

## **Diamond Springs Parkway Environmental Impact Report (EIR)**

### **Supplemental Staff Report**

This supplemental staff report is prepared to bring to the Board's attention several important issues raised during the public review period. The following staff report is not a comprehensive summary of each and every public comment, but is a commentary on several important issues. For the official CEQA response to each public comment, please refer to the Final EIR (FEIR).

#### Purpose of the Project

Multiple commenter's opined that existing traffic on SR-49 through Diamond Springs was acceptable or that the Diamond Springs Parkway Project (Project) would not improve the existing conditions. The Traffic Information Reissuance details in Table 4.12-3 that Pleasant Valley Road (SR-49/Main Street) east of Missouri Flat Road is LOS F in the existing (2010) conditions during the PM peak hour. This existing level of service exceeds El Dorado County's General Plan Policy TC-Xd. Furthermore, Table 4.12-7, shows two additional road segments, Missouri Flat Road south of Halyard Lane and Missouri Flat Road south of China Garden Road, would also operate at LOS F under the Cumulative (2030) scenario. The Project provides parallel capacity to SR-49 to improve the level of service on all of affected roadway segments to LOS E or better through 2030. The proposed Project would improve operations on several intersections to LOS E or better.

Several commenter's alleged that the Project is proposed for the benefit of retail development rather than to improve circulation and that this is a reason to deny the Project. The Department of Transportation (Department) agrees that one of the five objectives of the Project is to facilitate commercial development in the area. This is not a new objective, or one that is due to any one specific development. The proposed Project was included and evaluated in the Missouri Flat Master Circulation and Funding Plan (MC&FP). The MC&FP was adopted in 1998 as a comprehensive approach to fund and construct transportation infrastructure to facilitate future commercial and industrial development in the Missouri Flat area. Thus, Objective 1c was included as an objective of the proposed Project. Objective 1c states that one of the Project objectives is to improve roadway capacities "to support" anticipated retail and commercial development as envisioned in the MC&FP and incorporated into the 2004 General Plan.

#### Alternatives

Several comments stated that other alternatives should be analyzed. CEQA requires an appropriate range of alternatives to be considered, but does not require consideration of "every conceivable alternative" (CEQA Guidelines Section 15126.6(a)). Section 5 of the Draft EIR addresses the alternatives that have been considered for the proposed Project. In 1997, six alternatives were originally presented to the public and to the Board of Supervisors. The Draft EIR includes the proposed Project, four alternatives (including a No Project Alternative) and four

alternatives originally considered and rejected. The consideration of nine alternatives fulfills the “reasonable” range requirement.

Of the four alternatives considered, two alternatives were qualitatively determined to pose lesser impacts and two alternatives would pose greater impacts than the proposed Project (see DEIR Table 5-1). The No Project Alternative would result in fewer impacts, however does not meet any of the Project objectives or General Plan Policies. In the qualitative comparison of the proposed Project with Alternatives, Alternative C meets all proposed Project objectives and creates less environmental (air quality) impacts. Alternative C is along the same horizontal alignment as the Diamond Springs Parkway (Parkway), but at a lower vertical profile. Alternative C realizes a slightly smaller project footprint and results in overall smaller grading quantities. Accordingly, Alternative C has less temporary air quality impacts. Alternative C requires slightly less right of way purchases, although the reduced right of way take would not significantly alter the use or ability to develop the affected parcels as compared to the proposed Project. Although Alternative C results in less air quality impacts, the proposed Project does not cause significant air quality impacts. All potential environmental impacts of the proposed Project, including air quality, are proposed to be mitigated to less than significant.

As stated in the Draft EIR (DEIR), environmental issues are only a portion of the factors considered by decision-makers. Other factors of importance include economics, social factors and fiscal considerations. The proposed Project better fulfills the objective of supporting development envisioned in the MC&FP. As recognized in the cumulative projects section, there is a development application on file with the County for a commercial development, Diamond Dorado Retail Center (DDRC), adjacent to the proposed Project. The DDRC project, although not approved at this time, may provide commercial and economic growth in the Missouri Flat area. The proposed project varies from Alternative C in elevation only, not horizontal alignment. The elevation of the proposed project was designed to be compatible with the proposed, adjacent Diamond Dorado Retail Center (DDRC) and balances the earthwork between the two projects such that neither project is required to import or export soil. If DDRC is approved, this balanced earthwork would reduce the construction costs and air quality impacts of both projects cumulatively. Alternative C was designed to balance the earthwork of the proposed project only. By providing compatibility with the proposed DDRC, the proposed project has more potential to support economic growth within the Missouri Flat area and, therefore, better fulfills the project objective 1c. As such, the higher vertical profile was selected by the County and analyzed as the proposed Project.

#### Impacts to Directly- Affected Properties

Mr. Lee Dobbs, General Manager of Kamps Propane, stated concerns about potential impacts to their existing business on Bradley Drive. The proposed Project includes a Truck-Bradley connector road to provide secondary access for Bradley Drive, since Bradley Drive is proposed to be terminated at Throwita Way due to insufficient intersection spacing. The location of the Truck-Bradley connector was selected to run between Kamps building and propane tanks since this location would not impact existing structures.

Mr. Barry Brewer expressed concerns of economic hardship due to the reduced size of his vacant industrial lots along Bradley Drive due to the required right of way acquisitions.

Individual economic impacts are not considered environmental impacts under CEQA (CEQA Guidelines Section 15131). State law prohibits the County from acquiring right of way for potential roadways until the CEQA analysis has been completed. After the Project is approved, the County may proceed with the right of way acquisition process. State and federal laws require the County to compensate land owners for fair market value, including the consideration of property damages, loss of use and uneconomic remnants.

#### Economic Impact to Diamond Springs

Several commenter's suggested that the Project would create adverse economic impacts for the general community of Diamond Springs. CEQA does not typically consider economic impacts, unless the economic impacts create such substantial physical deterioration in an area that it causes "blight". A main objective of the Project is to provide parallel capacity and alternate access to US-50/Missouri Flat Road due to the existing deficient capacity of Pleasant Valley Road (SR-49/Main Street) through Diamond Springs. State Route 49 will still direct traffic through downtown Diamond Springs. While the reduction in vehicle trips may result in a reduction of pass-by trips, there is no evidence in the administrative record to support that the reduction in trips would cause such a significant degradation that it would result in blight. Therefore, this issue is not analyzed in the EIR. However, the policy concern about whether the Project would be good or bad for Diamond Springs and the merchants and residents in the area is an issue for the Board to consider.

#### Growth Inducing Impact to Diamond Springs

Conversely, a repeated public concern was that the Project would induce growth and development in the area. The proposed Project has been sized to accommodate the growth that the 2004 General Plan EIR forecasted would occur in the area through 2025. The Traffic Impact Analysis extrapolated the growth forecast until 2030. The EIR concluded that the proposed Project would allow for and facilitate future growth as allowed under the General Plan. Furthermore, DEIR Section 6.3 analyzes the overall cumulative impacts of other past, present and probable future projects.

#### Project's Relationship with proposed Diamond Dorado Retail Center

Commenter's alleged that the Project is specifically being constructed for the benefit of the Diamond Dorado Retail Center (DDRC), a proposed commercial development along the proposed Project. The Project has been planned and analyzed for over fifteen years. The objectives of the connector has remained the same: to serve as a link for moving traffic between Missouri Flat Road and SR-49/Diamond Road, reduce congestion on Pleasant Valley Road (SR-49) through the historic community of Diamond Springs, improve access to southeast county for commuters and tourism, and support industrial and commercial growth in the Missouri Flat area. The Project has been included in multiple programming documents, including the MC&FP, the 2004 General Plan Traffic Impact Mitigation Fee Program and the Department's Capital Improvement Program. Although the Project supports development and is funded by residential, commercial and industrial development fees, the Project is not

specifically developed in anticipation of any single future project. Approval of the proposed Project would not predispose the approval of DDRC, which is being fully analyzed in its own EIR and which will be fully considered by the County Planning Commission and Board of Supervisors in accordance with the County's General Plan policies. Nor would the denial of DDRC change the Departments recommendation that this Project be approved and constructed.

Some of the commenter's' concerns seem to stem from the fact that the DDRC developer, GGV Missouri Flat, LLC (GGV), provided some of the initial environmental and engineering studies to advance the Project using the "T" alignment from the County's previous alignments study. However, all work was performed in consultation and with the cooperation of the County. When the County elected to contract directly with the consultants to complete the environmental and design studies, the County entered into a reimbursement agreement with GGV. Under the reimbursement agreement, ownership rights of the work and deliverables completed under contract with GGV were assigned to the County. Reimbursement was advanced early, prior to the completion of construction, in consideration of GGV providing irrevocable offers of dedication for rights of way necessary for the construction of the Project. The terms of the executed reimbursement agreement have been fulfilled by both parties.

#### Potential Consultant Conflict of Interest

Comments to the DEIR also expressed concerns regarding a potential conflict of interest regarding Michael Brandman Associates' (MBA) ability to complete environmental studies for both the Project and DDRC. Throughout MBA's involvement in the Project, MBA has adhered to CEQA guidelines, County policies and Caltrans traffic requirements, whether under their contract with GGV or their subsequent contract directly with the County. CEQA requires that an EIR provide an objective and impartial analysis of potential environmental impacts and inform the Lead Agency and the public before a project is considered for either approval or denial. The FEIR fully analyzes and mitigates the impacts of the Project. The Draft EIR, Traffic Information Reissuance and FEIR for the Project were reviewed by County staff prior to public release. The County has determined that the EIR is adequate and meets the requirements of CEQA, the CEQA Guidelines and relevant case law.

The County was aware that MBA was also currently working under contract to GGV on the separate Diamond Dorado Retail Center project. MBA is a professional, environmental consulting firm with no financial interest in the approval or implementation of either project. It is staff's professional opinion that there is no conflict of interest with MBA preparing EIRs for both the Project and the Diamond Dorado Retail Center.

#### Conclusion

The FEIR concluded that all environmental impacts of the Project are reduced to less than significant with the proposed mitigation measures outlined in the Mitigation Monitoring and Reporting Plan. The Project will not result in any significant environmental impacts. However, the Department has summarized several issues

and non-CEQA impacts raised by the public for the Board's consideration of approval of the project as described in the EIR.