

## Master Response 6: Cumulative Conditions on Broadway

This master response addresses the issues comments raise with respect to cumulative traffic conditions on the Broadway corridor analyzed in the Draft EIR and the corresponding Traffic Impact Study.

The Draft EIR addresses this topic area in Chapter IV.O, Transportation; see especially the discussions under Impact O-1 (traffic increases on the street system) and Impact O-8 (cumulative increases in traffic). This master response addresses all or part of the following comments: 16-22, 16-78, 16-106, 16-109, 16-111, 16-279, 16-306, 47-2, 52-8, 84-1, 95-10, and 125-8

Comments state that traffic congestion on Broadway is already an issue and that the roadway is operating at capacity. They suggest that project-generated traffic would substantially degrade traffic conditions on Broadway. In addition, comments request additional information related to the implementation of mitigation measures on Broadway, especially related to financing and phasing. Comments specifically state that:

- The identified mitigation measures work in conjunction with each other, improving traffic flow up and down U.S. 101 as a coordinated system. Therefore, they cannot be implemented piecemeal.
- Two-way traffic entering and leaving the proposed project in reduced or full configuration would do nothing but snarl traffic both ways on Broadway.
- Broadway was not planned for intense, high-frequency access. The proposed project would generate traffic congestion with automobiles and truck traffic.
- The project would only be liable for its “fair share” of costs for identified mitigation on Broadway, and no other funding sources are identified, leaving unmitigated traffic impacts on Broadway.

### Response

As presented under Cumulative Impacts on page IV.O-48 of the Draft EIR, traffic volumes on Broadway are projected to increase significantly over existing levels. Traffic since 1980 has increased, on average, approximately 1.5 percent per year, and would likely continue to do so with or without the proposed project. In addition, historical traffic count data collected between 1994 and 2004 on Broadway were also consulted, which identified little growth. Although year to year the growth is uneven, the annual average growth is 1.5 percent per year. Compounded over the 19 years for this analysis (2006 to 2025), a 33 percent increase in traffic would be expected by 2025 with or without the proposed project.

Much of the cumulative traffic increases that are anticipated in the traffic impact study would occur from development at various locations along Broadway (U.S. 101) in Eureka. Cumulative volumes were estimated by adding trips from other known development projects to the study intersections. Known projects were defined as currently identified projects in various stages of the

entitlement process, and are illustrated on Figure IV.O-13 of the Draft EIR, and their estimated trip generations are shown in Table IV.O-9.

Further, as stated on page IV.O-51 of the Draft EIR, the analysis of future traffic also examined the correlation between the growth in population and the growth in traffic from 1985 through 2000. The correlation is statistically significant, and the forecast increase in population of the Arcata-Eureka-Fortuna developed area also supports the analytical assumption that traffic on Broadway would increase by approximately 33 percent by 2025.

As stated on page IV.O-54 of the Draft EIR, the analysis identified Mitigation Measures O-8a and O-8b that would implement circulation improvements within the Caltrans right-of-way. However, the Project Applicant would only be required to pay the project's fair share, and there is no program in place or funding otherwise identified to ensure completion of the mitigation measures within the time period necessary to avoid the impacts. Mitigation Measures O-8a and O-8b are necessary to address full build-out of the project along with cumulative projects in the region under traffic conditions anticipated in 2025.

As noted on page IV.O-54 of the Draft EIR, there is no program in place or funding otherwise identified at this time to ensure completion of the mitigation measures within the time period necessary to avoid significant cumulative impacts, including those on Broadway. However, these improvements are not necessary for some time in order to avoid the impact. Consequently, it is impractical to develop a precise calculation of the project's fair share at this time. For example, the capital costs of undertaking the improvements and regional transportation needs could change dramatically between now and when the fair share contribution must be paid.

In any event, this limit arises from the constitutional principle of "rough proportionality," and the inability of the City to impose mitigation beyond the project's fair share. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.Fourth 342 ("Any mitigation measure must be 'roughly proportional to the impacts of the project.'") (citing CEQA Guidelines Section 15126.4(a)(4)(B)).) Here, the project's fair share contributions to the traffic improvements would be derived based on the percentage of vehicle trips through a given intersection or roadway segment resulting from the project. And despite the proportional share limitation, the Project Applicant has agreed to install many of the improvements for which the project is not solely responsible, subject to credit or reimbursement towards future transportation or other fees. Consequently, the project-level measures are enforceable and would be installed by the Project Applicant with construction of the project. (See, e.g., Mitigation Measures O-1c through O-1k.) CEQA does not require that the Project Applicant or Lead Agency specify the precise, fair share amounts at the EIR stage. It is enough to show the commitment to mitigate the impact or, if mitigation is not feasible, to make the finding that the impact is significant and unavoidable.

While the Project Applicant is only required to pay its fair share, and there is no program in place or funding otherwise identified to ensure completion of all mitigation measures, to ensure that the improvements are completed within the necessary time period to reduce or avoid impacts that can be reduced or avoided, mitigation measures would be installed by the Project Applicant under a

reimbursement agreement with the City or other method for receiving credit against future improvements. The reimbursement agreement would fully address how the developer would be compensated for providing more than the developer's fair and equitable share of mitigation costs. These can include establishing a traffic impact fee program based upon the type and size of future development or other financing mechanisms for fronting the costs of mitigation for which the developer is only partially responsible. Please see response to comment 52-29 in Chapter 3 of the Final EIR for further discussion of fair share contributions.