

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 6, 2012

Reference No.: 2.2c. (1)  
Action

From: BIMLA G. RHINEHART  
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LA PATA AVENUE GAP  
CLOSURE AND CAMINO DEL RIO EXTENSION PROJECT (RESOLUTION E-12-69)**

## **ISSUE:**

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the La Pata Avenue Gap Closure and Camino Del Rio Extension Project in Orange County and approve the project for future consideration of funding?

## **RECOMMENDATION:**

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

## **BACKGROUND:**

The County of Orange (County) is the CEQA lead agency for the project. The project is located in the County and the City of San Clemente. The project will widen and extend La Pata Avenue from 750 feet south of State Route (SR) 74 in the unincorporated County to Calle Saluda in the City of San Clemente, as well as extend Camino Del Rio as a four lane roadway to the proposed extension of La Pata Avenue. The FEIR for the project was approved and certified by the Orange County Board of Directors on May 24, 2011. According to the County, the NEPA process will be complete in March 2013.

The FEIR determined that impacts related to traffic, air quality, and noise would be significant and unavoidable as follows:

- Traffic impacts relate to significant and unavoidable impacts at the northbound Interstate-5 (I-5)/Avenida Pico intersection for the 2035 without SR 241 extension scenario. Caltrans is preparing a Project Study Report for the I-5/Avenida Pico interchange to evaluate improvements needed to ensure that the ramps operate at an acceptable Level of Service; however, these improvements are not planned and funding is not allocated for implementation. Additionally,

these projects are within the control and jurisdiction of agencies other than the County. Although the implementation of mitigation would minimize long-term traffic impacts, these planned and anticipated improvements cannot be assumed to occur and therefore the project's significant traffic impacts are considered unavoidable and may contribute to cumulative traffic impacts in the local circulation network.

- Air quality impacts relate to local and regional criteria pollutants that will exceed the South Coast Air Quality Management District (SCAQMD) significance thresholds during construction with the potential for the project's construction emissions to contribute to cumulative short-term air quality impacts despite the implementation of all feasible mitigation measures.
- Noise impacts relate to six existing residences that may be exposed to traffic noise levels exceeding the City of San Clemente's exterior noise standard under the 2035 future build conditions. Construction of sound barriers as stipulated in the Mitigation Monitoring and Reporting Plan would reduce noise levels; however, implementation of sound walls on private property is not within the jurisdiction of the County or the City of San Clemente and cannot be assumed to occur. Therefore, the project's significant traffic noise impacts are considered unavoidable.

Findings of Fact were developed which provide that mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible. The County adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the project on May 24, 2011. The County found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, eliminating an existing gap in the County arterial highway system; implementing a major component of the County Master Plan of Arterial Highways; providing a parallel roadway to Interstate-5 in southern Orange County; providing arterial access to existing and proposed developments including a future regional park site at Prima Deshecha Landfill; improving the performance of four intersections from unacceptable to acceptable level of service; providing an alternative access route to I-5 for local traffic; improving local circulation, emergency access and evacuation; facilitating local inter-community circulation and improving access to schools, commercial areas, and recreational activities; reducing Vehicle Miles Travelled and greenhouse gas emissions compared to future conditions without the project; providing increased roadway network capacity to support the travel demand for the 2035 design year; and minimizing impacts to utility transmission infrastructure. The County established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

The project will be constructed in phases. Phase I of the project will construct a new four lane roadway from the existing terminus at the Prima Deshecha Landfill to Calle Saluda and is programmed in the SLPP program of projects. On September 28, 2012 the County provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission.

Phase I of the project is estimated to cost \$48,000,000. The project is funded with SLPP (\$5,110,000) funds and Local (\$42,890,000) funds. Construction of is estimated to begin in fiscal year 2013/14.

Attachment

- Resolution E-12-69
- Findings of Fact & Statement of Overriding Considerations
- Project Location

# CALIFORNIA TRANSPORTATION COMMISSION

## Resolution for Future Consideration of Funding 12 – Orange County Resolution E-12-69

- 1.1 **WHEREAS**, the County of Orange (County) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
  - La Pata Avenue Gap Closure and Camino Del Rio Extension Project
- 1.2 **WHEREAS**, the County has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will widen and extend La Pata Avenue from 750 feet south of State Route (SR) 74 in the unincorporated County to Calle Saluda in the City of San Clemente, as well as extend Camino Del Rio as a four lane roadway to the proposed extension of La Pata Avenue; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to air quality, traffic/circulation, and noise make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the County adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the County adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

## EXHIBIT D

### STATEMENT OF OVERRIDING CONSIDERATIONS

#### **La Pata Avenue Gap Closure and Camino Del Rio Extension Project Final EIR**

The County of Orange adopts the following Statement of Overriding Considerations:

"The California Environmental Quality Act requires the lead agency to balance the economic, legal, social, technical, or other benefits, including regionwide or statewide environmental benefits of the project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technical, or other benefits, including regionwide or statewide environmental benefits outweigh the unavoidable adverse effects, those adverse effects may be considered 'acceptable' (CEQA Guidelines Section 15093[a]). CEQA also requires the agency to state in writing, the specific reasons to support its decision to consider a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations."

The County intends to approve the La Pata Avenue Gap Closure and Camino Del Rio Extension project and has prepared a Final Environmental Impact Report (FEIR) that satisfies CEQA requirements. The following adverse impacts of the project are considered significant and unavoidable, based on the findings contained in the Draft Environmental Impact Report (DEIR), FEIR, Mitigation Monitoring Program, and the findings presented in this document.

Significant unavoidable effects of the proposed project include traffic impacts, construction air quality impacts, and operational noise impacts.

The County finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and benefits of the proposed project outweigh the unavoidable adverse environmental effects of the project, and is an overriding consideration independently warranting project approval. The OCDPW finds that the significant unavoidable impacts of the project are overridden by each of these considerations, standing alone. The significant unavoidable environmental effects remaining after adoption of mitigation measures are considered acceptable in light of these benefits of the project included in the overriding considerations.

The following specific benefits of the proposed project will outweigh the significant adverse environmental effects identified in the FEIR:

1. Eliminate an existing gap in the County of Orange (County) arterial highway system by establishing a connection between State Route 74 (SR-74) to the north and Avenida Vista Hermosa to the south in a manner that is consistent with adopted plans and that minimizes disruption to the existing and planned built and natural environment;
2. Implement a major component of the County Master Plan of Arterial Highways (MPAH), the Transportation Element of the County General Plan, the Circulation Elements of the San Clemente General Plan, and Specific Plans for Talega and Forster Ranch;

## EXHIBIT D

3. Provide a parallel roadway to Interstate 5 (I-5) in southern Orange County; and provide arterial access to existing and proposed developments in Forster Ranch, Talega, Rancho Mission Viejo (RMV), and the Prima Deshecha Landfill (proposed to ultimately become a regional park);
4. Improve the performance of four intersections from unacceptable level of service to acceptable level of service in the year 2016 scenario including La Novia/I-5 northbound ramps. In the year 2035, without the State Route 241 (SR-241) extension circulation network, 11 intersections are forecast to operate at an unacceptable level of service without the project, including the intersections of Avenida Talega/Avenida Vista Hermosa, Camino Vera Cruz/Avenida Vista Hermosa, and I-5 northbound and southbound ramps at Junipero Serra;
5. Provide an alternative access route to I-5 for local traffic, improve local circulation, and improve emergency access and evacuation;
6. Facilitate local inter-community circulation and improve access to schools, commercial areas, and recreational amenities;
7. Reduce vehicle miles traveled (VMT) and greenhouse gas emissions compared to future conditions without the project;
8. Provide increased roadway network capacity to support the forecast travel demand for the 2035 design year; and
9. Minimize impacts to utility transmission infrastructure.

The County has independently considered the significant and unavoidable environmental impacts of the proposed projects and concurs with the statement above. For the reasons given above, the County finds that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects of the project, and the adverse environmental effects are considered acceptable when these benefits of the project are considered.



# AVENIDA LA PATA



OC PUBLIC WORKS

OC ROADS

## LOCATION MAP

La Pata Avenue Gap Closure and  
Camino Del Rio Extension Project  
Ortega Highway to Calle Saluda