

Memorandum

Tab 50

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 2016

Reference No.: 2.2c.(4)
Action

From: SUSAN BRANSEN
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ORANGE COUNTY
STREETCAR PROJECT (RESOLUTION E-16-61)**

ISSUE:

Should the California Transportation Commission (Commission), as a Responsible Agency, accept the Final Environmental Impact Report (FEIR) for the Orange County Streetcar Project (Project) in Orange County for future consideration of funding?

RECOMMENDATION:

Staff recommends the Commission accept the FEIR and approve the project for future consideration of funding.

BACKGROUND:

The City of Santa Ana is the California Environmental Quality Act (CEQA) lead agency for the Project. The proposed Project involves the construction of a new east-west transit line in Orange County between the Santa Ana Regional Transit Center (SARTC) in the City of Santa Ana and the Harbor/Boulevard/West Minister Avenue Intersection in the City of Garden Grove.

On January 20, 2015 the Santa Ana City Council adopted the Final Environmental Impact Report (FEIR) for the Orange County Streetcar Project under CEQA.

The FEIR determined that impacts related to regional construction emissions and localized construction emissions would be significant and unavoidable during the first and second year of construction activities.

The City found that there were several benefits that outweighed the unavoidable adverse environmental effects of the Project. These benefits include overriding economic, legal, social and technological considerations that outweigh the identified significant effects on the environment. The City cited benefits related to improved transit connectivity within the Orange County area; congestion relief by providing alternative mobility options; and the Project's support of economic vitality and redevelopment opportunities for the community and region through a transit-oriented focus.

On July 21, 2016, the City confirmed that the FEIR remains valid and that there are no new identified impacts requiring mitigation since adoption. The City also confirmed that the preferred alternative set forth in the final environmental document is consistent with the Project scope of the work programmed by the Commission.

The Project from Santa Ana to Garden Grove will create a transit system that integrates seamlessly with the community, provides connections to regional Metrolink and Amtrak commuter rail services at the SARTC, and is compatible with the established urban character. The Project aims to:

- Improve transit connectivity within the study area;
- Relieve congestion by providing alternative mobility options;
- Be sensitive to the character of the community;
- Increase transit options;
- Improve transit accessibility to and within the study area; and
- Provide benefits to the environment through improved air quality.

The Project is estimated to cost \$297,910,000 and is fully funded through construction with Federal New Start Funds (\$148,960,000), Federal Transit Administration (FTA) Funds (\$4,090,000), Congestion Mitigation and Air Quality Program (CMAQ) Funds (\$53,030,000), Transit and Intercity Rail Capital Program (TIRCP) Funds (\$40,000,000) and Measure M2 Funds (\$51,830,000). Construction is estimated to begin in Fiscal Year 2016/17.

Attachments

- Resolution E-16-61
- Project Location Map
- Statement of Overriding Consideration

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 12– Orange County Resolution E-16-61

- 1.1 **WHEREAS**, the City of Santa Ana (City) has completed a Final Environmental Impact Report (FEIR) pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Orange County Streetcar Project
- 1.2 **WHEREAS**, the City has certified that the Final Environmental Impact Report was completed pursuant to CEQA and the CEQA Guidelines; and
- 1.3 **WHEREAS**, the project involves the construction of a new east-west transit line in Orange County between the Santa Ana Regional Transit Center (SARTC) in the City of Santa Ana and the Harbor/Boulevard/West Minister Avenue Intersection in the City of Garden Grove; and
- 1.4 **WHEREAS**, the project is located in Orange County on the 4.15-mile route that connects the SARTC to Harbor Boulevard and Westminster Avenue in Garden Grove; and
- 1.5 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.6 **WHEREAS**, the City on January 20, 2015, adopted the FEIR; and
- 1.7 **WHEREAS**, the City on July 21, 2016, confirmed that the FEIR remains valid with no new identified impacts; and
- 1.8 **WHEREAS**, the City determined that impacts related to regional construction emissions and localized emissions would be significant and unavoidable during the first and second year of construction activities; and
- 1.9 **WHEREAS**, the City adopted a Statement of Overriding Considerations for the project finding that the project benefits outweigh the unavoidable adverse environmental effects; and
- 2.0 **WHEREAS**, the City adopted a Mitigation Monitoring and Reporting Program for the project; and
- 2.1 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations; and
- 2.2 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report and approves the above referenced project to allow for future consideration of funding.

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attn: Jose Oseguera
1120 N Street
Sacramento, CA 95814
(916) 653-2094

Subject: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code.

Orange County Streetcar Project
Project Title

2010051060

Jason Gabriel

(714) 647- 5664

State Clearinghouse Number

Lead Agency Contact Person

Area Code/Telephone

Project Location (include county): The project is located in Orange County on the 4.15-mile route that connects Santa Ana Regional Transit Center to Harbor Boulevard and Westminster Avenue in Garden Grove.

Project Description: The proposed project involves the construction of a new east-west transit line in Orange County between the Santa Ana Regional Transit Center (SARTC) in the City of Santa Ana and the Harbor/Boulevard/West Minister Avenue Intersection in the City of Garden Grove.

This is to advise that the California Transportation Commission has approved the above described project on August 18, 2016 and has made the following determinations regarding the above described project:
(Lead Agency/ Responsible Agency)

1. The project (will/ _____ will not) have a significant effect on the environment.
2. An Environmental Impact Report and Addendum was prepared for this project pursuant to the provisions of CEQA.
_____ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (were/ _____ were not) made a condition of the approval of the project.
4. Mitigation reporting or monitoring plan (was / _____ was not) adopted for this project.
5. A Statement of Overriding Considerations (was / _____ was not) adopted for this project.
6. Findings (were/ _____ were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: 20 Civic Center Plaza, Santa Ana, CA 92702

SUSAN BRANSEN

Signature (Public Agency)

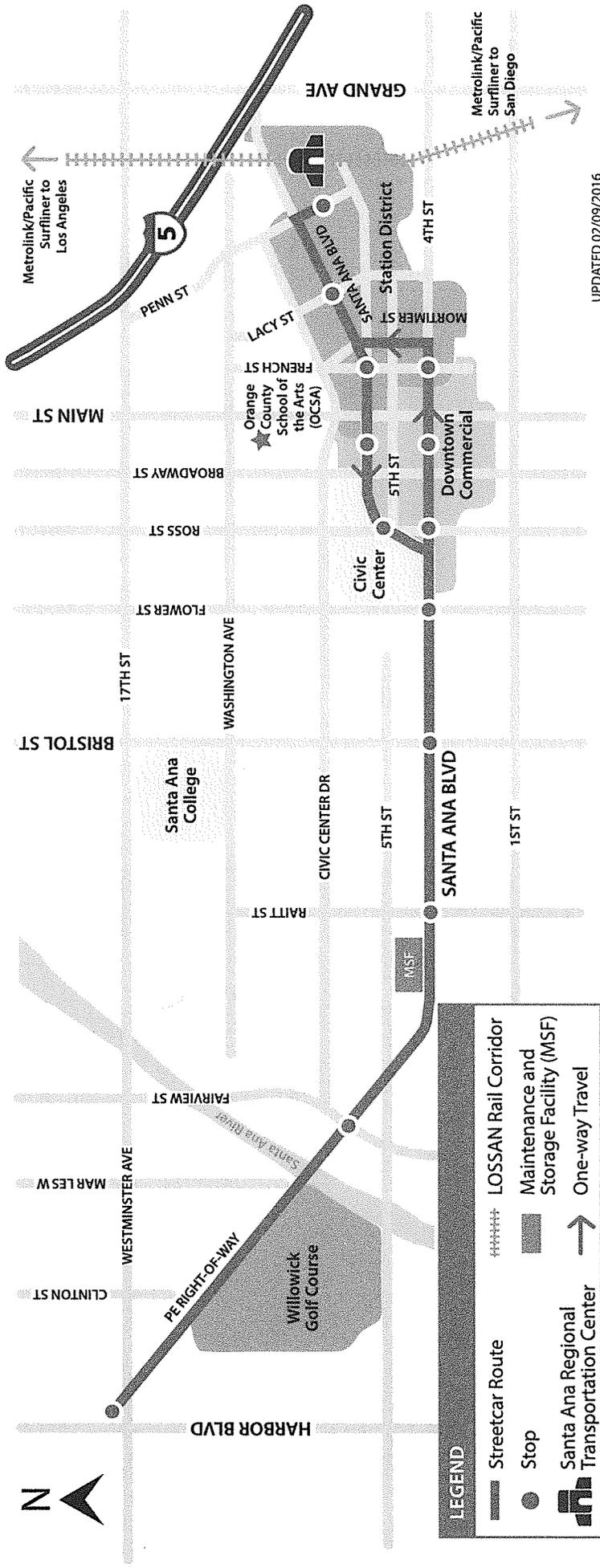
Date received for filing at OPR:

Date

Executive Director

California Transportation Commission

Title



UPDATED 02/09/2016

MetroLink/Pacific
Surfliner to
Los Angeles

MetroLink/Pacific
Surfliner to
San Diego

LEGEND

-  Streetcar Route
-  Stop
-  Santa Ana Regional Transportation Center
-  LOSSAN Rail Corridor
-  Maintenance and Storage Facility (MSF)
-  One-way Travel



Findings for Mitigation Measures

Mitigation Measures for the proposed project have been identified in the Mitigation Monitoring and Reporting Program. None of the recommended measures that are within the City of Santa Ana jurisdiction have been rejected. To the extent that these findings conclude that various proposed Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program are feasible and have not been modified, superseded or withdrawn, the City of Santa Ana hereby binds itself to implement or, as appropriate, require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City of Santa Ana adopts a resolution approving the proposed project.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be identified among the selected alternatives. If the No Build Alternative is identified as the environmentally superior alternative, the identification of the next best environmentally superior alternative must be identified. As described in the EA/DEIR and the REA/FEIR, the No Build Alternative has been found to have the least amount of environmental impacts and is the environmentally superior alternative. Of the remaining alternatives, the TSM Alternative is the CEQA environmentally superior alternative because no impacts were identified in the EA/DEIR. However, the City hereby finds that the TSM alternative would not achieve the project's basic objectives and thereby rejects this alternative.

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The REA/FEIR has identified and discussed significant environmental effects that will occur as a result of implementation of the proposed project. With implementation of feasible mitigation measures, standard conditions, and/or BMPs, as discussed in the REA/FEIR, these effects can be mitigated to levels considered less than significant except for the significant impacts related to regional construction emissions and localized construction emissions, as described above in Section 6 of this document. Specifically, implementation of the proposed project would result in the following significant impacts even after imposition of all feasible mitigation measures, standard conditions, and/or BMPs and would require adoption of a Statement of Overriding Considerations:

- Construction emissions associated with the proposed project would result in exceedance of the SCAQMD's NO_x threshold for construction activities for the years 2012 and 2013 and, as such, would result in a significant regional air quality impact. Implementation of Mitigation Measure **AQ1** would reduce NO_x emissions, although emissions would still exceed the SCAQMD significance threshold.
- Construction emissions of PM₁₀ were found to exceed the SCAQMD's Localized Significance Thresholds and would, therefore, result in a local air quality impact to sensitive receptors in the vicinity of the O & M Facility. The proposed project is subjected to SCAQMD Rule 403 (Fugitive Dust), which requires that dust control measures (i.e., watering, offsite dirt trackout, and haul truck freeboard clearance) be applied to minimize the generation of fugitive dust during construction activities. Despite the application of these

dust control measures, PM₁₀ emissions are still anticipated to exceed the SCAQMD's localized significance thresholds. No other feasible mitigation measures, standard conditions, or BMPs exist that would reduce this impact.

- In accordance with SCAQMD methodology, projects that would result in a significant impact for either regional or localized air pollutant emissions would contribute toward a cumulative impact. Cumulative projects within the Study Area and the surrounding area would include redevelopment of existing uses, as well as development of new commercial and residential uses. As the proposed project would result in a regionally and localized significant impact during construction for both NO_x and PM₁₀ emissions, it is anticipated that continued development (and associated construction activities) located predominately within the City of Santa Ana would also result in regional and localized air quality impacts. Therefore, the contribution of the proposed project to this air quality construction impact would be cumulatively considerable. No other feasible mitigation measures, standard conditions, or BMPs exist that would reduce this cumulatively considerable impact.

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

- a. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to CEQA Section 15091.

Having considered the unavoidable adverse significant impacts of the proposed project, the City Council hereby determines that all feasible mitigation measures have been adopted to minimize, substantially reduce, or avoid the significant impacts identified in the REA/FEIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the City Council finds that economic, social, and other considerations of the proposed project outweigh the significant and unavoidable impacts described above, and adopts the following Statement of Overriding Considerations. In making this Finding, the City Council has balanced the benefits of the proposed project against its significant and unavoidable environmental impacts and has indicated its willingness to accept those impacts.

The following statements are in support of the City Council's action based on the REA/FEIR and/or other information in the record. The following project objectives identify the benefits of project implementation:

- To improve transit connectivity within the Study Area;
- To relieve congestion by providing alternative mobility options;
- To be sensitive to the character of the community;
- To increase transit options;
- To improve transit accessibility to and within the Study Area; and
- To provide benefits to the environment through improved air quality.

The City Council finds the project objectives would include benefits to the City of Santa Ana. In addition to these project objectives, the following benefits constitute an overriding consideration warranting approval of the proposed project despite the significant and unavoidable environmental effects. The City Council finds that the project benefits derived from the project objectives identified above, as well as those listed below, are each individually and separately sufficient to outweigh all of the proposed project's significant and unavoidable impacts.

- The proposed project would support local plans for transit-oriented development (TOD). The City of Santa Ana recognizes that land use, economic opportunity, and transportation planning go hand in hand. Over the last several years, the City of Santa Ana has implemented TOD in the area adjacent to SARTC. Santa Ana's Transit Zoning Code, which encompasses 450 acres within the Study Area, supports mixed-use development and provides a transit-supportive, pedestrian-oriented development framework to reduce vehicle trips and greenhouse gas emissions.
- The proposed project would support economic vitality and foster redevelopment opportunities. The City of Santa Ana recognizes the importance of public investment in infrastructure as a catalyst for economic development. In the competitive Orange County marketplace, transportation infrastructure projects that improve access and mobility enhance the attractiveness of neighborhoods and provide a competitive edge for nearby businesses. Therefore, an important element of the City's integrated transportation-land use vision is the provision of transit service that is continuous and reliable, as well as a permanent and visible fixture for transit users and the community. Such service would improve visibility and access to existing economic activity centers and areas targeted for redevelopment. Connectivity to these key existing and future development areas is one of the most critical aspects of the SA-GG Fixed Guideway Project. In recent years, the City of Santa Ana has taken active steps to revitalize its downtown area to attract new businesses, customers, and visitors, utilizing a design scheme that fosters walkability and transit use. The Artist's Village and the East End Promenade in Downtown Santa Ana are prime examples of this effort. Moreover, the recent adoption of the Transit Zoning Code by the City of Santa Ana provides the policy foundation for redevelopment activities specifically targeted to the SA-GG Fixed Guideway Project. However, constrained access continues to be a challenge for the area. To the west, the City of Garden Grove continues to promote economic development along the Harbor Boulevard Corridor (International West). The proposed transportation investment is intended to support economic vitality and foster redevelopment opportunities within the

Study Area by improving access and connectivity within the Study Area, and between the Study Area and the surrounding region. This, in turn, will improve visibility and enhance access to Study Area land uses, and promote business activity. It will strengthen existing development and foster new opportunities for mixed-use development and transit-supportive residential products, and regionally significant resort and entertainment venues in areas such as the Willowick Public Golf Course and the southern end of the Harbor Boulevard Corridor.

- The proposed project would fulfill Santa Ana’s overall vision for the Study Area, including a transit system that integrates seamlessly with the community and that is compatible with the established urban character.