

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 23-24, 2012

Reference No.: 2.2c.(4)  
Action

  
From: BIMLA G. RHINEHART  
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE TUSTIN RANCH ROAD  
EXTENSION PROJECT (RESOLUTION E-12-29)**

## **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 Tustin Ranch Road Extension Project in Orange County and approve the Moulton 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 City of Tustin (City) is the CEQA lead agency for the Tustin Ranch Road Extension Project. The project is located in the city of Tustin. Tustin Ranch Road is an incomplete roadway with a gap between Warner Avenue and Walnut. The project will close the gap between the two terminuses to connect the Tustin Legacy with neighboring residential areas and the Tustin Metrolink Station by constructing a new six lane grade separated road facility with bicycle and pedestrian facilities. The FEIR was approved and certified by the City Council of the City of Tustin on December 6, 2004.

The overall project for which the FEIR covers will result in significant unavoidable impacts to aesthetics; cultural and paleontological resources; agricultural resources; traffic/circulation; and air quality. Specifically, the overall project would result in loss of two discontinuous historic districts; conversion of 702 acres of Prime Farmland to non-agricultural use; decreased level of service at certain intersections and road segments; and the projected growth in the South Coast Air Basin will contribute to significant air quality impacts.

The City adopted the FEIR, Findings of Fact and a Statement of Overriding Considerations for the project on December 23, 2004. The City found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, offsetting the negative socioeconomic effects caused by the Base Realignment and Closure Act; providing a substantial amount of both employment and housing opportunities by providing 77,401 jobs and providing over 4,600 housing units; solve existing community circulation and recreation parkland deficiencies by providing approximately 85 acres of parkland; and enabling the City of Tustin to generate sufficient revenue to support the investment in infrastructure. The City established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

On March 19, 2012 the City provided written confirmation that the preferred alternative set forth in the final environmental document is consistent project programmed by the Commission. The City also provided written confirmation of its commitment to all of the mitigation measures stipulated in the FEIR and Mitigation Monitoring Program.

The project is estimated to cost \$21,303,000. The project is funded with SLPP (\$4,510,000) funds and Local (\$16,793,000) funds. Construction of is estimated to begin in fiscal year 2012/13.

#### Attachment

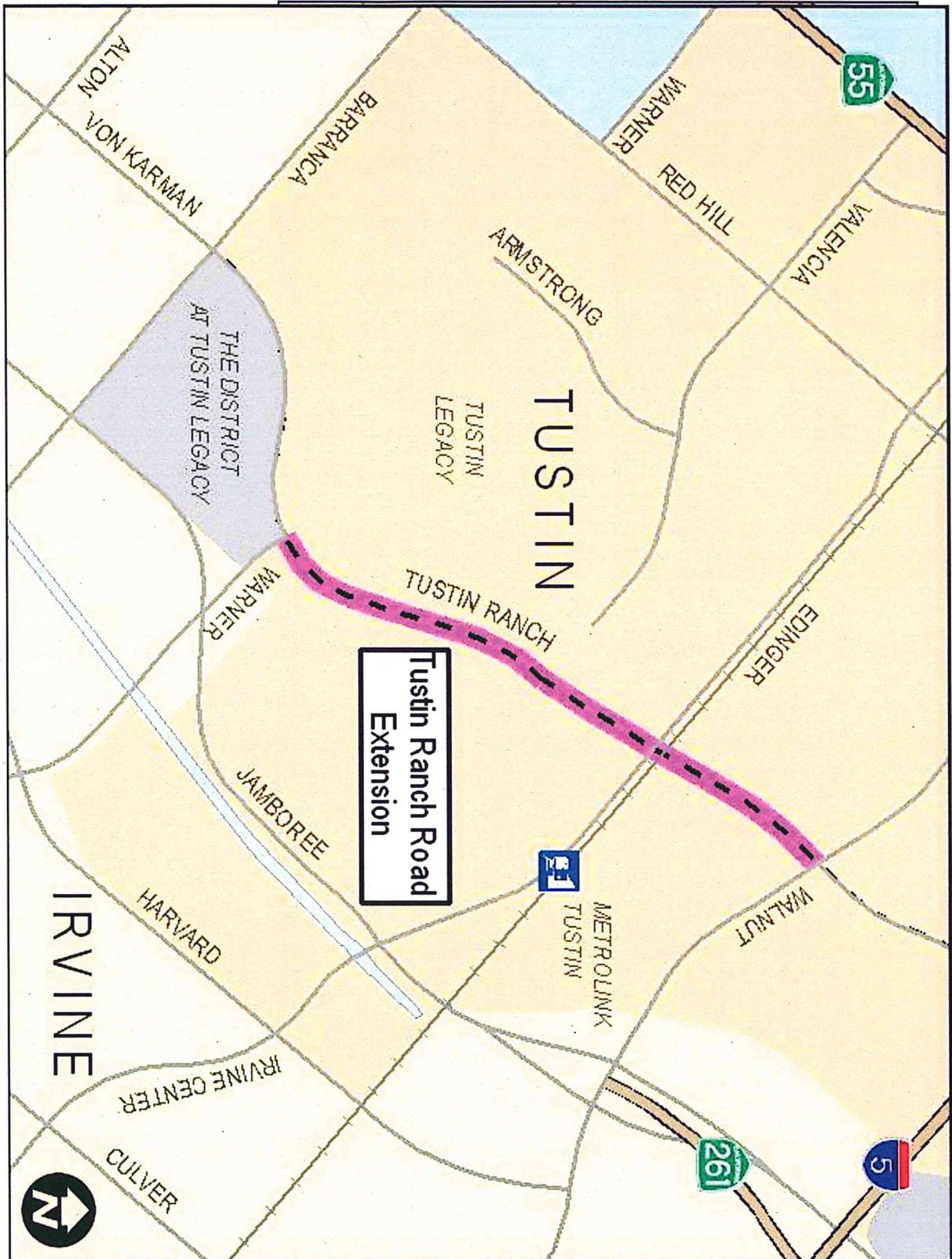
- Resolution E-12-29
- Findings of Fact & Statement of Overriding Considerations
- Project Location

# CALIFORNIA TRANSPORTATION COMMISSION

## Resolution for Future Consideration of Funding 12 – Orange County Resolution E-12-29

- 1.1 **WHEREAS**, the City of Tustin (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
  - Tustin Ranch Road Extension Project
- 1.2 **WHEREAS**, the City 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 construct a new six lane grade separated road facility with bicycle and pedestrian facilities; 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 aesthetics, cultural and paleontological resources, agricultural resources, traffic/circulation, and air quality 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 City adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the City 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.

Project Location Map



## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **SUMMARY OF OVERRIDING CONSIDERATIONS**

The California Environmental Quality Act (CEQA) requires a decision-maker, in this case the Tustin City Council, to balance the benefits of a proposed project ( Tustin Ranch Road Extension in conjunction with the MCAS, Tustin Reuse Plan Project) against its unavoidable environmental risks in determining whether to approve the project. If the Tustin City Council allows the occurrence of significant effects through approval of a project, it must state its specific reasons for so doing in writing. Such reasons are included in the "statement of overriding considerations."

Section 15093 of the CEQA Guidelines establishes the following requirements for a statement of overriding considerations:

- (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 Section 15091.

The City of Tustin (hereafter referred to as "City") adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts identified within Final Supplement #1 to the Final EIS/EIR for the Extension of Tustin Ranch Road Between Walnut Avenue and the Future Alignment of Valencia North Loop Road, in conjunction with the MCAS, Tustin Reuse Plan Project. In adopting Resolution 04-77, the Tustin City Council acknowledges that it has weighed the benefits of the Extension of Tustin Ranch Road) against the adverse significant impacts that have not been avoided or substantially lessened to less-than-significant levels through mitigation.

The Tustin City Council hereby determines that the benefits of the Reuse Plan (Alternative 1) and Extension of Tustin Ranch Road outweigh the unmitigated adverse impacts and the project should be approved. The Tustin City Council finds that to the extent that the identified significant adverse impacts have not been avoided or substantially lessened, there are specific economic, legal, social, technological or other considerations which support approval of the project.

***SIGNIFICANT UNAVOIDABLE IMPACTS***

Unavoidable or potentially unavoidable significant environmental effects of the project identified in Final Supplement #1 to Final EIR/EIS, the Final EIS/EIR and Findings of Significant Impacts include the following:

The loss of both hangars would be a significant unmitigable visual impact. (MCAS Tustin Reuse Plan project)

All of the two discontinuous historic districts would be eliminated. The intent is to retain both hangars, if financially feasible, but one or both of the blimp hangars could be eliminated. (MCAS Tustin Reuse Plan project)

Existing farmland would no longer be cultivated. Project development will result in the conversion of approximately 682 acres of Prime Farmland and 20 acres of Farmland of Statewide Importance for a total of 702 acres of Farmland to non-agricultural use. (MCAS Tustin Reuse Plan project and Tustin Ranch Road Extension project)

There would be decreased levels of service at certain intersections and road segments. With feasible mitigation measures to reduce this impact, significant traffic impacts would remain at the intersections of Tustin Ranch Road and Walnut Avenue, and Jamboree Road and Barranca Parkway under full buildout (year 2020). (MCAS Tustin Reuse Plan project and Tustin Ranch Road Extension project)

Peak reduced emissions of suspended particulates (PM<sub>10</sub>), reactive organic compounds (ROC), and oxides of nitrogen (NO<sub>x</sub>) due to construction activities would exceed South Coast Air Quality Management District (SCAQMD) thresholds of significance during some or all phases of the project. (MCAS Tustin Reuse Plan project)

Long-term operation emissions from mobile (vehicular) and stationary sources would exceed SCAQMD thresholds of significance for CO, NO<sub>x</sub>, and ROC. (MCAS Tustin Reuse Plan project)

The proposed project has not been included in the modeling assumptions of the 1994 or 1997 AQMPs, and is therefore inconsistent with the AQMP. (MCAS Tustin Reuse Plan project)

Reuse of MCAS Tustin and the possible resultant loss of both blimp hangars, in conjunction with other development in Orange County (in particular, reuse of the former MCAS El Toro), would result in a significant change in the visual setting of the area. (MCAS Tustin Reuse Plan project)

The project would result in irreversibly eliminating most of the two discontinuous eligible historic districts and could result in the demolition of one or both blimp hangars, depending on whether reuse is financially feasible. These actions would contribute to a cumulative loss of World War II United States military development, which is increasingly being demolished due to military base closings. (MCAS Tustin Reuse Plan project)

The proposed project would result in conversion of approximately 702 acres of Farmland. While this conversion is typical in Orange County, the cumulative impact would be significant because this Farmland and other agricultural land being converted in Orange County represents some of the last remaining agricultural land in the County. (MCAS Tustin Reuse Plan project and Tustin Ranch Road Extension project)

The analysis of project-level impacts in Final Supplement #1 to Final EIS/EIR and the Final EIS/EIR consider the project's contribution to cumulative impacts. While most impacts can be mitigated to less-than-significant levels, significant traffic impacts would remain at the intersections of Tustin Ranch Road and Walnut Avenue, and Jamboree Road and Barranca Parkway under full buildout (year 2020). (MCAS Tustin Reuse Plan project and Tustin Ranch Road Extension project)

The project, when considered with projected growth in the South Coast Air Basin (SCAB), will contribute to significant air quality impacts. (MCAS Tustin Reuse Plan project)

Private property owners may refuse to permit the City to make improvements, or may delay implementation of mitigation measures NR1-NR7, and the noise impacts may be unavoidable. (Tustin Ranch Road Extension project)

## ADOPTION OF OVERRIDING CONSIDERATIONS

The City finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Extension of Tustin Ranch Road in conjunction with the MCAS, Tustin Reuse Plan Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Extension of Tustin Ranch Road. These matters are supported by substantial evidence in the record.

### *FINDINGS OF OVERRIDING CONSIDERATIONS*

The approval of the MCAS, Tustin Reuse Plan Project will enable the City of Tustin to offset the negative socioeconomic effects caused by the Base Realignment and Closure Act (BRAC) and the resultant closure of MCAS Tustin to the greatest degree of the alternatives considered. Specifically, the project will provide the greatest number of jobs. The City finds that the benefits of reuse of MCAS Tustin override the significant impacts associated with the project.

The approval of the MCAS, Tustin Reuse Plan Project will enable the City of Tustin to reuse the reuse plan area under an economically viable and balanced reuse plan to the greatest degree of the alternatives considered. The City finds that the benefits of reuse of MCAS Tustin and implementation of the Extension of Tustin Ranch Road override the significant impacts associated with the project.

The approval of the MCAS, Tustin Reuse Plan Project will enable the City of Tustin to provide a substantial amount of both employment and housing opportunities. Specifically, the project will provide 77,401 jobs, the greatest number of jobs of the alternatives, as well as provide over 4,600 housing units. The City finds that the benefits of reuse of MCAS Tustin and implementation of the Extension of Tustin Ranch Road override the significant impacts associated with the project.

The approval of the MCAS, Tustin Reuse Plan Project will enable the City of Tustin to solve existing community circulation and recreation parkland deficiencies to the greatest degree of the alternatives considered. The project will result in approximately 85 acres of parkland, the greatest amount of parkland of the alternatives. The project will connect local and regional thoroughfares and will result in significant unavoidable impacts at two intersections, the least of the reuse alternatives considered. Thus, the project will provide the greatest amount of parkland and least number of unmitigable traffic impacts. The City finds that the benefits of reuse of MCAS Tustin and implementation of the Extension of Tustin Ranch Road override the significant impacts associated with the project.

The approval of the MCAS, Tustin Reuse Plan Project will enable the City of Tustin to generate sufficient revenue (property tax, sales tax or others) to support the investment in infrastructure required to improve the site for civilian purposes to the greatest degree of the alternatives considered. The City finds that the benefits of reuse of MCAS Tustin and implementation of the Extension of Tustin Ranch Road override the significant impacts associated with the project.

The approval of the MCAS, Tustin Reuse Plan Project will result in the least overall relative environmental impact of the alternatives considered. Specifically, the project will result in the least relative impact to aesthetics, traffic/circulation, and air quality. Moreover, the project could provide for incorporation of both blimp hangars, while Alternatives 2 and 3 would retain only the northern blimp hangar, if financially feasible. The City finds that the benefits of reuse of MCAS Tustin and implementation of the Extension of Tustin Ranch Road override the significant impacts associated with the project.

The proposed extension of Tustin Ranch Road between Walnut Avenue and the future alignment of Valencia North Loop Road (Tustin Ranch Road Extension Project) will improve north-south regional and local circulation in Tustin by extending Tustin Ranch Road southerly from its existing terminus to Walnut Avenue, thereby providing an additional north-south arterial in Tustin. This will link the area of Tustin north of Edinger Avenue with the area to the south of Edinger Avenue. The Tustin Ranch Road Extension Project will also provide adequate capacity to accommodate existing and future local and regional traffic based on the forecast traffic modeling described in the Traffic Analysis for Tustin Ranch Road dated March 10, 2004, prepared by Kimley-Horn and Associates, Inc. (See Draft Supplement).

As presented on page 11 of the Traffic Analysis, the Tustin Ranch Road Extension Project will improve conditions at several intersections in 2005, but not sufficiently to eliminate the mitigation needs identified in the FEIR. If the Tustin Ranch Road Extension Project were not constructed, there would be significant traffic impacts at eight (8) intersections in 2020 that were not identified in the FEIR. These intersections are listed on page 20 of the Traffic Analysis.

Tustin Ranch Road is designated as a Major Arterial on the County's Master Plan of Arterial Highways and in the Circulation Element of the Tustin General Plan. Major Arterials are multilane roadways designed to carry a substantial volume of local and regional traffic. They are also designed with concentrated access locations and allow minimum driveways, which have been shown to reduce roadway capacity due to the interruption of the steady progression of traffic. The Tustin Ranch Road Extension Project will bring the roadway into conformance with these plans and provide relief to other arterials such as Red Hill Avenue as shown in the Traffic Analysis. Conformity is a requirement of the Orange County Growth Management Element to participate in the County's Measure M Program, which is the primary transportation funding program for the County. One of the goals of the County's Growth Management Plan Element is to reduce traffic congestion and ensure that adequate transportation facilities are provided for existing and future residents. This project will meet these goals. This project is also included as one of the planned transportation improvements in the City's Growth Management Element of the General Plan.

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