigable.</p>	<p>process, whichever is greater. Native seeds and plant material (cuttings) can be salvaged from the areas of impact prior to construction and used for the restoration effort. Supplemental seed/plantings may be purchased, but shall be sourced from a site within the same watershed as the project site to maintain genetic integrity.</p> <p>A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared by a qualified biologist/ restoration ecologist that outlines the compensatory mitigation in coordination with the regulatory agencies. If onsite mitigation is proposed, the HMMP shall identify those portions of the site, such as areas up or downstream from the project site, that contain suitable characteristics for restoration of riparian scrub/forest habitat. The plan shall include at a minimum: mitigation site location, native plant palette, planting plan, time of year planting will occur, irrigation plan, invasive species control program, success criteria, maintenance program, and monitoring program. Planting, maintenance, monitoring, and reporting shall be overseen by a restoration specialist familiar with the restoration of native habitats. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the restoration site). The HMMP shall include success criteria for monitoring the restoration effort over three years. The HMMP shall include remedial measures in the event that the performance criteria are not met for a particular year. Annual monitoring reports shall include results for: restoration planting survival, percent cover, species richness, maintenance conducted, contingency measures implemented, qualitative assessment of habitat restoration, exotic plant control efforts, and photo-documentation.</p> <p>Onsite restoration is preferred; however, if onsite restoration is infeasible, the County shall provide mitigation by providing adequate funding to a third party organization for the creation or restoration of riparian habitat within appropriate jurisdictional areas at a 2:1 mitigation ratio, or can consist of the use of in lieu fees. If mitigation is implemented offsite, mitigation lands shall be located in the vicinity of the site or within the Calleguas Creek Watershed. Offsite land shall be preserved through a conservation easement and the HMMP shall identify an approach for funding assurance for the long-term management of the</p>	

**Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
	conserved land.	
<p><b>Impact BIO-4</b> Coyote Canyon Creek is a significant wetland as defined under General Plan Policy 1.5.2-4. However, no buffer is required for this creek because of existing disturbance and the options would not conflict with this policy. Impacts would be Class III, less than significant.</p>	None.	Less than significant.
<p><b>Impact BIO-5</b> Construction of the proposed superspan arch would allow for a relatively open crossing structure that would not impede local wildlife movement. Neither of the alternative alignments is expected to significantly limit the movement of wildlife beyond the level already restricted by the SR 118 CMPA (Corrugated Metal Pipe Arch), the detention basin, and the railroad tracks. Therefore, impacts to regional and local wildlife movement and connectivity would be Class III, less than significant.</p>	None.	Less than significant.
<p><b>Impact BIO-6</b> Locally sensitive animals may occur within the site during the construction period and so potentially may be affected by construction activity. This would be a Class II, significant but mitigable, impact.</p>	<p><b>BIO-6 Preconstruction Special-Status Wildlife Surveys and Construction Monitoring.</b> No more than two weeks prior to vegetation clearing and construction within the project site, a preconstruction survey for special status wildlife species - including but not limited to bat species, monarch butterfly, silvery legless lizard, western pond turtle, coastal whiptail, and two-striped garter snake – shall be conducted by a qualified biologist. The surveys shall include mapping current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. Bat roosting areas within the project site shall be inspected and if bats are present, the avoidance of maternity colonies shall be implemented. In addition, during any construction activities involving vegetation clearing, or initial modification of natural habitat, the County shall contract with a biological monitor to conduct construction monitoring to avoid and minimize impacts to special status wildlife in the path of construction. Locally important wildlife species or wildlife Species of Special Concern, which are not formally listed, shall be captured by qualified biologists, when possible, and relocated to adjacent appropriate habitat within the open space onsite or in suitable habitat adjacent to the project area. CDFG and the County shall be notified and consulted regarding the presence of</p>	Less than significant.



**Table ES-2 Summary of Environmental Impacts,  
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
	<p>a special status wildlife species found onsite. If a federally listed species is found prior to or during grading of the site, the USFWS shall also be notified. Only a USFWS approved biologist shall be allowed to capture and relocate listed species.</p> <p>A preconstruction survey shall be conducted no more than two weeks prior to construction within the project site. Construction monitoring shall be conducted during any construction activities involving vegetation clearing, or initial modification of natural habitat. The results of the preconstruction survey(s) and any relocation efforts during those surveys shall be documented in a brief letter report and submitted to the County no later than two weeks following the survey(s). The results of the construction monitoring and any relocation efforts shall be documented in a brief letter report and submitted to the County upon completion of vegetation clearance and initial natural habitat alteration.</p>	
<p><b>Impact BIO-7</b> Individual trees of southern California black walnut, a locally important plant species observed onsite, would be impacted as a result of either project alignment; however, the removal of up to approximately five CNPS List 4 native walnut trees would not reduce the population to the point that reproductive capacity would be restricted. Therefore, the loss of a few locally sensitive walnut trees is a Class III, less than significant, impact.</p>	<p>None.</p>	<p>Less than significant.</p>
<p><b>Impact BIO-8</b> Ventura County Protected Trees, including heritage blue gum eucalyptus and native southern California black walnut and coast live oak, would be impacted by either project alignment. The proposed project is exempt from the County's Zoning Ordinance (Section 8101-2.1.1 of the Non-Coastal Zoning Ordinance); therefore, impacts to protected heritage eucalyptus and native walnut trees would be Class III, less than significant.</p>	<p>None.</p>	<p>Less than significant.</p>
<p><b>Impact BIO-9</b> The project would not conflict with local policies pertaining to protection of biological resources. This impact would be Class III, less</p>	<p>None.</p>	<p>Less than significant.</p>



**Table ES-2 Summary of Environmental Impacts,  
 Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
than significant.		
<b>GREENHOUSE GAS EMISSIONS</b>		
<p><b>Impact GHG-1</b> The proposed Project would generate GHG emissions during construction of the project. However, Project-generated emissions would not exceed the 10,000 tons CO<sub>2</sub>e/year threshold and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In addition, the project would reduce air pollutant emissions generated during vehicle idling during operation of the project. Therefore, impacts would be Class III, less than significant.</p>	None.	Less than significant.
<b>HYDROLOGY AND WATER QUALITY</b>		
<p><b>Impact HWQ-1</b> During construction of the proposed project, the soil surface would be subject to erosion and sedimentation. Receiving waters could therefore be subject to discharges of various pollutants. This is a Class III, less than significant, impact.</p>	None.	Less than significant.
<p><b>Impact HWQ-2</b> Implementation of the proposed project, including the proposed culvert, would potentially increase the potential for flooding in on the project site; however, flooding would be restricted to the project property and the Ventura County Donlon Road right-of-way. Therefore, flooding would not affect neighboring properties. Impacts would be Class III, less than significant.</p>	None.	Less than significant.
<p><b>Impact HWQ-3</b> Implementation of the proposed project, including the proposed culvert, would reduce the potential for flooding in the vicinity of the project site. Although flooding onsite would continue to occur with implementation of the project, flooding would be reduced and would not affect adjacent properties. Therefore, impacts would be Class III, less than significant.</p>	None.	Less than significant.
<b>NOISE</b>		
<p><b>Impact N-1</b> Project construction would intermittently generate high noise levels on and adjacent to the project site. Daytime and nighttime</p>	<p><b>N-1 (a) Heavy Truck Restrictions.</b> The construction contractor shall prohibit off-site heavy truck activities in local residential areas.</p>	Less than significant



**Table ES-2 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p>construction noise could exceed thresholds; therefore, mitigation measures N-1(a-e) are required to reduce potential noise effects on residents near the site. Impacts would be Class II, significant but mitigable.</p>	<p><b>N-1 (b) Diesel Equipment Mufflers.</b> All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.</p> <p><b>N-1 (c) Additional Noise Attenuation Techniques.</b> For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed. Such techniques shall include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors.</p> <p><b>N-1(d) Instantaneous Noise.</b> Use of either the dump truck or a combination of construction equipment that would exceed 84.3 dBA Leq, shall be restricted to eight times per hour.</p> <p><b>N-1(e) Nighttime Noise.</b> During nighttime construction activities, the nighttime construction activity noise threshold for residential uses (the greater of 45 dBA Leq fixed or ambient Leq + 3dB Leq) at the nearest sensitive receptor location shall not be exceeded. A noise monitor shall take measurements during nighttime construction to ensure that thresholds are not exceeded, to the satisfaction of the County. If thresholds are exceeded, the construction manager shall be notified immediately and shall modify construction activities to comply with thresholds.</p>	
<p><b>Impact N-2</b> Project construction activities would generate intermittent groundborne vibration on and in the vicinity of the project site. However, groundborne vibration would not affect sensitive receptors. Impacts would therefore be Class III, less than significant.</p>	<p>None.</p>	<p>Less than significant.</p>
<p><b>Impact N-3</b> Traffic that would travel on the proposed alignment would not increase noise levels on area roadways. The effect of traffic noise on existing uses would be Class III, less than significant.</p>	<p>None.</p>	<p>Less than significant.</p>
<p><b>TRANSPORTATION/CIRCULATION</b></p>		
<p><b>Impact T-1</b> The project would not generate any trips, but would redistribute trips in the vicinity of the project area. The project would improve traffic conditions at</p>	<p>None.</p>	<p>Less than significant.</p>

**Table ES-2 Summary of Environmental Impacts,  
 Mitigation Measures, and Residual Impacts**

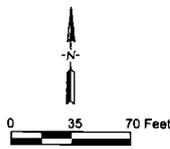
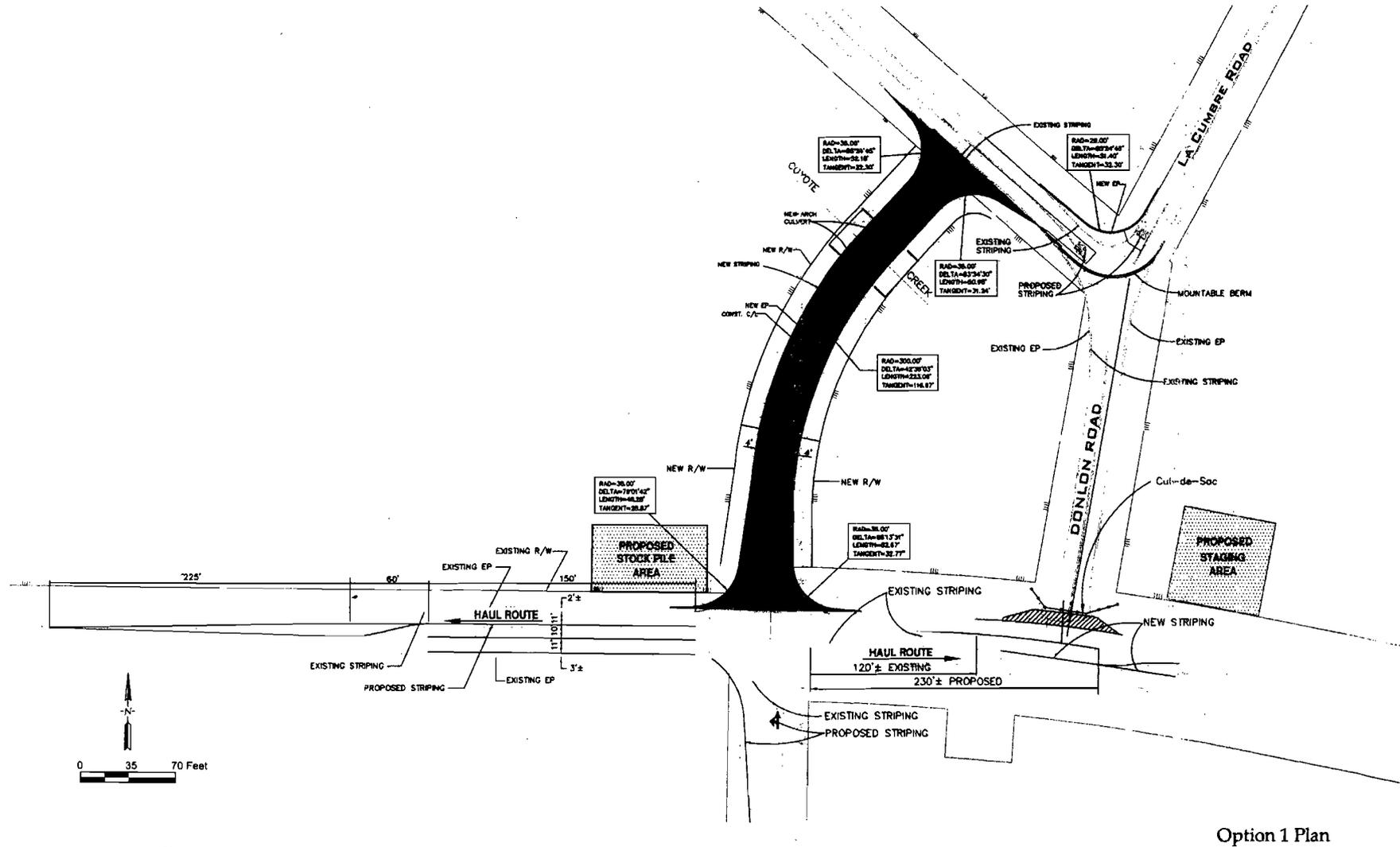
Impact	Mitigation Measures	Residual Impact
<p>analyzed intersections under existing plus project conditions and under cumulative plus project conditions. Impacts would be Class IV, beneficial.</p>		
<p><b>Impact T-2</b> The project would improve traffic conditions in the project area. This improvement would reduce accidents and impacts would be Class IV, beneficial.</p>	<p>None.</p>	<p>Less than significant.</p>
<p><b>Impact T-3</b> Project construction and equipment staging would temporarily increase truck traffic in the project vicinity, which could disrupt the normal use of Donlon Road, SR 118, SR 34, and La Cumbre Road. With implementation of mitigation measure T-3, impacts would be Class II, significant but mitigable.</p>	<p><b>T-3 Construction Traffic Management Plan.</b>                      The County shall prepare a Construction Traffic Management, which shall include the following:</p> <ul style="list-style-type: none"> <li>• Ensure that access to land uses in proximity to the project site during construction exists (for residential uses, ensure access consistently and for commercial uses, during hours when employees are present).</li> <li>• Schedule worker trips and deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible so that the normal uses of roadways (Donlon Road, SR 118, SR 34, and La Cumbre Road) are not substantially disrupted and so that access to residential uses in the vicinity of the site is maintained.</li> <li>• Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time, particularly during peak hours, so as to minimize disturbance of traffic flow on surrounding roadways.</li> <li>• Minimize obstruction of through-traffic lanes on adjacent streets to minimize disturbance to traffic flow and effects on nearby residents.</li> <li>• Control construction equipment traffic from the contractors through flagman and traffic control devices, particularly near roadways during peak hours and near residential uses.</li> <li>• Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed project. Design transport routes to minimize disturbance to surrounding roadways and nearby residential uses to</li> </ul>	<p>Less than significant</p>



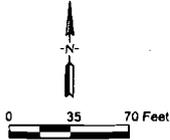
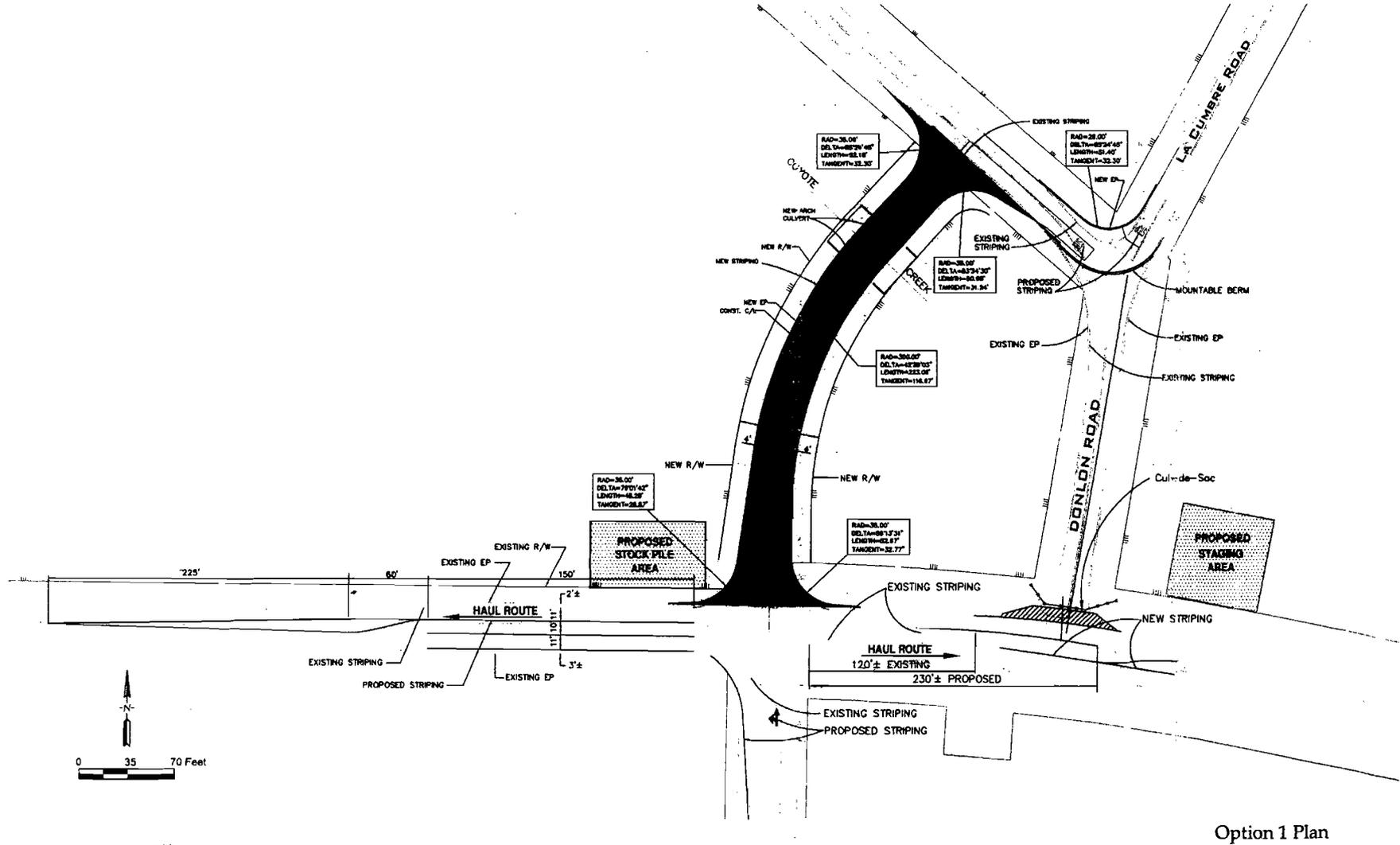
**Table ES-2 Summary of Environmental Impacts,  
Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
	<p>the extent feasible.</p> <ul style="list-style-type: none"><li>• Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.</li><li>• Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, and pedestrian diversions to ensure the safety of the pedestrians and access to adjacent land uses.</li></ul>	





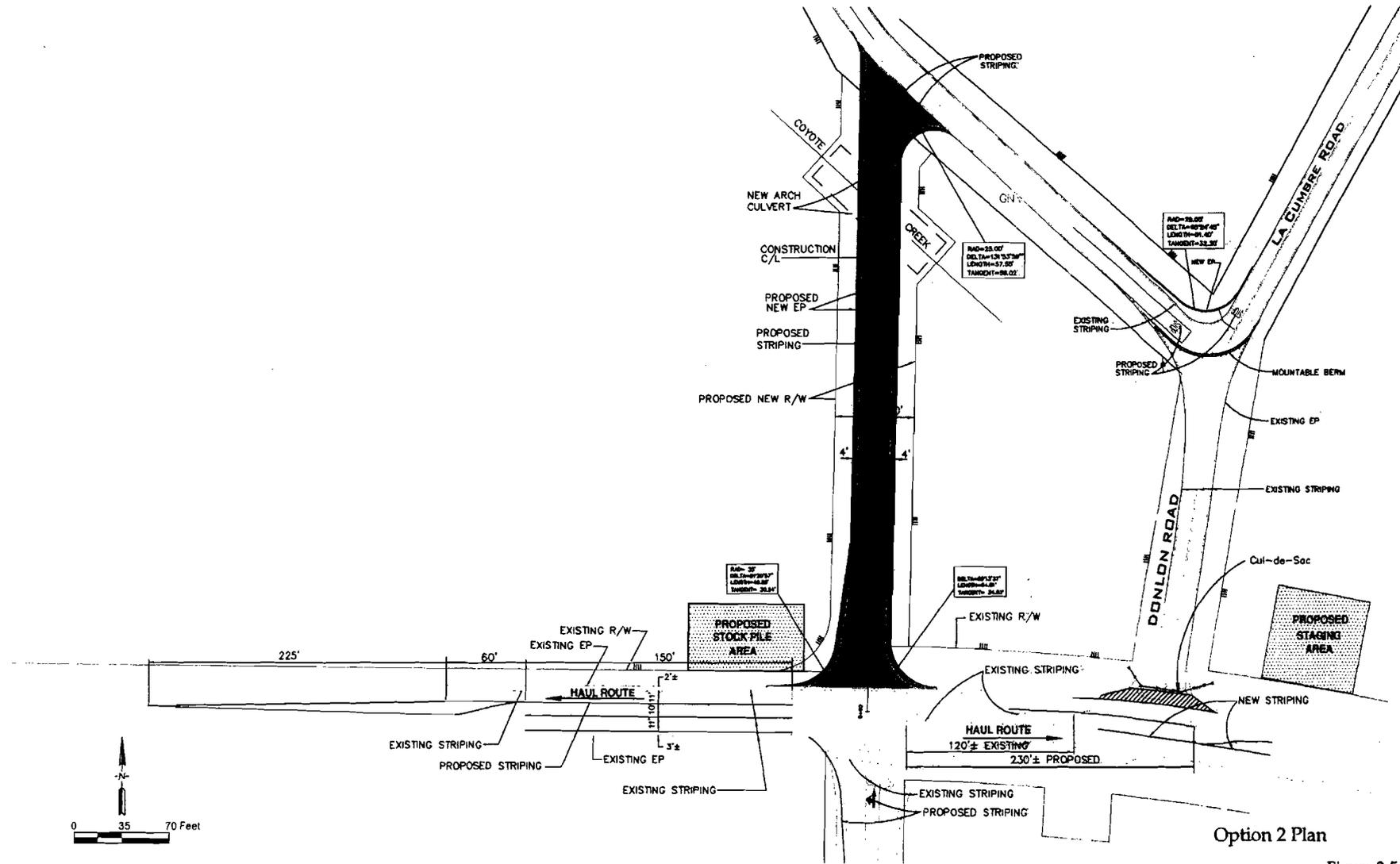
Option 1 Plan



Option 1 Plan

Drawing Source: County of Ventura Public Works, August 28, 2011.

Figure 2-4  
 County of Ventura



Option 2 Plan

Drawing Source: County of Ventura Public Works, August 28, 2011.

Figure 2-5  
 County of Ventura

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Urban Planner  
impett@smwlaw.com

April 19, 2012

*Via Electronic Mail*

Alison Sweet  
Ventura County  
800 S. Victoria Avenue  
Ventura, CA 93009

**Re: Draft Environmental Impact Report for the Donlon Road  
Realignment Project**

Dear Ms. Sweet:

In conjunction with Tom Brohard, a licensed Professional Civil Engineer and Professional Traffic Engineer in California, we have reviewed Ventura County's Draft Environmental Impact Report ("DEIR") for the Donlon Road Realignment Project ("County Intersection Project"). In our opinion, the County has listened to the public's concerns, and Save Our Somis ("SOS") in particular, and has responded effectively. The County has designed an Intersection Project that will: (1) largely address the traffic problems that have plagued Somis residents and State Route ("SR") 118 motorists for more than twenty years; and (2) *not* facilitate widening the SR 118 corridor. The proposed Intersection Project is also consistent with the Ventura County General Plan. For these reasons, SOS conditionally supports this Project.

**I. Background and Project Context.**

As the attached chronology explains, attempts to redesign the Donlon Intersection date back more than twenty years beginning with Caltrans' plans to redesign the Intersection in a manner that would enable the ultimate widening of SR 118 to four lanes. See SR 118/SR 34 and Donlon Intersection: Chronology of Events, May 28, 2012, attached as Exhibit A. A four-lane roadway through the Las Posas Valley would irreparably alter the Valley's rural, agricultural ambiance and result in extensive loss of

environmental and agricultural resources. Over the years SOS has explained to Caltrans and the County that SR 118 did not need to be widened to four lanes and that the highway and the intersection would operate at a satisfactory level of service (“LOS”) with more modest improvements. In 2007, the County amended its General Plan to acknowledge that SR 118 between SR 34 and Santa Clara Avenue should remain a two lane highway.

In 2008, the Caltrans’ Intersection Project resurfaced. In a Notice of Preparation of an EIR, Caltrans indicated that it intended to study alternative designs to the intersection. In 2011, Ventura County released an initial study /negative declaration (“IS/ND”) for its Intersection Project. Caltrans’ and the County’s Projects called for many of the same improvements at the intersection and both agencies identified almost identical objectives for their Projects. In its June 10, 2011 letter to the County, SOS explained that the County’s proposed Project was inextricably linked to Caltrans’ proposed Intersection Project and therefore the California Environmental Quality Act obligated the County to examine the environmental impacts from the “whole” Project. Equally important, SOS’s transportation engineer, Tom Brohard, explained that the County’s Project would create even more delay for the intersection on top of the significant congestion that occurs today, making matters even worse.

## **II. Current Project and Environmental Review.**

With the release of the DEIR, the County has made significant improvements to the Project and in its environmental review. In evaluating the entire SR 118 corridor, the County determined that even under cumulative traffic conditions, the Intersection Project would operate at an acceptable LOS (LOS “C”). DEIR at 4.7-18. In addition, because the Project is not oversized, it will not facilitate widening SR 118 to four lanes and is therefore consistent with the General Plan.

### **A. Project Improvements.**

Notwithstanding the Project’s operational benefits, Tom Brohard explains that if the Project were modified to include two additional minor components, the intersection would operate with even greater efficiency. *See* Letter from T. Brohard to L. Impett, March 27, 2012, attached as Exhibit B. First, to reduce the chance of vehicles overflowing the longer westbound left-turn lane on SR 118, the County should consider lengthening this left-turn lane to 350 feet. This would provide storage for up to 18 left-turning vehicles and could be accomplished with minor pavement widening and nominal grading west of the small culvert crossing of SR 118. *Id.* Second, by adding a short eastbound right-turn lane on SR 118, the eastbound through vehicle demand on SR 118 could be served more efficiently as additional time would be made available for the

heavy westbound left-turns. Both these improvements could be constructed within the existing right-of-way at nominal additional cost to achieve optimal intersection operations for at least the next 20 years and probably longer. *Id.*

**B. Environmental Review.**

The County's environmental analysis of the Intersection Project is much improved in comparison to the analysis included in the County's IS/ND. However, a couple of points are worthy of consideration. First, the DEIR concludes that the cumulative environmental effects of the County's and Caltrans' Intersection Projects would be less than significant. We disagree with this conclusion.

As we documented in our June 10, 2011 letter, the County is aware that Caltrans' is designing an Intersection Project that is presumably "much larger" than the County's Intersection Project. *See* June 10, 2011 letter at 5 and 6. Moreover, the County's DEIR expressly acknowledges Caltrans' plans to ultimately widen the SR 118 corridor. *See e.g.* DEIR at 4.1-5. Given the size of these Caltrans' Projects, they are likely to result in extensive environmental impacts. Certainly when considered together with the County's Project, the cumulative impacts from the Caltrans' Projects would be considerable.

Yet, absent evidence or analysis, the County's DEIR routinely dismisses these potentially significant cumulative impacts. For example, in the context of visual resources, the DEIR never even explains what the Caltrans' Projects would look like before concluding that these Projects would not substantially alter the visual character of the area and would not affect scenic vistas. DEIR at 4.1-5.

The DEIR makes a similar mistake with respect to its cumulative hydrological impact analysis. The CEQA Guidelines explain that a project that would place structures within a 100-year flood hazard area, and impede and/or redirect flood flows, would be expected to have a significant hydrological impact. *See* CEQA Guidelines Appendix G (IX)(h). The County's DEIR explains that the Project site is within a 100-year flood zone and that the Project would result in an increase in flooding. DEIR at 4.5-1, 9. The document incorrectly concludes, however, the Project's impact would be less than significant. *Id.* Setting aside the questionable accuracy of this conclusion, the DEIR explains that the Caltrans' Project would also "likely increase peak flood flows and overall runoff volumes" within the 100-year flood zone. DEIR at 4.5-11. Rather than actually analyze the effect that both Intersection Projects -- and the SR 118 widening Project -- would have on flood levels in the area, the DEIR simply concludes that the cumulative hydrological effects would be less than significant.

The DEIR fares no better with respect to its analysis of cumulative wetland impacts. Here, the DEIR acknowledges that the County Project would result in potentially significant wetland impacts because portions of Coyote Canyon Creek and Tributary 1 would be affected by the Project. DEIR at 4.3-34. Rather than identify the extent of wetland loss from each of the cumulative projects, the DEIR merely concludes most of the cumulative projects are relatively small and will have limited to no impacts to jurisdictional waters and wetlands. *Id.* at 4.3-43. Unless the DEIR actually identifies the potential loss of wetlands from each of the cumulative projects, it cannot simply conclude cumulative wetland impacts would be less than significant.

In light of these deficiencies in the County DEIR, especially with regard to the document's failure to adequately analyze impacts resulting from Caltrans' proposed Projects, SOS expects to closely monitor Caltrans' forthcoming DEIR to ensure it contains a comprehensive analysis of environmental impacts.

The County's DEIR also fails to include an adequate evaluation of Project alternatives. Consequently it is not possible to determine whether the document accurately identifies the environmentally superior alternative. Although the DEIR includes the SOS alternative, it fails to thoroughly describe this alternative's design details. As a result, the comparison of Project alternatives is vague and non-descript.

The document identifies the total right-of-way of the Project and Alternative 3 (at 2-7 and 6-5), yet does not provide this same data for the SOS alternative. Instead, the DEIR states that the SOS alternative would involve a "slight increase in disturbance area" and "the area of the roadway would be increased compared to" the Project. DEIR at 6-3. This subjective language does not allow for a descriptive analysis of the actual and specific environmental impacts of the SOS alternative. Nor is the DEIR capable of accurately comparing the SOS alternative's environmental impacts to those that would result from the Project. Consequently, it is unclear whether the DEIR correctly identifies Alternative 3 as the environmentally superior alternative.

The DEIR also fails to take into account the planning horizon for its comparative analysis of Project alternatives. While Alternative 3 may result in slightly less environmental harm over the short term (e.g., 1 to 5 years) than the SOS alternative, an environmental evaluation that spans the next 20 to 30 years may yield decidedly different results. Because the SOS alternative would likely result in the intersection operating at acceptable levels of service for at least the next 20 years, there would be no need for additional improvements at the Intersection for the foreseeable future. On the

other hand a more limited Project design would likely facilitate the need for additional increases in capacity over the next couple decades. If this is required, there would be additional construction-related impacts spanning a larger overall footprint compared to the SOS alternative. The nominal increase in pavement that would be required under the SOS alternative would likely more than offset the need to reconstruct the intersection if the operational benefits of the proposed Project or Alternative 3 cannot be sustained.

We urge the County to conduct a thorough comparative analysis of Project alternatives in the FEIR. It is our opinion that if this analysis quantifies the total right-of-way for the SOS alternative and assesses impacts over the longer term, the SOS alternative may, in fact, be the environmentally superior alternative.

### **III. Coordination with Caltrans.**

Rather than coordinate with the County to improve traffic operations at the Intersection, Caltrans is moving ahead with its Intersection Project independently. To this end, Caltrans intends to release its DEIR for its Intersection Project in May 2012. It is unclear which alternative design Caltrans intends to pursue. However, based on its 2008 Notice of Preparation, it seems likely Caltrans will pursue its original Intersection Project. This Project called for widening the Intersection approaches to enable the eventual widening of SR 118 to four lanes.

As we have explained, the County's Intersection Project, including the minor additions identified by Tom Brohard, would solve the traffic problem at the Intersection entirely. We urge the County to coordinate closely with Caltrans. It makes no sense for the County to complete its Project only to have Caltrans tear up the intersection again within the next few years. In today's economic climate, governmental resources are constrained, to put it mildly. If Caltrans were to proceed with its Project on the heels of the County's Project, it would be a tremendously inefficient and expensive endeavor and a very poor use of taxpayers' financial resources. The County and SOS have worked long and hard to design a Project that meets transportation objectives while minimizing impacts to the community and the environment. It is in the public's interest that the County and Caltrans work together on a solution to the Intersection's traffic problems.

### **IV. Conclusion**

We believe the County's hard work and willingness to work with the public on this controversial Project has resulted in a much improved Project and enhanced

Alison Sweet  
April 19, 2012  
Page 6

environmental review. Thank you for the opportunity to comment on the DEIR for the Donlon Intersection Project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

**Exhibits:**

Exhibit A: SR 118/SR 34 and Donlon Intersection: Chronology of Events

Exhibit B: Tom Brohard And Associates Report, March 27 2012

cc: Clyde Pratt, Save Our Somis  
324532.1

SHUTE, MIHALY  
& WEINBERGER LLP

## Appendix A

### SR 118/SR 34 and Donlon Intersection: Chronology of Events March 28, 2012

#### I. Introduction

Attempts to redesign the intersection of SR 118/SR 34 and Donlon Road (“Intersection Project”) date back more than twenty years. In order to understand this Intersection Project, it is important to be aware of the role that SR 118 plays in the County’s transportation network. SR 118 is a rural, two lane highway running through roughly 15 miles of agricultural and rural lands between SR 126 in the west and the City of Moorpark and SR 23 to the east. It is a major conduit for trucks seeking to avoid the scale on US 101, which parallels SR 118 to the south. SR 118 is also used by commuters traveling between Oxnard and Ventura in the west to Moorpark and points east.

#### II. Caltrans’ Early Proposals Relating to the Intersection and SR 118

In 1991, Caltrans issued a Project Study Report proposing to convert SR 118 to a “four-lane divided highway.” The Report stated that this expansion was needed in part because truckers had become “well aware” of the fact that the California Highway Patrol was reluctant to utilize the weigh stations on SR 118, and were increasingly using SR 118 to avoid the Route 101 weigh station in Thousand Oaks. As part of this SR 118 widening project Caltrans’ proposed relocating Donlon Road opposite SR 34 to remove the “dog leg” and improve intersection operations.

In 1995, Caltrans issued a second Project Study Report proposing to increase the traffic capacity of the Intersection by widening SR 118 and SR 34 and realigning Donlon Road.

In 1997, Caltrans attempted to approve the Intersection Project relying on a Categorical Exemption under the California Environmental Quality Act (“CEQA”). Caltrans claimed that the Project was exempt from environmental review requirements because it was a “minor alteration of existing public or private structures ... involving negligible or no expansion of use beyond that previously existing.”

Many Somis residents, including SOS, strongly objected to allowing the Intersection Project to proceed with no environmental review whatsoever. SOS pointed out that the \$3 million plan to substantially expand the capacity of the Intersection could hardly be called a “minor improvement” or involve “no expansion of use” and thus could not be exempt from CEQA.

In 1999, Caltrans prepared an Initial Study/Negative Declaration for the Intersection Project. The Project would add:

- one westbound left-turn lane from SR 118;
- one northbound right-turn only lane on SR 34, merging into a new eastbound “auxiliary” lane on SR 118’s eastbound leg;
- one new, eastbound right-turn lane on SR 118’s westbound leg, with a new, southbound auxiliary lane on SR 34;

- one left-turn/through lane on northbound SR 34; and,
- one new traffic lane on the relocated, southbound Donlon Road.

Of critical importance, Caltrans' proposed Intersection design included the acquisition of sufficient right-of-way to expand SR 118 from two to four lanes in the future. Although Caltrans' Project would result in significant environmental impacts, Caltrans did not prepare an environmental impact report ("EIR").

SOS commented again, explaining that while the Intersection Project could be beneficial, Caltrans was sizing the Project to accommodate the ultimate widening of SR 118 to four lanes. A four-lane roadway through the Las Posas Valley would irreparably alter the Valley's rural, agricultural ambiance. Equally important, SOS's transportation expert, Tom Brohard, provided ample evidence that SR 118 did not need to be widened to four lanes. The roadway, and the Intersection, would operate at a satisfactory level of service with more modest improvements. In addition, the Caltrans' Project would significantly impact biological resources including wetlands and monarch butterflies and add noise and light and glare to the area. SOS requested that Caltrans analyze the Intersection Project's impacts in an EIR rather than an Initial Study/Negative Declaration.

In October 2000, Caltrans approved the Intersection Project.

In November 2000, SOS filed a writ petition against Caltrans in Ventura County Superior Court. The Lawsuit challenged Caltrans' Initial Study/Negative Declaration under CEQA.

In 2002, the Court ruled in favor of SOS. It agreed that Caltrans' Initial Study/Negative Declaration was legally inadequate and mandated the preparation of an EIR.

### **III. Ventura County's Actions Relating to the Intersection and SR 118**

In 2005 and 2006, Ventura County proposed to update its General Plan to reflect, among other things, the widening of approximately 26 highways and roads by 2020. SOS submitted comments on the County's EIR for the General Plan Update again explaining that widening the SR 118 would destroy Somis' rural/ agricultural ambiance and result in numerous environmental impacts.

In November 2005, the County approved the General Plan Update.

In January 2006, SOS filed a writ petition against the County in Ventura County Superior Court. In the Lawsuit, SOS challenged the EIR as inadequate under CEQA.

In November 2006, SOS and Ventura County entered into a Settlement Agreement. The Agreement required the County to undertake the following actions with respect to SR 118: (1) amend its General Plan to redesignate the segment of SR 118 between SR 34 and Santa Clara Avenue ("SR 118 Segment") as two lanes; (2) direct the Ventura County Transportation Commission to remove the SR 118 widening Project from its adopted Project Priority List; and (3) inform Caltrans that the County has amended its General Plan to redesignate the SR 118

from four lanes to two lanes.

In May 2007, consistent with the Settlement Agreement, the County Board of Supervisors adopted Resolution GPA 07-01 calling for the General Plan to be amended as follows:

- Reduce the planned number of travel lanes on SR 118 between State Route 34 and Santa Clara Avenue from four lanes to two lanes;
- Reduce the County's acceptable level of service ("LOS") standard from LOS "D" to LOS "E" for SR 118 between Santa Clara Avenue and the City of Moorpark.

It is also important to note that the County General Plan Land Use Appendix states, with regard to SR 118, "[s]ince there currently is no full funding commitment to widen SR 118, [the County shall] prohibit the approval of discretionary residential projects that would increase traffic on this roadway."

#### **IV. More Recent Proposals by Caltrans and the County Relating to the Intersection**

In 2008, Caltrans released a Notice of Preparation of an EIR for its Intersection Project. The NOP stated that Caltrans intended to study five alternative designs to the Intersection, in addition to a "no-project" alternative. Four of the Project alternatives would relocate and realign Donlon Road westerly to align with the existing SR 34 and widen the SR 118 and SR 34 intersection approaches. The remaining alternative called the "Somis Bypass," would construct a new roadway that would divert most of the existing traffic along the Project stretch of SR 34 (Somis Rd.) to the east of the community of Somis.

In 2010, Ventura County released an Initial Study/Negative Declaration for its Intersection Project. SOS, and transportation expert Tom Brohard, reviewed the County's proposed design and met with County staff. While the County's Project was a definite improvement in comparison to the Caltrans' design for the Intersection, Brohard determined the County's Project "would create even more delay for the intersection on top of the significant congestion that occurs today, making matters even worse." Largely in response to the meetings with SOS and Brohard, the County withdrew the Initial Study/Negative Declaration from public review.

In April 2011, the County released a revised Initial Study/Negative Declaration for the Intersection Project. SOS submitted comments explaining that the Revised Initial Study failed to acknowledge that the County Intersection Project was part of the larger Caltrans' SR 118 Intersection Project and that the County should have examined the environmental impacts from the "whole" Project. SOS also commented that the Project would result in potentially significant environmental impacts and the County should prepare an EIR to fully mitigate these impacts and evaluate Project alternatives.

In February 2012, the County published a draft EIR for the Intersection Project. With the release of this draft EIR, the County has made significant improvements to the Project itself and the analysis of environmental impacts. As Tom Brohard explains, the County's Project is "much

improved in comparison to prior intersection designs.” The Project now includes improvements that will:

- Eliminate the east/west SR 118 split phase operation. This traffic signal operation is the primary source of the congestion and delay being experienced;
- Realign Donlon Road directly opposite SR 34/Somis Road;
- Provide adequate storage for westbound left turns from SR 118 to SR 34. The traffic signal at SR 34/Somis Road will be modified to serve the westbound left-turn movement twice, once at the beginning and again at the end of the green phase on SR 118. This operation provides westbound left-turns with timely green arrows before they would overflow a longer left-turn lane and block the westbound through lane.

Brohard explains that while the County’s Intersection Project largely addresses the traffic issues, two minor additions to the County’s Project could be constructed within the existing right-of-way at nominal additional cost to achieve optimal intersection operations for at least the next 20 years and probably longer:

- Lengthen storage for westbound left-turns from SR 118 to SR 34: To reduce the chance of vehicles overflowing the longer westbound left-turn lane, consideration should be given to lengthening this lane to 350 feet. This would provide storage for up to 18 left turning vehicles and could be accomplished with minor pavement widening and nominal grading west of the small culvert crossing of SR 118.
- Provide eastbound right-turn lane from SR 118 to SR 34: By adding a short eastbound right-turn lane, the eastbound through vehicle demand on SR 118 could be served more efficiently as additional time would be made available for the heavy westbound left-turns. This could be accomplished with minor pavement widening and nominal grading.

#### **V. 2012 Caltrans’ Project**

Rather than coordinate with the County to improve traffic operations at the Intersection, Caltrans is moving ahead with its Intersection Project independently. Caltrans intends to release its draft EIR for its Intersection Project in May 2012. It is unclear which alternative design Caltrans intends to pursue.

322863.1

# Tom Brohard and Associates

March 27, 2012

Ms. Laurel L. Impett  
Shute, Mihaly, & Weinberger  
396 Hayes Street  
San Francisco, California 94102

**SUBJECT: Draft Environmental Impact Report for the Donlon Road  
Realignment Project in the County of Ventura – Preliminary Traffic  
Comments**

Dear Ms. Impett:

For the last 12 years, we have worked together on behalf of Save Our Somis and the Community to evaluate various options to improve traffic conditions at the Donlon Road/SR118 intersection without major widening of SR118. Over the last year, the County of Ventura has refined their project and they have recently released their February 2012 Draft Environmental Impact Report for the Donlon Road Realignment Project. In my review of the traffic portions of this document, the County has addressed many of our prior comments and concerns.

Traffic engineers evaluate the performance of intersections based upon their Level of Service (LOS). Like a report card, letter grades are assigned between LOS A (excellent conditions with freely flowing traffic) through LOS F (overloaded conditions with stop and go traffic, long delays and lengthy queues). In peak traffic hours, the vehicle demand to use the SR118/SR34 intersection exceeds the capacity of the intersection to handle it, and the intersection now operates at LOS F with average delays well over 80 seconds. Long delays over 60 seconds are also experienced by traffic trying to enter SR118 from Donlon Road.

The County's Project will result in LOS C operating conditions at SR118/SR34 and realigned Donlon Road. Average delays of just over 30 seconds are forecast for SR118 and SR 34 traffic, together with delays of 10 seconds for realigned Donlon Road traffic. The County's Project includes improvements that will:

- Eliminate the East/West SR118 Split Phase Operation – Current conditions require that eastbound and westbound traffic on SR118 proceed at different times. This operation is the primary source of the congestion and delay being experienced. This split phase operation will be eliminated with the project.
- Realign Donlon Road Directly Opposite SR34/Somis Road – Existing Donlon Road between La Cumbre Road and SR118 will be closed and realigned directly opposite SR34/Somis Road. An eastbound left turn lane will be striped at realigned Donlon Road for access to the neighborhood to the north.

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**Ms. Laurel L. Impett**  
**Donlon Road Realignment Project in Ventura County – Preliminary Traffic**  
**Comments**  
**March 27, 2012**

- Increase Storage for Westbound Left Turns from SR118 to SR34 – The traffic signal at SR34/Somis Road will be modified to serve the westbound left turn movement twice, once at the beginning and again at the end of the green phase on SR118. This operation with timely green arrows provides storage for 11 westbound left turning vehicles, reducing the chance they would overflow the longer left turn lane and block the westbound through lane.

While the County's currently proposed improvements do not require any widening of SR118, the County must still obtain approval from Caltrans to implement them. While both agencies have nearly identical objectives for their separate projects to improve SR118/SR34, Caltrans is considering alternatives that will require more right-of-way to add lanes and widen the intersection. The County and Caltrans must work together rather than independently pursuing construction projects that would significantly disrupt traffic flow twice.

Over the last 12 years, the overall total peak hour intersection traffic counts have been relatively stable but there have been some variations in the turning and through volumes. While the County's Donlon Road Realignment Project largely addresses the traffic issues, the following two minor additions to the County's Project can be constructed within the existing right-of-way at nominal additional cost to provide an optimal intersection design for at least the next 20 years and probably longer.

- Lengthen Storage for Westbound Left Turns from SR118 to SR34 – To reduce the chance of vehicles overflowing the longer westbound left turn lane, consideration should be given to lengthening this lane to 350 feet. This would provide storage for up to 18 left turning vehicles and could be accomplished with minor pavement widening and nominal grading west of the small culvert crossing of SR118.
- Provide Eastbound Right Turn Lane from SR118 to SR34 – By adding a short eastbound right turn lane, the eastbound through vehicle demand on SR118 could be served more efficiently as additional time would be made available for the heavy westbound left turns. This could be accomplished with minor pavement widening and nominal grading.

Respectfully submitted,

Tom Brohard and Associates

*Tom Brohard*

Tom Brohard, PE  
Principal



## Timeline for Donlon Road Realignment Project | June 11, 2012

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- October 1983 Study for possible alternatives for Donlon Road
- October 1993 Grove's Property Owner's Association (GPOA) sent letter to Congressman Elton Gallegly concerning public safety at the corner of SR 118 and Donlon Road following the recent accidents at that intersection.
- Feb. 1994 Road alignment and cost estimate made for realignment of Donlon Road
- March, 1994 Road alignment and cost estimate revision made for realignment of Donlon Road, with Q 50 discharge information
- \*\*1999 Caltrans 118/34/Donlon Rd project received opposition from SOS
- \*\*2002 SOS took court action against Caltrans, requiring Caltrans to prepare an EIR for Caltrans project.
- Feb. 2009 Donlon Road realignment - new alternatives and cost estimate \$2.1 million
- \*\*Aug. 26, 2009 Caltrans public meeting re: EIR for Caltrans project
- October 5, 2009 Ltr from Butch Britt to Doug Failing – County to proceed with Donlon Realignment, separately as it will be more economical and efficient.
- Feb. 22, 2010 Rincon to prepare Environmental Document (EIR or IS/MND)
- Feb. 16, 2010 Hawks & Assoc. to prepare Hydrology and Hydraulics Study
- Sept. 1, 2010 Letter from Dave Fleisch to Mike Miles, Caltrans, stating County is pursuing Donlon project separate from Caltrans project.
- Sept. 2, 2010 Notice of Intent – 30 day review to October 11, 2010

\*\* Caltrans project

## Timeline for Donlon Road Realignment Project | June 11, 2012

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- Sept. 29, 2010 Request for Public Records from SOS (Shute, Mihaly & Weinberger)
- October Gather files, including electronic, for SOS to review and request copies. SOS reviewed files.
- October 7, 2010 Caltrans and County Meeting
- October 12, 2010 Second Notice of Intent – review extended to Nov. 11, 2011
- Nov. 4, 2010 Meeting w/SOS – concern traffic info in IS/MND not sufficient (Caltrans in attendance)
- Nov., 2010 ATE prepared Traffic Study
- Dec. 6, 2010 Letter to SOS for cost of copying County files (217 documents)
- April 26, 2011 NOI – Revised IS/MND w/ traffic study.
- May 10, 2011 Revised Notice of Intent– extending review period to June 10, 2011, phone request from Clyde Pratt.
- May 12, 2011 E-mail from Clyde Pratt requesting review period extension another 30 days.
- May 18, 2011 County response to extend the review period 15 days to June 10, 2011
- May 27, 2011 Meeting w/SOS re IS/MND
- June 10, 2011 Last day of public review period of IS/MND. Received SOS comments via Shut Mihaly & Weinberger.
- June 22, 2011 Meeting set with Rincon, to review SOS comments. Decided to revise environmental document to EIR.
- \*\*July, 2011 Proposed date for Caltrans Draft EIR review period
- Aug. 10, 2011 Notice of Preparation sent for EIR w/30 day comment period.

\*\* Caltrans project

## Timeline for Donlon Road Realignment Project | June 11, 2012

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- Nov. 15, 2011 Rincon submitted draft EIR for internal County review.
- Nov. 21, 2011 County hired Aspen Environmental Group for peer review of EIR.
- Dec. 14, 2011 Received Aspen's comments on Rincon's EIR. Forwarded those comments to Rincon to be addressed.
- Feb. 7, 2012 County met w/Rincon - received Rincon's responses to Aspen's comments. County gave direction to Rincon.
- Feb. 12, 2012 Received letter from Hawks that Caltrans recent culvert installation will not affect flows in channel.
- Feb. 29, 2012 Issued Notice of Availability of Draft EIR for public comment. Period open until April 14.
- April 9, 2012 Extended public comment until May 14.
- July 17, 2012 Tentative date for Board of Supervisors EIR Certification
- \*\*2020 Proposed funding for Caltrans project.

\*\* Caltrans project