

Memorandum

To: CHAIR AND COMMISSIONERS

Date: April 27, 2009

From: BIMLA RHINEHART
Executive Director

File: Book Item 2.2c (7)
Action

Ref: Final Environmental Impact Report – Katella Avenue Super Street Project (Resolution E-09-32)

ISSUE: Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations to allow the Katella Avenue Super Street Project to be considered for future funding?

RECOMMENDATION: Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations for the Katella Avenue Super Street Project (project) and approve the project to allow for future consideration of funding.

BACKGROUND: The County of Orange (County) was requested by the Orange County Transportation Authority (OCTA) to serve as the Lead Agency under CEQA for this project. The Orange County Board of Supervisors (Board) approved the FEIR and adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Measures/Monitoring and Reporting Program on February 2, 1993. The Board found that unavoidable significant impacts related to transportation, aesthetics, land use and noise are clearly outweighed by the economic, social, and other benefits of the project.

The project includes improvements to a 14.3 mile segment of Katella Avenue in Orange County between Interstate 605 and State Route 55. The stretch of Katella Avenue to be improved extends from the San Gabriel River Freeway (I-605) in the west to Tustin Avenue in the east, and traverses areas of unincorporated Orange County and the cities of Los Alamitos, Cypress, Stanton, Garden Grove, Anaheim and Orange.

The proposed project includes intersection widening improvements, mid-block widening in some locations, on street parking prohibition, lane re-striping and bus turnouts within an approximately 120 foot roadway cross section. These measures will provide additional capacity, improve traffic flow, and upgrade the safety and efficiency of the roadway.

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The FEIR provides environmental clearance for two projects that are anticipated to be funded through the Proposition 1B State and Local Partnership Program (SLPP) as follows:

Katella Avenue Smart Street, Humor Drive to Jean Street

This project will be implemented by the City of Anaheim and includes improvements such as modifying curb line and striping to widen Katella Avenue from 4 to 6 lanes (2.2 new lane miles), adding raised medians, and widening the intersection with Brookhurst Street to add additional turn pockets and lanes, bus turnouts, and through lanes. On March 10, 2009 the City of Anaheim made a determination that the FEIR completed on February 2, 1993 is adequate for the purposes of compliance with CEQA.

The project is estimated to cost \$10,200,000 and is anticipated to be funded with Proposition 1B State and Local Partnership (\$3,700,000), Proposition 1B Local Streets and Road (\$1,800,000) and Local (\$4,700,000) funds. Construction is estimated to begin in fiscal year 2008/09.

Katella Avenue Smart Street, Jean Street to Stanton Channel

This project will be implemented by the County of Orange and will widen Katella to six lanes with raised medians and turnouts between Stanton Channel and Jean Street (2.8 new lane miles). On August 22, 2007 the City of Stanton made a determination that the FEIR completed on February 2, 1993 is adequate for the purposes of compliance with CEQA.

The project is estimated to cost \$8,999,999 and is anticipated to be funded with STIP (\$992,262), Proposition 1B State and Local Partnership (\$2,299,189), Proposition 1B Local Streets and Roads (\$3,093,610) and Local (\$2,614,938) funds. Construction is estimated to begin in fiscal year 2008/09.

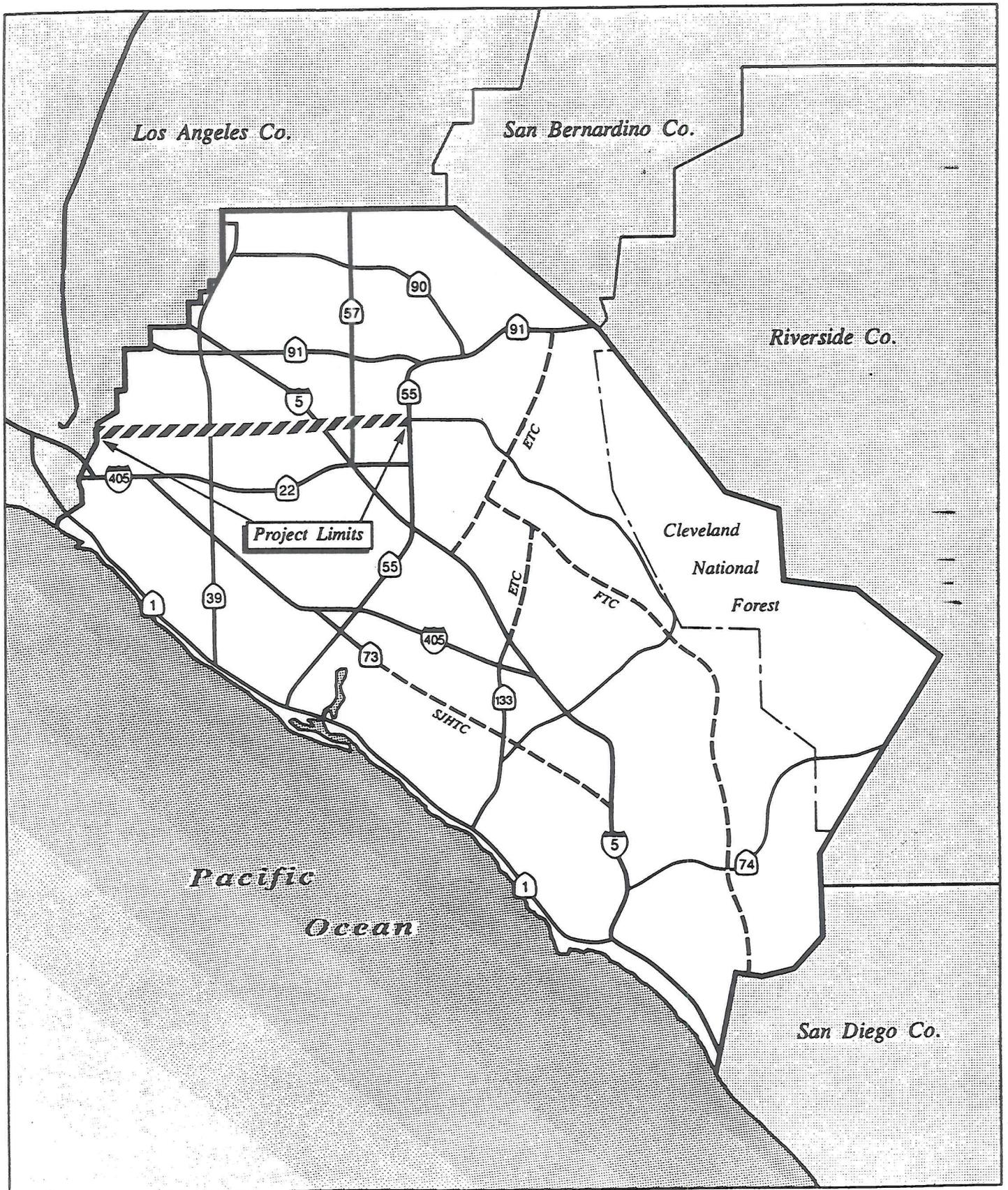
Attachments

- Resolution No. 09-32
- Project Location
- Board Resolution - Statement of Overriding Considerations

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 12-Orange County Resolution E-09-32

- 1.1 **WHEREAS**, the County of Orange has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Katella Avenue Super Street
- 1.2 **WHEREAS**, the Orange County Board of Supervisors 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 provide additional capacity, improve traffic flow, and upgrade the safety and efficiency of the roadway; 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**, written findings indicate that specific unavoidable significant impacts related to transportation, aesthetics, land use and noise make it infeasible to avoid or fully mitigate to a level less than significant the effects associated as a result of the project; and
- 1.6 **WHEREAS**, a statement of overriding considerations was adopted and findings were made pursuant to CEQA guidelines; and
- 1.7 **WHEREAS**, a Mitigation Monitoring and Reporting Program was adopted for this 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 findings and statement of overriding considerations and approve the above referenced project to allow for future consideration of funding.



12/16/91(OCT101)

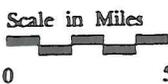
Figure 2.1.1



ORANGE COUNTY
TRANSPORTATION
AUTHORITY



LSA



Katella Avenue Super Street
Regional Location

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3 RESOLUTION OF THE BOARD OF SUPERVISORS OF
4 ORANGE COUNTY, CALIFORNIA

5 February 2, 1993

6 On motion of Supervisor Roth, duly seconded and carried, the following
7 Resolution was adopted:

8 WHEREAS, the Orange County Transportation Commission (OCTC), now a part of
9 the Orange County Transportation Authority (OCTA), identified the high flow
10 arterial ("Super Street") as one of the possible solutions to the County's
11 congested transportation network; and

12 WHEREAS, OCTC designated Katella Avenue from the San Gabriel River Freeway
13 (Interstate 605) in Los Alamitos to Tustin Avenue in Orange as a candidate Super
14 Street; and

15 WHEREAS, a feasibility study to identify the Super Street improvements to
16 be implemented on Katella Avenue was completed and approved by OCTC in 1990; and

17 WHEREAS, the County of Orange was requested by OCTA to serve as the Lead
18 Agency under the California Environmental Quality act (hereinafter "CEQA" -
19 Public Resources Code Section 21000 et seq.) for the environmental review process
20 for the proposed Katella Avenue Super Street project; and

21 WHEREAS, Final Environmental Impact Report (EIR) No. 538 has been prepared
22 to address the environmental effects, mitigation measures, and project
23 alternatives associated with the proposed Katella Avenue Super Street project;
24 and

25 WHEREAS, Final EIR (FEIR) No. 538 for the Katella Super Street project
26 (State Clearinghouse No. 91091033) has been prepared pursuant to the requirements
27 of CEQA (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines

28 Resolution No. 93-122
Certification of Final EIR No. 538
for Katella Super Street Project
JRG:ac

1 (California Code of Regulations Section 15000 et seq.) and the County's
2 environmental analysis procedures; and

3 WHEREAS, Final EIR 538 did not reveal any information which would preclude
4 implementation of the Katella Super Street project; and

5 WHEREAS, comments on Draft EIR No. 538 were received from the public and
6 responsible public agencies during the 45-day Draft EIR public review period
7 which began on August 7, 1992 and ended on September 22, 1992; and

8 WHEREAS, such comments were responded to through a response to comments
9 document and staff report submitted to the Planning Commission and received by
10 this Board; and

11 WHEREAS, the Orange County Planning Commission conducted a public meeting
12 on January 13, 1993 to receive and consider public testimony with respect to
13 Final EIR No. 538; and

14 WHEREAS, the Planning Commission reviewed all documentation comprising
15 Final EIR No. 538 for the proposed Katella Avenue Super Street project and has
16 found that Final EIR No. 538 considers all environmental effects of the proposed
17 project and is complete and adequate and fully complies with all requirements of
18 CEQA and the State CEQA Guidelines; and

19 WHEREAS, the Orange County Planning Commission on January 13, 1993 by
20 Resolution 93-01, pursuant to the California Environmental Quality Act (CEQA),
21 found proposed Final EIR No. 538 adequate environmental documentation for the
22 Katella Avenue Super Street project, and recommended that this Board certify
23 Final EIR No. 538; and

24 WHEREAS, Section 21081 of CEQA and Section 15091 of the State CEQA
25 Guidelines require that the Board of Supervisors make one or more of the
26 following findings prior to approval of a project for which an EIR has been
27 completed identifying one or more significant effects of the project, along with
28 statements of facts supporting each finding:

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1 FINDING 1 - Changes or alterations have been required in, or incorporated
2 into, the project which avoid or substantially lessens the
3 significant environmental effects as identified in the draft
4 and Final EIRs.

5 FINDING 2 - Such changes or alterations are within the responsibility and
6 jurisdiction of another public agency and not the agency making
7 the finding. Such changes have been adopted by such other
8 agency or can and should be adopted by such other agency.

9 FINDING 3 - Specific economic, social or other considerations make
10 infeasible the mitigation measure or project alternatives
11 identified in the draft and Final EIRs; and

12 WHEREAS, Section 15903(a) of the State CEQA Guidelines requires the Board of
13 Supervisors to balance the benefits of a proposed project against its unavoidable
14 environmental risks in determining whether to approve the project; and

15 WHEREAS, Section 15903(b) requires that, where the decision of the Board of
16 Supervisors allows the occurrence of significant effects which are identified in the
17 EIR, but are not at least substantially mitigated, the Board of Supervisors must
18 state in writing the reasons to support its action based on the Final EIR or other
19 information in the record; and

20 WHEREAS, Section 21081.6 of CEQA requires, where an EIR has been prepared for
21 a project for which mitigation measures are adopted, that a mitigation monitoring
22 or reporting program be adopted for said project.

23 NOW, THEREFORE, BE IT RESOLVED THAT:

24 1. Prior to approval of Final EIR 538 (State Clearing House No. 91091033),
25 the Orange County Board of Supervisors has reviewed and considered the above
26 mentioned EIR and hereby certifies Final EIR No. 538 for the Katella Super Street
27 project as complete and adequate in that the Final EIR addresses all environmental
28 effects of the proposed Katella Avenue Super Street project and fully complies with

1 the requirements of CEQA and the State CEQA Guidelines. Said Final EIR No. 538 i
2 composed of the following elements:

- 3 a. Draft EIR No. 538 for the Katella Super Street project
- 4 b. Appendices to Draft EIR No. 538
- 5 c. Comments received on Draft EIR No. 538 and responses to those comments
- 6 d. Proposed Final EIR No. 538
- 7 e. EMA Report to the Planning Commission, Minutes, and Resolution of
8 Planning Commission Meeting dated January 13, 1993, Item Number 1
- 9 f. All attachments, incorporations, and references delineated in items a
10 through e. above

11 All of the above information has been and will be on file with the County of
12 Orange, Environmental Management Agency, Environmental Planning Division, 12 Civic
13 Center Plaza, Room G-19, Santa Ana, California, 92702.

14 2. This Board of Supervisors adopts the Findings with respect to each
15 significant environmental effect identified in the Final EIR and the explanation of
16 its rationale with respect to each such finding set forth in the document entitled
17 "Statement of Facts and Findings" attached hereto and marked as Exhibit A and made
18 a part hereof.

19 3. This Board adopts the list of project mitigation measures, and the
20 mitigation measure monitoring plan as set forth in the document entitled "Mitigation
21 Measures/Monitoring and Reporting Program," attached hereto as Exhibit B and made
22 a part hereof. These mitigation measures shall be incorporated into the project
23 prior to or concurrent with project implementation.

24 4. This Board of Supervisors adopts the Findings with respect to the
25 alternatives to the proposed project as set forth in the document entitled
26 "Alternatives to the Proposed Project", attached hereto and marked as Exhibit C and
27 made a part hereof.

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1 5. This Board finds that the unavoidable significant environmental effects
2 of the proposed project, as identified in Exhibit A, that have not been reduced to
3 a level of insignificance have been substantially lessened in their severity by the
4 imposition of the mitigation measures identified in Exhibit B. This Board finds
5 that the remaining unavoidable significant impacts are clearly outweighed by the
6 economic, social, and other benefits of the project, as set forth in the "Statement
7 of Overriding Considerations", attached hereto as Exhibit D and made a part hereof.

8 6. This Board of Supervisors adopts the recitation of overriding
9 considerations which justify approval of the proposed project notwithstanding
10 certain unavoidable significant environmental effects which cannot feasibly be
11 substantially mitigated as set forth in the document entitled "Statement of
12 Overriding Considerations" attached hereto and marked as Exhibit D and made a part
13 hereof.

14 7. This Board finds that Final EIR No. 538 has identified all significant
15 environmental effects of the proposed project, as set forth in the Findings attached
16 hereto as Exhibit A and that there are no known potential environmental impacts not
17 addressed in the Final EIR No. 538.

18 8. This Board finds that all significant effects of the proposed project are
19 set forth in the "Statement of Findings and Facts" and Final EIR No. 538.

20 9. This Board finds that, although Final EIR No. 538 identifies certain
21 significant environmental effects that may occur if the proposed project is
22 approved, all significant effects that can feasibly be mitigated or avoided have
23 been reduced to an acceptable level by the imposition of the mitigation measures set
24 forth in the "Mitigation Measures/Monitoring and Reporting Program".

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1 10. This Board finds that project alternatives described in Final EIR 538
2 (including the No-Project alternative) were rejected as infeasible, based upon
3 specific economic, social and other considerations as set forth in the document
4 entitled "Alternatives to the Proposed Project", attached hereto as Exhibit C and
5 the Final EIR No. 538.

6 11. This Board finds that the Mitigation Monitoring and Reporting Program,
7 attached hereto and marked as Exhibit B, establishes a mechanism and procedures for
8 implementing and verifying the mitigations pursuant to Public Resources Code Section
9 21081.6 and adopts the document entitled "Mitigation Measures/Monitoring and
10 Reporting Program" attached hereto as Exhibit B for Final EIR 538.

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