

State Route 74 (SR-74) Lower Ortega Highway Widening

ORANGE COUNTY, CALIFORNIA
DISTRICT 12 – ORA – 74 (PM 1.0/2.1)
City of San Juan Capistrano and Unincorporated Orange County,

EA 086920/EFIS 1200000051

Environmental Assessment



**Prepared by the
State of California, Department of Transportation**

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 U.S.C. 327 and the Memorandum of Understanding dated December 23, 2016, and executed by FHWA and Caltrans.



May 2019

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General Information about This Document

What's in this document:

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), has prepared this Environmental Assessment (EA), which examines the potential environmental impacts of the alternatives being considered for the proposed project located in Orange County, California. The document tells you why the project is being proposed, what alternatives we have considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures.

What should you do:

- Please read the document.
- Additional copies of this document and the related technical studies are available for review at the following locations:
 - Caltrans District 12 office
1750 East 4th Street, Suite 100
Santa Ana, California 92705
 - San Juan Capistrano Regional Library
31495 El Camino Real
San Juan Capistrano, CA 92675
 - City of Mission Viejo Library
100 Civic Center
Mission Viejo, CA 92691
 - Lakeside Library
32593 Riverside Drive
Lake Elsinore, CA 92530
 - City of San Clemente Public Library
242 Avenida Del Mar
San Clemente, CA 92672

Additionally, this document can be downloaded at the following website:

<http://www.dot.ca.gov/d12/DEA/74/08692>

- Attend the Public Hearing (open house format) scheduled on June 25, 2019, from 5:00 p.m. to 7:00 p.m. at Kinoshita Elementary School located at 2 Via Positiva, San Juan Capistrano, California 92675.
- We'd like to hear what you think. If you have any comments about the proposed project, please attend the public meeting and/or send your written comments to Caltrans by the deadline.

- Send comments via postal mail to:
Caltrans District 12, Division of Environmental Analysis
1750 East 4th Street, Suite 100
Santa Ana, CA 92705
Attn: Carmen Lo
- Send comments via email to:
D12.LowerSR74@dot.ca.gov
- Be sure to send comments by the deadline: July 17, 2019

What happens next:

After comments are received from the public and reviewing agencies, Caltrans, as assigned by the FHWA, may: (1) give environmental approval to the proposed project, (2) do additional environmental studies, or (3) abandon the project. If the project is given environmental approval and funding is appropriated, Caltrans could design and construct all or part of the project.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans District 12, Division of Environmental Analysis, 1750 East 4th Street, Suite 100, Santa Ana, California 92705, Attn: Public Information Office (PIO): (657) 328-6000 Voice; or use the California Relay Service, 1 (800) 735-2929 (TTY), 1 (800) 735-2922 (voice), or 711.

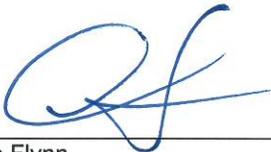
Widening of State Route 74 (SR-74) from two lanes to four lanes from Calle Entradero (Post Mile [PM] 1.0) to approximately the City/County limits (PM 2.1) in the City of San Juan Capistrano and Unincorporated Orange County, California

ENVIRONMENTAL ASSESSMENT

Submitted Pursuant to:
(Federal) 42 USC 4332(2)(c), 49 USC 303, and/or 23 USC 138

THE STATE OF CALIFORNIA
Department of Transportation

May 24, 2019
Date of Approval


Chris Flynn
Deputy District Director
California Department of Transportation
District 12
CEQA/NEPA Lead Agency

The following persons may be contacted for more information about this document:

Public Information Office (PIO)
(657) 328-6000
1750 East 4th Street, Suite 100
Santa Ana, CA 92705

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Chapter 1 **Proposed Project**

California participated in the “Surface Transportation Project Delivery Pilot Program” (Pilot Program) pursuant to 23 United States Code (USC) 327, for more than five years, beginning July 1, 2007, and ending September 30, 2012. MAP-21 (P.L. 112-141), signed by President Obama on July 6, 2012, amended 23 USC 327 to establish a permanent Surface Transportation Project Delivery Program. As a result, the California Department of Transportation (Caltrans) entered into a Memorandum of Understanding pursuant to 23 USC 327 (NEPA Assignment MOU) with the Federal Highway Administration (FHWA). The National Environmental Policy Act (NEPA) Assignment MOU became effective October 1, 2012, and was renewed on December 23, 2016, for a term of five years. In summary, Caltrans continues to assume FHWA responsibilities under NEPA and other federal environmental laws in the same manner as assigned under the Pilot Program, with minor changes. With NEPA Assignment, FHWA assigned and Caltrans assumed all of the United States Department of Transportation (USDOT) Secretary's responsibilities under NEPA. This assignment includes projects on the State Highway System and Local Assistance Projects of the State Highway System within the State of California, except for certain categorical exclusions that FHWA assigned to Caltrans under the 23 USC 326 Categorical Exclusion (CE) Assignment MOU, projects excluded by definition, and specific project exclusions.

1.1 Introduction

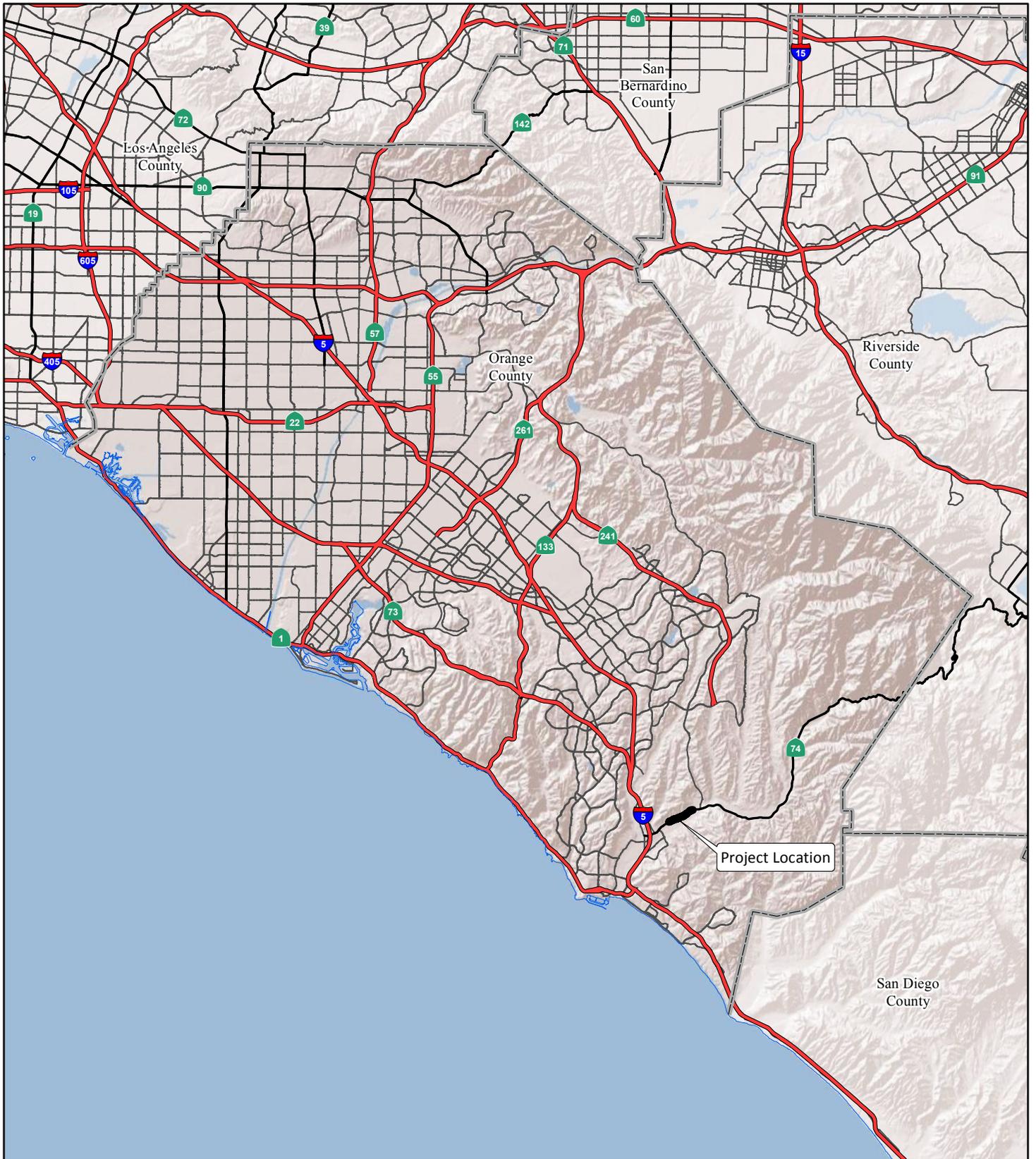
Caltrans, as assigned by the Federal Highway Administration (FHWA), is the lead agency under NEPA. Caltrans is also the lead agency under the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) was prepared and approved in 2009 and an addendum in 2010. Caltrans is preparing another Addendum as minor technical changes have been proposed since the EIR was certified in 2009. An addendum is being prepared as none of the conditions would trigger a subsequent EIR. The County of Orange (County) and the Orange County Transportation Authority (OCTA) are the sponsoring agencies and hence are responsible agencies under CEQA. Since Caltrans will receive federal dollars, NEPA approval must be complete. Hence, this document being prepared is an Environmental Assessment (EA). Caltrans proposes to widen State Route 74 (SR-74), also known as Ortega Highway, located in the City of San Juan Capistrano (City) and in areas of unincorporated Orange County. The total length of the project is

1.1 miles (mi). The project proposes to widen SR-74 from two lanes to four lanes from Calle Entradero (Post Mile [PM] 1.0) to 150 feet (ft) east of the City/County line (PM 1.9) with restriping from 150 ft east of the City/County line to Reata Road (PM 2.1). Figures 1-1 and 1-2 show the regional location and project vicinity maps.

The proposed project is included in the Southern California Association of Governments' (SCAG) 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) under RTP ID ORA 120507 (refer to Appendix H). The project is currently in the process of incorporation into the 2020 RTP/SCS; a copy of the documentation will be included in the Final Environmental Document (FED). In addition, the project is included in the 2019 Federal Transportation Improvement Program (FTIP) under Project ID ORA 190102 (Appendix H). The project's 2019 FTIP listing will be amended once the project's future phases are programmed; and a copy of the approved amendment will be provided in the FED. The project is also being proposed for Caltrans' 2020 Interregional Transportation Improvement Plan (ITIP) and the California Transportation Commission's 2020 State Transportation Improvement Program (STIP). In addition, the project is also funded with Caltrans' State Highway Operation and Protection Program (SHOPP) Advance Construction Minor funds and Local Developer funds.

The project is also funded by the County of Orange using Measure M (M2) Grant Funds award by OCTA under the Comprehensive Transportation Funding Program (CTFP). Measure M is the 0.5 cent sales tax for transportation improvements, first approved by Orange County voters in 1990 and renewed by voters for a 30-year extension in 2006. The combined measures raise the sales tax in Orange County by 0.5 cent through 2041 to help alleviate traffic congestion. The CTFP is a collection of competitive grant programs to local agencies that assist in funding street improvements. Under the 2017 CTFP, the project is identified as a "Project O – Arterial Capacity Enhancement (ACE)" project.

SR-74, or Ortega Highway, is a major east-west arterial in south Orange County extending from Interstate 5 (I-5) in San Juan Capistrano northeast to Riverside County where it intersects with Interstate 15 (I-15). SR-74 then extends further northeast toward the City of Palm Desert in Riverside County.



LEGEND

 Project Location

FIGURE 1-1



SOURCE: Esri (2016); Caltrans (6/25/2018)

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State Route 74 Lower Ortega Highway Widening Project

Regional Location Map

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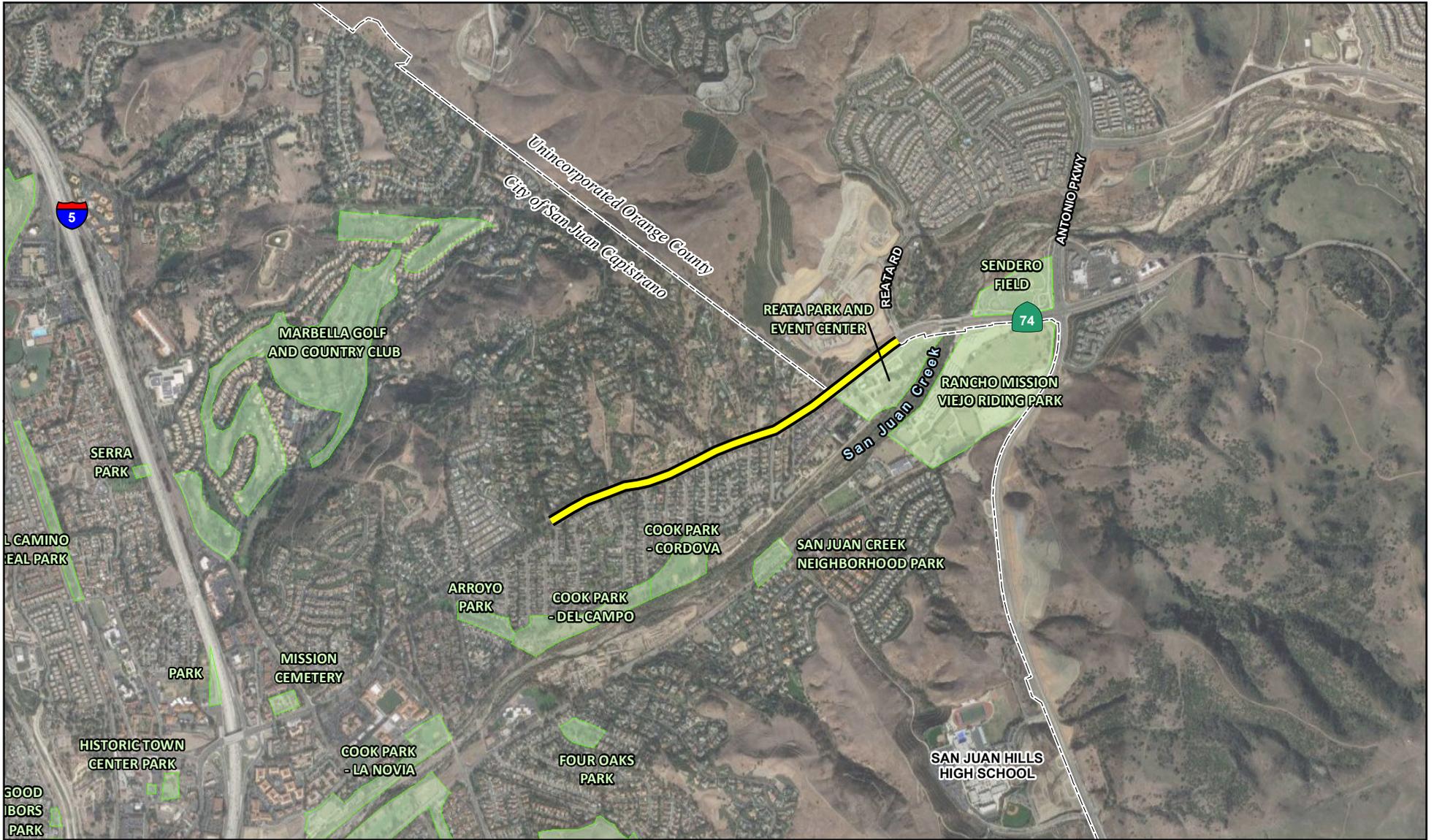
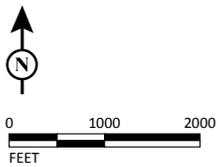


FIGURE 1-2

LEGEND

-  Project Location
-  Recreational Resources
-  City Boundary



SR-74 Lower Ortega Highway Widening Project

Project Vicinity Map

12-ORA-74 PM 1.0/2.1

EA 086920

SOURCE: Google Maps (2017); Caltrans (4/3/2019)

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The existing SR-74 alignment consists of four through lanes from I-5, and then at approximately 330 ft east of Calle Entradero, the alignment transitions to two through lanes.

The alignment of the existing roadway imposes driving restrictions such as limited sight distance and difficulties in negotiating sharp curves.

Five roadways intersect with SR-74 from the south, within the project limits; they are Calle Entradero, Via Cordova, Via Cristal, Via Errecarte, and Avenida Siega. North of SR-74, Via Cordova becomes Hunt Club Drive, and Avenida Siega becomes Shadetree Lane; Via Cristal and Via Errecarte are T-intersections. Additionally, to the north of SR-74, Strawberry Lane, Toyon Drive, and Palm Hill Drive provide access to hillside private properties. Sidewalks exist intermittently throughout the project area on the north and south sides of SR-74. These sidewalks begin outside the western limits of the project.

1.1.1 Project Background/History

SR-74 was constructed circa 1930/32 from plans prepared for California Joint Highway District 15. In 1959, this route was included within the State Freeway and Expressway System. The road was originally designed as two lanes, each lane 31 ft wide with a maximum grade of 6 percent, for vehicle speeds of 25 miles per hour (mph) to 40 mph. The current posted speed limit within the project limits is 45 mph.

Currently, SR-74 in its entirety provides interregional access between south Orange County and Riverside County. This particular section of SR-74 serves commuter traffic from the adjacent residential communities, Riverside County, and interregional recreational traffic. The highway alignment follows and crosses San Juan Creek to the north. During weekday morning and afternoon peak operating hours, commuters who travel from Riverside County to southern Orange County commonly use SR-74. Recreational traffic is common during the weekends.

The Project Study Report (PSR) was approved by Caltrans on December 15, 1997. An informal scoping meeting was held on July 19, 2000, from 6:00 p.m. to 8:00 p.m. (in the multi-purpose room) at Ambuehl Elementary School, at 28001 San Juan Creek Road in the City. Several issues were raised such as increased noise impacts, sound barriers, and traffic noise.

An Initial Study with proposed Mitigated Negative Declaration (IS [Proposed MND]) was initially prepared and circulated in July 2007. This document evaluated both a

Build Alternative and a No Build Alternative. As a result of the previous meetings, consultations, and the nature of the public comments received during the public review and circulation period of the IS (Proposed MND), Caltrans decided to prepare an EIR. The Draft EIR evaluated the No Build Alternative and two Build Alternatives: Build Alternative 1 (northside widening and eliminating the existing sidewalk north of SR-74); and Build Alternative 2 (northside widening and a straight sidewalk replacement north of SR-74).

The Draft EIR was circulated to the public for a 45-day review period and a public hearing was held on January 14, 2009. Comments received during the public circulation period of the Draft EIR indicated concern for continued access on the north side of SR-74 by the replacement of the existing meandering sidewalk with a sidewalk that resembles the existing curve and meandering sidewalk depending on the existing conditions within the public right-of-way and to the greatest extent reasonably possible (Build Alternative 2). Other comments received during the public review period of the Draft EIR indicated a preference to preserve the rural nature of the roadway by removing the sidewalk entirely (Build Alternative 1).

After carefully considering all substantive comments received during the public circulation period and the balance needed between maintaining public access and reducing environmental impacts, Build Alternative 2 was identified as the Preferred Alternative by the Project Development Team (PDT).

Caltrans certified the EIR and prepared findings for all significant impacts identified in the EIR and a Statement of Overriding Considerations. Caltrans filed a Notice of Determination with the State Clearinghouse in November 2009, which identified that the project would have significant impacts; mitigation measures were included as conditions of project approval, findings were made, and a Statement of Overriding Considerations was adopted.

Following the CEQA Certification, both the City and the Hunt Club filed a joint lawsuit in Orange County Superior Court. On July 14, 2011, the City, the Hunt Club, and Caltrans reached a settlement of their disputes regarding the certified EIR. The lawsuit shall not prevent or restrain Caltrans from implementing the project as described in the certified EIR, as long as: (a) Caltrans' implementation of the project is in all respects consistent with the 2009 certified EIR and the 2010 Addendum, (b) the project implements all of the mitigation measures described in the certified EIR,

and (c) Caltrans complies with and implements the terms, conditions, requirements, and restrictions of the Settlement Agreement (see Appendix J) as discussed below.

- A four-way traffic control signal will be installed at the intersection of SR-74 and Hunt Club Drive/Via Cordova.
- An Aesthetics and Plan Committee will be formed to incorporate both the City's and the Hunt Club's viewpoints.
- Landscape Enhancements shall be installed on the north side of the intersection adjacent to the entrance to the Hunt Club community, as well as on the north side of Ortega Highway, from the intersection to the west side of the Calle Entradero entrance off Ortega Highway, in the City (the "Landscape Enhancement Area").
- Soundwalls constructed on the south side of Ortega Highway, east of Via Cordova, shall include transparent material.
- Rubberized asphalt concrete along the project's roadway footprint shall be used.
- Caltrans shall enter into a Contribution Agreement with the City to transfer an amount (representing the costs) for obtaining a replacement set of transparent panels for the soundwalls; however, the City agrees to accept responsibility for their maintenance.
- The existing sidewalk on the northerly side of Ortega Highway between the intersection and Calle Entradero shall be constructed as curved and meandering.
- The guard house shall be relocated and be substantially completed prior to final acceptance of the project construction and prior to the recordation of a Notice of Completion pursuant to California Civil Code Section 3093.
- All trees that are removed as part of the project shall be replaced by Caltrans, or the agency constructing the project, at a minimum ratio of three replacement trees for each removed tree (3:1).
- Prior to the commencement of project design, Caltrans shall, at its sole cost, conduct actual (not modeled) noise measurements within the Hunt Club community areas northerly of Ortega Highway from Hunt Club Drive to Calle Entradero in the City (the "Noise Measurements") to confirm assumptions used in the noise analysis included in the CEQA process. Per the Settlement Agreement, Caltrans provided the noise monitoring results to the Hunt Club on July 26, 2018 (see also Chapter 3).
- Nighttime construction activities shall be generally prohibited during project construction.

- Caltrans shall not expand or widen the roadbed on the north side of Ortega Highway between the intersection and Calle Entradero by more than 6.2 to 7.6 linear feet.

Caltrans will compensate the City for the relocation of the guard house. It should also be noted that Noise Barrier (NB) No. 6 is feasible and reasonable at the same location as Mitigation Measure N-1¹, and therefore is being proposed. As a result, per the Caltrans' *Traffic Noise Analysis Protocol for New Highway Construction, Reconstruction, and Retrofit Barrier Projects* (Traffic Noise Protocol) (May 2011), a noise barrier survey letter will be sent to the property owner during the public review period to seek their opinion on their preferences for the noise barrier. If the owner concurs with NB No. 6, then Mitigation Measure N-1 will not be offered; however, if the owners does not concur with NB No. 6, then Mitigation Measure N-1 would still be offered. Depending on the results of Mitigation Measure N-1, the two Settlement Agreement items, relocation of the Guardhouse and the mitigation measure N-1, will not be analyzed as part of this environmental document.

1.2 Purpose and Need

1.2.1 Purpose

The purpose of the proposed action is to accomplish the following specific objectives:

- Relieve existing and future traffic congestion and improve the flow of traffic on SR-74;
- Accommodate planned growth and development in the surrounding areas;
- Provide improvements consistent with local planning documents; and
- Accomplish gap closure.

1.2.2 Need

The area within the project limits experiences:

- Heavy peak-hour congestion and traffic delays due to high traffic volumes;
- Demand exceeding capacity on SR-74;
- Inconsistency with local planning documents; and

¹ Mitigation measure N-1 (EIR 2009): To reduce permanent significant noise impacts to Receptors 31 K5 to below a level of Significance, Caltrans shall offer interior noise mitigation measures such as installation of double-paned windows and a mechanical heating and cooling system (air conditioning).

- Inconsistency with newly constructed roadway improvements on SR-74.

The need for this project is based on an assessment of the existing and future transportation demand, and current and predicted future traffic on SR-74 as measured by level of service (LOS). The following discussion demonstrates existing and forecasted traffic demand on SR-74.

1.2.2.1 Capacity, Transportation Demand, and Safety

Levels of Service

LOS levels are determined by the standards explained in Tables 1.1 and 1.2. For intersections and roadway segments, there are six defined levels, ranging from LOS A to LOS F. LOS A represents free traffic flow with low traffic volumes and high speeds, and LOS F represents traffic volumes that exceed the facility capacity and result in forced flow operations at low speeds. Figure 1-3 illustrates six LOSs for a two-lane highway based on the *2016 Highway Capacity Manual*.

Table 1.1: Level of Service Criteria, Unsignalized and Signalized Intersections

Level of Service	Unsignalized Intersection Average Delay per Vehicle (seconds)	Signalized Intersection Average Delay per Vehicle (seconds)
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Source: Transportation Research Board. *Highway Capacity Manual*, 6th Edition (2016).

■ = Unsatisfactory LOS

Table 1.2: Level of Service Criteria, Multi-lane Highways at 55 mph

Level of Service	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	55.0	0.29	600
B	18	55.0	0.47	990
C	26	54.9	0.68	1430
D	35	52.9	0.88	1850
E	41	51.2	1.00	2100

Source: Caltrans' *Guide for the Preparation of Traffic Impact Studies* (December 2002).

mph = miles per hour

pc/mi/ln = passenger cars/mile/lane

v/c = volume to capacity

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LEVELS OF SERVICE

for Two-Lane Highways

Level of Service	Flow Conditions	Operating Speed (mph)	Technical Descriptions
A		55+	Highest quality of service. Free traffic flow with few restrictions on maneuverability or speed. No delays
B		50	Stable traffic flow. Speed becoming slightly restricted. Low restriction on maneuverability. No delays
C		45	Stable traffic flow, but less freedom to select speed, change lanes or pass. Minimal delays
D		40	Traffic flow becoming unstable. Speeds subject to sudden change. Passing is difficult. Minimal delays
E		35	Unstable traffic flow. Speeds change quickly and maneuverability is low. Significant delays
F			Heavily congested traffic. Demand exceeds capacity and speeds vary greatly. Considerable delays

Source: 2000 HCM, Exhibit 20-2, LOS Criteria for Two-Lane Highways in Class 1

Figure 1-3: LOS for Two-Lane Highways

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The following sections discuss existing condition (2018) and traffic forecasts for intersections and roadway segments for opening year (2025) and design year (2045) no build scenarios.

Existing Conditions (2018) Levels of Service (LOS)

There are 13 roadways that intersect with SR-74 within the study area: La Novia Avenue, Belford Drive, Sundance Drive, Avenida Victoria-Via Cuartel, Avenida Linda Vista, Calle Entradero, Hunt Club Drive-Via Cordova, Via Cristal, Strawberry Lane, Via Errecarte, Shadetree Lane-Avenida Siega, Reata Road, and Antonio Parkway-La Pata Avenue. Additionally, to the north, Palm Hill Drive and Toyon Drive provide access to private property. In addition to these 13 intersections, five roadway segments on SR-74 are located within the study area: (1) between Calle Entradero and Hunt Club Drive/Via Cordova; (2) between Hunt Club Drive/Via Cordova and Via Cristal; (3) between Via Cristal and Strawberry Lane; (4) between Strawberry Lane and Via Errecarte; and (5) between Via Errecarte and Shadetree Lane/Avenida Siega.

Tables 1.3 and 1.4 provide traffic volume data on the existing year in the No Build condition in the number of vehicles traveling on study intersections and roadway segment of both eastbound and westbound SR-74 within the project limits during the AM peak hour and the PM peak hour. Most study area intersections operate at unsatisfactory LOS for intersections under existing traffic conditions. In addition, within the study area, the roadway segment volumes mostly exceed the capacity under existing traffic conditions. All roadway segments currently operate at an unsatisfactory LOS eastbound and westbound during the a.m. peak period (7:00 a.m. to 9:00 a.m.). Additionally, all roadway segments currently operate at an unsatisfactory LOS eastbound during the p.m. peak period (4:00 p.m. to 6:00 p.m.). All roadway segments currently operate at a satisfactory LOS westbound during the p.m. peak period.

Opening Year (2025) and Design Year (2045) No Build Alternative Conditions LOS

The existing SR-74 is four through lanes (two travel lanes in each direction) from I-5 to Calle Entradero, where it transitions to two through lanes (one travel lane in each direction) at Hunt Club Drive/Via Cordova. As shown in Tables 1-5 through 1-7 provide traffic volume data on the Opening Year (2025) and Design Year (2045) in the No Build condition in the number of vehicles traveling on study intersections and roadway segment of both eastbound and westbound SR-74 within the project limits

Table 1.3: Existing (2018) Intersection Levels of Service

Intersection		Control	No Build			
			AM Peak Hour		PM Peak Hour	
			Delay ² (sec.)	LOS	Delay ² (sec.)	LOS
1	La Novia Avenue/State Route 74	Signal	33.3	C	20.5	C
2	Belford Drive/State Route 74	OWSC	>200	F	20.4	C
3	Sundance Drive/State Route 74	OWSC	65.6	F	44.8	E
4	Avenida Victoria - Via Cuartel/State Route 74	TWSC	60.7	F	176.8	F
5	Avenida Linda Vista/State Route 74	OWSC	27.8	D	14.6	B
6	Calle Entradero/State Route 74	TWSC	>200	F	>200	F
7	Hunt Club Drive - Via Cordova/State Route 74	TWSC/Signal ¹	>200	F	>200	F
8	Via Cristal/State Route 74	OWSC	>200	F	117.0	F
9	Strawberry Lane/State Route 74	OWSC	53.1	F	>200	F
10	Via Errecarte/State Route 74	OWSC	87.2	F	120.4	F
11	Shadetree Lane - Avenida Siega/State Route 74	TWSC	>200	F	56.0	F
12	Reata Road/State Route 74	Signal	16.0	B	14.1	B
13	Antonio Parkway - La Pata Avenue/State Route 74	Signal	167.2	F	182.3	F

Source: *State Route 74 Lower Ortega Highway Widening Traffic Study Report* (2018).

¹ Intersection control is TWSC under No Build conditions and Signalized under Build conditions.

² Based on Synchro results, intersections where the delay is represented with a dash (-) has through volumes that block the turn movements throughout the peak hour. As such, Synchro does not report a delay at these intersections for the blocked turn movements. Therefore, the worst-case movements at these intersections operate at LOS F.

■ = Unsatisfactory LOS

Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement).

LOS = Level of Service

OWSC = One-Way Stop Control

TWSC = Two-Way Stop Control.

Table 1.4: Existing (2018) No Build Alternative Roadway Segment (SR-74) LOS - AM and PM Peak Hours

Roadway	#	Segment	Eastbound							Westbound								
			Number of Lanes	Peak Hour (One-Way) Capacity	AM Peak Hour			PM Peak Hour			Number of Lanes	Peak Hour (One-Way) Capacity	AM Peak Hour			PM Peak Hour		
					Peak Hour Volume	V/C	LOS	Peak Hour Volume	V/C	LOS			Peak Hour Volume	V/C	LOS	Peak Hour Volume	V/C	LOS
State Route 74	1	Between Calle Entradero and Hunt Club Drive/ Via Cordova	1	1,700	1,404	0.83	D	1,662	0.98	E	1	1,700	1,906	1.12	F	1,182	0.70	D
	2	Between Hunt Club Drive/Via Cordova and Via Cristal	1	1,700	1,358	0.80	D	1,624	0.96	E	1	1,700	1,865	1.10	F	1,155	0.68	C
	3	Between Via Cristal and Strawberry Lane	1	1,700	1,356	0.80	D	1,623	0.95	E	1	1,700	1,864	1.10	F	1,164	0.68	C
	4	Between Strawberry Lane and Via Errecarte	1	1,700	1,355	0.80	D	1,619	0.95	E	1	1,700	1,861	1.09	F	1,166	0.69	D
	5	Between Via Errecarte and Shadetree Lane/Avenida Siega	1	1,700	1,350	0.79	D	1,618	0.95	E	1	1,700	1,864	1.10	F	1,176	0.69	D

Source: State Route 74 Lower Ortega Highway Widening Traffic Study Report (2018)

Notes: Peak hour capacity based on Caltrans' District 12 data.

Bold and Grey - Deficient LOS

LOS = Level of Service

V/C = Volume to Capacity

Table 1.5: Opening Year (2025) and Design Year (2045) No Build Alternative Intersection LOS – AM and PM Peak Hours

Intersection	Control	No Build Opening Year (2025)				No Build Design Year (2045)				
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		
		Delay ² (sec)	LOS	Delay ² (sec)	LOS	Delay ² (sec)	LOS	Delay ² (sec)	LOS	
1	La Novia Avenue/State Route 74	Signal	33.8	C	23.0	C	73.8	E	53.1	D
2	Belford Drive/State Route 74	OWSC	>200	F	24.7	C	44.1	E	>200	F
3	Sundance Drive/State Route 74	OWSC	>200	F	95.7	F	>200	F	38.8	E
4	Avenida Victoria - Via Cuartel/State Route 74	TWSC	126.7	F	>200	F	>200	F	-	F
5	Avenida Linda Vista/State Route 74	OWSC	32.9	D	15.1	C	57.8	F	17.3	C
6	Calle Entradero/State Route 74	TWSC	>200	F	>200	F	>200	F	>200	F
7	Hunt Club Drive - Via Cordova/State Route 74	TWSC/Signal ¹	>200	F	>200	F	-	F	>200	F
8	Via Cristal/State Route 74	OWSC	>200	F	>200	F	>200	F	>200	F
9	Strawberry Lane/State Route 74	OWSC	68.3	F	>200	F	155.5	F	>200	F
10	Via Errecarte/State Route 74	OWSC	175.5	F	>200	F	>200	F	>200	F
11	Shadetree Lane - Avenida Siega/State Route 74	TWSC	>200	F	119.1	F	>200	F	-	F
12	Reata Road/State Route 74	Signal	20.3	C	16.4	B	108.7	F	27.2	C
13	Antonio Parkway - La Pata Avenue/State Route 74	Signal	168.7	F	>200	F	>200	F	>200	F

Source: State Route 74 Lower Ortega Highway Widening Traffic Study Report (2018).

¹ Intersection control is TWSC under No Build conditions and Signalized under Build conditions.

² Based on Synchro results, intersections where the delay is represented with a dash (-) has through volumes that block the turn movements throughout the peak hour. As such, Synchro does not report a delay at these intersections for the blocked turn movements. Therefore, the worst-case movements at these intersections operate at LOS F.

■ = Unsatisfactory LOS

Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement.)

LOS = Level of Service

OWSC = One-Way Stop Control

TWSC = Two-Way Stop Control

Table 1-6 Opening Year (2025) and Design Year (2045) No Build Alternative Roadway Segment (SR-74) LOS - AM Peak Hour

Roadway	#	Segment	No Build Opening Year (2025)					No Build Design Year (2045)					No Build Opening Year (2025)					No Build Design Year (2045)		
			Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume
SR-74	1	Between Calle Entradero and Hunt Club Drive/Via Cordova	1	1,700	1,467	0.86	D	1	1,700	1,647	0.97	E	1	1,700	2,092	1.23	F	1	1,700	2,625
	2	Between Hunt Club Drive/Via Cordova and Via Cristal	1	1,700	1,420	0.84	D	1	1,700	1,596	0.94	E	1	1,700	2,049	1.21	F	1	1,700	2,574
	3	Between Via Cristal and Strawberry Lane	1	1,700	1,417	0.83	D	1	1,700	1,592	0.94	E	1	1,700	2,047	1.20	F	1	1,700	2,571
	4	Between Strawberry Lane and Via Errecarte	1	1,700	1,416	0.83	D	1	1,700	1,591	0.94	E	1	1,700	2,044	1.20	F	1	1,700	2,568
	5	Between Via Errecarte and Shadetree Lane/Avenida Siega	1	1,700	1,412	0.83	D	1	1,700	1,590	0.94	E	1	1,700	2,048	1.20	F	1	1,700	2,574

Source: State Route 74 Lower Ortega Highway Widening Traffic Study (2018)

Notes: LOS = Level of Service, V/C = Volume to Capacity

Peak hour capacity based on Caltrans' District 12 data.

■ = Unsatisfactory LOS

Table 1-7 Opening Year (2025) and Design Year (2045) No Build Alternative Roadway Segment (SR-74) LOS - PM Peak Hour

Roadway	#	Segment	Eastbound										Westbound									
			No Build Opening Year (2025)					No Build Design Year (2045)					No Build Opening Year (2025)					No Build Design Year (2045)				
			Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS	Number of Lanes	Peak Hour (One-Way) Capacity	Peak Hour Volume	V/C	LOS
SR-74	1	Between Calle Entradero and Hunt Club Drive/Via Cordova	1	1,700	1,783	1.05	F	1	1,700	2,128	1.25	F	1	1,700	1,232	0.72	D	1	1,700	1,374	0.81	D
	2	Between Hunt Club Drive/Via Cordova and Via Cristal	1	1,700	1,741	1.02	F	1	1,700	2,074	1.22	F	1	1,700	1,202	0.71	D	1	1,700	1,338	0.79	D
	3	Between Via Cristal and Strawberry Lane	1	1,700	1,742	1.02	F	1	1,700	2,084	1.22	F	1	1,700	1,214	0.71	D	1	1,700	1,356	0.8	D
	4	Between Strawberry Lane and Via Errecarte	1	1,700	1,738	1.02	F	1	1,700	2,077	1.22	F	1	1,700	1,216	0.72	D	1	1,700	1,358	0.80	D
	5	Between Via Errecarte and Shadetree Lane/Avenida Siega	1	1,700	1,739	1.02	F	1	1,700	2,085	1.23	F	1	1,700	1,229	0.72	D	1	1,700	1,379	0.81	D

Source: State Route 74 Lower Ortega Highway Widening Traffic Study (2018)

Notes: LOS = Level of Service, V/C = Volume to Capacity

Peak hour capacity based on Caltrans' District 12 data.

■ = Unsatisfactory LOS

during the AM peak hour and the PM peak hour. Similar to the existing (2018) no build condition, most study area intersections and all roadway segments operate at unsatisfactory LOS. In addition, the forecast roadway segment within the project limits' volumes exceed the capacity under the No Build Alternative.

Therefore, the roadway segment within the project limits is an existing and foreseeable choke point that results in traffic congestion as the roadway narrows to two lanes east of Calle Entradero. Widening SR-74 to four lanes provides a gap closure that relieves traffic congestion through the City portion.

1.2.2.2 Projected Deficiencies

Traffic congestion through the project area is expected to increase along with the continued growth in the region. As discussed above, by year 2045, the roadway segment within the project limits would operate at LOS E (eastbound) and LOS F (westbound) during the AM peak hour; and LOS F (eastbound) and LOS D (westbound) during the PM peak hour. As shown previously, Figure 1-3 illustrates the six levels of service for a two-lane highway.

1.2.2.3 Social Demands or Economic Development

The area surrounding the project, including the City and an unincorporated area of the County, is a diverse metropolitan area that has undergone demographic changes over the past few decades. Once largely homogeneous and affluent, the population in Orange County is increasingly diversifying. Today, the County is one of the most urban in California (University of California Irvine and University of California Los Angeles, 2014). Housing prices are increasingly unaffordable to more people, and transportation systems increasingly require rehabilitation and maintenance (SCAG 2016).

The population of Orange County is projected to continue to grow (approximately 19 percent between 2010 and 2045); the median age continues to rise; and the demand for compact urban living continues to increase. At the same time, many people in the region will continue to live in suburbs and commute. Immediately adjacent to the project limits, the City is expected to continue to be mostly compact with concentrations of urban development (SCAG 2016). Immediately adjacent to the project limits, the City is mostly built out with ample open and recreational spaces in the vicinity. It is more suburban in nature. Growth in Riverside County is projected to increase at a faster pace, with the population in that County projected to increase approximately 28 percent from 2020 to 2035. The regional growth will continue to

place a high demand on SR-74 from Orange and Riverside County residents traveling to jobs, retail establishments, and other destinations.

1.2.2.4 Regional Plans

Growth management and control plans and programs in the project study area include SCAG's RTP/SCS and the FTIP.

SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy

The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2016 RTP/SCS states that benefits would occur in the following categories for area residents: financial savings resulting from reduced travel delay, air quality improvements, safety improvements, and reductions in vehicle operating costs. The visioning plan would provide a return of \$2 for every dollar invested. It would result in an 8 percent reduction in greenhouse gas emissions per capita by 2020—an 18-percent reduction by 2035, and a 21 percent reduction by 2040—compared with 2005 levels. Regional air quality would improve under the plan, as cleaner fuels and new vehicle technologies are implemented. The combined percentage of work trips made by carpooling, active transportation, and public transit would increase by about 4 percent. The number of vehicle miles traveled per capita would be reduced by more than 7 percent and vehicle hours traveled per capita by 17 percent (for automobiles and light-/medium-duty trucks) as a result of more location-efficient land use patterns and improved transit service. Daily travel by transit would increase by nearly one-third as a result of improved transit service and more transit-oriented development patterns. More than 351,000 additional new jobs annually would be created, due to the region's increased competitiveness and improved economic performance. The Plan would reduce the amount of previously undeveloped (greenfield) lands converted to more urbanized uses by 23 percent.

Federal Transportation Plan

The FTIP is a federally mandated four-year program of all surface transportation projects that will receive federal funding or are subject to a federally required action. The SCAG 2019 FTIP is a comprehensive listing of such transportation projects proposed over Fiscal Years 2018/19–2023/24 for the region, with the last two years 2022/23–2023/24 provided for informational purposes. As the Metropolitan Planning Organization (MPO) for the six-county region of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, SCAG is responsible for

developing the FTIP for submittal to the Caltrans and the federal funding agencies. This listing identifies specific funding sources and funding amounts for each project. It is prioritized to implement SCAG’s overall strategy for enhancing regional mobility and improving both the efficiency and safety of the regional transportation system, while supporting efforts to attain Federal and State air quality standards for the region by reducing transportation-related air pollution. Projects in the FTIP include highway improvements, transit, rail and bus facilities, high occupancy vehicle lanes, high occupancy toll lanes, signal synchronization, intersection improvements, freeway ramps, and non–motorized (including active transportation) projects. The FTIP is developed through a bottom-up process by which the six County Transportation Commissions (CTCs) work with their local agencies and public transportation operators, as well as the general public, to develop their individual county Transportation Improvement Programs (TIPs) for inclusion into the regional FTIP. The 2019 FTIP has been developed in partnership with the CTCs and Caltrans Districts 7, 8, 11, 12, and Headquarters. The FTIP must include all federally funded transportation projects in the region, as well as all regionally significant transportation projects for which approval from federal funding agencies is required, regardless of funding sources.

1.2.2.5 Local Plans

Local jurisdiction’s general plan land use elements and transportation elements were reviewed to identify policies and goals relevant to the project; it is confirmed that the project is consistent with the General Plan of the City of San Juan Capistrano. Refer to Section 2.1, Land Use, for additional details.

1.2.2.6 Legislation

The proposed project is identified as “Ortega Highway Widening Improvements” during the Project Approval and Environmental Documentation (PA&ED) Phase in the Orange County Public Works (OCPW) 7-Year Capital Improvement Program.

In addition, as discussed earlier, the project is identified in OCTA’s 2017 M2 Regional Capacity Program under “Project O - Arterial Capacity Enhancements (ACE).” ACE project objectives are:

- Complete Master Plan of Arterial Highways (MPAH) network through gap closures and construction of missing segments;
- Relieve congestion by providing additional roadway capacity, where needed;
- Provide timely investment of M2 revenues; and

- Leverage funding from other sources.

1.2.2.7 Modal Interrelationships and System Linkages

There is a need for a multi-modal transportation corridor to connect Riverside County to State Route 241 (SR-241) and I-5. No infrastructure for multi-modal transportation presently exists. Construction of new infrastructure could have substantial impacts on environmental resources and would require large amounts of property acquisition. New routes to circumnavigate SR-74 would increase travel time for east and westbound travelers.

Concurrent with the widening of SR-74, other facilities are being improved to accommodate traffic generated by the Ranch Plan Planned Community (Ranch Plan) and other development in the area. The area immediately served by SR-74 within the City is generally built out. However, land to the east in unincorporated Orange County is primarily undeveloped. The Ranch Plan EIR identifies traffic improvements to the areas surrounding the City to alleviate anticipated growth from the development within unincorporated Orange County. This alternative did not contain elements to enhance the capacity of SR-74 to better accommodate the current and future traffic demands.

Two Metrolink lines serve Orange County and are listed below:

The Orange County Line provides daily service between the Oceanside Station in Northern San Diego County and Union Station in Downtown Los Angeles. The Orange County Line roughly parallels I-5 and intersects with Jamboree Road west of Walnut Avenue. The Orange County Line travels along the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) Corridor, a 351 mi intercity Amtrak Pacific Surfliner route traversing a six-county coastal region in Southern California.

The Inland Empire – Orange County Line provides service between Oceanside and Riverside/San Bernardino.

The nearest Metrolink Station to the proposed project is the San Juan Capistrano Station (26701 Verduga Street, San Juan Capistrano), which is approximately 1.3 mi from the project limits. This station services both the Orange County Line and the Inland Empire Line.

OCTA Bus Route 91 serves the project area, and the nearest bus station to the proposed project is the Camino Capistrano-Ortega Station, which is approximately 1.2 mi from the project limits.

1.2.2.8 Air Quality Improvements

The proposed project would improve SR-74; and the improvements would contribute to emissions reductions during operation of the project because they are projected to relieve congestion.

1.2.2.9 Independent Utility and Logical Termini

Federal regulations (23 CFR 771.111 [f]) require “independent utility” and “logical termini” be established for a transportation improvement project evaluated under NEPA. The following discusses the specific criteria listed in 23 CFR 771.111(f) and how the proposed project satisfies these criteria in separate analysis:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
- Have independent utility or independent significance (be usable and require a reasonable expenditure even if no additional transportation improvements in the area are made); and
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

The proposed project satisfies FHWA’s regulations for “independent utility” because it would not prevent the implementation of future transportation projects, and, independent of other actions, it would also provide benefits to SR-74 according to the project’s Purpose and Need.

The project would provide two additional lanes to address existing and future traffic demand, address congestion, and enhance SR-74 operations. This benefit would be provided by the project and would not require the completion of any other project.

“Logical termini” are required for project development to establish project boundaries that allow for a comprehensive response to transportation deficiencies. Rational end points are required for transportation improvements and the review of environmental impacts.

There is a demonstrated need for improvements on SR-74 due to existing traffic congestion that is forecast to become worse over time. The project area adequately

addresses transportation issues on SR-74 and would not force immediate transportation improvements on the remainder of the facility.

1.3 Project Description

This section describes the proposed action and project alternatives that were developed to meet the identified Purpose and Need of the project, while avoiding or minimizing environmental impacts. The analysis in this EA evaluates both Build Alternative 2 (northside widening, and a sidewalk replacement, north of SR-74); and the No Build Alternative.

The project is located in the City of San Juan Capistrano (City) and unincorporated County of Orange in Orange County on SR-74 from Calle Entradero to Reata Road (between PMs 1.0 and 2.1). The total length of the project is approximately 1.1 mi. The project proposes to add one additional 12 ft wide lane in each direction. The purpose of the project is to relieve existing and future traffic congestion, accommodate planned growth and development in the surrounding area, provide improvements consistent with local planning documents; and gap closure.

1.4 Project Alternatives

This EA evaluates Build Alternative 2 and the No Build Alternative. Build Alternative 2 is under consideration and includes design features that meet the Purpose and Need of the proposed project while avoiding and minimizing environmental impacts. Both alternatives are discussed and compared in Table 1.9 Comparison of Alternatives, in Section 1.4.3 later in this chapter. Please refer to Appendix I, Preliminary Design Layouts.

The Build Alternative contains a number of project features that can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects and measures included in the Standard Plans and Specifications or as Standard Special Provisions. Many of these standardized measures are discussed later in this chapter, Other minimization measures are addressed in more detail in the Environmental Consequences sections found in Chapter 2.

1.4.1 Build Alternative (Build Alternative 2)

This section discusses the design features of Build Alternative 2. As discussed above, two 12 ft general purpose lanes in each direction and a painted median are located at the eastern portion of the project area. The alternative would widen this segment of

existing SR-74, primarily on the north side of the roadway, to minimize removal of mature trees and to avoid removal of the existing sidewalk on the south side of SR-74. However, the existing curved and meandering sidewalk on the north side of SR-74 between Calle Entradero and Hunt Club Drive will be reconstructed.

Depending on the existing conditions within the public right-of-way and to the greatest extent reasonably possible, the reconstructed sidewalk may resemble the existing curve and meandering sidewalk. This alternative would result in the roadbed changing from the current varying width of 62.3 ft at Calle Entradero and 24.6 ft at the City/County line to a width varying from 70 to 85 ft, including lanes, shoulders, and median. A 5 ft and 8 ft wide paved shoulder would be provided on each side of the roadway to accommodate Class II (striped on-road) bicycle facilities. The shoulder would be 8 ft wide from Avenida Siega to the City/County limits to merge with the completed County portion. The edge of the pavement would have concrete curbs on each side of the roadway. The proposed additional lanes, shoulders, median, drainages, driveways, and sidewalk have been developed consistent with the standards in the Caltrans' *Highway Design Manual* (6th Edition or most current).

1.4.1.1 Design Features

Both the project conceptual plans and the layout for Build Alternative 2 are provided in Appendix I, Preliminary Design Layouts.

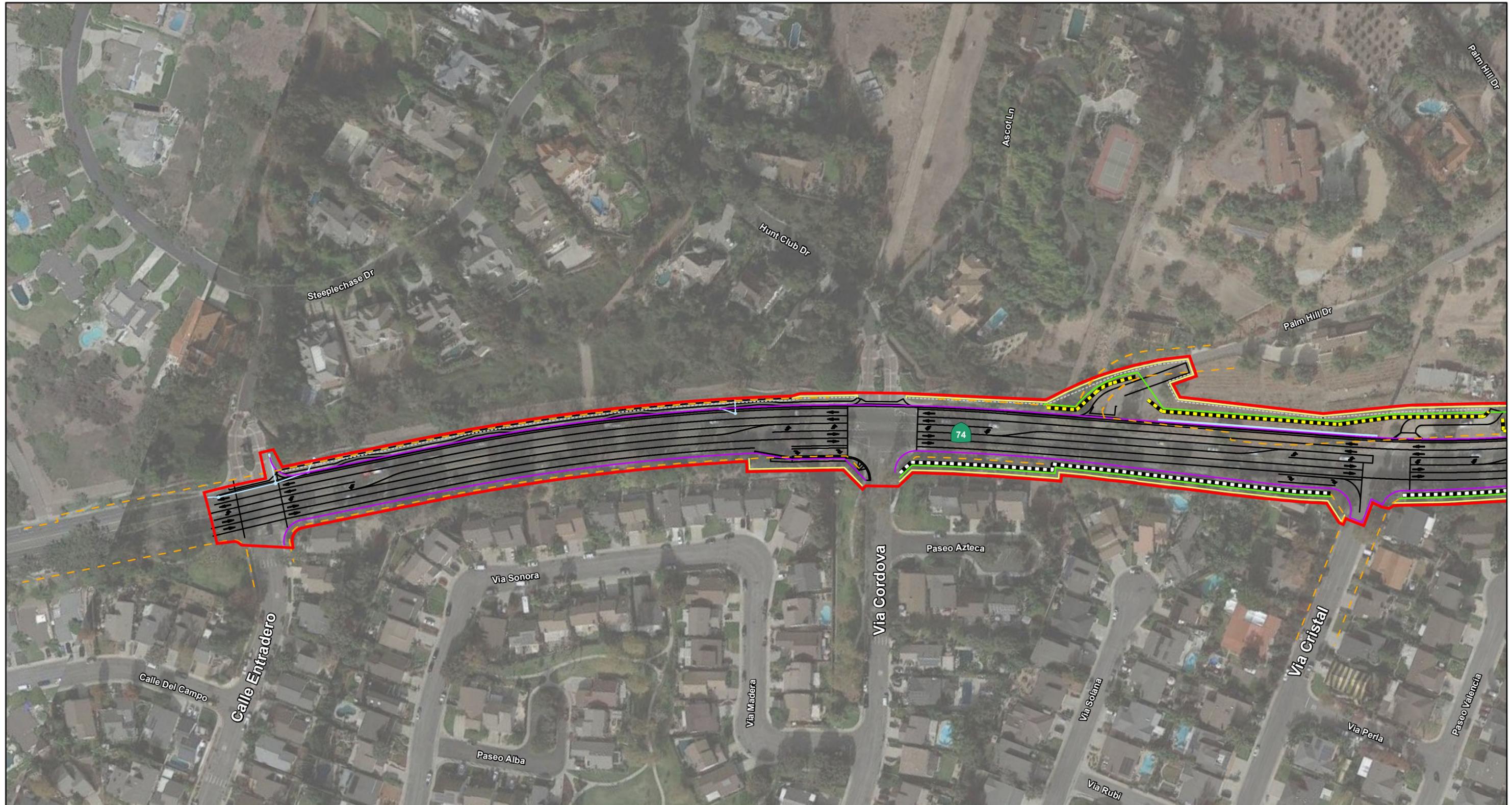
Intersection Improvements

There are five roadways that intersect with SR-74 from the south within the project limits: Calle Entradero, Via Cordova, Via Cristal, Via Errecarte, and Avenida Siega as shown in Figure 1-4, Project Location Map. North of SR-74, Via Cordova becomes Hunt Club Drive, and Avenida Siega becomes Shadetree Lane. Additionally, to the north, Palm Hill Drive, Strawberry Lane, and Toyon Drive provide access to private property. Each intersection would be modified/widened to accommodate the additional lanes, median, and shoulders. At intersections where there are existing right-turn pockets (Via Cordova and Via Cristal), the right-turn pocket would remain. No new intersections are proposed.

Standard Roadway Widening (primary northside widening)

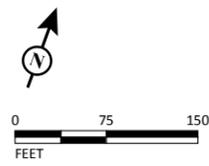
This alternative would include rehabilitation and widening of the existing roadway, from Calle Entradero at PM 1.0 to the City limit at PM 1.9, with a standard geometric cross section that includes four 12 ft lanes, a 12 ft painted median, 5 ft shoulders from Calle Entradero to Shadetree Lane, and 8 ft shoulders from Shadetree Lane to the

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LEGEND

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|--|---|--|
|  Project Limits | Project Features |  Temporary Construction Easement (TCE) |
|  City Boundary |  Proposed Striping, Edge of Pavement, and Roadway Improvements |  Permanent Access Easement |
| |  Proposed Restriping Only |  Temporary Chain Link Fence |
| |  Proposed Right-of-Way |  Proposed Retaining Wall |
| |  Existing Right-of-Way |  Proposed Sound Wall |
| | |  Proposed Drainage |



SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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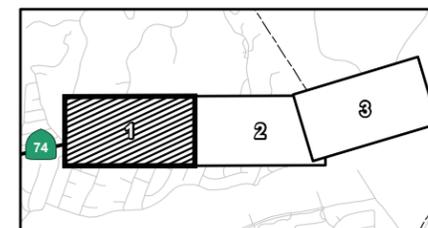


FIGURE 1-4
 Sheet 1 of 3

SR-74 Lower Ortega Highway Widening Project
Project Location Map
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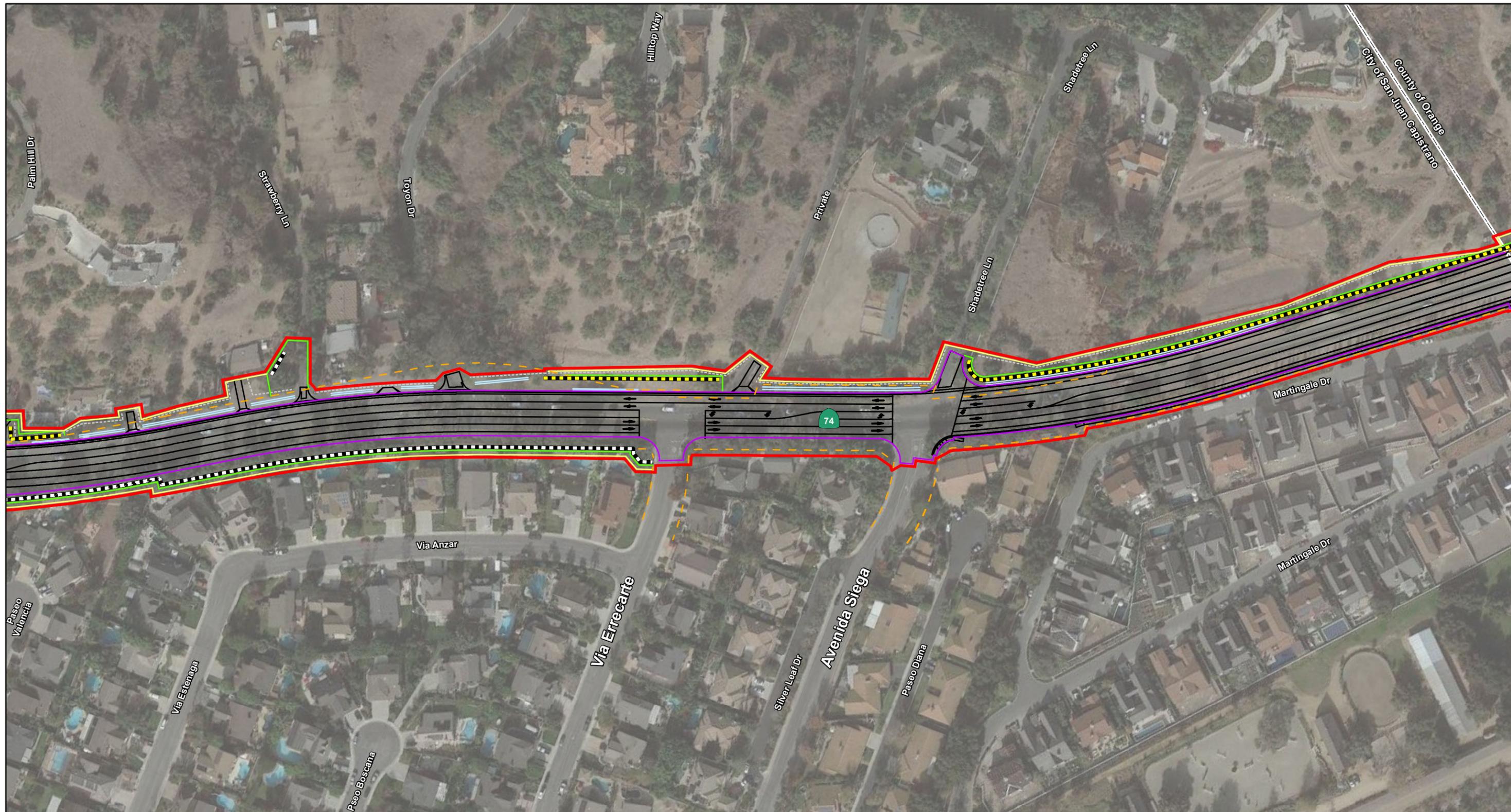
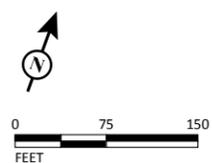


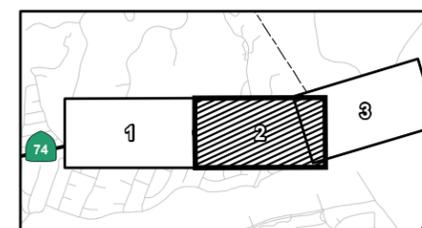
FIGURE 1-4
Sheet 2 of 3

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|----------------|---|---------------------------------------|
| Project Limits | Project Features | Temporary Construction Easement (TCE) |
| City Boundary | Proposed Striping, Edge of Pavement, and Roadway Improvements | Permanent Access Easement |
| | Proposed Restriping Only | Temporary Chain Link Fence |
| | Proposed Right-of-Way | Proposed Retaining Wall |
| | Existing Right-of-Way | Proposed Sound Wall |
| | | Proposed Drainage |

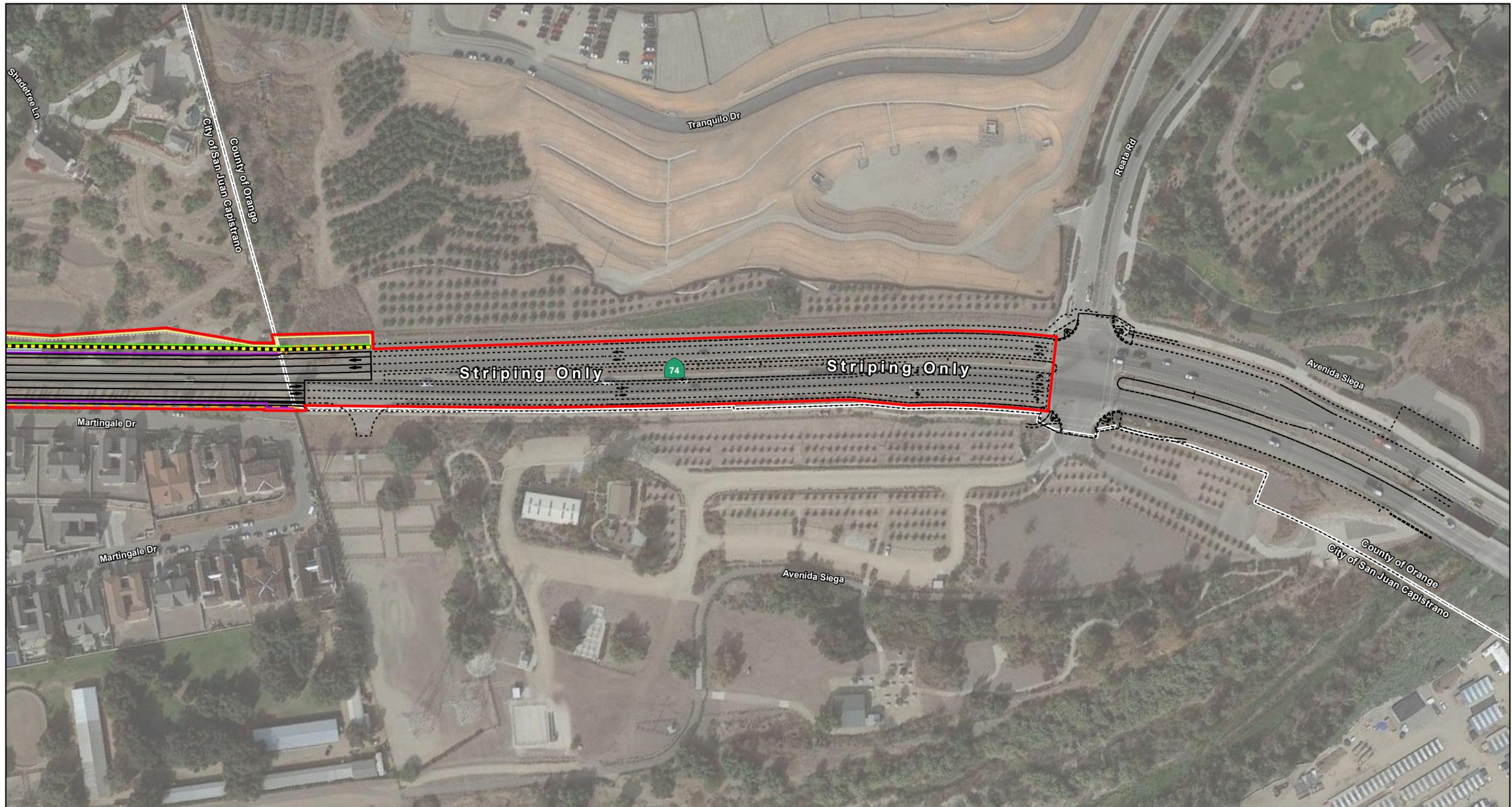


SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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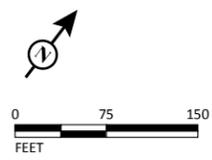
SR-74 Lower Ortega Highway Widening Project
Project Location Map
12-ORA-74 PM 1.0/2.1
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|----------------|---|---------------------------------------|
| Project Limits | Project Features | Temporary Construction Easement (TCE) |
| City Boundary | Proposed Striping, Edge of Pavement, and Roadway Improvements | Permanent Access Easement |
| | Proposed Restriping Only | Temporary Chain Link Fence |
| | Proposed Right-of-Way | Proposed Retaining Wall |
| | Existing Right-of-Way | Proposed Sound Wall |
| | | Proposed Drainage |



SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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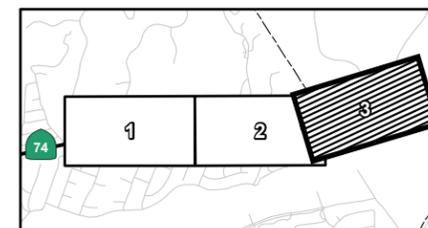


FIGURE 1-4
 Sheet 3 of 3

SR-74 Lower Ortega Highway Widening Project
Project Location Map
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City/County line. Right-turn lanes would be provided at Via Cristal, Via Errecarte, and Avenida Siega.

Driveways

On the north side of SR-74 within the project limits, there are 11 existing driveways. Each of the 11 driveways would be modified to meet the grade of the widened roadway and to include reconstruction of the curb return. These driveways would be designed in order to maintain sight distance and to avoid safety issues.

Build Alternative 2 would construct a retaining wall that would prevent access to SR-74 from an existing unpaved driveway located east of Shadetree Lane and approximately 300 ft west of the City/County limits. When this parcel was subdivided, the vehicular access rights were relinquished with City approval. Any use of these access points along SR-74 is considered illegal. Additionally, this driveway is nonoperational for residential use due to its steep slope and unpaved condition.

Pedestrian and Bicycle Facilities

The existing sidewalk on the south side of SR-74 would be maintained in its current location with the exception of a portion of sidewalk at the intersection of Via Cordova, where the sidewalk would be shifted to the south and reconstructed to provide for the right-turn pocket at this intersection. A new sidewalk would be constructed to the east beyond Avenida Siega and would connect to the planned County sidewalk system to provide continuity and be consistent with both City and County goals. In addition, the existing sidewalk on the north side of SR-74 would be reconstructed from Calle Entradero to Hunt Club Drive within the existing public right-of-way.

Class II bicycle facilities are planned and would be provided on each side of the roadway as part of the 5 ft and 8 ft wide paved shoulders throughout the project limits. These facilities would be in conformance with the Orange County Transportation Authority (OCTA) *Commuter Bikeways Strategic Plan (CBSP)*. The City's General Plan states in its Circulation Element that there is the need to promote an extensive public bicycle, pedestrian, and equestrian trails network. These bicycle facilities would comply with the City's goals.

Right-of-Way Acquisitions

The project would require a total of 46 parcels adjacent to SR-74 as partial acquisitions, permanent easements (PEs) and temporary construction easements (TCEs). Eight of the 46 parcels will be required for TCEs only; and a total of 33

parcels would be required for both PEs and TCEs. The PEs would allow for maintenance of the proposed noise barriers and retaining walls, and the TCEs would be required to accommodate construction of the proposed road widening (and drainage work), noise barriers, the four-way traffic signal at the intersection of SR-74 and Via Cordova/Hunt Club Drive, sidewalks, and retaining walls. Five parcels would be required for partial acquisitions, PEs, and TCEs. The partial acquisitions in some areas are required for the roadway widening. Although partial acquisitions and PEs would be required, no displacements or relocations are anticipated. In addition, a guard house immediately north of the Hunt Club Drive intersection would not be acquired for the project; however, due to the Settlement Agreement, Caltrans will compensate the Hunt Club Homeowners Association (HOA) for this relocation. Further discussion of the acquisitions and easements is provided in Section 2.1.3, Community Impacts.

Following construction of the traffic signal improvements, the relocated guard house shall accommodate at least as much distance for queued vehicles between the guard gate and the roadway as accommodated by the original location of the guard house prior to the installation of the traffic signal improvements. The guard house relocation shall be completed prior to final acceptance of the project construction and shall be completed prior to the recordation of a Notice of Completion pursuant to California Civil Code Section 3093.

Cut and Fill

The roadway widening within the project limits would require cut slopes approximately 20 ft deep on the north side of SR-74 between Hunt Club Drive and the City/County line.

Drainage Improvements

Since most of the widening would occur on the north side of SR-74, all existing drainage facilities would be modified and extended to intercept flows at the proposed edge of pavement. Several additional drainage culverts would be added; locations and numbers of the drainage culverts will not be determined until the project design phase. The existing concrete channel along the north side of SR-74 at approximately Station 104+00 to Shadetree Lane will be removed and replaced in place with a 24-inch pipe. Caltrans-approved Treatment Best Management Practices (BMPs), such as biofiltration swales, will be implemented per Caltrans' National Pollutant Discharge Elimination System (NPDES) permit requirements. There would be no drainage systems added to the south side. However, existing drainage on the south

side from Avenida Siega, where widening would occur to the City/County line, would be modified to intercept flows at the proposed edge of pavement.

Retaining Walls

There are seven retaining walls on the north side of SR-74 under consideration as shown in Figure 1-5, Aesthetic Treatment Samples for Retaining Walls, all of which will be designed to meet Caltrans' Division of Structures requirements. They include the following:

- A 160 ft long, 2–16 ft high retaining wall on the north side of Palm Hill Drive.
- A 560 ft long, 2–20 ft high retaining wall from Palm Hill Drive to an access road.
- A 100 ft long, 2–10 ft high retaining wall just east of the above-mentioned access road.
- A 280 ft long, 2–14 ft high retaining wall between Toyon Drive and an access road.
- A 1,060 ft long, 8–24 ft high retaining wall between Shadetree Lane to the City/County limits.
- Two 160 ft long, 3 ft high retaining walls on the north side of SR-74 between Calle Entradero and Hunt Club Drive.

Guidance will be received from the aesthetic committee consisting of the Hunt Club HOA, the City, and Caltrans. The wall types will be finalized during the design phase. Sample treatments are provided in Figure 1-5.

Noise Attenuation

Two noise barriers (NB) (NB Nos. 2 and 3) were recommended for this project as community enhancements to protect residences along the south side of SR-74 as part of the project features within the certified Final EIR. In addition, the *Noise Study Report* (NSR; 2018) and the *Noise Abatement Decision Report* (NADR; 2019) recommended NB No. 6. Following are the details of these noise barriers:

- NB No. 2: A 712 ft long, maximum 16 ft high noise barrier on the south side of SR-74 from Via Cordova to Via Cristal.
- NB No. 3: A 1,215 ft long, maximum 16 ft high noise barrier on the south side of SR-74 from Via Cristal to Via Errecarte.

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FIGURE 1-5

SR-74 Lower Ortega Highway Widening
 Aesthetic Treatment Samples for Retaining Walls

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- NB No. 6: A 41 ft long barrier within the private property line on the westbound side of SR-74, analyzed to shield Receptor R-120.¹

Based on the Settlement Agreement, proposed noise barriers will use transparent sound-attenuating material for the upper 5 ft of the barriers. The City will accept responsibility for maintenance of the noise barriers (but not initial installation) on the City property.

Signals and Lighting

A four-way traffic signal will be installed at the intersection of SR-74 and Via Cordova/Hunt Club Drive.

Caltrans and the City agree to share post-construction and maintenance costs for the traffic signal on an equal (50 percent-50 percent) basis.

Utilities

All utilities such as power, gas, sewer, and telephone lines impacted by this project would be relocated or replaced in-kind within the project limits. In addition, an existing concrete channel along the north side of SR-74 at approximately Station 104+00 to Shadetree Lane, will be undergrounded as part of the project.

Pavement Rehabilitation

The project would also rehabilitate the existing pavement. The remaining existing pavement would be ground and overlaid with new rubberized asphalt concrete pavement to provide adequate strength to accommodate the projected 2045 traffic demand.

Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives

As discussed earlier, Class II bicycle facilities are planned and would be provided on each side of the roadway as part of the 5 ft and 8 ft wide paved shoulders throughout the project limits; therefore, the bicycle facilities would encourage bicycle travel.

In addition, Build Alternative 2 would maintain the existing metering and would not permanently impact the bus lines.

¹ The recommended NB No. 6 is located where interior noise mitigation N-1 (e.g., double-paned windows and mechanical heating and cooling) was recommended in the certified Final EIR.

1.4.1.2 Non-Standard Design Features

This alternative would include the following non-standard design features:

Non-Standard Roadway Widening (Widening on Both Sides)

This alternative would include rehabilitation and widening of the existing roadway, from Calle Entradero at PM 1.0 to 150 ft east of the City/County line at PM 1.9, to match the existing cross section width west of Calle Entradero. The roadway cross section consists of four 12 ft lanes, a 12 ft painted median, two 2 ft curbs and gutter, and two 5 ft sidewalks. Right-turn lanes would be provided for Via Cristal, Via Errecarte, and Avenida Siega. Under this alternative, the roadway would be widened on both sides; therefore, it would impact the mature trees and existing meandering sidewalks. The roadway would not provide standard shoulders, and bike lanes would be a safety issue.

Non-Standard Roadway Widening (Widening to the North)

This alternative would include rehabilitation and widening of the existing roadway from Calle Entradero at PM 1.0 to the City/County line at PM 1.9. Most of the road widening would be to the north. However, the portion from Avenida Siega to the City limits will require widening to the north and south. The roadway cross section consists of four 12 ft lanes, a 12 ft painted median, and two 2 ft shoulders. Right-turn lanes would be provided for Via Cristal, Via Errecarte, and Avenida Siega.

Under this alternative, the roadway would not provide standard shoulders and bike lanes. The Caltrans' Project Development Coordinator did not approve the proposed 2 ft nonstandard shoulders.

Other Project Elements (Project Features)

As discussed earlier in this chapter, the project contains a number of project features that can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects and measures included in the Standard Plans and Specifications or as Standard Special Provisions. These features are addressed in more detail in the Environmental Consequences sections in Chapter 2. In addition, for the purposes of consistency, these project features are included in the ECR (Appendix D) and referenced in Chapter 2 of this EA, as applicable, as Project Features (PF) (per title of sub-section) and numbered. For example, a project feature applicable to water quality would be titled and listed as Project Feature PF-WQ-1.

1.5 Project Features

1.5.1 Utilities/Emergency Services

PF-UES-1 California Department of Transportation (Caltrans) Standard Specification Section 12-4. Prior to and during construction, Caltrans will coordinate all temporary highway and arterial roadway closures and detour plans with law enforcement, fire protection, and emergency medical service providers to minimize temporary delays in emergency response times, including the identification of alternative routes for emergency vehicles and routes across the construction areas that are developed in coordination with the affected agencies.

1.5.2 Traffic and Transportation/Pedestrian and Bicycle Facilities

PF-TR-1 California Department of Transportation (Caltrans) Standard Specification Section 12-4. A Transportation Management Plan (TMP) will be completed and approved by Caltrans District 12 during final design and will be incorporated into the plans, specifications, and estimates for implementation by the Construction Contractor during project construction to address short-term traffic circulation and access effects during project construction. The TMP will detail a plan for the umbrella standard specification of 12-4 Maintaining Traffic and any applicable sections (i.e., 12-4.01 General, 12-4.02 Traffic Control Systems, 12-4.03 Falsework Openings, and 12-4.04 Pedestrian Facilities, etc.). The TMP will contain, but not be limited to, the following elements intended to reduce traveler delay and enhance traveler safety: a public information/awareness campaign, traveler information strategies, incident management, construction strategies, demand management, and alternate route strategies. These elements will be refined during final design and incorporated in the TMP for implementation during project construction.

1.5.3 Cultural Resources

PF-CUL-1 California Department of Transportation (Caltrans) Standard Specification 14-2.03A: Discovery of Cultural Materials. If cultural materials are discovered during site preparation, grading, or excavation, the Construction Contractor will divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the

find. At that time, coordination will be maintained with the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator to determine an appropriate course of action. If the discovery of cultural materials occurs outside the Caltrans right-of-way, then coordination with the appropriate local agency will be conducted as well.

- PF-CUL-2 Caltrans Standard Specification 14-2.03A: Discovery of Human Remains.** If human remains are discovered during site preparation, grading, or excavation, California State Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the Orange County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to California Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendant (MLD). At that time, the persons who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of California PRC 5097.98 are to be followed as applicable.

1.5.4 Water Quality and Storm Water Runoff

- PF-WQ-1 California Department of Transportation (Caltrans) Standard Specification Section 13-1:** The project will comply with the provisions of the National *Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003* and any subsequent permits in effect at the time of construction.

- PF-WQ-2 California Department of Transportation (Caltrans) Standard Specification Section 13-3:** The project will comply with the provisions of the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ, NPDES No. CAS000002* and any subsequent permits in effect at the time of construction.

- PF-WQ-3 California Department of Transportation (Caltrans) Standard Specification Section 13-3:** The project will comply with the Construction General Permit by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) to address all construction-related activities, equipment, and materials that have the potential impact water quality for the appropriate Risk Level. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-storm water BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the *Storm Water Quality Handbooks: Construction Site Best Management Practices Manual* to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed. These include, but are not limited to temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-storm water BMPs.
- PF-WQ-4** Design Pollution Prevention Best Management Practices (BMPs) will be implemented such as preservation of existing vegetation, slope/surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes and swales, overside drains, flared end sections, and outlet protection/ velocity dissipation devices.
- PF-WQ-5** Caltrans approved treatment Best Management Practices (BMPs) will be implemented consistent with the requirements of *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003* and any subsequent permits in effect at the time of construction. Treatment BMPs may include Design Pollution Prevention (DPP) Infiltration Areas, Infiltration Devices, Biofiltration Strips and Swales, Detention Devices, Media Filters, Multi-Chamber Treatment Train (MCTT), Wet Basin and Open Graded Friction Course.
- PF-WQ-6 California Department of Transportation (Caltrans) Standard Specification Section 13-4:** If dewatering is required, Construction site dewatering must comply with the *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013,*

NPDES No. CAG919003) and any subsequent updates to the permit at the time of construction. This Permit addresses temporary dewatering operations during construction. Dewatering BMPs must be used to control sediment and pollutants, and the discharges must comply with the WDRs issued by the San Diego RWQCB.

1.5.5 Geology/Soils/Seismic/Topography

PF-GEO-1 Caltrans Standard Specifications 7-1.02.K(6) Occupational Safety and Health Standards. All improvements would be constructed and operated in accordance with all applicable safety standards, such as the California Occupational Safety and Health Administration (Cal/OSHA) standards related to worker safety during construction and operation, provided in Title 8 Chapter 3.2, California Safety and Health Regulations, California Code of Regulations, and the National Fire Protection Association (NFPA) Safety Codes and Standards.

PF-GEO-2 Caltrans Standard Specifications 48-2.02. B and Section 19 Earthwork General. The project will comply with the current Caltrans procedures and design criteria regarding seismic design to mitigate any adverse effects related to seismic ground shaking. Earthwork will be performed in accordance with Caltrans Standard Specifications, Section 19, which requires standardized measures related to compacted fill, over-excavation and recompaction, and retaining walls, among other requirements. Moreover, the Caltrans' *Highway Design Manual* (HDM) Topic 113, Geotechnical Design Report, would require that a site-specific, geotechnical field investigation be performed for the proposed project during the design phase. The findings and recommendations from the investigation would be incorporated into the final design.

1.5.6 Paleontology

PF-PAL-1 California Department of Transportation (Caltrans) Standard Specification 14-7.03: Discovery of Unanticipated Paleontological Resources. If unanticipated paleontological resources are discovered, all work within 60 feet of the discovery must cease and the construction Resident Engineer will be notified. Work cannot continue near the discovery until authorized.

1.5.7 Hazardous Waste/Materials

PF-HAZ-1 California Department of Transportation (Caltrans) Standard Specification Section 14-11.12. Residue from the removal of painted or thermoplastic traffic stripes and pavement markings contains lead from the paint or thermoplastic. The average lead concentrations contain less than 1,000 milligrams per kilogram (mg/kg) of total lead and 5 milligrams per liter (mg/L) of soluble lead. This residue:

- Is a non-hazardous waste
- Does not contain heavy metals in concentrations exceeding the thresholds established by the California Health and Safety Code and 22 California Code of Regulations
- Is not regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 United States Code § 6901 et seq.

Management of this material exposes workers to health hazards that must be addressed in the project's lead compliance plan.

PF-HAZ-2 Caltrans' Standard Specification Section 13-4.03E (2) and Unknown Hazards Procedures of the Caltrans' Construction Manual (July 2017). During construction, the Construction Contractor will monitor soil excavation for visible soil staining, odor, and the possible presence of unknown hazardous material sources. If hazardous material contamination or sources are suspected or identified during project construction activities, the Construction Contractor will be required to cease work in the area and to have an environmental professional evaluate the soils and materials to determine the appropriate course of action required, consistent with the Unknown Hazards Procedures in Chapter 7 of the Caltrans' *Construction Manual* (July 2017).

1.5.8 Air Quality

PF-AQ-1 California Department of Transportation (Caltrans) Standard Specifications Section 14-9. The contractor will adhere to the Caltrans Standard Specifications for Construction, Section 14-9 to minimize impacts to air quality including Sections 14.9-02 (Air Pollution Control) and 14.9-03 (Air Monitoring). Section 14.9-02 specifically requires compliance by the contractor with all applicable laws and

regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.

During clearing, grading, earthmoving, or excavation operations, excessive fugitive dust emissions will be controlled by regular watering or other dust preventive measures using the following procedures, as specified in the South Coast Air Quality Management District (SCAQMD) Rule 403:

- All material excavated or graded will be sufficiently watered to prevent excessive amounts of dust.
- Watering will occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- All material transported on site or off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized to prevent excessive amounts of dust.
- Fugitive dust emissions will be controlled by applying waste or dust palliative to disturbed soils and unpaved areas.
- A Dust Control Plan will be prepared by the contractor in coordination with Caltrans and will be followed during construction to control fugitive dust emissions.

These control techniques will be indicated in project specifications. Visible dust beyond the property line emanating from the project will be prevented to the maximum extent feasible.

- Project grading plans will show the duration of construction. Ozone precursor emissions from construction equipment vehicles will be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications.
- All trucks that are to haul excavated or graded material on site will comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4), as amended,

regarding the prevention of such material spilling onto public streets and roads.

- Should the project geologist determine that asbestos-containing materials (ACMs) are present at within the limits of construction during a final inspection prior to construction, the appropriate methods will be implemented to remove ACMs.
- All construction vehicles both on and off site shall be prohibited from idling in excess of 5 minutes.

1.5.9 Noise

PF-N-1 California Department of Transportation (Caltrans) Standard Specifications Section 14.8-02. The Construction Contractor will control and monitor noise resulting from work activities. The nighttime noise level from the Construction Contractor's operations, between the hours of 9:00 p.m. and 6:00 a.m., shall not exceed the 86 A-weighted decibel (dBA) maximum instantaneous sound level (L_{max}) at a distance of 50 feet from the job site.

1.5.9.1 Construction

Construction for this project is proposed to start in Fiscal Year 2023/2024 and is anticipated to be completed within approximately 30 months. No area is available within the project limits for exclusive use by the Construction Contractor (for staging). The highway right-of-way shall be used only for the purposes that are necessary to perform the required work.

1.5.9.2 Transportation Management Plan (TMP)

A Transportation Management Plan (TMP), a standard condition placed on all construction projects, is designed to minimize construction activity-related motorist delays, queuing, and accidents by the effective application of traditional traffic-handling practices and innovative approaches. The TMP aims to relieve congestion and maintain traffic flow throughout the alternative routing and surrounding area within Riverside and Orange Counties. The preliminary TMP includes proposed Lane Closure Charts and Detour Plans. A Preliminary TMP was prepared in 2019 (Appendix K) for Build Alternative 2 and will be finalized during the design phase. The TMP will be finalized by the time final designs are prepared. However, it is certain that one lane in each direction would be kept open at all times. In addition, as

mentioned under the Settlement Agreement section, nighttime construction activities shall be generally prohibited for the project.

The TMP evaluates traffic mitigation strategies for the duration of construction, addresses lane closure requirements, and seeks to inform the public and motorists. The TMP strategies include: project phasing, a detour plan, provision of temporary lanes/shoulders, and reversible lanes. Traffic management strategies will also include a public awareness campaign, traffic systems and signage, and traffic support and safety elements. The public awareness element usually involves brochures, mailers, and/or media releases to educate and inform the public of the construction activities. The motorist information strategies include message signage and a highway advisory radio to alert the motorists of road closures and/or detours. Construction Alerts, detailing the project information, alternative routes, and the Transportation Helpline Telephone number, would be made available to residents, businesses, local officials, City Halls, and the Chambers of Commerce throughout local communities.

The traffic support and safety elements involve incident management. The Transportation Management Center (TMC) aids in facilitating communication between construction personnel, the traffic management team, traffic-control officers, and the TMP Coordinator. The TMP would include provisions to minimize delays and give access to emergency personnel such as police and fire departments. Serving as a communications center, the TMC would help expedite the removal of minor and major incidents, help make decisions concerning the closing and opening of lanes and manage traffic by providing traffic information to the media. As outlined in Deputy Directive 60-R-2, the TMP is a living document, subject to change as required by changing circumstances. If there is a material change to the project scope that would affect the function or adequacy of the TMP, then changes to the TMP must be addressed. If traffic conditions within or adjacent to the project limits demonstrate that TMP elements need to be adjusted to adequately address congestion, then the TMP will be altered accordingly. This TMP is included as a Project Feature (PF-TR-1; refer to Section 2.5, Traffic and Transportation/Pedestrian and Bicycle Facilities, for further information) to help facilitate traffic movement during the construction phase.

1.5.9.3 Project Costs

The roadway, structure, right-of-way, and total capital costs are described below in Table 1.8.

Table 1.8: Summary of Costs

Proposed Project	Construction Costs	Right-of-Way Costs	Total Capital Outlay Cost
Build Alternative 2	\$35,578,000	\$15,229,000	\$50,807,000

Source: California Department of Transportation, *Draft Supplemental Project Report (DPR)* (2019).

1.5.10 No Build Alternative

The No Build Alternative does not include improvements to the existing SR-74 and would result in unsatisfactory operating conditions and significant delays for the roadway segment within the project limits. SR-74 would be maintained in its existing two-lane condition and would continue to be used by commuters, recreational traffic, and commercial trucks. The No Build Alternative is not consistent with regional and local transportation plans, would not alleviate existing and projected congestion in the study area, and would not meet the project Purpose and Need. The No Build Alternative serves as the baseline against which to evaluate the effects of Build Alternative 2.

The No Build Alternative would not include improvements to existing SR-74 and would result in unsatisfactory operating conditions for the roadway segment within the project limits.

1.5.11 Comparison of Alternatives

Table 1.9 compares and contrasts the attributes of Build Alternative 2 and the No Build Alternative. After the public circulation period, all comments will be considered, and Caltrans will decide whether or not to implement Build Alternative 2 and make the final determination of the project's effect on the environment. Under NEPA, if no unmitigable significant adverse impacts are identified, Caltrans, as assigned by the FHWA will issue a Finding of No Significant Impact.

1.5.12 Alternatives Considered but Eliminated from Further Discussion

In addition to the TSM/TDM and Reversible Lanes, four alternatives were considered during previous project development phase in 2007 and prior to finalizing the Final EIR, but were eliminated from further study in this EA and are discussed below.

These decisions were based on the current roadway configurations. SR-74 from I-5 to Calle Entradero and from the City/County limits to east of La Pata Avenue is a four-lane facility. This project to widen SR-74 from Calle Entradero to the City/County limits is considered a gap closure and there are no other alternatives to redirect traffic within this segment of SR-74 without having significant impacts to the adjacent residential community.

Table 1.9: Comparison of Alternatives

Resources Impacts	No Build Alternative	Build Alternative 2
Land Use	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts on land use.</p> <p>Permanent Impacts The No Build Alternative would be inconsistent with the County’s and City’s General Plan.</p>	<p>Temporary Impacts</p> <ul style="list-style-type: none"> • Temporary use of 46 parcels adjacent to SR-74 during construction. • Temporary short-term traffic circulation and access impacts during construction. • Temporary trail closure at East Hunt Club Trail during construction. <p>Permanent Impacts</p> <ul style="list-style-type: none"> • Five parcels will be partially acquired for the project. No displacement is required. • 38 parcels will be required as permanent easements for access and maintenance of the project. No displacement is required. • Minor changes in land use would occur as a result of the incorporation of non-transportation General Plan-designated land into SR-74.
Growth	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts on growth-inducing factors.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts on growth-inducing factors.</p>	<p>Temporary Impacts Any potential growth-related effects of Build Alternative 2 would be permanent. There would be no temporary growth-inducing impacts under Build Alternative 2.</p> <p>Permanent Impacts Build Alternative 2 would not influence the rate, type, or amount of growth within the project limits and the study area. Therefore, no growth-inducing impacts would occur.</p>
Community Impacts/ Community Character and Cohesion	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to the community.</p> <p>Permanent Impacts The No Build Alternative would affect access to community facilities and services since traffic demand will exceed capacity and speeds will vary greatly, which would result in considerable delays. An increase in forecasted congestion for the study area would result in substantial impacts to community character by increasing air pollution and traffic congestion.</p>	<p>Temporary Impacts Some of the parks and recreation resources in the community would potentially experience short-term air, noise, and traffic impacts during construction.</p> <p>Permanent Impacts No impacts</p>

Table 1.9: Comparison of Alternatives

Resources Impacts	No Build Alternative	Build Alternative 2
<p>Utilities and Emergency Services</p>	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to utilities and emergency services.</p> <p>Permanent Impacts Emergency services (police, fire, and emergency vehicle services) may be delayed as traffic congestion worsens and would result in significant impacts.</p>	<p>Temporary Impacts</p> <ul style="list-style-type: none"> • Temporary service disruptions could occur. • Delay in response times for emergency services. <p>Permanent Impacts Build Alternative 2 would not result in permanent adverse effects on utility facilities and providers and may actually benefit emergency service providers by reducing congestion at the project area.</p>
<p>Traffic and Transportation/Bicycle Pedestrian</p>	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to traffic and transportation/bicycles/pedestrians.</p> <p>Permanent Impacts The No Build Alternative would not meet the purpose and need to enhance capacity in the long term; and would not address existing and forecasted traffic conditions and would have significant impacts to traffic and transportation.</p>	<p>Temporary Impacts Detours and short-term full and partial closures are expected to result in some delays to the traveling public.</p> <p>Permanent Impacts No impacts</p>
<p>Visual and Aesthetics</p>	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to visual resources.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to visual resources.</p>	<p>Temporary Impacts Construction of Build Alternative 2 would expose motorist traveling along SR-74 and local roadways and local residents to views of construction-related vehicle access and staging of construction materials within Caltrans right-of-way and disturbed or developed areas within the study area.</p> <p>Permanent Impacts Additional hardscape surfaces will be introduced to the study area, including the road widening, new retaining walls, proposed noise barriers, drainage improvements and tree removal activities.</p>

Table 1.9: Comparison of Alternatives

Resources Impacts	No Build Alternative	Build Alternative 2
Cultural Resources	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to cultural resources.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to cultural resources.</p>	<p>Temporary Impacts Any such effects during construction would be considered permanent effects.</p> <p>Permanent Impacts</p> <ul style="list-style-type: none"> • One cultural resource is being considered eligible for the NRHP for the purposes of this project only. This historic property is the Manriquez Adobe site (P-30-176750) recorded within the project area. • Potential for impacts to previously unknown buried cultural materials or human remains.
Water Quality and Storm Water Runoff	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to water quality and storm water runoff.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to water quality and storm water runoff.</p>	<p>Temporary Impacts</p> <ul style="list-style-type: none"> • Pollutants of concern during construction. • Potential groundwater dewatering during construction. <p>Permanent Impacts Long-term impacts that involve an alteration in drainage patterns on the roadways as well as an increase in long-term discharges of pollutants typically generated by the operation of a transportation facility.</p>
Geology, Soils, Seismic, and Topography	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to geology.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to geology.</p>	<p>Temporary Impacts</p> <ul style="list-style-type: none"> • An increased potential for soil erosion during construction • Possible ground rupture, liquefaction, and slumping or slope failure could occur in areas with artificial fill if an earthquake were to occur during construction. • The risk from expansive soils <p>Permanent Impacts No impacts</p>
Paleontological Resources	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to paleontological resources.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to paleontological resources.</p>	<p>Temporary Impacts Not applicable.</p> <p>Permanent Impacts Geologic units with high sensitivity would be impacted by excavation activities.</p>

Table 1.9: Comparison of Alternatives

Resources Impacts	No Build Alternative	Build Alternative 2
Hazardous Waste and Materials	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to hazardous waste and materials.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to hazardous waste and materials.</p>	<p>Temporary Impacts</p> <ul style="list-style-type: none"> • Historical agricultural use of five partially acquired parcels. • Kinder Morgan high pressure petroleum pipeline crossing identified in the eastern portion of the project limits is considered a recognized environmental concern (REC). • Potential impacts related to lead chromate during construction. • The potential for hazardous waste to be encountered during construction with respect to the petroleum pipeline or historical use. <p>Permanent Impacts No impacts other than routine use of hazardous materials associated with maintenance of a transportation facility.</p>
Air Quality	No impacts	<p>Temporary Impacts During construction, short-term degradation of air quality is expected from the release of particulate emissions (airborne dust) generated by excavation, grading, hauling, and other activities related to construction.</p> <p>Permanent Impacts No new regional vehicular emission impacts.</p>
Noise	No impacts	<p>Temporary Impacts Construction of Build Alternative 2 is expected to require the use of graders, bulldozers, and water trucks/pickup trucks. Noise associated with the use of construction equipment is estimated to be between the 55 A-weighted decibels (dBA) maximum instantaneous noise level (L_{max}) and 85 dBA L_{max} at a distance of 50 feet from the active construction area for the grading phase.</p> <p>Permanent Impacts Noise impacts under Build Alternative 2 would result solely from traffic noise.</p>
Wetlands	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to wetlands.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to wetlands.</p>	<p>Temporary Impacts Construction of Build Alternative 2 is not anticipated to result in temporary impacts to any wetlands or waters within the Biological Study Area (BSA) associated with the existing drainage features.</p> <p>Permanent Impacts Construction of Build Alternative 2 is not anticipated to result in permanent impacts to any wetlands or waters within the BSA associated with the existing</p>

Table 1.9: Comparison of Alternatives

Resources Impacts	No Build Alternative	Build Alternative 2
Plant Species	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to plant species.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to plant species.</p>	<p>drainage features.</p> <p>Temporary Impacts Build Alternative 2 is not expected to result in temporary impacts to populations of special-status plant species within the BSA.</p> <p>Permanent Impacts No native habitat is planned to be removed for the project; vegetation planned for removal consists of highway ornamental plants, primarily comprising non-native ground cover, trees, and shrubs. Implementation of Build Alternative 2 would not result in permanent impacts to special-status plant species.</p>
Invasive Species	<p>Temporary Impacts The No Build Alternative does not involve any construction. Therefore, there would be no temporary impacts to invasive species.</p> <p>Permanent Impacts The No Build Alternative does not involve any construction. Therefore, there would be no permanent impacts to invasive species.</p>	<p>Temporary Impacts Build Alternative 2 has the potential to spread invasive species within the project soil disturbance limits through the entering and exiting of contaminated construction equipment and through the improper removal and disposal of invasive species during the construction period.</p> <p>Permanent Impacts Implementation of Build Alternative 2 does have the potential to spread invasive species to adjacent disturbed areas in the BSA through the entering and exiting of contaminated construction equipment, the inclusion of invasive species in seed mixtures and mulch, and the improper removal and disposal of invasive species causing seed to be spread along the highway.</p>

1.5.12.1 Non-Standard Roadway Widening (Widening on Both Sides) Alternative

This alternative would include rehabilitation and widening of the existing roadway, from Calle Entradero at PM 1.0 to the City limit at PM 1.86, to match the existing cross section width west of Calle Entradero. The roadway cross section consists of four 12 ft lanes, a 12 ft painted median, two 2 ft curbs and gutter, and two 5 ft sidewalks. Right-turn lanes would be provided for Via Cristal, Via Errecarte, and Avenida Siega.

Under this alternative, the roadway would be widened on both sides; therefore, it would impact the mature trees and existing meandering sidewalks. The roadway would not provide standard shoulders, and bike lanes would be a safety issue.

1.5.12.2 Standard Roadway Widening (Widening on Both Sides) Alternative

This alternative would include rehabilitation and widening of the existing roadway, from Calle Entradero at PM 1.0 to the City limit at PM 1.86, with a standard geometric cross section that includes four 12 ft lanes, a 12 ft painted median, and 8 ft shoulders. Right-turn lanes would be provided for Via Cristal, Via Errecarte, and Avenida Siega.

Under this alternative, the roadway would be widened on both sides, which would require more right-of-way than Build Alternative 1. In addition, this alternative would also affect the historical resource on the south, the existing equestrian trail, the existing driveways, and the environmentally-sensitive areas on the north.

1.5.12.3 Multi-Modal Alternative

There is a need for a multi-modal transportation corridor to connect Riverside County to SR-241 and I-5. No infrastructure for multi-modal transportation presently exists.

Construction of new infrastructure could have substantial impacts to environmental resources and would require large amounts of property acquisition. New routes to circumnavigate SR-74 would increase travel time for east and westbound travelers.

Among the widening of SR-74, other facilities are being improved to accommodate traffic generated by the Ranch Plan and other development in the area. The area immediately served by SR-74 within the City is generally built out. However, land to the east in unincorporated Orange County is primarily undeveloped. The Ranch Plan EIR identifies traffic improvements to the areas surrounding the City to alleviate anticipated growth from the development within unincorporated Orange County. This alternative did not contain elements to enhance the capacity of SR-74 to better accommodate the current and future traffic demands.

1.5.12.4 Build Alternative 1

Build Alternative 1 would remove the existing meandering sidewalk on the north side of SR-74, east of Calle Entradero. This alternative would widen SR-74 on the north side to avoid reconstructing the sidewalk on the south side.

This alternative was considered in the approved Draft EIR. After carefully considering all substantive comments received during the public circulation period and the balance needed between maintaining public access and reducing environmental impacts, this alternative was eliminated prior to finalizing the approved Final EIR. Please refer to Section 1.1.2, Project Background/History, for detailed information on this alternative.

1.5.12.5 Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives

TSM strives to maximize the efficiency of the existing system through operational modifications such as ridesharing, reversible lanes, ramp metering, and closed circuit television additions for traffic-signal optimization and flow monitoring. The TSM strategy is to improve traffic flow and increase the number of vehicle trips without changing the number of through lanes on a road. As discussed earlier, Class II bicycle facilities are planned and would be provided on each side of the roadway as part of the 5 ft and 8 ft wide paved shoulders throughout the project limits; therefore, the bicycle facilities will encourage bicycle travel.

TDM focuses on the demand side of travel behavior with regional strategies for reducing the number of vehicle trips and vehicle miles traveled, and increasing vehicle occupancy. It facilitates higher vehicle occupancy or reduces traffic congestion by expanding the traveler's transportation choice through initiatives such as telecommuting and changing work schedules to produce a more even pattern of transportation network use, muting the effect of morning and evening rush hours. In addition, multimodal transportation alternatives integrate multiple transportation modes, such as pedestrian, bicycle, automobile, rail, and mass transit. The multimodal transportation strategies have been and would continue to be provided in the SR-74 corridor area. Several bus routes operate on SR-74 and the surrounding areas. Build Alternative 2 would maintain the existing metering and would not permanently impact the bus lines. A TSM/TDM alternative is not considered a viable stand-alone option for this project, because it does not fulfill the project purpose or address the identified need. A TSM/TDM alternative on its own would:

- Provide minimal congestion reduction;
- Provide minimal enhancement of operations and improvement in trip reliability;
- Not increase mobility substantially, because it would have limited effect on Congestion; and
- Not maximize throughput because no additional through lanes are provided.

TSM and TDM are similar in a number of ways, because they may have the potential to lessen the number of trips, lessen peak hour travel, conserve energy, reduce emissions, and provide more travel alternatives. Although TSM and TDM measures alone do not satisfy the project’s Purpose and Need, the TSM and TDM measures discussed above are beneficial and have been incorporated into the project design.

1.5.13 Reversible Lanes

Assembly Bill 2542 amended the California Streets and Highway Code to require, effective January 1, 2017, that Caltrans or a regional transportation planning agency demonstrate that reversible lanes were considered when submitting a capacity-increasing project or a major street or highway lane realignment project to the California Transportation Commission for approval (California Streets and Highways Code, Section 100.015).

Based on the relatively balanced directional volumes in the current year and future Design Year, reversible lanes are not warranted for implementation on SR-74 within the project limits. In addition, SR-74 is a two-lane highway and it is not possible to implement reversible lanes. Therefore, reversible lane alternatives were withdrawn from further consideration and are not evaluated in detail in this environmental document.

1.6 Permits and Approvals Needed

The following permits, licenses, agreements, and/or certifications (PLACs) are required for project construction and are described below in Table 1.10.

Table 1.10: Permits and Approvals

Agency	Permit/Approval	Status
State Historic Preservation Office (SHPO)	Section 106 Concurrence; also used as concurrence with the Section 4(f) <i>De Minimis</i> determination	Concurrence to be obtained prior to approval of the FED.
Federal Highway Administration (FHWA)	Air Quality Conformity Determination	The Air Quality Conformity report will be submitted to FHWA after receipt of public comments on the EA and identification of the Preferred Alternative (PA). The FHWA will make a conformity determination prior to approval of the FED and conclude that the project is consistent with the requirements of the Clean Air Act.
California Public Utilities Commission (CPUC/PUC)	Compliance with PUC General Code 131D	During final design, if needed, for undergrounding of overhead utilities.

Agency	Permit/Approval	Status
State Water Resources Control Board (SWRCB)	Section 402 NPDES/ NPDES General Permit for Stormwater Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2009-0009-DWQ, as amended by 2012-0006-DWQ)	Caltrans District 12, as the applicant for the NOI, to obtain permit prior to construction.
State Water Resources Control Board (SWRCB)	Caltrans NPDES Statewide Stormwater Permit (Order No. 2012-0011-DWQ, as amended by Order WQ 2014-0006-EXEC, Order WQ 2014- 0077-DWQ, and Order WQ 2015-0036-EXEC, NPDES No. CAS000003)	Amended permit issued to Caltrans on May 20, 2014, for discharges from state right-of-way.
Regional Water Quality Control Board (RWQCB)	Order No. <i>R9-2015-0013, NPDES No. CAG919003, General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region</i>	Caltrans District 12, as the applicant will obtain permit prior to start of construction.
In the unlikely event that San Juan Creek is impacted by the project's activities, the Caltrans Biologist will need to coordinate with resource agencies prior to initiation of construction. This may require the following permits from the resource agencies, including California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB) and the United States Army Corps of Engineers (USACE):		
CDFW	Section 1602 Streambed Alteration Agreement	Application of Section 1602 Permit anticipated after approval of environmental document and prior to construction.
RWQCB	Section 401 Water Quality Certification	Application of Section 401 Permit anticipated after approval of environmental document and prior to construction.
USACE	Section 404 Individual Permit	Application of Section 404 Permit anticipated after approval of environmental document and prior to construction.

Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures

This chapter describes the current condition of resources in the study area and identifies the potential effects of implementing the proposed project. Each subsection describes the present conditions, discusses the potential impacts of building the proposed project, and indicates what measures would be taken to avoid, minimize, or mitigate those impacts.

The environmental analysis contained within the following chapter considers the potential environmental consequences associated with implementation of the two alternatives (the No Build Alternative and the Build Alternative [Build Alternative 2]).

The environmental impact analyses discuss potential impacts in three general categories: human environment, physical environment, and biological environment. The following discussion of potential effects is presented by environmental resource area. As part of the scoping and environmental analysis carried out for the proposed project, the following environmental issues were considered but no adverse impacts were identified. As a result, there is no further discussion about these issues in the document.

- **Coastal Zone:** California's Coastal Zone generally extends 1,000 yards inland from the mean high tide line. The study area is located outside of and is non-contiguous to the Coastal Zone and is not anticipated to have any effects on coastal resources. Therefore, the Coastal Zone Management Act of 1972, the primary federal law enacted to preserve and protect coastal resources, is not applicable.
- **Wild and Scenic Rivers:** According to the Bureau of Land Management, there are no wild and scenic rivers located in the study area.¹ Therefore, the proposed

¹ U.S. Department of the Interior, Bureau of Land Management. Wild and Scenic Rivers. Website: https://www.blm.gov/sites/blm.gov/files/uploads/Rivers_Q4_2016.pdf (accessed December 28, 2017).

project is not subject to the requirements of the National Wild and Scenic Rivers Act (16 United States Code [USC] 1271) or the California Wild and Scenic Rivers Act (Public Resources Code [PRC] Section 5093.50 et seq.).

- **Farmlands/Timberlands:** The study area include an existing highway and does not contain lands designated by the California Resources Agency as Important Farmlands (Prime Farmlands, Unique Farmlands, or Farmland of Statewide Importance). Only minor changes in residential land use designations to transportation uses would be required to implement Build Alternative 2. Similarly, based on the City of San Juan Capistrano (City) General Plan, there are no Timber Production Zones within or in the vicinity of the study area, and the proposed project is not subject to the California Timberland Productivity Act of 1982 (California Government Code Sections 51100 et seq.).
- **Environmental Justice:** No minority or low-income populations that would be adversely affected by the proposed project have been identified as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.
- **Mineral Resources:** There are no mineral resources located within or adjacent to the study area; therefore, no further discussion is necessary.
- **Hydrology and Floodplains:** Per the *Location Hydraulic Study* (July 2018) prepared for the project, detailed hydrology and floodplain analyses were not included because there would be no floodplain encroachment. In addition, Build Alternative 2 would not substantially alter the existing drainage pattern of the area. Therefore, no findings pursuant to Executive Order (EO) 11988 (Floodplain Management) and Federal Highway Administration (FHWA) requirements outlined in 23 Code of Federal Regulations (CFR) 650 Subpart A would be required.
- **National Marine Fisheries Service (NMFS):** The NMFS Species List identified four special-status species/essential fish habitats with the potential to occur in the general vicinity of the Biological Study Area (BSA). However, no special-status species/essential fish habitat were observed within the BSA during the site visits, and are not expected to occur based on lack of suitable habitat. Therefore, a “*No Effect*” finding was determined for all species on the NMFS Species List having the potential to occur in the BSA.
- **Natural Communities:** According to the *Natural Environmental Study (Minimal Impacts)* (NES-MI) (2018), the BSA does not contain any natural communities. In addition, the project would not adversely affect migration corridors or wildlife linkages within the BSA. Although San Juan Creek exists to the south and to the

- east of the BSA, the Build Alternative 2 would not encroach into the creek or any associated habitats, nor would it affect any existing wildlife movement within the waterway.
- **Animal Species:** A literature review and records search were conducted to identify the presence or potential occurrence of sensitive or special-status animal species within or in the vicinity of the BSA. In addition, a species list was obtained from the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Consultation (IPaC), NMFS, and California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) (Rarefind 5 August 9, 2018) information and is provided in Chapter 3 of this document. There are 12 special-status animal species that are not federally- and/or State-listed as endangered or threatened (non-listed) that were identified in the literature and records searches as potentially occurring within or near the BSA. Additionally, field visits were conducted which confirmed that the special-status animal species are not anticipated to occur within the BSA due to lack of suitable habitat and lack of presence. Therefore, Build Alternative 2 would not result in impacts to special-status animal species in the BSA.
 - **Threatened and Endangered Species:** Federal and State lists of sensitive species, including the CDFW CNDDDB, the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (online edition, 8th Edition, December 2010 via CNDDDB), and official USFWS IPaC information, were obtained and reviewed on April 4, 2018, September 13, 2018, and April 22, 2019; the documentation is provided in Chapter 3 of this document. In total, six listed IPaC, CNDDDB, and NMFS species were identified and determined to have the potential to occur in the general vicinity of the BSA. Site visits were also conducted to characterize the general biological resources and to ascertain the presence or absence of listed species and the likelihood of their occurrence in or near the BSA. As a result, no Federal or State-listed as threatened or endangered plant or animal species were observed within the BSA and are not expected to occur based on the lack of suitable habitat and known distributions. Additionally, there are no critical habitats identified by the USFWS for threatened or endangered species within the BSA. A “*No Effect*” determination has been made for all of the federally listed species on the IPaC and NMFS lists.
 - **Relocations:** Build Alternative 2 would require partial acquisitions from five parcels adjacent to SR-74 for the road widening; however, no displacements or relocations would be required from these parcels. Although a guard house, immediately north of the Hunt Club Drive intersection, would not be acquired for

the project, the existing guard house and/or gate at this specific location, including all structures, fixtures, utility connections and landscaping would be relocated to avoid, mitigate, or otherwise address the potential hazard of vehicles that are stopped at the guard house from queuing onto SR-74 as part of the Settlement Agreement. The California Department of Transportation (Caltrans) will compensate the City for the relocation of the guard house for the Hunt Club Community Association.

HUMAN ENVIRONMENT

2.1 Land Use

This section is based on a review of local planning documents and the Southern California Association of Governments (SCAG) General Plan Land Use and Zoning Database (2012) by jurisdiction, as well as information from the *Community Impact Assessment* (2019) and the *Draft Relocation Impact Memorandum* (2019).

The discussions in this section related to land use are provided in the following subsections:

- 2.1.1 Existing and Future Land Uses
- 2.1.2 Consistency with State, Regional, and Local Plans and Programs
- 2.1.3 Parks and Recreational Facilities

2.1.1 Existing and Future Land Use

The land use study area includes the project limits (the physical area that would be directly affected by the Build Alternative) and a 0.25-mile (mi) buffer around the project limits. As shown in Figure 2.1-1, the study area is located largely within the City of San Juan Capistrano (City) limits, although the eastern limits of the project are located in unincorporated Orange County. In the study area, land uses are designated by the City of San Juan Capistrano General Plan to the north, south, and west, and the County of Orange General Plan to the east.

2.1.1.1 Existing Land Uses

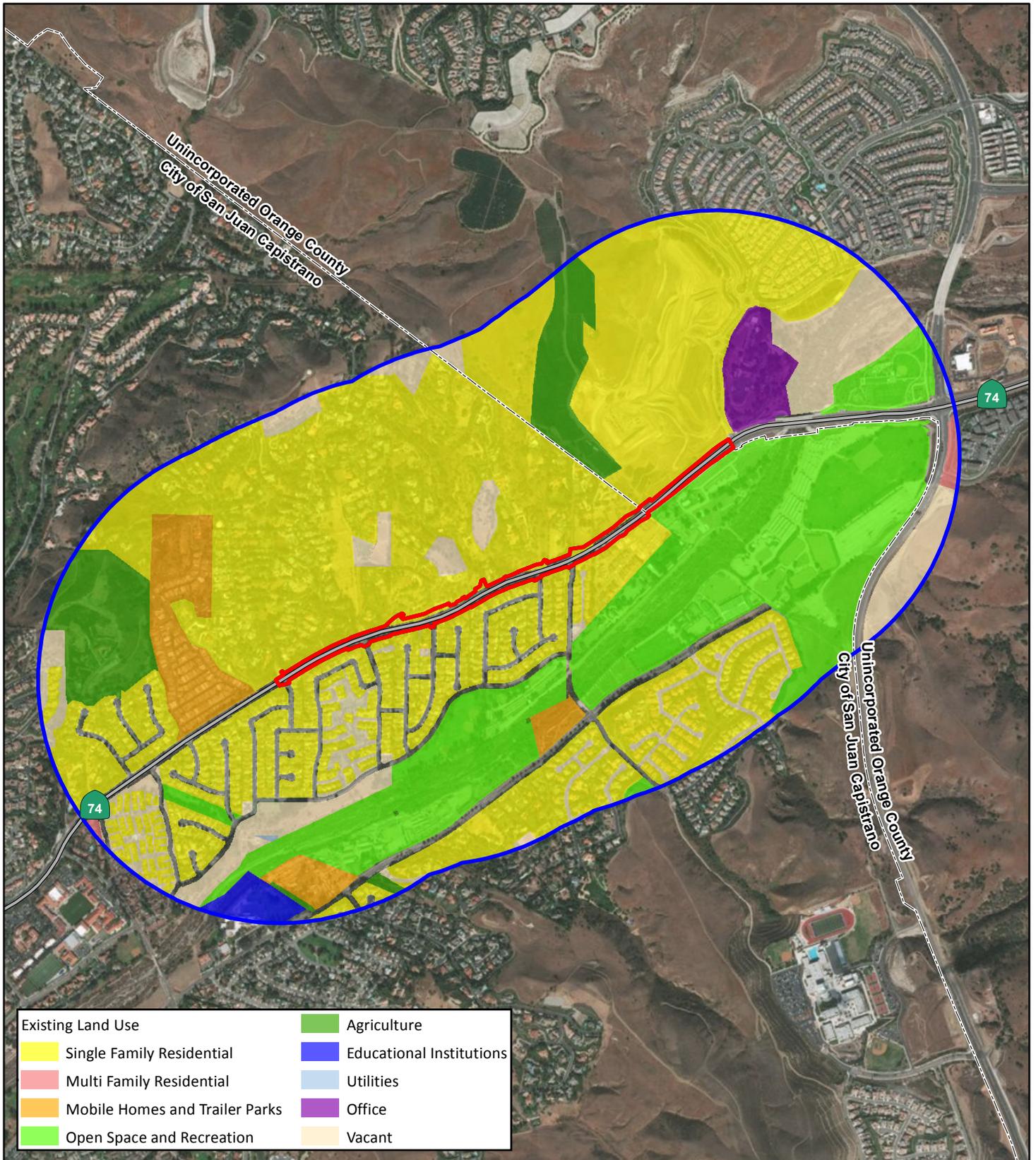
The total study area is approximately 676 acres (ac) and is semi-rural, consisting of mostly residential, open space, community parks, and undeveloped parcels. Refer to Figure 2.1-1 for a map of existing land uses.

2.1.1.2 General Plan Land Uses

General Plan land use designations in the study area for both the City and the County are shown in Figure 2.1-2.

Areas south of SR-74 within the study area are within the City limits and are designated Medium Density Residential (up to 5 dwelling units per acre [du/ac]), Medium-Low Density Residential (up to 3.5 du/ac), General Open Space, or Community Park.

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Existing Land Use	
Single Family Residential	Agriculture
Multi Family Residential	Educational Institutions
Mobile Homes and Trailer Parks	Utilities
Open Space and Recreation	Office
	Vacant

- LEGEND**
- Study Area
 - Project Limits
 - City Boundary

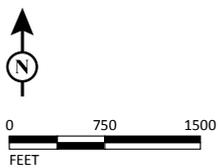


FIGURE 2.1-1

SR-74 Lower Ortega Highway Widening Project

Existing Land Uses

12-ORA-74 PM 1.0/2.1

EA 086920

SOURCE: ESRI (2018); Caltrans (4/3/2019); US Census (2010); SCAG (2012)

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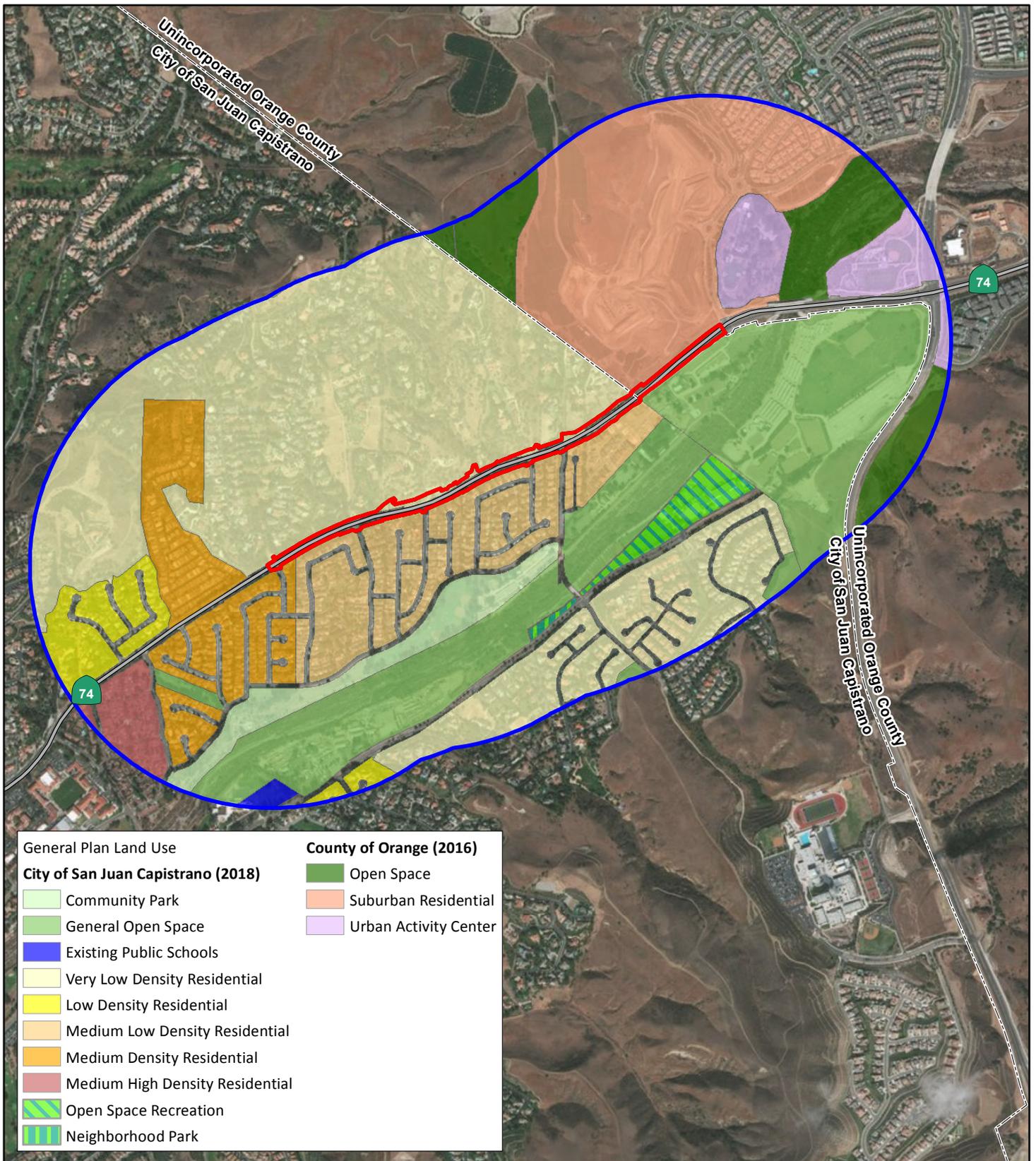


FIGURE 2.1-2

LEGEND

- [Red Outline Box] Project Limits
- [Blue Outline Box] Study Area
- [Dashed Outline Box] City Boundary



SOURCE: ESRI (2018); Caltrans (4/3/2019); US Census (2010)

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SR-74 Lower Ortega Highway Widening Project

General Plan Land Uses

12-ORA-74 PM 1.0/2.1

EA 086920

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Areas located north of SR-74 within the study area and within the City limits are designated Very Low Density Residential (0–1 du/ac), Low Density Residential (up to 2 du/ac), and Medium Density Residential (up to 5 du/ac). City zoning designations in the study area also include: community park (CP), open space recreation district (OSR), natural open space district (NOS), general open space (GOS), planned community district (PC), residential single family, mobile home park senior overlay (MPH-SO), and residential/agricultural district (RA).

Areas located northeast of SR-74 within the study area that are within unincorporated County limits are designated in the County General Plan Land Use Element as Suburban Residential (0.5–18 du/ac), Urban Activity Center, and Open Space. The land within the study area and within the unincorporated County limits is also designated Planned Community or Planning Area 1 (PA 1) by the Ranch Plan Planned Community. According to the Ranch Plan, the land uses planned for PA 1 include a majority of residential uses with an urban activity center, public facilities, recreation, and open space.¹

The County and Ranch Plan zoning designation for the study area is planned community (PC).

According to the County's General Plan Transportation Element, the County has designated SR-74 as a landscape corridor on the Scenic Highway Plan Map.² SR-74 from Interstate 5 (I-5) to State Route 111 has been designated as eligible for designation as a California State Scenic Highway.³ Discussion of this State Scenic Highway designation is further discussed in Section 2.6, Visual and Aesthetics.

2.1.1.3 General Development Trends

Within the study area, City land is generally designated in the City General Plan as medium, medium low or very low density residential or general open space. However, land to the north and east in unincorporated Orange County is primarily designated for development under the Planned Community designation for the Ranch

¹ OC Public Works. 2011. *The Ranch Plan Revised Planning Area 1 Master Area Plan*. February. Website: <http://www.ocpublicworks.com/civicax/filebank/blobdload.aspx?blobid=45690> (accessed March 2019).

² Orange County Planning and Development Services. 2005. *Scenic Highway Plan Map*. Website: <https://www.ocgov.com/civicax/filebank/blobdload.aspx?blobid=8588>.

³ California Scenic Highway Mapping System. 2011. Orange County. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/ (accessed May 2019).

Plan. The County General Plan includes land designated as “Urban Activity Center” northeast of the project limits, which is intended for high-intensity mixed-use development and overlaps with the Ranch Plan Planned Community.

As described in Section 2.2, Growth, the City is projected to experience population growth of approximately 12.7 percent and Orange County is projected to experience population growth of approximately 19.4 percent from 2010 to 2045.¹

Approved and planned development projects in the vicinity of the project limits are described further in Section 2.17, Cumulative Impacts, in Table 2.17.1 and shown on Figure 2.17-1.

2.1.1.4 Environmental Consequences

Temporary Impacts

Existing Land Use

Build Alternative 2

Construction of Build Alternative 2 would require temporary construction easements (TCEs) for 46 parcels adjacent to SR-74 to accommodate construction of proposed noise barriers, the four-way traffic signal, sidewalk improvements, and retaining walls. Table 2.1.1 below shows the acreages of temporary impacts to existing land uses.

Table 2.1.1: Temporary Impacts to Existing Land Uses

Existing Land Use¹	Temporary Impacts (acres)
Single-Family Residential	1.88
Highway	3.38
Vacant	0.003
Total	5.26
Total Outside of Existing Roadway	1.88

Source: Southern California Association of Governments (SCAG) (2008).

¹ Existing land use designations are based on available information from the SCAG database.

¹ U.S. Census Bureau, 2010 Census; 2006–2010 American Community Survey (ACS); 2013–2017 ACS (accessed November 7, 2018); Center for Demographic Research, California State University, Fullerton; Orange County Council of Governments, Technical Advisory Committee; Growth and Population rates are based on Regional Statistical Area (RSA) D-40 that includes San Juan Capistrano.

As shown in Table 2.1.1 above, Build Alternative 2 would require approximately 1.88 ac of TCEs. Owners of parcels where TCEs would be required would receive compensation for the temporary use of a portion of their property. After construction, TCEs would be returned to their original condition, as specified in Minimization Measure LU-1, outlined in Section 2.1.1.5.

Therefore, temporary impacts as a result of construction activities would be minimized with implementation of Minimization Measure LU-1 and would not be considered adverse.

In addition to TCEs, construction of Build Alternative 2 would require temporary lane closures. However, access to all nearby residences and/or businesses would be maintained during any closures through the identification of detour routes on alternate streets. With implementation of Project Feature PF-TR-1, as detailed in Section 2.5, Traffic and Transportation/Pedestrian and Bicycle Facilities, a TMP would be prepared to address short-term traffic circulation and access effects during construction and would address potential temporary access effect to properties adjacent to the project limits.

No Build Alternative

Under the No Build Alternative, the proposed improvements identified for Build Alternative 2 would not be constructed. As a result, the No Build Alternative would not result in temporary impacts to existing land uses.

Permanent Impacts

Existing and Planned Land Use

Build Alternative 2

As shown in Table 2.1.2 below, Build Alternative 2 would result in permanent impacts to approximately 1.41 ac outside of the existing roadway.

Table 2.1.2: Permanent Impacts to Existing Land Uses

Existing Land Use¹	Permanent Impacts (acres)
Single-Family Residential	1.40
Vacant	0.003
Highway	8.96
Total	10.37
Total Outside of Existing Roadway	1.41

Source: Southern California Association of Governments (SCAG) (2008).

¹ Existing land use designations are based on information from the SCAG database.

Permanent impacts would result from the partial acquisition of five parcels required to construct the proposed roadway widening, sidewalk improvements, drainage improvements, retaining walls, and noise barriers associated with Build Alternative 2. Permanent use of land would also be required through permanent easements (PEs) on 33 parcels (totaling 1.1 ac). A PE is defined as “a right Caltrans purchase from owner for a specific use.” Property owners for parcels with PEs would still retain ownership of the underlying fee, and Caltrans would hold an easement interest. The PEs would allow for maintenance of the proposed noise barriers and retaining walls and the TCEs would be required to accommodate construction of the proposed road widening (and drainage work), noise barriers, the four-way traffic signal at the intersection of SR-74 and Via Cordova/Hunt Club Drive, sidewalks and retaining walls. Therefore, PEs would not result in a permanent land use conversion and would not result in an adverse impacts to land use. No full acquisitions or displacements are required for Build Alternative 2.

As shown in Table 2.1.3, Build Alternative 2 would result in the conversion of 0.63 ac of land planned for residential uses into transportation uses for the proposed roadway improvements.

Table 2.1.3: General Plan Land Use Impacts

	General Plan Land Use	Build Alternative 2 (acres)
Permanent Impacts (Roadway Improvements)	Medium Density Residential	0.01
	Medium Low Density Residential	0.13
	Suburban Residential	0.003
	Very Low Density Residential	0.24
Permanent Fee Area (Partial Acquisitions)	Very Low Density Residential	0.24
Total Conversion of Planned Land Uses to Transportation Uses		0.63
Permanent Easements (PEs)	Medium Low Density	0.24
	Suburban Residential	0.004
	Very Low Density	0.83
Total Permanent Impacts		1.70

Sources: City of San Juan Capistrano (2019); Orange County (2015).

As discussed above, the permanent partial acquisition of five parcels would be required to accommodate the proposed improvements under Build Alternative 2. Parcels acquired by Build Alternative 2 would be converted from their existing and planned land uses to transportation land use. In general, Build Alternative 2 would improve operations and reduce traffic congestion in the study area, and the properties impacted by these improvements would benefit from this improved circulation. Build Alternative 2 would not change the overall land use pattern of the study area.

Therefore, the land use compatibility impacts are not considered to be substantial after implementation of Minimization Measure LU-2, which will ensure the consistency with land uses as designated in the local General Plan.

Although the partial acquisitions would not affect the existing or planned land use of the entire parcel, they could result in noncompliance with development standards on the remaining lot. With implementation of Minimization Measure LU-3, as outlined below, coordination with the property owner and the local jurisdiction would be undertaken to address any variances needed resulting from noncompliance with development standards.

Because Build Alternative 2 involves acquisition of strips of adjacent properties and Caltrans would work with the property owner and the local jurisdictions to resolve zoning issues (LU-3), no substantial permanent impacts to planned land uses would occur.

No Build Alternative

Under the No Build Alternative, the proposed improvements identified for Build Alternative 2 would not be constructed. As a result, the No Build Alternative would not result in direct or indirect impacts to existing land uses or long-term effects related to General Plan land uses, including permanent easements and right-of-way acquisition.

2.1.1.5 Avoidance, Minimization, and/or Mitigation Measures

Implementation of Minimization Measures LU-1, LU-2, and LU-3, below, would avoid and/or minimize potential adverse impacts to land use:

LU-1 Restoration of Land Used Temporarily. Prior to project construction, the Construction Contractor would generate time-stamped photo documentation of the pre-construction conditions of all temporary staging areas. All construction access, mobilization, material laydown, and staging areas would be returned to a condition equal to the pre-construction condition.

Following completion of the project, areas that are temporarily disturbed by construction activities would be returned to their property owners in the same or better condition than prior to construction. Owners of parcels where temporary construction easements (TCEs)

would be required would receive compensation for the temporary use of a portion of their property.

LU-2 Land Use Consistency. The California Department of Transportation (Caltrans) will coordinate with City of San Juan Capistrano and the County of Orange to reflect the modification of land use designations for properties that will be acquired for the project that are not currently designated for transportation uses in the Land Use Elements of their General Plans.

LU-3 Development Standards Compliance. During final design, in accordance with the Caltrans *Highway Design Manual* (December 2018 or latest edition), design modifications that would minimize or avoid the loss of landscaping and noncompliance with general development standards will be selected, if feasible. If such losses cannot be minimized or avoided and the project still results in the loss of landscaping or other noncompliance with development standards, Caltrans will coordinate with the City of San Juan Capistrano and/or the County of Orange to obtain landscaping or setback variances for properties where the project would reduce the required amount of landscaping below the applicable municipal landscaping and setback requirements.

2.1.2 Consistency with State, Regional, and Local Plans and Programs

This section discusses the consistency of Build Alternative 2 with SCAG’s 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and SCAG’s 2019 Federal Transportation Improvement Program (2019 FTIP), Orange County Transportation Authority’s (OCTA) Master Plan of Arterial Highways, the OCTA Measure M Renewal Ordinance, and the General Plans of both the City of San Juan Capistrano and the County of Orange.

2.1.2.1 Regional Plans

SCAG Regional Transportation Plan/Sustainable Communities Strategy

SCAG is the Metropolitan Planning Organization (MPO) for the Counties of Orange, Los Angeles, San Bernardino, Riverside, Ventura, and Imperial (SCAG region). SCAG is mandated by the federal government to develop regional plans for transportation, growth management, hazardous waste management, and air quality.

While, the project was listed in the 2012 RTP/SCS under Project ID ORA120507 (refer to Appendix H), the project is not currently included in the 2016 RTP/SCS. An amendment to the 2016 RTP/SCS is currently being processed and will be included in the Final Environmental Document.

Southern California Association of Governments Federal Transportation Improvement Program

The FTIP is a capital listing of all transportation projects proposed over a 6-year period for the SCAG region. It is prepared to implement projects and programs listed in the RTP/SCS and is developed in compliance with State and federal requirements.

A new FTIP is prepared and approved every 2 years. Programmed projects include highway improvements; transit, rail, and bus facilities; carpool lanes; signal synchronization; intersection improvements; freeway ramps; and other related improvements.

Federal law requires that all federally funded projects and regionally significant projects (regardless of funding) be listed in an FTIP. Improvements to SR-74, including Build Alternative 2 (ID #ORA190102), are listed in the 2019 FTIP (Appendix H).

OCTA Master Plan of Arterial Highways

The 2018 OCTA Master Plan of Arterial Highways (MPAH) and the City's Circulation Element designate Ortega Highway as a primary arterial highway, a four-lane divided roadway.

Measure M Renewal Ordinance

In 1990, Orange County voters approved Measure M, a 0.5-cent sales tax for transportation improvements that was scheduled to sunset in 2011. On November 7, 2006, the County's voters renewed Measure M for a 30-year extension through 2041 and approved a continuation of transportation improvements through the Measure M Transportation Investment Plan (M2). By 2041, the M2 program plans to deliver approximately \$15.5 billion worth of transportation improvements to Orange County. Major improvement plans target Orange County freeways, streets and roads, and transit and environmental programs.

2.1.2.2 Local General Plans

General Plans contain policies that guide land-use-related decisions within a jurisdiction. General Plans address issues that directly and indirectly influence land

uses (e.g., housing, noise, transportation, public services and facilities, and conservation and open space). Refer to Table 2.1.4 at the end of this section for an analysis of the consistency of the proposed project with both the City of San Juan Capistrano and the County of Orange General Plans.

City of San Juan Capistrano General Plan

The City of San Juan Capistrano General Plan (adopted in 1999 with amendments in 2002 and the Housing Element adopted in 2014) guides the physical development of incorporated City and land outside of the City boundaries, which bears a relationship to its planning activities. Relevant transportation policies in the City of San Juan Capistrano General Plan are described below:

Circulation Element

Goal 1: Provide a system of roadways that meets the needs of the community.

- **Policy 1.1:** Provide and maintain a City circulation system that is in balance with the land uses in San Juan Capistrano.
- **Policy 1.2:** Implement the City's Master Plan of Streets and Highways.
- **Policy 1.3:** Coordinate improvements to the City circulation system with other major transportation improvement programs.
- **Policy 1.4:** Improve the San Juan Capistrano circulation system roadways in concert with land development to ensure sufficient level of service.

Goal 3: Provide an extensive public bicycle, pedestrian, and equestrian trails network.

- **Policy 3.1:** Provide and maintain an extensive trails network that supports bicycles, pedestrians, and horses and is coordinated with those networks of adjacent jurisdictions.

Goal 4: Minimize the conflict between the automobile, commercial vehicles, pedestrians, horses, and bicycles.

- **Policy 4.1:** Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic.
- **Policy 4.2:** Provide traffic management improvements within areas where through traffic creates public safety problems.
- **Policy 4.3:** Install additional street improvements within areas where necessary to improve vehicular and non-vehicular safety.

Goal 5: Achieve the development of regional transportation facilities.

- **Policy 5.1:** Support the implementation of the Orange County Master Plan of Arterial Highways and the south Foothill Tollway Segment (Segment CP).

County of Orange General Plan

The County of Orange General Plan (adopted in 2005 with amendments in 2012 and 2015) provides direction for land use decisions in unincorporated parts of the County of Orange. The study area includes areas of unincorporated land in the County of Orange, at the eastern project limits. There is some land classified as suburban residential near SR-74 northeast of the land use study area; however, the majority of unincorporated Orange County land in the land use study area is designated in the County of Orange General Plan as Open Space. Relevant transportation policies in the County of Orange General Plan are described below:

Transportation Element

Goal 1: Provide a circulation plan that supports land use policies of the County.

Goal 2: Provide a circulation (arterial highway) plan that is integrated with that of adjacent jurisdictions.

- **Policy 2.1:** Coordinate with the following transportation planning agencies: the Department (State), OCTA, the Transportation Corridor Agencies (County corridor planning and construction) and Orange County cities on various studies relating to freeway, tollway and transportation corridor planning, construction and improvement in order to facilitate the planning and implementation of an integrated circulation system.

Goal 3: Provide a circulation plan that facilitates the safe, convenient, and efficient movement of people and goods throughout unincorporated areas of the County.

- **Policy 3.1:** Maintain acceptable levels of service on arterial highways pursuant to the Growth Management Element of the General Plan.
- **Policy 3.2:** Ensure that all intersections within the unincorporated portion of Orange County maintain a peak hour level of service “D” according to the County Growth Management Plan Transportation Implementation Manual.

Goal 6: Implement transportation demand management (TDM) and transportation system management (TSM) strategies which reduce peak hour vehicle travel demand and minimize single-occupant vehicles and trip length on the unincorporated County roadway system.

- **Objective 6.5:** Enhance the efficient movement of vehicles through the circulation system by providing bike lanes and restricting parking on arterials whenever feasible.

2.1.2.3 Environmental Consequences

Temporary Impacts

Consistency with State, Regional, and Local Plans and Programs

Build Alternative 2 and the No Build Alternative

Consistency with State, regional, and local plans and programs is related to the consistency of permanent project changes with those plans. As a result, Build Alternative 2 and the No Build Alternative would not result in any temporary inconsistencies with State, regional, and local plans and policies.

Permanent Impacts

Consistency with State, Regional, and Local Plans and Programs

Build Alternative 2

Minor changes in land use would occur as a result of the incorporation of non-transportation General Plan-designated land into SR-74. As shown in Table 2.1.4, Build Alternative 2 would be consistent with the applicable policies and objectives contained in the General Plans of the City of San Juan Capistrano and the County of Orange. Specifically, Build Alternative 2 is consistent with the policies and objectives that improve regional transportation facilities and maximize the efficiency of the circulation system. With implementation of Minimization Measures LU-2 and LU-3, consistency with the land use designations would be ensured and compliance with development standards would be maintained. Therefore, no permanent direct or indirect adverse effects would occur related to inconsistencies with existing plans and policies.

The City's General Plan and the 2018 OCTA MPAH, designate SR-74 as a four-lane divided highway from Interstate 5 east to the Orange/Riverside County border, and Build Alternative 2 is consistent with this designation. The County's General Plan Circulation Element designates SR-74 as a four-lane highway east of the City/County line; however, in order to be eligible for all Measure M2 Net Revenue as well as programs, a jurisdiction's General Plan Circulation Element must be consistent with the MPAH. Therefore, the County's General Plan will be updated for consistency with the MPAH as part of the County's General Plan Update process if Measure M funding is sought.

**Table 2.1.4: Consistency with State, Regional, and Local Plans
and Programs**

Policy	Build Alternative 2	No Build Alternative
City of San Juan Capistrano General Plan		
Circulation Element		
Goal 1. Provide a system of roadways that meets the needs of the community.	Consistent. Build Alternative 2 would relieve existing and future traffic congestion and accommodate planned growth in the surrounding area. Therefore, Build Alternative 2 would not conflict with this goal.	Inconsistent. The No Build Alternative would not result in any changes to existing roadway within the City and would not accommodate planned growth. The No Build Alternative would conflict with this goal.
Policy 1.1. Provide and maintain a City circulation system that is in balance with the land uses in San Juan Capistrano.	Consistent. Build Alternative 2 would relieve existing and future traffic congestion and accommodate planned growth in the surrounding area. Therefore, Build Alternative 2 would not conflict with this policy.	Neutral. The No Build Alternative would not result in any changes to the circulation system or the land uses in the City. The No Build Alternative would not conflict with this policy.
Policy 1.2. Implement the City's Master Plan of Streets and Highways.	Consistent. The City's General Plan Circulation Element designates SR-74 as a "Primary Arterial Highway" which is defined as a four-lane roadway. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any improvements that would implement the City's Master Plan of Streets and Highways. Therefore, the No Build Alternative would conflict with this policy.
Policy 1.3. Coordinate improvements to the City circulation system with other major transportation improvement programs.	Consistent. Build Alternative 2 would widen SR-74 consistent with the City's General Plan Circulation Element and the County's Master Plan of Arterial Highways. Build Alternative 2 also includes pedestrian and bicycle improvements in the City that would connect to planned improvements in the County. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any improvements related to the City's circulation system or other transportation improvement programs. The No Build Alternative would also not include improvements to the pedestrian and bicycle circulation system. Therefore, the No Build Alternative would conflict with this policy.
Policy 1.4. Improve the San Juan Capistrano circulation system roadways in concert with land development to ensure sufficient levels of service.	Consistent. Build Alternative 2 would improve connections between residential, commercial, and public land uses. Build Alternative 2 would improve the overall LOS and substantially improves traffic operations for through traffic along the corridor in the Design Year (2045). Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any changes to the transportation system and roadway segments would continue to exceed capacity. Therefore, the No Build Alternative would conflict with this policy objective.
Goal 3. Provide an extensive public bicycle, pedestrian, and equestrian trails network.	Consistent. Build Alternative 2 would provide Class II bicycle facilities on each side of the roadway and a new sidewalk to connect to the planned County sidewalk system. Existing horse trails in the study area would not be impacted. Therefore, Build Alternative 2 would not conflict with this goal.	Neutral. The No Build Alternative would not result in any development and would maintain the existing pedestrian and horse trails in the study area. There are no bicycle facilities on SR-74 within the study area. Therefore, the No Build Alternative would not conflict with this goal.

**Table 2.1.4: Consistency with State, Regional, and Local Plans
and Programs**

Policy	Build Alternative 2	No Build Alternative
Policy 3.1. Provide and maintain an extensive trails network that supports bicycles, pedestrians, and horses and is coordinated with those networks of adjacent jurisdictions.	Consistent. Build Alternative 2 would include Class II bicycle facilities on each side of the roadway as part of the 5 ft wide paved shoulders throughout the project limits. The existing sidewalks would be maintained or relocated. In addition, a new sidewalk would be constructed to the east beyond Avenida Siega and would connect to the planned County sidewalk system to provide continuity. Existing horse trails in the study area would not be impacted. Therefore, Build Alternative 2 would not conflict with this policy.	Neutral. The No Build Alternative would not result in any development and would maintain the existing pedestrian and horse trails in the study area. There are no bicycle facilities on SR-74 within the study area. Therefore, the No Build Alternative would not conflict with this policy.
Goal 4. Minimize the conflict between the automobile, commercial vehicles, pedestrians, horses, and bicycles.	Consistent. Build Alternative 2 would include a paved 5 ft wide shoulder on each side of the roadway to accommodate Class II (striped on-road) bicycle facilities, except from Avenida Siega to the City/County limits where the shoulder would transition to an 8 ft wide shoulder to merge with the County portion of the project. Build Alternative 2 would also include a new sidewalk east of Avenida Siega to connect to the existing County sidewalk system. Therefore, Build Alternative 2 would not conflict with this goal.	Inconsistent. The No Build Alternative would not result in any changes to bicycle, pedestrian, or horse trails to minimize conflicts between these users and vehicles. The No Build Alternative would conflict with this policy.
Policy 4.1. Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic.	Consistent. Build Alternative 2 would include a paved 5 ft wide shoulder on each side of the roadway to accommodate Class II (striped on-road) bicycle facilities, except from Avenida Siega to the City/County limits where the shoulder would transition to an 8 ft wide shoulder to merge with the County portion of the project. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any changes to bicycle, pedestrian, or horse trails to buffer pedestrians, horses, and bicyclists from vehicular traffic. The No Build Alternative would conflict with this policy.
Policy 4.2. Provide traffic management improvements within areas where through traffic creates public safety problems.	Consistent. Build Alternative 2 would widen SR-74 relieving an existing choke point. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not provide traffic management improvements. Therefore, the No Build Alternative would conflict with this policy.
Policy 4.3. Install additional street improvements within areas where necessary to improve vehicular and non-vehicular safety.	Consistent. Build Alternative 2 would relieve an existing choke point. In addition, Build Alternative 2 would provide a new traffic signal at the intersection of SR-74 and Via Cordova/Hunt Club Drive. Paved 5 ft wide shoulders on each side of the roadway would also be provided to accommodate Class II (striped on-road) bicycle facilities, except from Avenida Siega to the City/County limits where the shoulder would transition to an 8 ft wide shoulder to merge with the County. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not install additional street improvements. Therefore, the No Build Alternative would conflict with this policy.

**Table 2.1.4: Consistency with State, Regional, and Local Plans
and Programs**

Policy	Build Alternative 2	No Build Alternative
Goal 5. Achieve the development of regional transportation facilities.	Consistent. Build Alternative 2 would relieve existing and future traffic congestion along SR-74, a regional route. Therefore, Build Alternative 2 would not conflict with this goal.	Inconsistent. The No Build Alternative would not develop or improve regional transportation facilities. Therefore, the No Build Alternative would conflict with this policy objective.
Policy 5.1. Support the implementation of the Orange County Master Plan of Arterial Highways and the south Foothill Tollway Segment (Segment CP).	Consistent. Build Alternative 2 would widen SR-74, consistent with the County's Master Plan of Arterial Highways. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not support the implementation of the Orange County Master Plan of Arterial Highways. Therefore, the No Build Alternative would conflict with this policy.
County of Orange General Plan		
Transportation Element		
Goal 1. Provide a circulation plan that supports land use policies of the County.	Neutral. Build Alternative 2 would result in minor changes to land uses in the study area with partial acquisition of five parcels (0.004 ac of land designated general open space and 0.63 ac of land designated residential use would be converted to transportation uses). However, these minor changes would not alter the overall land use pattern of the study area. Furthermore, the proposed improvements would improve traffic operations within the study area to relieve existing and future traffic congestion and accommodate planned growth. Therefore, Build Alternative 2 would not conflict with this goal.	Neutral. The No Build Alternative would not result in any changes to land uses in the region. However, under the No Build Alternative, the corridor would continue to exceed capacity and planned future growth accounted for in the County's General Plan and land use designations would not be accommodated. The No Build Alternative would not conflict with this goal.
Goal 2. Provide a circulation (arterial highway) plan that is integrated with that of adjacent jurisdictions.	Consistent. Build Alternative 2 is consistent with both the City's Circulation Plan and the 2018 MPAH designation for SR-74 as a Primary Highway. The County Circulation Plan is required to be consistent with the MPAH in order to be eligible for all Measure M2 Net Revenue, as well as other OCTA programs and funding. Therefore, the County's General Plan will be updated for consistency with the 2018 MPAH. Therefore, Build Alternative 2 would not conflict with this goal.	The No Build Alternative would not result in any changes to the transportation system. The No Build Alternative would be inconsistent with the 2018 MPAH and the City's General Plan and would be inconsistent with this goal.
Goal 3. Provide a circulation plan that facilitates the safe, convenient, and efficient movement of people and goods throughout unincorporated areas of the County.	Consistent. Build Alternative 2 would improve traffic flow and reduce traffic congestion, thus improving the circulation system within unincorporated Orange County and the City/County line. Therefore, Build Alternative 2 would not conflict with this goal.	Inconsistent. The No Build Alternative would not result in any changes to the transportation system. The No Build Alternative would be inconsistent with the 2018 MPAH and the City's General Plan and would be inconsistent with this goal.
Policy 3.1. Maintain acceptable levels of service on arterial highways pursuant to the Growth Management Element of the General Plan.	Consistent. With Build Alternative 2, all roadway segments are forecasted to operate at satisfactory LOS. While most study intersections would continue to operate at a deficient LOS, Build Alternative 2 would not exacerbate existing conditions. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any changes to current levels of service in the region. Under the No Build Alternative, most study intersections operate at unsatisfactory LOS. Therefore, the No Build Alternative would conflict with this policy.

**Table 2.1.4: Consistency with State, Regional, and Local Plans
and Programs**

Policy	Build Alternative 2	No Build Alternative
Policy 3.2. Ensure that all interactions within the unincorporated portion of Orange County maintain a peak hour level of service “D” according to the County Growth Management Plan Transportation Implementation Manual.	Neutral. With Build Alternative 2, all roadway segments are forecasted to operate at satisfactory LOS. While most study intersections would continue to operate at a deficient LOS, Build Alternative 2 would not exacerbate existing conditions. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any changes to current levels of service in the region. Under the No Build Alternative, most study intersections operate at unsatisfactory LOS. Therefore, the No Build Alternative would conflict with this policy.
Goal 6: Implement transportation demand management (TDM) and transportation system management (TSM) strategies which reduce peak hour vehicle travel demand and minimize single-occupant vehicles and trip length on the unincorporated County roadway system.	Consistent. Build Alternative 2 would include Class II bicycle facilities on each side of the roadway as part of the 5 ft wide paved shoulders throughout the project limits. Therefore, Build Alternative 2 would not conflict with this goal.	Inconsistent. The No Build Alternative would not result in any changes to the circulation system. The No Build Alternative would not enhance the efficiency of the circulation system and would conflict with this policy.
Objective 6.5. Enhances the efficient movement of vehicles through the circulation system by providing bike lanes and restricting parking on arterials whenever feasible.	Consistent. Build Alternative 2 would provide for the efficient movement of vehicles and would include Class II bicycle facilities on each side of the roadway as part of the 5 ft wide paved shoulders throughout the project limits. Therefore, Build Alternative 2 would not conflict with this policy.	Inconsistent. The No Build Alternative would not result in any changes to the circulation system. The No Build Alternative would not enhance the efficiency of the circulation system and would conflict with this policy.

Sources: 1999 City of San Juan Capistrano General Plan; 2005 Orange County General Plan.

ft = foot/feet

LOS = level of service

MPAH = Master Plan of Arterial Highway

OCTA = Orange County Transportation Authority

SR-74 = State Route 74

Implementation of Build Alternative 2 would not result in changes to existing land use patterns along SR-74 because the project segment of SR-74 is an existing transportation facility located in a highly developed area.

There are no existing bicycle facilities within the project limits, however, there is an existing Class II bike lane at the northern end of the project limits on SR-74 that ends before the proposed improvements (PM 2.1). The Orange County Bikeways Map, maintained by OCTA, does not show any planned bicycle facilities within the project limits. The City's Circulation Element states that there is a need to promote an extensive public bicycle, pedestrian, and equestrian trails network. These bicycle facilities would comply with the City's goals.

Build Alternative 2 is also consistent with regional planning efforts as identified in the 2016–2040 RTP/SCS and the 2019 FTIP to reduce traffic congestion and improve operations. Therefore, no permanent direct or indirect adverse effects would occur related to inconsistencies with existing plans and policies.

No Build Alternative

The No Build Alternative would maintain the existing configuration of SR-74 and would not include any improvements to the existing circulation system. The existing condition of SR-74 in the study area is generally inconsistent with the goals, policies, or objectives of regional planning efforts and with the goals and policies of the General Plans of the City and County.

2.1.2.4 Avoidance, Minimization, and/or Mitigation Measures

With implementation of Minimization Measures LU-2 and LU-3, no substantial impacts related to consistency with State, regional, and local plans and programs would occur. No additional avoidance, minimization, and/or mitigation measures are required.

2.1.3 Parks and Recreation Facilities

2.1.3.1 Regulatory Setting

Section 4(f) of the federal Department of Transportation Act of 1966 (49 U.S.C. § 303), declares that “[i]t is the policy of the United States government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Section 4(f) applies to publicly owned public parks, recreation areas, wildlife refuges, and waterfowl refuges.

2.1.3.2 Affected Environment

The parks and recreational facilities within the study area consist of neighborhood parks, community parks, joint-use parks, private parks, recreational facilities, community services, and a trail system. See Figure 2.1-3 for recreational resources within the study area, defined as a 0.5-mile buffer area around the project limits, and the surrounding vicinity. Parks within the study area are described in Table 2.1.5.

Table 2.1.5: Parks and Recreational Facilities within the Study Area

Resource	Location	Jurisdiction	Description
Reata Park and Event Center	Adjacent to the eastern end of the project limits at 28632 Ortega Highway, San Juan Capistrano	City of San Juan Capistrano	12-acre park including an arboretum, nature gardens, picnic areas, and bike trails
Sendero Field	Approximately 0.25 mi east of the project limits at 29201 Ortega Highway, San Juan Capistrano	County of Orange	15-acre park including a children's Adventure Play Park, practice field, pickle ball courts, multi-purpose event lawn and plaza
Cook Park-Cordova	Approximately 0.25 mi south of the project limits at 28398 Calle Arroyo, San Juan Capistrano	City of San Juan Capistrano	9.0-acre park including BBQ and fire rings, bike paths, equestrian and hiking trails, multi-purpose fields, grassy areas, softball and soccer fields
Cook Park-Del Campo	Approximately 0.20 mi south of the project limits at 28336 Calle Arroyo, San Juan Capistrano	City of San Juan Capistrano	1.5-acre park including bike paths, children's play area, equestrian and hiking trails, grassy areas
Rancho Mission Viejo Riding Park	Approximately 0.2 mi east of the project limits at 27174 Ortega Highway, San Juan Capistrano	City of San Juan Capistrano	40-acre park including equestrian sport complex and community special event center
San Juan Creek Neighborhood Park	Approximately 0.3 mi south of the project limits at the northwest corner of San Juan Creek and Camino Lacouage	City of San Juan Capistrano	4.7-acre park including children's play areas and benches
Arroyo Park	Approximately 0.3 mi west of the project limits at 31300 Sundance Drive, San Juan Capistrano	City of San Juan Capistrano	3.6- acre park including an equestrian trail and grassy areas
West Hunt Club Trail	Northeastern portion of the study area, extending north from SR-74 between Steeplechase Drive and Hunt Club Drive	Privately owned	Existing Multi-Use Trail (combination horse, hiking, and biking)
Hunt Club Feeder Trail	Northeastern portion of the study area, extending north from SR-74 between Hunt Club Drive and Ascot Lane	Privately owned	Existing Multi-Use Trail (combination horse, hiking, and biking)
East Hunt Club Trail	Northeastern portion of the study area, extending north from SR-74 between Ascot Lane and Palm Hill Drive	Privately owned	Existing Multi-Use Trail (combination horse, hiking, and biking)

Sources: City of San Juan Capistrano (2019) Community Services Department <http://sanjuancapistrano.org/Departments/Community-Services>; Orange County (2019) Orange County Parks <http://www.ocparks.com/>.
 HOA = Homeowners Association
 mi = miles(s)
 SR-74 = State Route 74

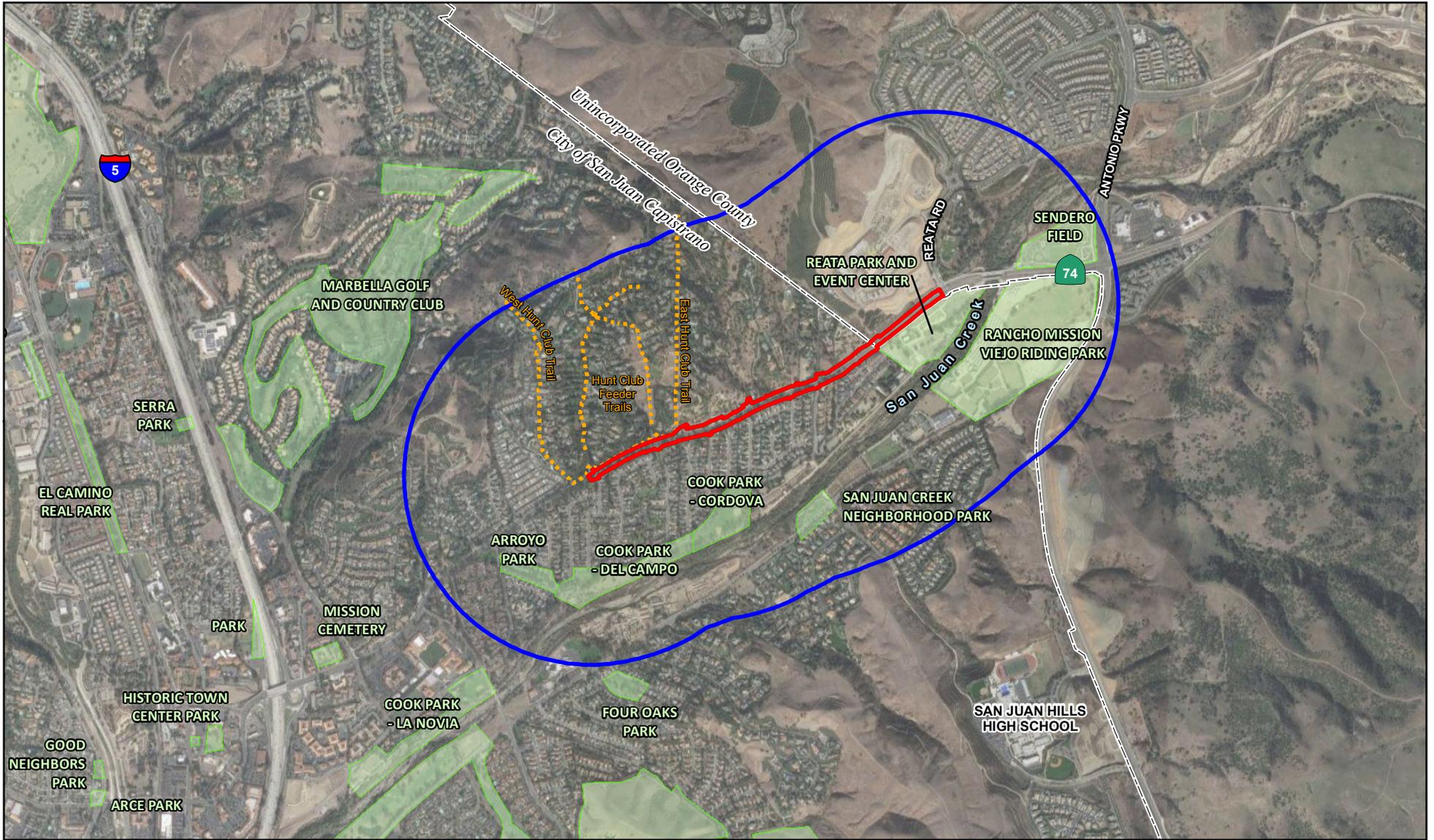
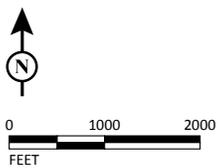


FIGURE 2.1-3

LEGEND

- Project Limits
- Study Area
- Recreational Resources
- Trails
- City Boundary



SOURCE: Google Maps (2017); Caltrans (4/3/2019)

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SR-74 Lower Ortega Highway Widening Project

Recreational Resources

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The City also has an extensive trail network. Multi-use trails, identified as the East and West Hunt Club Trails and the Hunt Club Trail, are located on the north side of SR-74 within the study area. However, these trails are privately owned by the Hunt Club Homeowners Association (HOA) and not accessible to the general public.

Section 4(f) applies to publicly owned lands determined to be significant for park, recreation area, or wildlife and waterfowl refuge purposes. While a Section 4(f) Evaluation has been prepared for the proposed project (Appendix A), the only resource evaluated under Section 4(f) is a historic site. As this historic site is not publicly owned and is not considered a public park, recreation area, wildlife refuge, or waterfowl refuge, it is not discussed in this section. No other resources are subject to evaluation under Section 4(f) based on the scope of the proposed improvements.

2.1.3.3 Environmental Consequences

Temporary Impacts

Build Alternative 2

The improvements proposed for construction under Build Alternative 2 would require TCEs on approximately 46 parcels; however, Build Alternative 2 would not require TCEs within the boundaries of any parks or recreational facilities. As the proposed improvements would occur outside of the boundaries of these resources, access to these resources would be maintained throughout construction, and no detours would be required. Construction of Build Alternative 2 would not result in direct temporary impacts to parks within the study area.

While no direct temporary impacts to parks and recreational facilities would occur, indirect temporary impacts due to the proximity of the proposed improvements to parks and recreational facilities boundaries would occur. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. The construction-related emissions would be substantially reduced based on compliance with Caltrans Standard Specifications for construction and South Coast Air Quality Management District (SCAQMD) Rule 403. As a result, construction of Build Alternative 2 would not result in substantial temporary air quality impacts on parks within the study area.

During construction of Build Alternative 2, construction noise may intermittently dominate the noise environment in the immediate area of construction. Noise control during construction would conform to the provisions in Section 14-8.02 of Caltrans'

“Noise Control Requirements” and, therefore, the project construction would not result in substantial noise impacts on parks within the study area.

The East Club Trail (shown on Figure 2.1-3) would be impacted temporarily due to the construction of the retaining wall proposed near Palm Hill Drive; however, Project Feature PF-TR-1 requires preparation of a TMP that includes a detour plan for temporary closure of the trail, to address these temporary impacts. Furthermore, access to the remainder of the existing local trail system would be maintained throughout the duration of the construction period. Temporary impacts to the trail during construction would be restored to pre-construction conditions with implementation of Minimization Measure LU-1. Therefore, temporary impacts to parks and recreational facilities would not be adverse. While a temporary impact would occur to the East Hunt Club Trail due to construction of Build Alternative 2, this trail is privately owned by the Hunt Club HOA and is not available to the general public. Therefore, the Hunt Club Trails identified in the study area are not subject to protection under Section 4(f) and are not addressed in Appendix A.

No Build Alternative

Under the No Build Alternative, the proposed improvements identified for Build Alternative 2 would not be constructed and the current configuration of SR-74 would be maintained. As a result, the No Build Alternative would not result in temporary adverse effects related to parks and recreational facilities.

Permanent Impacts

Build Alternative 2

Build Alternative 2 would not require permanent acquisition of or permanent easements on parkland or recreational trails. No modifications to the existing parkland or multi-use trails in the vicinity would occur as part of the proposed project. Therefore, no permanent impacts to parks and recreational facilities would occur as a result of Build Alternative 2.

No Build Alternative

Under the No Build Alternative, the proposed improvements identified for Build Alternative 2 would not be constructed and the current configuration of SR-74 would be maintained. As a result, the No Build Alternative would not result in permanent adverse effects related to parks and recreational facilities.

2.1.3.4 Avoidance, Minimization, and/or Mitigation Measures

Project Feature PF-TR-1 has been incorporated into Build Alternative 2 and is discussed above and in Section 2.5 (Traffic and Transportation/Pedestrian and Bicycle Facilities). With implementation of Minimization Measure LU-1, as discussed above, impacts to parks and recreational facilities would not be adverse. No additional avoidance, minimization, and/or mitigation measures are required.

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2.2 Growth

2.2.1 Regulatory Setting

The Council on Environmental Quality (CEQ) regulations, which established the steps necessary to comply with the National Environmental Policy Act (NEPA) of 1969, require evaluation of the potential environmental effects of all proposed federal activities and programs. This provision includes a requirement to examine indirect effects, which may occur in areas beyond the immediate influence of a proposed action and at some time in the future. The CEQ regulations (40 Code of Federal Regulations [CFR] 1508.8) refer to these consequences as indirect impacts. Indirect impacts may include changes in land use, economic vitality, and population density, which are all elements of growth.

2.2.2 Affected Environment

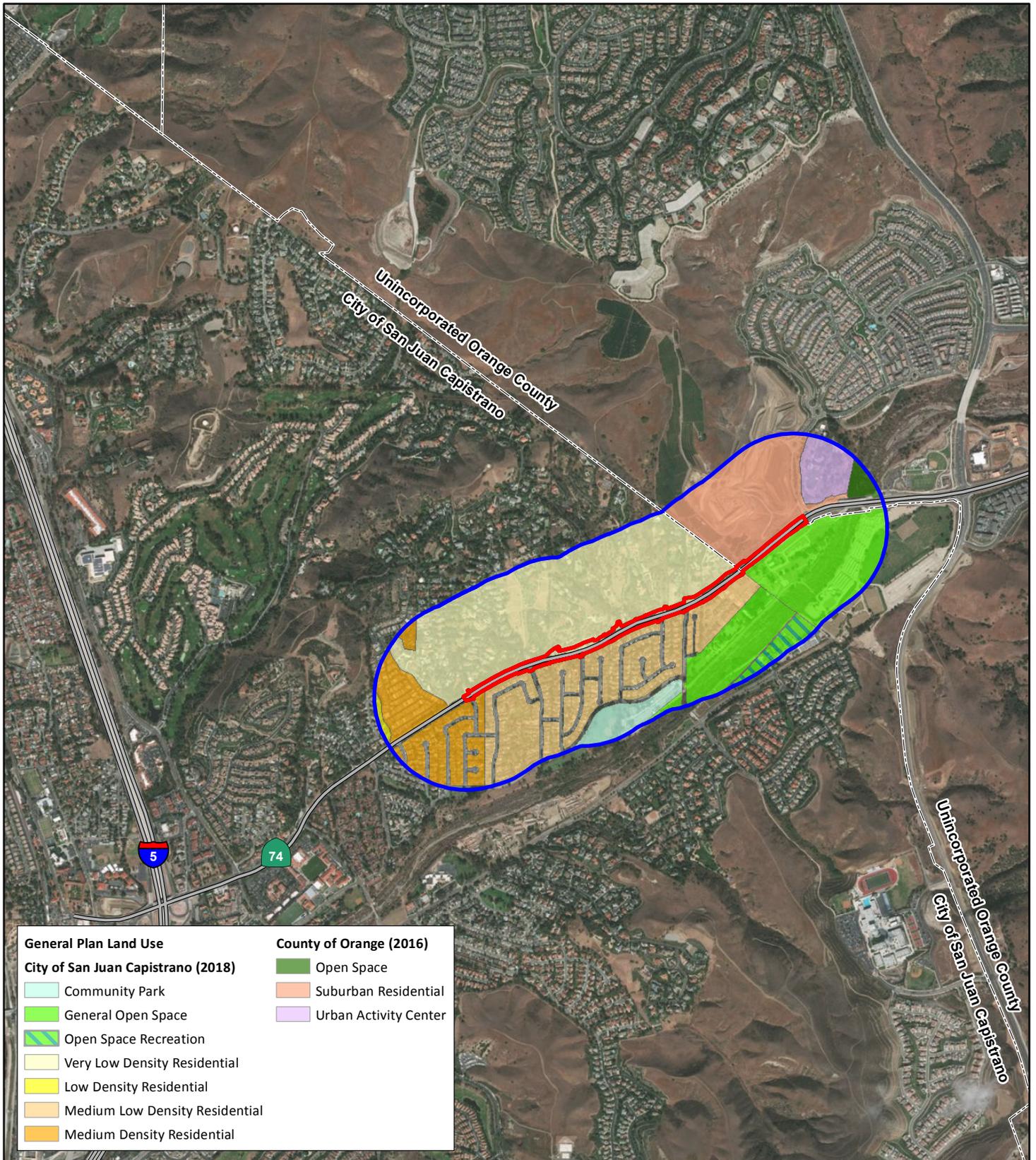
The regional study area for the growth impact analysis is the County of Orange because SR-74 is a main east-west route in south Orange County and the project segment connects Interstate 5 (I-5) with Antonio Parkway/Avenida La Pata, routes which are used to access south Orange County areas. The local study area specifically focuses on a 0.25-mile buffer around the project area, which includes the City of San Juan Capistrano (City) and unincorporated Orange County (see Figure 2.2-1).

The project is located in a largely suburban area. Undeveloped land in the vicinity of the project limits is largely designated as open space and is not designated for future growth.

This growth impact analysis is based on the *Community Impact Assessment* (April 2019) prepared for the proposed project and follows the “First-cut Screening” guidelines provided in the California Department of Transportation’s (Caltrans) *Guidance for Preparers of Growth-Related, Indirect Impact Analyses* (May 2006), which provides a First-cut Screening approach to growth impact analysis that identifies the need for and the extent of growth-related impact analysis based on the responses to various questions related to a project’s potential to change accessibility, to influence growth, the potential for project-related growth to be reasonably foreseeable, and its potential to impact resources of concern.

As shown in Table 2.2.1, the City is projected to experience population growth of 12.7 percent and Orange County is projected to experience population growth of 19.4 percent from 2010 to 2045.

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General Plan Land Use		County of Orange (2016)	
City of San Juan Capistrano (2018)			
	Community Park		Open Space
	General Open Space		Suburban Residential
	Open Space Recreation		Urban Activity Center
	Very Low Density Residential		
	Low Density Residential		
	Medium Low Density Residential		
	Medium Density Residential		

LEGEND

- Project Limits
- Study Area
- City Boundary

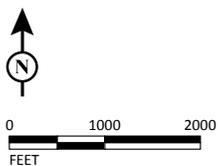


FIGURE 2.2-1

SR-74 Lower Ortega Highway Widening Project

Growth Study Area

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SOURCE: SCAG (2016); ESRI (2018); Caltrans (4/3/2019)

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Table 2.2.1: Population Estimates and Projections, 2010–2045

	2010 ¹	2018 ²	2025 ³	2035 ³	2045 ³
City of San Juan Capistrano	34,593	36,064	37,073	38,608	38,994
Orange County	3,010,232	3,220,451	3,368,151	3,503,764	3,595,128

Source: *Community Impact Assessment* (Caltrans 2019).

¹ U.S. Census Bureau, 2010 Census.

² U.S. Census Bureau, 2013–2017 American Community Survey.

³ Center for Demographic Research, California State University, Fullerton, Orange County Council of Governments, Technical Advisory Committee; Growth and Population rates are based on Regional Statistical Area (RSA) D-40 that includes San Juan Capistrano.

2.2.3 Environmental Consequences

2.2.3.1 Temporary Impacts

Build Alternative 2

Any potential growth-related effects of Build Alternative 2 would be permanent. There would be no temporary growth-inducing impacts under Build Alternative 2.

No Build Alternative

No improvements to SR-74 would occur under the No Build Alternative. Therefore, the No Build Alternative would not result in any temporary growth-related impacts.

2.2.3.2 Permanent Impacts

Build Alternative 2

The assessment of the potential growth-related impacts of Build Alternative 2 was conducted using the First-cut Screening analysis approach, including assessment of whether further analysis would be necessary based on consideration of the following four questions.

How, if at all, does the proposed project potentially change accessibility?

Build Alternative 2 would improve an existing highway facility and would not alter access to or from this facility. The proposed improvements would not provide a new transportation facility or new access points to previously inaccessible areas. Build Alternative 2 would help to alleviate existing and forecasted traffic congestion in the study area, resulting in improved operations on SR-74. Additionally, Build Alternative 2 would help to accommodate projected future (2045) traffic volumes in the study area consistent with adopted local land use and transportation plans (as discussed in Section 2.1, Land Use). Therefore, the project does not have the potential to change accessibility.

How, if at all, do the project type, project location, and growth pressure potentially influence growth?

Build Alternative 2 is consistent with the City's General Plan and the 2018 Orange County Transportation Authority (OCTA) Master Plan of Arterial Highways (MPAH), which are intended to account for planned growth within the study area. In addition, the County's General Plan will be updated for consistency with the MPAH. Furthermore, there is limited land available outside the approved Ranch Plan Planned Development Areas for new development within the study area. Any changes to the amount of development in the Ranch Plan would require additional environmental review and would not influence development in eastern Orange County. Build Alternative 2 would support planned growth but would not influence additional growth within the study area.

Implementation of Build Alternative 2 within the project limits would not have any growth-inducing effects in the immediate area because the adjacent land is built out with and/or entitled for suburban, residential uses or recreational facilities. Build Alternative 2 would accommodate approved and planned growth in the study area (see Table 2.17.1 in Section 2.17, Cumulative Impacts, for a list of reasonably foreseeable development projects within the study area) because it would add capacity to this segment of SR-74 and thereby help to alleviate existing and forecasted congestion in the study area. SR-74 is currently used for commuting to and from southern Orange and Riverside Counties. SR-74 is near capacity during commute hours and would not generate more commuting to Orange County. Hence, Build Alternative 2 would not influence development in western Riverside County.

Available land for development in the study area has either mostly been approved for development (see Table 2.17.1) or has been designated as reserve lands as part of the Ranch Plan. Additionally, as described in Section 2.1, Land Use, Build Alternative 2 is consistent with the growth-related objectives and policies of the General Plans of the City and the County of Orange. Build Alternative 2 would not change development densities or construction schedules for other planned projects, and no development is predicated on the project being built.

Due to the current General Plan land use designations and objectives, Build Alternative 2 is unlikely to alter the historic and projected growth patterns within the City or the County of Orange and would not encourage growth on undeveloped and

unplanned land. Build Alternative 2 would accommodate existing and planned growth but would not influence growth beyond what is currently planned.

Is project-related growth reasonably foreseeable as defined in NEPA?

Under NEPA, indirect impacts need only be evaluated if they are reasonably foreseeable, rather than remote and speculative. As discussed above, Build Alternative 2 would not influence growth beyond those development projects currently planned for the area (Table 2.17.1), and development anticipated by both the City's and County's General Plan land use designations. Immediately east of the City/County border, development in unincorporated Orange County is approved as part of the Ranch Plan. Widening the SR-74 would serve this planned growth.

The Ranch Plan is accounted for in the County growth projections and was included in the 2025 opening year and 2045 design year traffic volumes. Build Alternative 2 would not provide capacity beyond what is needed to serve existing and approved development; therefore, it would not encourage intensification of existing and planned land uses. Build Alternative 2 would accommodate planned growth and development in the surrounding areas, meeting a project purpose outlined in Chapter 1.

Growth on the Ranch Plan property would not be able to exceed the level already approved by the County because restrictions associated with the Ranch Plan approvals limit the amount of overall development. This growth level has been established through provisions of the General Plan and zoning. Infrastructure to serve the Ranch Plan development will be provided as part of the land development project, and the impacts of the required infrastructure improvements have been addressed as part of the environmental documentation for the Ranch Plan.

Build Alternative 2 would not influence the rate, type, or amount of growth in the study area. Therefore, no reasonably foreseeable project-related growth would occur under Build Alternative 2.

If there is project-related growth, how, if at all, will that impact resources of concern?

As indicated above, Build Alternative 2 would not influence the rate, type, or amount of growth that would otherwise occur; hence, the reasonably foreseeable growth anticipated to occur in the study area is not project-related.

Because Build Alternative 2 would not result in growth-inducing impacts, no analysis of those potential impacts beyond what is provided above in the First-cut Screening analysis is necessary.

No Build Alternative

No improvements to SR-74 would occur under the No Build Alternative. Therefore, the No Build Alternative would not result in any permanent growth-related impacts.

2.2.4 Avoidance, Minimization, and/or Mitigation Measures

As the Build Alternative 2 would not result in any adverse temporary or permanent growth-inducing impacts, no avoidance, minimization, or mitigation measures are required.

2.3 Community Impacts

2.3.1 Community Character and Cohesion

2.3.1.1 Regulatory Setting

The National Environmental Policy Act (NEPA) of 1969, as amended, established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings (42 United States Code [USC] 4331[b][2]). The Federal Highway Administration, in its implementation of NEPA (23 USC 109[h]), directs that final decisions on projects are to be made in the best overall public interest. This requires taking into account adverse environmental impacts, such as destruction or disruption of human-made resources, community cohesion, and the availability of public facilities and services.

2.3.1.2 Affected Environment

This section is based on the *Community Impact Assessment* (CIA) (May 2019) and the *Draft Relocation Impact Memorandum* (DRIM) (April 2019) prepared for the proposed project. The study area for community character and cohesion is defined by the boundaries of the census tracts within and surrounding the project limits that could be reasonably affected by the proposed project. These census tracts include portions of the City of San Juan Capistrano (City), unincorporated Orange County (Census Tracts 320.23, 320.56, 320.61, and 423.12, shown in Figure 2.3-1 and Table 2.3.1), and portions of the neighboring Cities of Rancho Santa Margarita, Mission Viejo, and San Clemente.

Table 2.3.1: Study Area Census Tracts

Census Tract Number	Local Jurisdiction
320.23*	Unincorporated Orange County, City of San Clemente, City of San Juan Capistrano
320.56	Unincorporated Orange County, City of Rancho Santa Margarita
320.61*	Unincorporated Orange County, City of Mission Viejo, City of San Juan Capistrano
423.12	City of San Juan Capistrano

Source: 2010 U.S. Census (U.S. Census Bureau).

* Denotes census tracts that are within the project limits.

Due to the distance from the project limits, the Cities of Rancho Santa Margarita, Mission Viejo, and San Clemente are not likely to be affected by the proposed project and will not be discussed in detail.

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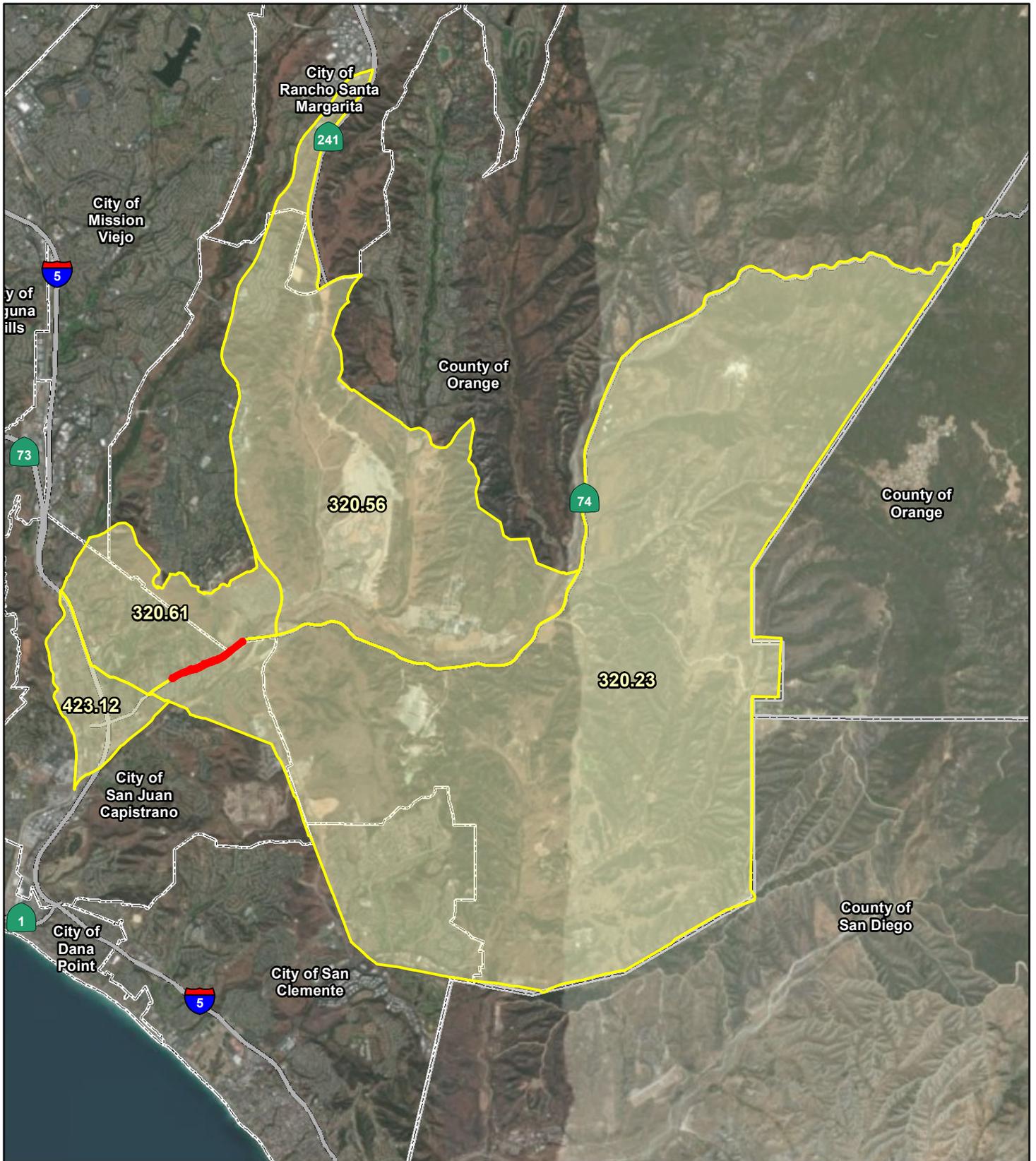
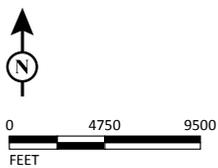


FIGURE 2.3-1

LEGEND

- Project Limits
- Census Tracts
- City Boundaries



SR-74 Lower Ortega Highway Widening Project

Study Area Census Tracts

12-ORA-74 PM 1.0/2.1

EA 086920

SOURCE: ESRI (2018); Caltrans (4/3/2019); US Census (2010)

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Community character consists of all the attributes, including social and economic characteristics, and assets that make a community unique and establish a sense of place for the residents. This term also refers to the degree to which the human environment is safe, healthful, productive, and aesthetically and culturally pleasing.

Community cohesion is the degree to which residents have a sense of belonging to their neighborhood, a level of commitment to the community, and a strong attachment to neighbors, groups, and institutions, usually as a result of continued association over time. The following demographic indicators tend to correlate with a higher degree of community cohesion and are used to determine the degree of community cohesion in the study area census tracts:

- **Ethnicity:** In general, homogeneity of the population contributes to higher levels of community cohesion. Communities that are ethnically homogeneous often speak the same language, hold similar beliefs, and share a common culture and, therefore, are more likely to engage in social interaction on a routine basis.
- **Household Size:** In general, communities with a high percentage of families with children are more cohesive than communities comprised of largely single people. This appears to be because children tend to establish friendships with other children in their community. The social networks of children often lead to the establishment of friendships and affiliations among parents in the community.
- **Housing Occupancy:** Communities with a high percentage of owner-occupied residences are typically more cohesive because their population tends to be less mobile. Because they have a financial stake in their community, homeowners often take a greater interest in what is happening in their community than renters do. This means they often have a stronger sense of belonging to their community.
- **Elderly Residents:** In general, communities with a high percentage of elderly residents (65 years or older) tend to demonstrate a greater cohesion and social commitment to their community. This is because the elderly population, which includes retirees, often tends to be more active in the community since they have more time available for volunteering and participating in social organizations.
- **Housing Tenure:** Communities with a high percentage of long-term residents are typically more cohesive because a greater proportion of the population has had time to establish social networks and develop an identity with the community. Table 2.3.2 below provides data regarding the year that each householder in the County, the City, and the four census tract block groups included within the study

area moved into their current housing units.¹ For the purpose of this analysis, those households that moved into their current residence in 1990 or earlier are considered long-term residents since they have lived in their current residence for more than 20 years.

- **Transit-Dependent Population:** Communities with a high percentage of residents who are dependent on public transportation typically tend to be more cohesive than communities that are dependent on automobiles for transportation. This is because residents who tend to walk or use public transportation for travel tend to engage in social interactions with each other more frequently than residents who travel by automobile. Although the U.S. Census Bureau does not provide specific data regarding the percentage of the population that is dependent on public transportation for travel, the 2013–2017 ACS does provide a series of demographic data that can be used to serve as a proxy for the transit-dependent population.

Community Profile

This section discusses the study area’s demographics, activity centers, and economics.

The study area includes the City and unincorporated Orange County and is a diverse metropolitan area that has undergone demographic changes over the past few decades. Once largely homogeneous, the population in Orange County is increasingly diversifying. Today, the County is one of the most urban counties in California (University of California Irvine and University of California Los Angeles 2014). The study area is mainly residential, open space, and recreational. Furthermore, there are no commercial uses located within 0.25-mile (mi) of the project limits.

Community Cohesion

Demographics

Demographic data compiled by the United States Census Bureau (U.S. Census Bureau) 2010 Census and the 2013–2017 ACS were used to measure the

¹ The ACS is an ongoing survey conducted by the U.S. Census Bureau that provides data every year, supplying communities with current information they need to plan investments and services. ACS data are estimates derived from a sampling of the population, rather than population totals collected for the Decennial Census. Website: <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>.

community’s level of cohesion. These indicators of community character and cohesion within the study area are described in Table 2.3.2, below.

Table 2.3.2: Community Cohesion Indicators

Area	Hispanic or Latino Population ¹	Owner-Occupied Residences	Elderly Residents (>64 years old)	Average Household Size (persons) ²	Transit-Dependent Population ³	Long-Term Residents (Moved in 1990 or Earlier) ⁴
County of Orange	34.2%	64.1%	13.5%	3.04	17.5%	28%
City of San Juan Capistrano	36.4%	74.2%	18.4%	2.93	0.1%	32%
CT 320.23	19.7%	86.4%	12.6%	3.15	0.0%	12%
CT 320.56	17.8%	77.3%	6.3%	3.20	0.1%	19%
CT 320.61	8.0%	95.4%	27.6%	2.74	0.0%	32%
CT 423.12	68.0%	50.3%	10.5%	3.99	0.3%	21%

Sources: *Community Impact Assessment*, 2019; U.S. Census Bureau, 2010 Census. DP-1, Profile of General Population and Housing Characteristics (accessed November 7, 2018); U.S. Census Bureau, 2013–2017 American Community Survey 5-Year Estimates, DP04 Selected Housing Characteristics; S1101 Households and Families (accessed March 20, 2019)

Note: **Bold italicized numbers** indicate the values are higher than the County as a whole.

¹ Hispanic or Latino is independent of race and is the only ethnic minority option available on the 2010 U.S. Census.

² Average Household size, as reported in Table S1101 of the American Community Survey 5-Year Estimates.

³ The transit-dependent population is the number of residents aged 15 and over (Table B01001 of the 2013–2017 ACS), minus the number of persons living in group quarters (Table B26001 of the 2013–2017 ACS), minus the number of vehicles available (Table B25046 of the 2013–2017 ACS), and divided by the difference by the population aged 15 and over.

⁴ Includes those residents who moved into their current residence in 1990 or earlier, as reported in Table DP04 of the 2013–2017 American Community Survey 5-Year Estimates.

ACS = American Community Survey

CT = Census Tract

- **Ethnicity:** The Hispanic or Latino population comprises a large share of the population in Census Tract 423.12 (68.0 percent). The City also has a larger Hispanic or Latino population (36.4 percent) than the County as a whole (34.2 percent).
- **Average Household Size (persons):** Census Tracts 320.23 (3.15 persons), 320.56 (3.20 persons), and 423.12 (3.99 persons) have larger average household sizes than the County as a whole (3.04 persons).
- **Owner-Occupied Residences:** The percentage of owner-occupied residents in the City (74.2 percent), Census Tract 320.23 (86.4 percent), Census Tract 320.56 (77.3 percent), and Census Tract 320.61 (95.4 percent) is higher than that of the County as a whole (64.1 percent).
- **Elderly Residents:** Elderly residents comprise a larger share of the population in Census Tract 320.61 (27.6 percent) and the City (18.4 percent), than the County as a whole (13.5 percent).

- **Transit-Dependent Population:** The City and Census Tracts within the study area all have substantially lower transit-dependent populations than the County as a whole (17.5 percent).
- **Long-Term Residents (moved in 1990 or earlier):** The percentage of long-term residents comprises a larger share of the population in both the City and the Census Tract 320.61 (32 percent) than that of the County as a whole (28 percent).

Community Cohesion Summary

In summary, all four census tracts exhibit at least two indicators of community cohesion and one census tract (320.23) exhibits three indicators of community cohesion. Accordingly, these census tracts appear to exhibit a moderate degree of community cohesion in comparison to the overall County population. Census Tract 423.12 has a relatively large Hispanic or Latino population (68 percent) and average household size compared to the County.

The City exhibits four indicators of community cohesion. The City has a higher ratio of owner-occupied residents (74.2 percent), elderly residents (18.4 percent), long-term residents (32 percent), and Hispanic and Latino population (36.4 percent) in comparison to the County as a whole, where, these numbers are 64.1, 13.5, 28, 34.2 percent respectively. Based on these factors, the City overall appears to exhibit a high degree of community cohesion.

Another measure for the degree of community cohesion in an area can be if residents, either individually or through their representatives, express particular concern for their neighborhood at public meetings or other forums. Based upon the level of participation of community members at previous community meetings for the original environmental document prepared for the project in 2008, it is evident that the connectedness and cohesion within the community is high.

Community Facilities

There are no public libraries, community centers, police departments, fire stations, or post offices located within the study area, defined in Section 2.1 as a 0.25 mi buffer from the project limits. The closest schools include Harold J. Ambuehl Elementary School located approximately 0.5 mi south of the project limits, St. Margaret's Episcopal School approximately 0.6 mi southwest of the project limits, and San Juan Hills High School located approximately 0.9 mi south of the project limits.

As described in Section 2.1, Land Use, and shown on Figure 2.1-3, there are five parks within the land use study area: Reata Park and Event Center, Sendero Field, Cook Park-Cordova, Cook Park-Del Campo, and the Rancho Mission Viejo Riding Park. Additional recreational facilities within the study area include the Hunt Club Trail and East and West Hunt Club trails.

Employment and Income

Orange County economic forecasts anticipate continued job growth, especially in construction, education and health, and professional and business services. According to the San Juan Capistrano Chamber of Commerce, the City has approximately 2,000 businesses that employ 8,800 people. The top five employers for the City are: Costco Wholesale; Fluid Master, Inc.; Endevco; 24 Hour Fitness; and St. Margaret’s of Scotland School (City of San Juan Capistrano, November 2017).

The most recent census data estimates median county income at just over \$81,000, as shown in Table 2.3.3 below. County incomes are expected to rise in 2018, faster than the California income growth for the second year in a row (The Orange County Register 2018).

Table 2.3.3: Employment and Income

Area	Total Population	Low Income ¹	Disabled (18+)	Unemployed (16+)	Total Households	Median Income
County of Orange	3,155,816	10.9%	7.9%	3.8%	1,024,976	\$81,851
City of San Juan Capistrano	35,948	10.3%	9.7%	3.1%	12,229	\$81,730
CT 320.23	14,434	2.2%	2.7%	0.6%	4,577	\$160,482
CT 320.56	7,586	2.0%	2.8%	2.4%	2,373	\$132,708
CT 320.61	3,816	1.9%	9.0%	1.8%	1,379	\$151,723
CT 423.12	9,900	14.7%	7.7%	2.6%	2,470	\$51,359

Sources: *Community Impact Assessment*, 2019; U.S. Census Bureau, 2013–2017 American Community Survey 5-Year Estimates, DP04 Selected Housing Characteristics; Table DP03 Selected Economic Characteristics in the United States (accessed March 20, 2019).

¹ Low-income includes individuals considered “below the poverty level” by the U.S. Census Bureau. Poverty thresholds are established by the U.S. Census Bureau and is based on family size and income (U.S. Census Bureau, 2017)

ACS = American Community Survey

CT = Census Tract

2.3.1.3 Environmental Consequences

Temporary Impacts

Impacts to community cohesion generally depend on whether a project is likely to create a barrier within or disrupt connectivity of a community. Either of these can be a result of disruptions in access or residential and/or business acquisitions. Temporary

impacts to community character and cohesion can occur from the temporary use of land from privately owned properties for use as temporary construction easements (TCEs), short-term air quality and noise effects, and temporary road closures/detours within the immediate vicinity of a project's limits.

Build Alternative 2

Build Alternative 2 could potentially result in temporary impacts to community character and cohesion related to construction activities, including short-term air quality, noise, and traffic/access, and visual impacts.

Construction of Build Alternative 2 would require TCEs on 46 parcels for sidewalk improvements, the four-way traffic signal, retaining walls, and noise barriers. Temporary vegetation removal, ground disturbance, trail closures, sidewalk closures, partial roadway closure and traffic congestion would occur as a result of these TCEs. As specified in Measure LU-1 in Section 2.1, Land Use, after construction, all TCEs would be restored to a condition better than or equal to their original pre-project condition. In addition, a Traffic Management Plan (TMP) is included as Project Feature PF-TR-1 and is described in Section 2.5, Traffic and Transportation/ Pedestrian and Bicycle Facilities. The TMP will ensure that access to all businesses, residences, and recreational facilities along SR-74 would be maintained throughout the construction period. The TMP will also provide ongoing information to the public and emergency service providers regarding construction activities, closures, and detours, and will maintain a safe environment for construction workers, vehicular travelers, bicyclists, and pedestrians. In addition, as described in Section 2.4, Utilities and Emergency Services, Project Feature PF-UES-2, would ensure that all temporary lane closures are coordinated with applicable emergency service providers.

Construction activities would result in temporary impacts associated with construction equipment noise and fugitive dust emissions at residences, businesses, and recreational facilities adjacent to SR-74 within the immediate vicinity of the project limits. Implementation of Project Feature PF-N-1, provided in Section 2.13, Noise, would require the construction contractor to comply with Caltrans Standard Specifications regarding noise control during construction. The construction-related emissions would be substantially reduced based on compliance with Caltrans Standard Specifications for construction and South Coast Air Quality Management District (SCAQMD) Rule 403. As a result, construction of Build Alternative 2 would not result in substantial temporary air quality impacts on parks within the study area.

No Build Alternative

The proposed improvements to SR-74 would not be constructed under the No Build Alternative. Therefore, no temporary impacts related to community character and cohesion would occur.

Permanent Impacts

Build Alternative 2

Build Alternative 2 would not increase or decrease population and housing characteristics within the study area related to growth, composition, or demographics since no full property acquisitions would be required. Furthermore, as discussed in Section 2.2, Growth, Build Alternative 2 would not allow for increased development beyond what is already planned or approved, nor would it affect the type of housing built in the study area. Build Alternative 2 would improve the traffic conditions in the area to accommodate for the planned and approved growth and development, meeting the Purpose and Need outlined in Chapter 1.

Build Alternative 2 would result in beneficial effects related to community character and cohesion in terms of improved access and connectivity at this key local connection between the City and the County as well as this key regional connection between Orange and Riverside counties. The proposed improvements would also improve community character and cohesion by reducing travel times addressing existing and future traffic congestion. In addition, emergency services in the study area (fire and police protection, for example) would be more readily available with Build Alternative 2 because mobility in the study area would improve over existing conditions. Build Alternative 2 would provide improvements to an existing segment of SR-74. Therefore, Build Alternative 2 would not create any new or exacerbate any existing physical divisions in the study area.

As described in Section 2.1, Land Use, Build Alternative 2 would result in the conversion of 0.63 ac of land planned for residential uses into transportation uses for the proposed roadway improvements through partial acquisitions. As no full acquisitions or relocations would occur, these minor changes in land uses would not affect the community character or cohesion of the study area. Furthermore, implementation of Minimization Measures LU-2 and LU-3 will require coordination with local jurisdictions regarding revised land use designations and compliance with development standards.

Build Alternative 2 also includes the construction of a new sidewalk east of Avenida Siega, which would connect to the existing sidewalk system to provide continuous pedestrian access. This would be a beneficial effect of Build Alternative 2.

Construction of the sidewalks, retaining walls, noise barriers, and drainage improvements would also require removal of existing trees. Tree removal would result in potential impacts to the existing visual character of the study area. However, with implementation of Mitigation Measure VIS-3, in Section 2.6, Visual/Aesthetics, all trees would be replaced at a 3:1 ratio.

No Build Alternative

With the No Build Alternative, community character and cohesion will not change in the immediate future. However, the No Build Alternative would not construct any improvements, and over a longer period of time, there is potential for community character and cohesion to degrade. Residents and businesses could experience poor air quality due to congested roadway. When a setting degrades, community character and cohesion tends to be disrupted and new residents and businesses and potential customers may select other areas to locate in or visit.

2.3.1.4 Avoidance, Minimization, and/or Mitigation Measures

As specified in Measure LU-1 in Section 2.1, Land Use, after construction, all TCEs would be restored to a condition equal to their original pre-project condition. Measures LU-2 and LU-3 would also avoid and/or minimize impacts to planned land uses. Furthermore, as specified in Measure VIS-3 in Section 2.6, Visual/Aesthetics, all trees removed as a part of Build Alternative 2 would be replaced at a 3:1 ratio.

2.3.2 Relocations and Real Property Acquisition

2.3.2.1 Regulatory Setting

The Department's Relocation Assistance Program (RAP) is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), Title 49 Code of Federal Regulations (CFR) Part 24, Government Code 7260 et seq., and California Code of Regulations 6000 et seq. The purpose of the RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Please see Appendix C for a summary of the RAP.

All relocation services and benefits are administered without regard to race, color, national origin, persons with disabilities, religion, sex or age. Please see Appendix B for a copy of the Department's Title VI Policy Statement.

2.3.2.2 Affected Environment

The information in this section is summarized from the DRIM (April 2019). Any property acquisition and easements required for the Build Alternative would be included within the study area. As shown previously on Figure 2.3-1, the study area for the assessment of project effects related to property acquisition was defined as four census tracts (Census Tracts 320.23, 320.56, 320.61, and 423.12) in the City and the County. As described in Section 2.1, Land Use, the existing land uses in the study area include primarily residential, open space, and community parks, and undeveloped parcels.

2.3.2.3 Environmental Consequences

Temporary Impacts

Build Alternative 2

Build Alternative 2 would require TCEs on 46 parcels to allow access, staging, and construction of sidewalk improvements, the four-way traffic signal, potential noise barriers, and retaining walls. The locations of the parcels affected by TCEs are shown on Figure 2.3-2 and are listed in Table 2.3.4 below.

After construction, land parcels within the TCEs required for construction of Build Alternative 2 would be restored to their original, pre-project conditions (see Measure LU-1). The TCEs would not require businesses, employees, or residents to relocate. Owners of the parcels affected by TCEs would be compensated for temporary use of their property during construction. Therefore, temporary impacts to right-of-way acquisitions are not anticipated to be substantial. As a result, the temporary easements on property outside of State right-of-way during construction of Build Alternative 2 would not result in any adverse effects.

No Build Alternative

The No Build Alternative would not construct any improvements to the SR-74. Consequently, the No Build Alternative would not result in any temporary impacts related to temporary right-of-way acquisitions.

Table 2.3.4: Easements and Acquisitions for Build Alternative 2

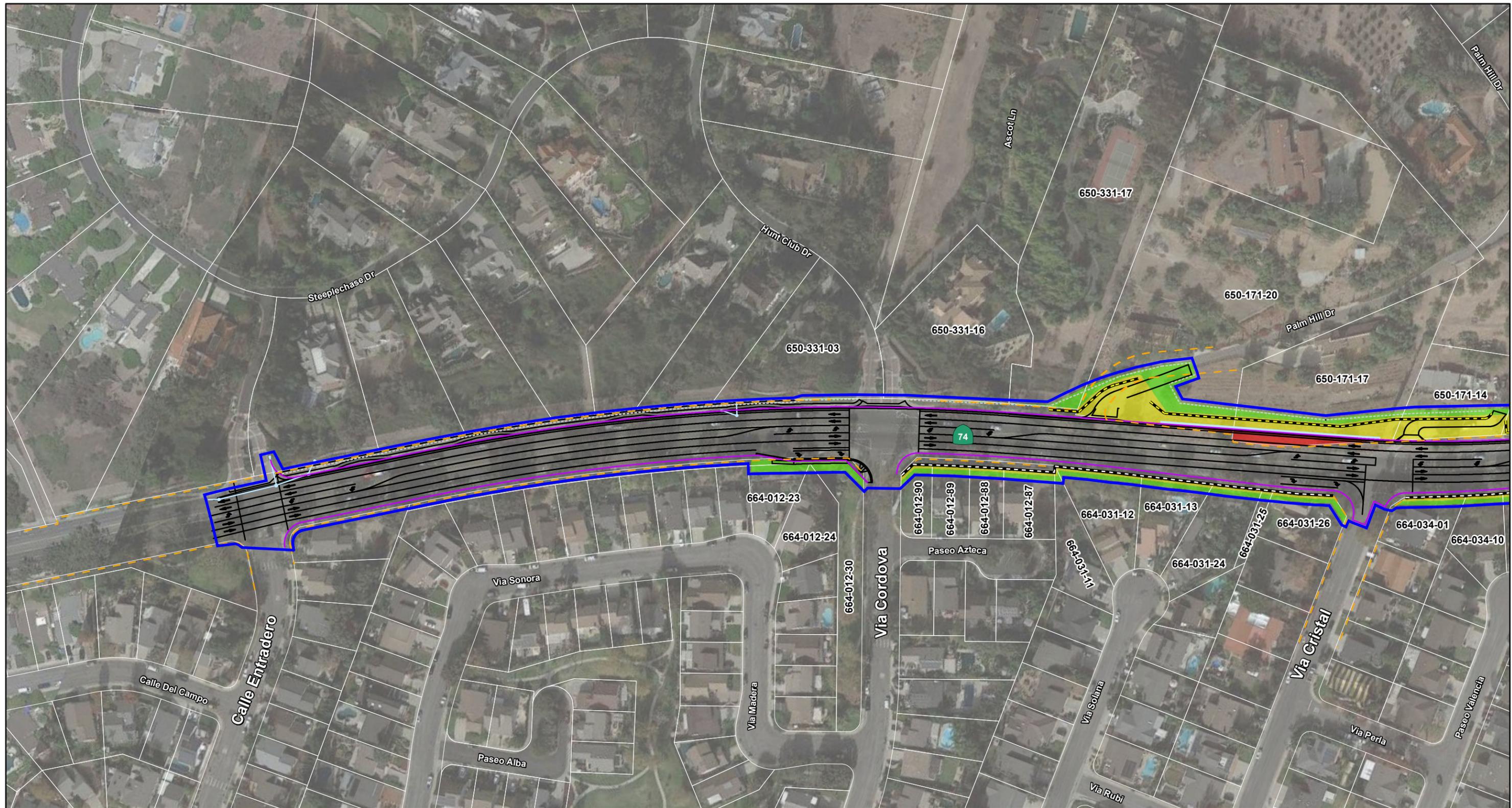
APN	Property Type	Address	Present Use	City	TCE, PE, or Acquisition
664-012-23	Residential	31051 Via Sonora	Residential	San Juan Capistrano	TCE
664-012-90	Residential	N/A	Landscaping	N/A	TCE/PE
664-012-89	Residential	28101 Paseo Azteca	Residential	San Juan Capistrano	TCE/PE
664-012-88	Residential	28111 Paseo Azteca	Residential	San Juan Capistrano	TCE/PE
664-012-87	Residential	28121 Paseo Azteca	Residential	San Juan Capistrano	TCE/PE
664-031-11	Residential	31031 Via Solana	Residential	San Juan Capistrano	TCE/PE
664-031-12	Residential	31023 Via Solana	Residential	San Juan Capistrano	TCE/PE
664-031-13	Residential	31021 Via Solana	Residential	San Juan Capistrano	TCE/PE
664-031-24	Residential	31022 Via Solana	Residential	San Juan Capistrano	TCE/PE
664-031-25	Residential	N/A	Residential	N/A	TCE/PE
664-031-26	Residential	30981 Via Cristal	Residential	San Juan Capistrano	TCE/PE
664-034-01	Residential	30982 Via Cristal	Residential	San Juan Capistrano	TCE/PE
664-034-10	Residential	30991 Paseo Valencia	Residential	San Juan Capistrano	TCE/PE
664-034-11	Residential	30981 Paseo Valencia	Residential	San Juan Capistrano	TCE/PE
664-034-12	Residential	30982 Paseo Valencia	Residential	San Juan Capistrano	TCE/PE
664-051-03	Residential	30961 Via Estenaga	Residential	San Juan Capistrano	TCE/PE
664-051-04	Residential	28331 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-05	Residential	28351 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-06	Residential	28361 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-07	Residential	28371 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-08	Residential	28381 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-09	Residential	28391 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-10	Residential	28411 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-11	Residential	28421 Via Anzar	Residential	San Juan Capistrano	TCE/PE
664-051-12	Residential	28431 Via Anzar	Residential	San Juan Capistrano	TCE/PE
125-201-38	Residential	N/A	Landscaping	N/A	TCE
125-201-37	Residential	N/A	Landscaping	N/A	TCE
125-201-36	Residential	N/A	Landscaping	N/A	TCE/PE
650-171-20	Residential	N/A	Residential	N/A	TCE/PE/Partial Acquisition
650-171-17	Residential	28181 Ortega Highway	Residential	San Juan Capistrano	TCE/PE/Partial Acquisition

Table 2.3.4: Easements and Acquisitions for Build Alternative 2

APN	Property Type	Address	Present Use	City	TCE, PE, or Acquisition
650-171-14	Residential	28241 Ortega Highway	Residential	San Juan Capistrano	TCE/PE/Partial Acquisition
650-171-12	Residential	28281 Ortega Highway	Residential	San Juan Capistrano	TCE/PE
650-171-11	Residential	28271 Ortega Highway	Residential	San Juan Capistrano	TCE/PE
650-171-28	Residential	28333 Ortega Highway	Residential	San Juan Capistrano	TCE/PE
650-181-11	Residential	30741 Hilltop Way	Residential	San Juan Capistrano	TCE/PE
650-181-10	Residential	30742 Hilltop Way	Residential	San Juan Capistrano	TCE/PE
650-181-04	Residential	28451 Ortega Highway	Residential	San Juan Capistrano	TCE/PE/Partial Acquisition
650-181-25	Residential	N/A	Residential	N/A	TCE
650-181-02	Residential	28511 Ortega Highway	Residential	San Juan Capistrano	TCE/PE/Partial Acquisition
650-181-20	Residential	30752 Shade Tree Lane	Residential	San Juan Capistrano	TCE/PE
650-181-19	Residential	30702 Shade Tree Lane	Residential	San Juan Capistrano	TCE/PE
664-012-24	Residential	31062 Via Madera	Residential	San Juan Capistrano	TCE
664-012-30	Residential	N/A	Landscaping	N/A	TCE
650-331-03	Residential	30981 Hunt Club Drive	Residential	San Juan Capistrano	TCE
650-331-16	Residential	N/A	Residential	N/A	TCE
650-331-17	Residential	28101 Ascot Lane	Residential	San Juan Capistrano	TCE/PE

Source: State Route 74 Lower Ortega Highway Widening Project Draft Relocation Impact Report (April 2019).
APN = Assessor's Parcel Number

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LEGEND

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|-------------------|---------------------------------|
| Project Limits | Affected Parcels |
| Parcel Boundaries | Acquisition (Fee) Area |
| City Boundary | Permanent Easement |
| | Temporary Construction Easement |

- | | |
|---|----------------------------|
| Project Features | Existing Right-of-Way |
| Proposed Striping, Edge of Pavement, and Roadway Improvements | Temporary Chain Link Fence |
| Proposed Restriping Only | Proposed Retaining Wall |
| Proposed Right-of-Way | Proposed Sound Wall |
| | Proposed Drainage |

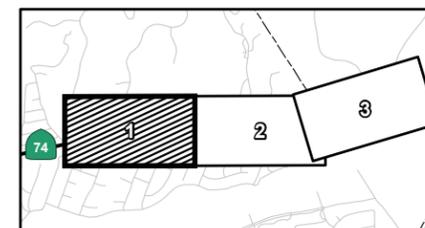


FIGURE 2.3-2
Sheet 1 of 3

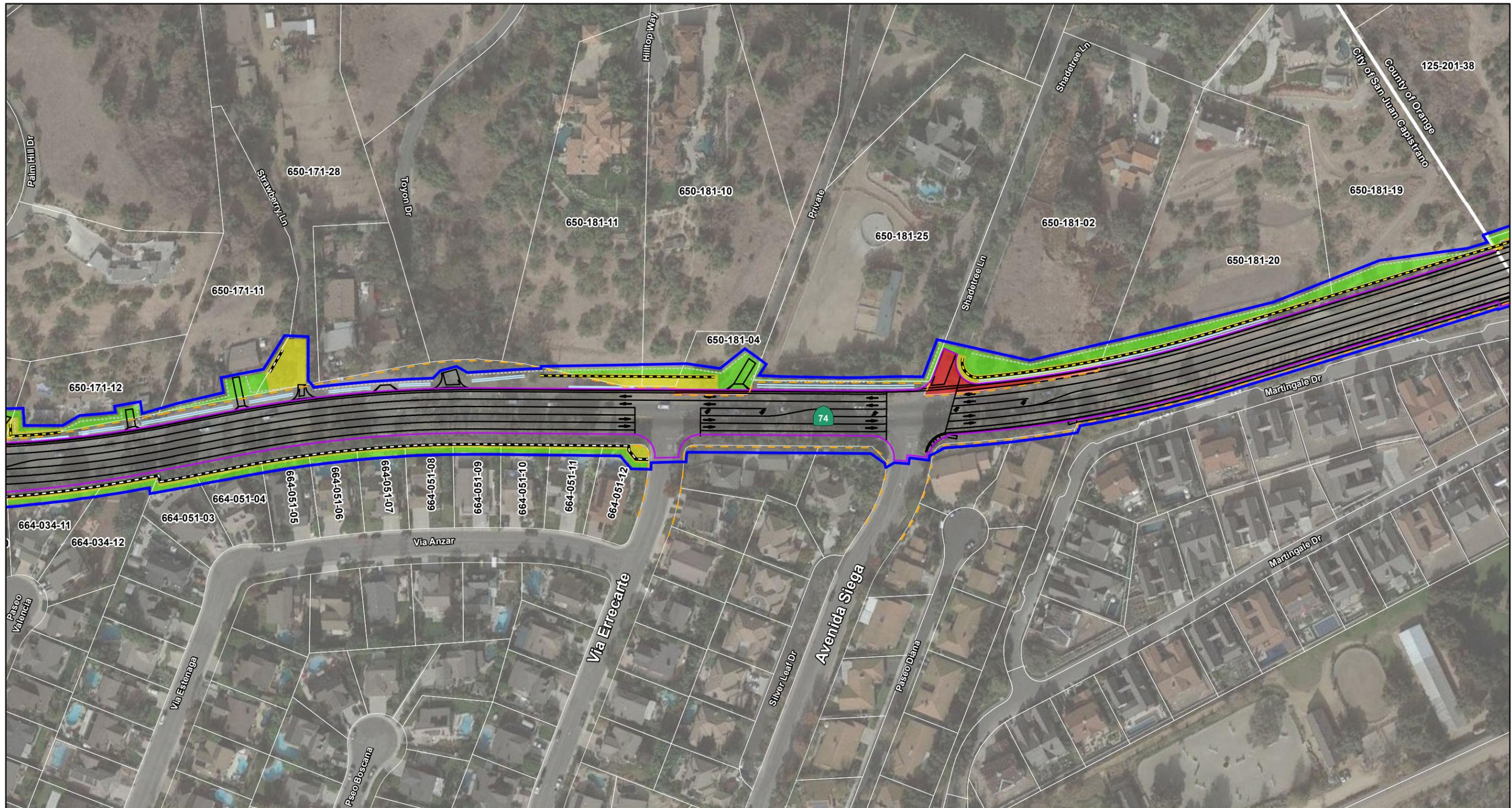
SR-74 Lower Ortega Highway Widening Project

Property Acquisitions

12-ORA-74 PM 1.0/2.1

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|-------------------|---------------------------------|
| Project Limits | Affected Parcels |
| Parcel Boundaries | Acquisition (Fee) Area |
| City Boundary | Permanent Easement |
| | Temporary Construction Easement |

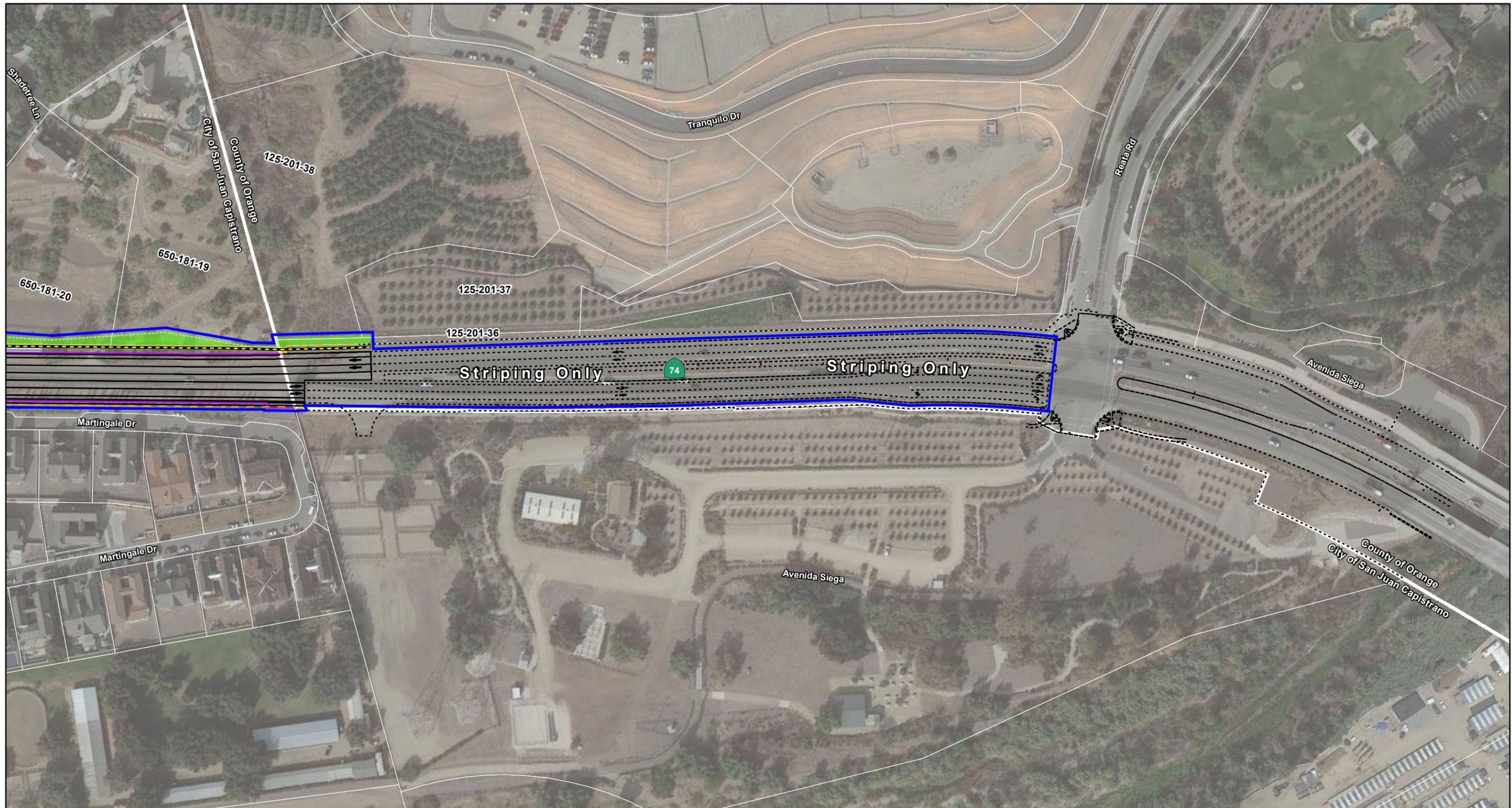
- | | |
|---|----------------------------|
| Project Features | Existing Right-of-Way |
| Proposed Striping, Edge of Pavement, and Roadway Improvements | Temporary Chain Link Fence |
| Proposed Restriping Only | Proposed Retaining Wall |
| Proposed Right-of-Way | Proposed Sound Wall |
| | Proposed Drainage |



FIGURE 2.3-2
Sheet 2 of 3

SR-74 Lower Ortega Highway Widening Project
Property Acquisitions
12-ORA-74 PM 1.0/2.1
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|-------------------|---------------------------------|
| Project Limits | Affected Parcels |
| Parcel Boundaries | Acquisition (Fee) Area |
| City Boundary | Permanent Easement |
| | Temporary Construction Easement |

- | | |
|---|----------------------------|
| Project Features | Existing Right-of-Way |
| Proposed Striping, Edge of Pavement, and Roadway Improvements | Temporary Chain Link Fence |
| Proposed Restriping Only | Proposed Retaining Wall |
| Proposed Right-of-Way | Proposed Sound Wall |
| | Proposed Drainage |

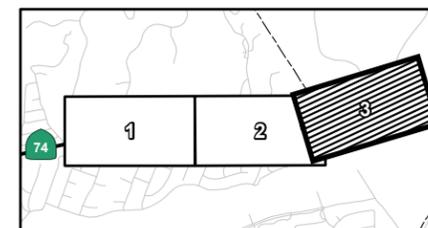


FIGURE 2.3-2
Sheet 3 of 3

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Permanent Impacts

Build Alternative 2

Build Alternative 2 would require the partial acquisition of five (5) parcels. No full acquisitions or displacements would occur. Permanent easements (PEs) would also be required on 33 parcels (totaling 1.1 ac) required for access and maintenance of these improvements. A PE is defined as “a right Caltrans purchase from owner for a specific use.” Property owners for parcels with PEs would still retain ownership of the underlying fee, and Caltrans would hold an easement interest. Therefore, PEs would not result in permanent impacts to relocations or real property acquisitions. There would be no residential or business displacements as a result of Build Alternative 2. Therefore, no loss of sales or property tax would occur. There are no impacts to owners, tenants, businesses, or persons in possession of real property to be acquired who would qualify for relocation assistance benefits or entitlements under the Uniform Act. Furthermore, implementation of Minimization Measures LU-2 and LU-3 will require coordination with local jurisdictions regarding revised land use designations and compliance with development standards to minimize impacts related to the change from residential to transportation uses from these partial acquisitions.

No Build Alternative

No improvements to SR-74 Lower Ortega Highway are proposed under the No Build Alternative. Therefore, no displacements or property acquisitions would be necessary, and the No Build Alternative would also not result in property or sales tax revenue losses.

2.3.2.4 Avoidance, Minimization, and/or Mitigation Measures

With implementation of Measures LU-2 and LU-3 outlined above in Sections 2.1, Land Use, Build Alternative 2 would not result in adverse effects related to relocations or real property acquisitions.

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2.4 Utilities / Emergency Services

This section is based on information from the *Utility Conflict Matrix* (April 2019).

2.4.1 Affected Environment

The study area for utilities and emergency services includes the project limits for Build Alternative 2 and extends 0.5 mile (mi) from the project limits, as this is the area that would be potentially affected by the proposed project. The study area for utilities and emergency services includes portions of the City of San Juan Capistrano (City) and unincorporated Orange County.

This section describes the existing utilities and emergency services facilities and providers in the study area that could potentially be affected by construction of Build Alternative 2.

2.4.1.1 Utilities

Utilities within the study area include overhead electrical transmission, telephone and cable lines, and underground gas, sewer, water, electric, telephone, and cable lines. Utility owners with facilities known to exist within the study area are listed in Table 2.4.1, below.

Table 2.4.1: Utilities Within the Study Area

Utility Owner	Utility Type
Orange County Sanitation District (OCSD)	Sewer lines
Santa Margarita Water District (SMWD)	Water lines, sewer lines
City of San Juan Capistrano	Pull box, water lines, fire hydrant, storm drains, cabinet
Southern California Gas (SoCalGas)	Gas lines
AT&T	Overhead electrical, cable, telephone lines
Cox	Underground conduits
San Diego Gas & Electric (SDG&E)	Overhead electrical lines
Southern California Edison	Overhead power line
Kinder Morgan	Gasoline line

2.4.1.2 Fire Protection/Emergency Services

Fire protection services and emergency medical/paramedic services for the study area are provided by the Orange County Fire Authority (OCFA) under contract with the City. The closest fire station, Fire Station No. 7, is approximately 0.5 mi west of the study area at 31865 Del Obispo Street, San Juan Capistrano.

2.4.1.3 Police Protection

Police protection services for the study area are provided by the Orange County Sheriff's Department. The City contracts with the Orange County Sheriff's Department to provide on-site and localized police services. The closest Sheriff's Department station is approximately 1.3 mi southwest of the study area at 32506 Paseo Adelanto, San Juan Capistrano.

Police services on State highways in California, including SR-74, are provided by the California Highway Patrol (CHP). The nearest CHP office is approximately 1.8 mi southwest of the study area at 32951 Camino Capistrano, San Juan Capistrano.

2.4.2 Environmental Consequences

2.4.2.1 Temporary Impacts

Build Alternative 2

Utilities

Construction of Build Alternative 2 would require avoidance, protection-in-place, relocation, or adjustment to grade of utilities. The utility facilities that could potentially be affected during construction of Build Alternative 2 are listed in Table 2.4.2, below.

Table 2.4.2: Utility Conflicts

Owner	Utility Type	Recommended Action
OCSD	Manhole	Adjust to grade
SMWD	Manhole	Adjust to grade
SMWD	Water line	Relocate
Cox	UG Conduit	Lower to meet policy
SoCalGas	Gas line	Relocate
SoCalGas	Gas line	Relocate
AT&T	UG Conduit	Relocate lower to meet policy
AT&T	Vault	Relocate
AT&T, Cox	Pole (5)/Join Pole(8)	Relocate
AT&T, Cox	Join Pole	Stiffen up due to relocation of other poles
SDG&E	UG Conduit	Relocate
SDG&E	Transformer	Relocate
SDG&E	Electric	Relocate
SDG&E	OH electrical line	Relocate
SDG&E	Vault	Protect in place / adjust to grade
SDG&E	Pole	Stiffen up due to relocation of other poles
SDG&E	Guy Pole	Remove
SDG&E (AT&T, Cox)	Electric share pole	Relocate
Unknown	Water line	Encase and lower to meet policy

Source: Utility Conflict Matrix (Caltrans 2019)
City = City of San Juan Capistrano
SDG&E = San Diego Gas & Electric
OCSD = Orange County Sanitation District
OH = Overhead

ROW = right-of-way
SDG&E = San Diego Gas & Electric
SMWD = Santa Margarita Water District
SoCalGas = Southern California Gas
UG = Underground

An updated utility search would be conducted during final design phase to finalize all utilities that would require protection in-place, removal, or relocation. Completion of the utility work may result in temporary service disruptions to some utility users in the vicinity of the study area.

Measure UES-1 will require preparation of utility relocation plans and minimize potential temporary adverse effects of construction of Build Alternative 2 on utilities.

Emergency Services

During construction of Build Alternative 2, some impairment to the delivery of emergency services, including fire and police response times, may occur due to limited partial lane closures. During construction of Build Alternative 2, one lane would be kept open in each direction during daytime construction activities.

Emergency services providers could experience travel delays when traveling to/from emergency scenes during these temporary lane closures. As part of implementation of Project Feature PF-UES-1, below, Caltrans would coordinate temporary lane and/or road closures with corresponding emergency service providers to identify alternative routes for emergency vehicles. Temporary impacts to emergency services during construction would be addressed with implementation of PF-UES-1.

PF-UES-1 California Department of Transportation (Caltrans) Standard Specification Section 12-4: Prior to and during construction, Caltrans will coordinate all temporary highway and arterial roadway closures and detour plans with law enforcement, fire protection, and emergency medical service providers to minimize temporary delays in emergency response times, including the identification of alternative routes for emergency vehicles and routes across the construction areas that are developed in coordination with the affected agencies.

In addition, temporary construction impacts to emergency services would be addressed by Project Feature PF-TR-1 in Section 2.5, Traffic and Transportation/ Pedestrian and Bicycle Facilities. Project Feature PF-TR-1 requires development and implementation of a Transportation Management Plan (TMP) during construction of Build Alternative 2 to address traffic delays; maintain traffic flow; manage detours and temporary road, lane, and ramp closures; provide ongoing information to the public regarding construction activities, closures, and detours; and maintain a safe environment for construction workers and travelers. The TMP would be approved by Caltrans District 12 during final design and would be incorporated into the plans, specifications, and estimates for implementation by the Construction Contractor.

No Build Alternative

No improvements to SR-74, other than routine maintenance, are proposed under the No Build Alternative. Therefore, the No Build Alternative would not result in temporary impacts to utilities and emergency services.

2.4.2.2 Permanent Impacts

Build Alternative 2

Any relocation or other effects to utility facilities under Build Alternative 2 would occur during the final design or construction phase. As shown in Table 2.4.2 above, all utilities that are in conflict with the proposed improvements would be relocated, lowered to meet policy, encased, or stiffened to resolve potential conflicts. In addition, an existing concrete channel along the north side of SR-74 at approximately Station 104+00 to Shade Tree Lane, would be undergrounded as part of the proposed project. Other utilities would be avoided and would be protected in place with Build Alternative 2. However, all existing utility facilities would be maintained. Build Alternative 2 would not result in an increased demand for domestic water, wastewater, gas, telephone, cable, telecommunications, or electrical facilities. Therefore, Build Alternative 2 would not effect the function or capacity of existing utilities.

Emergency access would be maintained and improved as Build Alternative 2 would provide additional capacity on SR-74 within the study area, which would improve level of service on the project roadway segments, thereby reducing the demand on adjacent arterials that are used by emergency service providers. Therefore, Build Alternative 2 would not result in adverse impacts on emergency services.

No Build Alternative

No improvements to SR-74 are proposed under the No Build Alternative other than routine maintenance. The No Build Alternative would not result in direct permanent adverse effects related to utility services and their facilities. As described in Section 2.5, Traffic and Transportation/Pedestrian and Bicycle Facilities, with increased demands under the 2045 No Build condition, traffic operations within the traffic study area roadway segments are projected to deteriorate substantially in both the a.m. and p.m. peak hours. Therefore, emergency services may experience a reduction in response times in the project vicinity under the No Build Alternative.

2.4.3 Avoidance, Minimization, and/or Mitigation Measures

The proposed project would incorporate Project Feature PF-UES-1 as outlined above in Section 2.4.2.1 and Project Feature PF-TR-1 as outlined in Section 2.5, Traffic and Transportation/Pedestrian and Bicycle Facilities to address coordination with emergency service providers during construction. In addition, Measure UES-1 will minimize potential impacts from construction of Build Alternative 2.

UES-1 During final design, utility relocation plans for those utilities that will need to be relocated, removed, or protected-in-place will be prepared in consultation with the affected utility providers. If relocation is necessary, final design will focus on relocating utilities within the State rights-of-way (ROWs) or other existing public ROW and/or easements. If relocations outside of existing ROWs or additional public ROWs and/or permanent easements required for the project are necessary, the final design will focus on relocating those facilities to minimize environmental impacts as a result of project construction and ongoing maintenance and repair activities. The utility relocation plans will be included in the project specifications.

Prior to and during construction, the Resident Engineer will coordinate with affected utility providers regarding potential utility relocations and inform affected utility users in advance of the date and timing of potential service disruptions.

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2.5 Traffic and Transportation / Pedestrian and Bicycle Facilities

This section discusses the project's effects on traffic and circulation, both during construction (construction impacts) and after project completion (long-term or operational effects).

Please note that recreational trails are discussed in Section 2.1, Land Use, and Section 2.3, Community Impacts, of this document.

2.5.1 Regulatory Setting

Caltrans, as assigned by the Federal Highway Administration (FHWA), directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of Federal-aid highway projects (see 23 Code of Federal Regulations [CFR] 652). It further directs that the special needs of the elderly and the disabled must be considered in all Federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

In July 1999, the U.S. Department of Transportation (USDOT) issued an Accessibility Policy Statement pledging a fully accessible multimodal transportation system. Accessibility in federally assisted programs is governed by the USDOT regulations (49 CFR 27) implementing Section 504 of the Rehabilitation Act (29 United States Code [USC] 794). The FHWA has enacted regulations for the implementation of the 1990 Americans with Disabilities Act (ADA), including a commitment to build transportation facilities that provide equal access for all persons. These regulations require application of the ADA requirements to Federal-aid projects, including Transportation Enhancement Activities.

2.5.2 Affected Environment

This section is based on the *Traffic Study Report* (TSR, December 2018) prepared for the project. The study area includes intersections beyond the project limits and is along State Route 74 (SR-74) between La Novia Avenue and Antonio Parkway-Avenida La Pata.

There are 13 roadways that intersect with SR-74 within the study area: La Novia Avenue, Belford Drive, Sundance Drive, Avenida Victoria-Via Cuartel, Avenida Linda Vista, Calle Entradero, Hunt Club Drive-Via Cordova, Via Cristal, Strawberry

Lane, Via Errecarte, Shadetree Lane-Avenida Siega, Reata Road, and Antonio Parkway-La Pata Avenue. Additionally, to the north, Palm Hill Drive and Toyon Drive provide access to private property. In addition to these 13 intersections, five roadway segments on SR-74 are located within the study area: (1) between Calle Entradero and Hunt Club Drive/Via Cordova; (2) between Hunt Club Drive/Via Cordova and Via Cristal; (3) between Via Cristal and Strawberry Lane; (4) between Strawberry Lane and Via Errecarte; and (5) between Via Errecarte and Shadetree Lane/Avenida Siega.

The traffic analysis below provides traffic volumes for the a.m. and p.m. peak hours at the 13 intersections and five roadway segments under the following scenarios:

- Existing Traffic Conditions (2018)
- No Build Alternative – Opening Year (2025)
- Build Alternative 2 – Opening Year (2025)
- No Build Alternative – Design Year (2045)
- Build Alternative 2 – Design Year (2045)

2.5.2.1 Existing Traffic Conditions (2018)

Existing Level of Service

Existing traffic volumes (2018) were developed at study area intersections and roadway segments using peak hour intersection turning movement counts and daily roadway segment counts, respectively. The daily roadway traffic counts were grouped by FHWA vehicle classification standards to reflect the types of vehicles counted accurately. Levels of service (LOS) levels are determined by the standards explained in Tables 2.5.1 and 2.5.2, below.

Table 2.5.1: Level of Service Criteria, Unsignalized and Signalized Intersections

Level of Service	Unsignalized Intersection Average Delay per Vehicle (seconds)	Signalized Intersection Average Delay per Vehicle (seconds)
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Source: Transportation Research Board. *Highway Capacity Manual*, 6th Edition (2016).

■ = Unsatisfactory LOS

Table 2.5.2: Level of Service Criteria, Multi-lane Highways at 55 mph

Level of Service	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	55.0	0.29	600
B	18	55.0	0.47	990
C	26	54.9	0.68	1430
D	35	52.9	0.88	1850
E	41	51.2	1.00	2100

Source: Caltrans' *Guide for the Preparation of Traffic Impact Studies* (December 2002).

mph = miles per hour

pc/mi/ln = passenger cars/mile/lane

v/c = volume to capacity

■ = Unsatisfactory LOS

As shown in Tables 2.5.3 and 2.5.4, within the study area, the roadway segment volumes mostly exceed the capacity under existing traffic conditions. All roadway segments currently operate at an unsatisfactory LOS eastbound and westbound during the a.m. peak period (7:00 a.m. to 9:00 a.m.). Additionally, all roadway segments currently operate at an unsatisfactory LOS eastbound during the p.m. peak period (4:00 p.m. to 6:00 p.m.). All roadway segments currently operate at a satisfactory LOS westbound during the p.m. peak period.

Table 2.5.3: Existing (2018) Roadway Segment Level of Service – AM Peak Hour

Roadway	Segment	Eastbound			Westbound		
		No Build			No Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	0.83	D	1	1.12	F
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	0.80	D	1	1.10	F
SR-74	3. Between Via Cristal and Strawberry Lane	1	0.80	D	1	1.10	F
SR-74	4. Between Strawberry Lane and Via Errecarte	1	0.80	D	1	1.09	F
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	0.79	D	1	1.10	F

Source: *Traffic Study Report* (LSA 2018).

■ = Unsatisfactory LOS

LOS = Level of Service

SR-74 = State Route 74

V/C = Volume to Capacity

Table 2.5.4: Existing (2018) Roadway Segment Level of Service – PM Peak Hour

Roadway	Segment	Eastbound			Westbound		
		No Build			No Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	0.98	E	1	0.70	D
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	0.96	E	1	0.68	C
SR-74	3. Between Via Cristal and Strawberry Lane	1	0.95	E	1	0.68	C
SR-74	4. Between Strawberry Lane and Via Errecarte	1	0.95	E	1	0.69	D
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	0.95	E	1	0.69	D

Source: *Traffic Study Report* (LSA 2018).

■ = Unsatisfactory LOS SR-74 = State Route 74
LOS = Level of Service V/C = Volume to Capacity

As shown in Table 2.5.5, below, most study area intersections operate at unsatisfactory LOS for intersections under existing traffic conditions.

Table 2.5.5: Existing (2018) Intersection Level of Service

Intersection	Control	No Build			
		AM Peak Hour		PM Peak Hour	
		Delay ² (sec)	LOS	Delay ² (sec)	LOS
1. La Novia Avenue/SR-74	Signal	33.3	C	20.5	C
2. Belford Drive/SR-74	OWSC	>200	F	20.4	C
3. Sundance Drive/SR-74	OWSC	65.6	F	44.8	E
4. Avenida Victoria – Via Cuartel/SR-74	TWSC	60.7	F	176.8	F
5. Avenida Linda Vista/SR-74	OWSC	27.8	D	14.6	B
6. Calle Entradero/SR-74	TWSC	>200	F	>200	F
7. Hunt Club Drive – Via Cordova/SR-74	TWSC/ Signal ¹	>200	F	>200	F
8. Via Cristal/SR-74	OWSC	>200	F	117.0	F
9. Strawberry Lane/SR-74	OWSC	53.1	F	>200	F
10. Via Errecarte/SR-74	OWSC	87.2	F	120.4	F
11. Shadetree Lane – Avenida Siega/SR-74	TWSC	>200	F	56.0	F
12. Reata Road/SR-74	Signal	16.0	B	14.1	B
13. Antonio Parkway – La Pata Avenue/SR-74	Signal	167.2	F	182.3	F

Source: *Traffic Study Report* (LSA 2018).

¹ Intersection control is TWSC under No Build conditions and Signalized under Build conditions.

² Based on Synchro results, intersections where the delay is represented with a dash (-) have through volumes that block the turn movements throughout the peak hour. As such, Synchro does not report a delay at this intersection for the blocked turn movements. Therefore, the worst-case movements at these intersections operate at LOS F.

■ = Unsatisfactory LOS

Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement).

LOS = Level of Service

SR-74 = State Route 74

OWSC = One-Way Stop Control

TWSC = Two-Way Stop Control

sec = seconds

Existing Average Peak Hour Speeds

As shown in Table 2.5.6, under existing traffic conditions (2018), two roadway segments were studied for average a.m. and p.m. peak hour speeds for both eastbound and westbound lanes within the study area. The average speed for these roadway segments for the eastbound a.m. peak hour is 34.9 miles per hour (mph) and for the eastbound p.m. peak hour is 36.2 mph. The average speed for the westbound a.m. peak hour is 34.7 mph and for the westbound p.m. peak hour is 38.4 mph.

Table 2.5.6: Existing (2018) Peak Hour Speed Summary

Segment	Eastbound		Westbound	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Between La Novia Avenue and Reata Road	42.6	41.9	37.3	41.6
Between Reata Road and Antonio Parkway/La Pata Avenue	22.1	25.1	28.9	31.5
Average for the Segments	34.9	36.2	34.7	38.4

Source: *Traffic Study Report* (LSA 2018).

2.5.2.2 Future Traffic Conditions

Future Roadway Network

The year 2040 constrained roadway network within the Orange County Transportation Analysis Model (OCTAM) has been used as the base network for the proposed project. The model roadway network includes the extension of State Route 241 (SR-241) from the existing terminus at Oso Parkway to Interstate 5 (I-5). The extension was removed from the analysis in the model to evaluate a worst-case scenario for the proposed project. Specifically, SR-241 was modeled to terminate 2 where it ends today at Oso Parkway and a new four-lane arterial, Los Patrones Parkway, was modeled from SR-241 and Oso Parkway to Cow Camp Road (currently under construction).

Traffic Forecasts

Existing traffic counts (2018) and forecast data from OCTAM¹ were used to develop traffic volumes for the opening year (2025) and design year (2045). Typically, for forecast conditions, Caltrans requires a minimum 20-year design timeline for the traffic operations analysis. The forecasted Design Year conditions analysis has been determined to be for the year 2045 conditions. The current forecast year in OCTAM

¹ Orange County Transportation Analysis Model (OCTAM 2040 Constrained Network).

is year 2040. As such, the forecast year 2045 conditions were extrapolated from OCTAM 2040 forecasts for each scenario.

As part of the 2045 Design Year conditions, vehicles miles traveled (VMT) was forecasted using the 2040 OCTAM traffic forecast. The OCTAM was also used to quantify traffic diversion that might occur under the Design Year (2045) No Build condition traffic volumes compared to the Build conditions.

Opening Year (2025) No Build condition traffic volumes were developed by interpolating between adjusted existing traffic volumes (2018) and the Design Year (2045) No Build condition traffic volumes.

2.5.2.3 Pedestrian and Bicycle Facilities

Pedestrian facilities within the project limits include sidewalks along the south and north sides of SR-74. The sidewalk along the north side of SR-74 has a terminus east of Hunt Club Drive and west of Palm Hill Drive. The sidewalk along the south side of SR-74 has a terminus east of Avenida Siega.

There are no existing bicycle facilities on SR-74 between PM 1.0 and 2.1; however, there is an existing Class II bike lane east of the project limits on SR-74 that ends just before the limits of the proposed improvements at PM 2.1. The Orange County Bikeways Map, maintained by OCTA, does not show any planned bicycle facilities within the project limits.

2.5.3 Environmental Consequences

As described above, roadway operations and the relationship between capacity and traffic volumes are generally expressed in terms of LOS, which are defined using the letter grades A through F. These levels recognize that, while an absolute limit exists to the amount of traffic traveling through a given intersection (the absolute capacity), the conditions that motorists experience rapidly deteriorate as traffic approaches absolute capacity. Under such conditions, congestion is experienced. There is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays. This near-capacity situation is labeled LOS E. Beyond LOS E, capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it. A vehicular queue will then form and continue to expand in length until the demand volume again declines.

Highway Capacity Manual, 6th Edition (HCM 6) analysis methodologies were used to determine LOS for all study area intersections and roadway segments. Intersection LOS was calculated using Synchro 10 software, which uses HCM 6 methodologies. The HCM establishes definitions and criteria for designating levels of service A through F for intersections and roadways. The findings of those analyses are summarized below.

2.5.3.1 Temporary Impacts

Build Alternative 2

During construction, traffic flow along SR-74 and associated intersections within the study area would be temporarily disrupted by construction activities, including equipment staging, vehicle access, and roadway widening. Traffic on SR-74 may also be disrupted by trucks hauling construction materials and debris.

Construction activities would require partial lane closures; however, one lane would be kept open in each direction during daytime construction activities. In addition, there may be temporary partial road closures, if any nighttime construction is required. However, per the Settlement Agreement (Appendix J), nighttime construction activities are generally prohibited. Nighttime construction will only be allowed in emergency situations, for the installation of traffic signals, or if Caltrans or the entity responsible for construction has received prior approval from the City for non-emergency nighttime construction activities.

Pedestrian traffic would be rerouted to the south side of SR-74 during reconstruction of the sidewalk on the north side of SR-74 between Calle Entradero and Hunt Club Drive.

A Transportation Management Plan (TMP) would be prepared to minimize short-term transportation impacts during construction of the project. The purpose of the TMP is to: maintain traffic safety during construction, effectively maintain an acceptable level of traffic flow throughout the transportation system during construction, minimize traffic delays and facilitate reduction of the overall duration of construction activities, minimize detours and impacts to pedestrians and bicyclists, and foster public awareness of the project and related transportation and traffic impacts. Caltrans would coordinate with the City of San Juan Capistrano (City) and the County of Orange (County) for the development of the TMP.

Due to the temporary nature of the project construction activities affecting traffic and circulation and the implementation of Project Feature PF-TR-1, below, Build Alternative 2 would not result in temporary adverse transportation effects.

PF-TR-1 California Department of Transportation (Caltrans) Standard Specification Section 12-4: A Transportation Management Plan (TMP) will be completed and approved by Caltrans District 12 during final design and will be incorporated into the plans, specifications, and estimates for implementation by the Construction Contractor during project construction to address short-term traffic circulation and access effects during project construction. The TMP will detail a plan for the umbrella standard specification of 12-4 Maintaining Traffic and any applicable sections (i.e., 12-4.01 General, 12-4.02 Traffic Control Systems, 12-4.03 Falsework Openings, and 12-4.04 Pedestrian Facilities, etc.). The TMP will contain, but not be limited to, the following elements intended to reduce traveler delay and enhance traveler safety: a public information/awareness campaign, traveler information strategies, incident management, construction strategies, demand management, and alternate route strategies. These elements will be refined during final design and incorporated in the TMP for implementation during project construction.

No Build Alternative

None of the improvements proposed under Build Alternative 2 would be constructed under the No Build Alternative. As a result, the No Build Alternative would not result in temporary impacts related to traffic and circulation or to pedestrian and bicycle facilities.

2.5.3.2 Permanent Impacts

Build Alternative 2

Roadway Segments

Opening Year 2025

As shown in Tables 2.5.7 and 2.5.8, below, under Build Alternative 2, all roadway segments are forecast to operate at satisfactory LOS. Build Alternative 2 substantially improves traffic operations for through traffic along the project corridor for all five roadway segments during the a.m. and p.m. peak hours compared to existing conditions (2018), in which all roadway segment volumes exceed capacity, except westbound conditions during the p.m. peak hour.

Table 2.5.7: Opening Year (2025) Roadway Segment Level of Service – AM Peak Hour

Roadway	Segment	Eastbound						Westbound					
		No Build			Build			No Build			Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	0.86	D	2	0.54	C	1	1.23	F	2	0.73	D
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	0.84	D	2	0.52	C	1	1.21	F	2	0.71	D
SR-74	3. Between Via Cristal and Strawberry Lane	1	0.83	D	2	0.52	C	1	1.20	F	2	0.71	D
SR-74	4. Between Strawberry Lane and Via Errecarte	1	0.83	D	2	0.52	C	1	1.20	F	2	0.71	D
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	0.83	D	2	0.52	C	1	1.20	F	2	0.71	D

Source: Traffic Study Report (LSA 2018).

LOS = Level of Service

V/C = Volume to Capacity

■ = Unsatisfactory LOS

Table 2.5.8: Opening Year (2025) Roadway Segment Level of Service – PM Peak Hour

Roadway	Segment	Eastbound						Westbound					
		No Build			Build			No Build			Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	1.05	F	2	0.63	C	1	0.72	D	2	0.42	B
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	1.02	F	2	0.62	C	1	0.71	D	2	0.41	B
SR-74	3. Between Via Cristal and Strawberry Lane	1	1.02	F	2	0.62	C	1	0.71	D	2	0.42	B
SR-74	4. Between Strawberry Lane and Via Errecarte	1	1.02	F	2	0.62	C	1	0.72	D	2	0.42	B
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	1.02	F	2	0.62	C	1	0.72	D	2	0.42	B

Source: Traffic Study Report (LSA 2018).

LOS = Level of Service

V/C Volume to Capacity

■ = Unsatisfactory LOS

In addition, Build Alternative 2 substantially improves traffic operations compared to the 2025 No Build condition, in which all forecasted roadway segment volumes would exceed capacity. Therefore, traffic operations along SR-74 would improve under Build Alternative 2 compared to existing conditions (2018) and 2025 No Build conditions.

Intersections were numbered 1 to 5 in reference to values in Tables 2.5.7 and 2.5.8, below. Build Alternative 2 would improve the traffic operations at the following locations:

1. Between Calle Entradero and Hunt Club Drive/Via Cordova for a.m. westbound and eastbound travel and for p.m. eastbound travel
2. Between Hunt Club Drive/Via Cordova and Via Cristal for a.m. westbound and eastbound travel and for p.m. eastbound travel
3. Between Via Cristal and Strawberry Lane for a.m. westbound and eastbound travel and for p.m. eastbound travel
4. Between Strawberry Lane and Via Errecarte for a.m. westbound and eastbound travel and for p.m. eastbound travel
5. Between Via Errecarte and Shadetree Lane/Avenida Siega for a.m. westbound and eastbound travel and for p.m. eastbound travel

Design Year 2045

As shown in Tables 2.5.9 and 2.5.10, below, under Build Alternative 2, all roadway segments are forecast to operate at satisfactory LOS, with the exception of all segments in the westbound direction in the a.m. peak hour (Table 2.5.9). This represents an improvement when compared to existing conditions (2018), in which all roadway segment volumes exceed capacity, except westbound conditions during the p.m. peak hour. It is also an improvement when compared to the 2045 No Build condition in which all forecasted roadway segment volumes would exceed capacity. Build Alternative 2 would improve the overall LOS and substantially improve traffic operations for through traffic along the SR-74 corridor.

Table 2.5.9: Design Year (2045) Roadway Segment Level of Service – AM Peak Hour

Roadway	Segment	Eastbound						Westbound					
		No Build			Build			No Build			Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	0.97	E	2	0.58	C	1	1.54	F	2	0.92	E
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	0.94	E	2	0.57	C	1	1.51	F	2	0.91	E
SR-74	3. Between Via Cristal and Strawberry Lane	1	0.94	E	2	0.57	C	1	1.51	F	2	0.90	E
SR-74	4. Between Strawberry Lane and Via Errecarte	1	0.94	E	2	0.57	C	1	1.51	F	2	0.90	E
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	0.94	E	2	0.57	C	1	1.51	F	2	0.91	E

Source: Traffic Study Report (LSA 2018).

LOS = level of service

V/C Volume to Capacity

■ = Unsatisfactory LOS

Table 2.5.10: Design Year (2045) Roadway Segment Level of Service – PM Peak Hour

Roadway	Segment	Eastbound						Westbound					
		No Build			Build			No Build			Build		
		# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS	# Lanes	V/C	LOS
SR-74	1. Between Calle Entradero and Hunt Club Drive/Via Cordova	1	1.25	F	2	0.79	D	1	0.81	D	2	0.50	C
SR-74	2. Between Hunt Club Drive/Via Cordova and Via Cristal	1	1.22	F	2	0.77	D	1	0.79	D	2	0.49	C
SR-74	3. Between Via Cristal and Strawberry Lane	1	1.22	F	2	0.78	D	1	0.80	D	2	0.50	C
SR-74	4. Between Strawberry Lane and Via Errecarte	1	1.22	F	2	0.78	D	1	0.80	D	2	0.50	C
SR-74	5. Between Via Errecarte and Shadetree Lane/Avenida Siega	1	1.23	F	2	0.78	D	1	0.81	D	2	0.50	C

Source: Traffic Study Report (LSA 2018).

LOS = level of service

V/C = Volume to Capacity

■ = Unsatisfactory LOS

Roadway segments were numbered 1 to 5 in reference to values in Tables 2.5.9 and 2.5.10 shown above. Build Alternative 2 would improve the traffic operations at the following locations:

1. Between Calle Entradero and Hunt Club Drive/Via Cordova for a.m. eastbound travel and for p.m. westbound travel
2. Between Hunt Club Drive/Via Cordova and Via Cristal for a.m. eastbound travel and for p.m. eastbound and westbound travel
3. Between Via Cristal and Strawberry Lane for a.m. eastbound travel and for p.m. eastbound and westbound travel
4. Between Strawberry Lane and Via Errecarte for a.m. eastbound travel and for p.m. eastbound and westbound travel
5. Between Via Errecarte and Shadetree Lane/Avenida Siega for a.m. eastbound travel and for p.m. eastbound and westbound travel

Intersections

Opening Year 2025

As shown in Table 2.5.11, under Build Alternative 2, 11 study area intersections, out of the 13 total intersections (numbered 1 through 13 in the tables above for reference) in the study area, would operate at unsatisfactory LOS in one or both peak periods. Under Existing conditions (2018), displayed in Table 2.5.5, nine study area intersections currently operate at unsatisfactory LOS in one or both peak hours. This degradation in LOS is due to the delay for vehicles turning left onto SR-74 from stop-controlled intersections.

Compared to the No Build Alternative conditions in 2025, Build Alternative 2 would improve the LOS at five intersections. Four of these intersections would be improved from an unacceptable LOS to acceptable LOS. Build Alternative 2 would improve the LOS at these five intersections as follows:

5. Avenida Linda Vista/SR-74 would improve LOS from C to B in the p.m. peak hour;
7. Hunt Club Drive – Via Cordova/SR-74 would improve LOS from F to D in the a.m. and p.m. peak hours;
9. Strawberry Lane/SR-74 would improve LOS from F to D in the a.m. peak hour;

Table 2.5.11: Opening Year (2025) Intersection Level of Service

Intersection	No Build		Build	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
	LOS	LOS	LOS	LOS
1. La Novia Avenue/SR-74	C	C	D	D
2. Belford Drive/SR-74	F	C	E	F
3. Sundance Drive/SR-74	F	F	F	F
4. Avenida Victoria – Via Cuartel/SR-74	F	F	F	F
5. Avenida Linda Vista/SR-74	D	C	F	B
6. Calle Entradero/SR-74	F	F	F	F
7. Hunt Club Drive – Via Cordova/SR-74	F	F	D	C
8. Via Cristal/SR-74	F	F	F	F
9. Strawberry Lane/SR-74	F	F	D	E
10. Via Errecarte/SR-74	F	F	F	D
11. Shadetree Lane – Avenida Siega/SR-74	F	F	F	D
12. Reata Road/SR-74	C	B	D	B
13. Antonio Parkway – La Pata Avenue/SR-74	F	F	F	F

Source: *Traffic Study Report* (LSA 2018).

■ = Unsatisfactory LOS

LOS = Level of Service

SR-74 = State Route 74

- 10. Via Errecarte/SR-74 would improve LOS from F to D in the p.m. peak hour; and
- 11. Shadetree Lane – Avenida Siega/SR-74 would improve LOS from F to D in the p.m. peak hour.

In addition, Build Alternative 2 would degrade the LOS at the following four intersections:

- 1. La Novia Avenue/SR-74 would degrade LOS from C to D in the a.m. and p.m. peak hours;
- 2. Belford Drive/SR-74 would degrade LOS from C to F in the p.m. peak hour;
- 5. While Avenida Linda Vista/SR-74 would improve LOS from C to B in the p.m. peak hour this segment would degrade LOS from D to F in the a.m. peak hour; and
- 12. Reata Road/SR-74 would degrade LOS from C to D in the p.m. peak hour.

As shown in Table 2.5.11 above, Build Alternative 2 would degrade one intersection (Belford Drive/SR-74) to LOS F during the p.m. peak hour compared to the operation of this intersection at LOS C during the p.m. peak hour under the 2025 No Build condition.

Under Build Alternative 2, six intersections would operate with acceptable LOS at one or both peak hours. In contrast, under existing conditions (2018) and the 2025 No Build condition, only four intersections operate with acceptable LOS in one or both peak periods.

The vehicles exiting local streets at study area intersections and attempting to turn left onto westbound SR-74 currently experience delays due to a lack of gaps in the through traffic. As stated in the Roadway Segment discussion above, the implementation of Build Alternative 2 would result in increased traffic volumes due to the increased roadway capacity. Increased traffic volumes would increase delays for these left-turn movements resulting in the degraded LOS seen at multiple intersections in the study area. However, the proposed eastbound SR-74 left-turn lane at the proposed signalized intersection at SR-74 and Via Cordova/Hunt Club Drive would allow U-turns to minimize side street intersection delays. This would facilitate the movement of minor street traffic onto SR-74 via a right turn and then a U-turn at the next available signalized intersection.

Design Year 2045

As shown in Table 2.5.12, under Build Alternative 2, all study area intersections would operate at unsatisfactory LOS during the p.m. peak hour and one study area intersection would operate at satisfactory LOS during the a.m. peak hour. In contrast, under existing conditions (2018), as shown in Table 2.5.5 above, three intersections operate at satisfactory LOS in both peak hours and one intersection operates with satisfactory LOS in the p.m. peak hour. Similar to 2025, this degradation in LOS is due to the delay for vehicles turning left onto SR-74 from stop-controlled intersections.

Compared to the 2045 No Build condition, Build Alternative 2 would improve the LOS of two intersections and degrade LOS of five intersections. One intersection (Via Cristal/SR-74) would be improved from an unsatisfactory LOS to a satisfactory LOS.

Build Alternative 2 would improve the LOS of the following intersections:

8. Via Cristal/SR-74 would improve LOS from F to C in the a.m. peak hour;
and
9. Strawberry Lane/SR-74 would improve LOS from F to E in the a.m. peak hour.

Table 2.5.12: Design Year (2045) Intersection Level of Service

Intersection	No Build		Build	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
	LOS	LOS	LOS	LOS
1. La Novia Avenue/SR-74	E	D	F	F
2. Belford Drive/SR-74	E	F	F	F
3. Sundance Drive/SR-74	F	E	F	F
4. Avenida Victoria – Via Cuartel/SR-74	F	F	F	F
5. Avenida Linda Vista/SR-74	F	C	F	F
6. Calle Entradero/SR-74	F	F	F	F
7. Hunt Club Drive – Via Cordova/SR-74	F	F	F	F
8. Via Cristal/SR-74	F	F	C	F
9. Strawberry Lane/SR-74	F	F	E	F
10. Via Errecarte/SR-74	F	F	F	F
11. Shadetree Lane – Avenida Siega/SR-74	F	F	F	F
12. Reata Road/SR-74	F	C	F	F
13. Antonio Parkway – La Pata Avenue/SR-74	F	F	F	F

Source: *Traffic Study Report* (LSA 2018).

■ = Unsatisfactory LOS

LOS = Level of Service

SR-74 = State Route 74

Compared to the 2045 No Build condition, Build Alternative 2 would substantially degrade two intersections to LOS F during the p.m. peak period. Build Alternative 2 would degrade the LOS of the following intersections:

- 6. La Novia Avenue/SR-74 would degrade LOS from E to F in the a.m. peak hour and D to F in the p.m. peak hour;
- 7. Belford Drive/SR-74 would degrade LOS from E to F in the a.m. peak hour;
- 8. Sundance Drive/SR-74 would degrade LOS from E to F in the p.m. peak hour;
- 5. Avenida Linda Vista/SR-74 would degrade LOS from C to F in the p.m. peak hour; and
- 12. Reata Road/SR-74 would degrade LOS from C to F in the p.m. peak hour.

As described above, the traffic exiting local streets at study area intersections and attempting to turn left onto westbound SR-74 currently incurs extended delays due to a lack of gaps in the through traffic. Under Build Alternative 2, roadway capacity and traffic volumes would increase these delays. This would result in the degraded LOS seen in future conditions. However, the eastbound SR-74 left-turn lanes at the signalized intersections would allow U-turns at these locations to alleviate side street delays. This would facilitate the movement of minor street

traffic onto SR-74 via a right turn and then a U-turn at the next available signalized intersection.

Average Peak Hour Speed

Opening Year 2025

Average peak hour speeds for the Existing Year (2018) are shown in Table 2.5.6 above and average peak hour speeds for the Opening Year (2025) are shown in Table 2.5.13. Build Alternative 2 would reduce speeds along all roadway segments compared to existing conditions and the 2025 No Build condition. Build Alternative 2 would slightly increase average speeds during off-peak hours.

Table 2.5.13: Opening Year (2025) Peak Hour Speed Summary in MPH

Segment	Eastbound				Westbound			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	No Build	Build						
Between La Novia Avenue and Hunt Club Drive/Via Cordova	42.5	35.2	41.6	32.1	36.6	24.8	41.3	37.1
Between Hunt Club Drive/Via Cordova and Reata Road	42.5	37.9	41.6	38.2	36.6	26.1	41.3	38.3
Between Reata Road and Antonio Parkway/La Pata Avenue	21.2	24.5	23.1	20.1	27.2	18.5	29.9	29.1
Average Speed (mph)	34.3	33.1	35.0	30.3	33.6	23.6	37.6	35.5

Source: Traffic Study Report (LSA 2018).
mph = miles per hour

Design Year 2045

Average speeds for the Design Year (2045) are shown in Table 2.5.14. Build Alternative 2 would reduce speeds for all roadway segments compared to the 2045 No Build condition. Build Alternative 2 would slightly increase average speeds during off-peak hours.

Table 2.5.14: Design Year (2045) Peak Hour Speed Summary in MPH

Segment	Eastbound				Westbound			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	No Build	Build						
Between La Novia Avenue and Hunt Club Drive/Via Cordova	41.4	33.9	39.3	23.3	23.8	12.8	40.4	40.4
Between Hunt Club Drive/Via Cordova and Reata Road	41.4	33.5	39.3	29.9	23.8	12.8	40.4	36.5
Between Reata Road and Antonio Parkway/La Pata Avenue	20.1	24.0	17.9	13.1	14.8	5.6	25.6	22.2
Average Speed (mph)	33.1	31.0	30.6	21.8	20.6	10.1	35.2	33.2

Source: Traffic Study Report (LSA 2018).
mph = miles per hour

Bicycle and Pedestrian Facilities

The existing sidewalk on the south side of SR-74 would be maintained in its current location with the exception of a portion of sidewalk at the intersection of Via Cordova, where the sidewalk would be shifted to the south and reconstructed to provide for the right-turn pocket at this intersection. A new sidewalk would be constructed to the east beyond Avenida Siega and would connect to the planned County sidewalk system to provide continuity and would be consistent with City and County goals.

Class II bicycle facilities are planned and would be provided on each side of the roadway as part of the 5 foot-wide paved shoulders throughout the project limits. These facilities would be in conformance with standards set forth in the OCTA Commuter Bikeways Strategic Plan (CBSP). The City's General Plan states in its Circulation Element that there is the need to promote an extensive public bicycle, pedestrian, and equestrian trails network. These bicycle facilities would comply with the City's goals.

Traffic Diversion

Build Alternative 2 would increase the capacity of SR-74 to account for future increases in traffic congestion. Therefore, no traffic diversion would occur under Build Alternative 2.

Vehicle Miles Travelled (VMT) Analysis

As shown in Table 2.5.15 below, according to VMT analysis conducted the Design Year (2045) Build VMT would be 1,313,759 miles per day. When compared to the Design Year (2015) No Build VMT of 977,400 miles per day, the project-related VMT increase would be 336,358 miles per day due to the increase in roadway capacity.

Table 2.5.15: Vehicles Miles Traveled Estimate

Scenario	2045 Total VMT (miles/day)
Design Year (2045) Build VMT	1,313,759
Design Year (2015) No Build VMT	977,400
Project-Related VMT Increase	336,358

Source: *Traffic Study Report (TSR)* (2019).

No Build Alternative

Roadway Segments

Most roadway segments in the traffic study area are projected to operate at unacceptable LOS under the 2025 and 2045 No Build conditions (see Tables 2.5.7, 2.5.8, 2.5.9, and 2.5.10, above).

In the Opening Year (2025), all five roadway segments (eastbound and westbound) are expected to operate at unsatisfactory LOS during the a.m. peak hour. All westbound segments are projected to operate at unsatisfactory LOS during the p.m. peak hour; however, the eastbound roadway segments would operate at satisfactory LOS. With increased demand under the 2025 No Build condition, traffic operations within the study area roadway segments are projected to deteriorate substantially in both a.m. and p.m. peak hours.

In the Design Year (2045), demands on SR-74 in the study area will continue to increase and operations will continue to deteriorate under the No Build Alternative. All five roadway segments (both eastbound and westbound) will operate at unsatisfactory LOS in the a.m. and p.m. peak hours. With increased demands under the 2045 No Build condition, traffic operations within the study area roadway segments are projected to deteriorate substantially in both a.m. and p.m. peak hours.

Intersections

As indicated in Table 2.5.11, a total of 11 intersections, are projected to operate at unacceptable LOS during one or both peak periods under the 2025 No Build condition.

Table 2.5.12 shows that in 2045, all 13 study area intersections would operate at unacceptable LOS during one or both peak periods under the 2045 No Build condition.

Traffic Diversion

The five roadway segments along SR-74 included in the traffic study area are overcapacity in Existing conditions (2018), 2025 No Build conditions, and 2045 No Build conditions. The increasing congestion along SR-74 is anticipated to change driver behavior under the No Build Alternative. OCTAM was used to quantify traffic diversion that would occur under the No Build Alternative compared to Build Alternative 2. Under the No Build Alternative, approximately 9,700 vehicles per day would be diverted from SR-74 to other routes; however,

these vehicles would utilize SR-74 under Build Alternative 2 due to the capacity improvements. This increased congestion on alternative routes under the No Build Alternative would impact the service of surrounding routes.

Bicycle and Pedestrian Facilities

None of the improvements proposed under Build Alternative 2 would be constructed under the No Build Alternative; therefore, no permanent impacts related to pedestrian or bicycle facilities would occur. The No Build Alternative would not support the City's General Plan Circulation Element, which promotes an extensive public bicycle, pedestrian, and equestrian trails network.

2.5.4 Avoidance, Minimization, and Mitigation Measures

The proposed project would incorporate Project Feature PF-TR-1 outlined above in Section 2.5.3.1, which addresses short-term effects to traffic and pedestrian/bicycle facilities during construction of Build Alternative 2. No avoidance, minimization, and/or mitigation measures are required.

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2.6 Visual/Aesthetics

2.6.1 Regulatory Setting

The National Environmental Policy Act (NEPA) of 1969, as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and aesthetically (emphasis added) and culturally pleasing surroundings (42 United States Code [USC] 4331[b][2]). To further emphasize this point, the Federal Highway Administration (FHWA), in its implementation of NEPA (23 USC 109[h]), directs that final decisions on projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

2.6.2 Affected Environment

The information in this section is based on the *Visual Impact Assessment* (VIA) (May 2019). The study area for visual impacts is defined as the viewshed within a 1-mile (mi) radius of the project limits.

2.6.2.1 Visual Setting

The proposed project's location establishes the context for determining the impact of proposed changes to the existing visual setting. The regional landscape of the study area is characterized by coastal communities, rolling hills, and canyons. The City of San Juan Capistrano (City) is situated in a coastal valley (1 mi east of the Pacific Ocean) at the foothills of southern Orange County, near the southern tip of the Santa Ana Mountains and south of the San Joaquin Hills. The terrain is predominantly composed of gently to steeply rolling hills containing deep cut canyons and gullies. State Route 74 (SR-74) is a regional highway that traverses the City in a southwest/northeast direction and connects Orange and Riverside Counties. The study area is located along a canyon formed by San Juan Creek and ranges in elevation from approximately 135 to 175 feet (ft) above mean sea level. Within the study area, SR-74 passes through semi-rural land with very low-, medium-low, and medium-density residential uses, neighborhood parks, and open space uses.

The County of Orange General Plan has designated SR-74 as a landscape corridor, which traverses developed or developing areas and has been designated for special treatment to provide a pleasant driving environment as well as community enhancement. According to the San Juan Capistrano General Plan Community Design Element, the visual character of San Juan Capistrano is established by its location within a beautiful valley surrounded by natural hillside areas. This character is also

established through the architectural styles of buildings and the City's historic features. No other General Plan-designated scenic resources or corridors occur within the study area.

The California Scenic Highway Mapping System includes a list of highways that are either eligible for designation as a scenic highway or have been officially designated. These highways are identified in Section 263 of the California Streets and Highway Code. According to the California Scenic Highway Mapping System, there are no officially designated State Scenic Highways within the study area. However, SR-74 is identified as an eligible State Scenic Highway in Orange County.

The visual setting of the study area is discussed in terms of Visual Assessment Units, which divide a project corridor into "outdoor rooms". Each Visual Assessment Unit has its own visual character and visual quality. It is typically defined by the limits of a particular viewshed. One Visual Assessment Unit (i.e., VAU1) was determined to be sufficient for analyzing Build Alternative 2 because the study area has consistent development features (i.e., transportation uses along SR-74, surrounding residential uses, sidewalks, retaining walls, and ornamental landscaping).

2.6.2.2 Key Views

It is not feasible to analyze all the views in which the Build Alternative (Build Alternative 2) would be seen; therefore, it is necessary to select a number of key views associated with VAU1 that would most clearly demonstrate the change in the visual resources of Build Alternative 2. Key views also represent the viewer groups that have the highest potential to be affected by Build Alternative 2, considering visual exposure and visual sensitivity.

Overall, the visible form of SR-74 in the study area is a consistent width and follows a generally straight line with a slight increase in width and curvature at the City/County line. Within the western portion of the study area, edges are defined due to existing curb and gutter as well as pedestrian facilities along eastbound and westbound SR-74. Along the eastern portion of the study area, the edge of the highway is not defined along the westbound side of SR-74; however, the eastbound side of SR-74 is defined by existing curb and gutter as well as pedestrian facilities. Surrounding uses include residential, neighborhood park, and open space/recreation. Transportation uses include SR-74, a small portion of Interstate 5 (I-5 or the San Diego Freeway) and surrounding local roadways. Other hardscape features within the

study area include curvilinear and linear sidewalks, signage, retaining walls, barriers, fences, overhead power lines, and street lighting.

The most prominent visual resources in the study area include SR-74, meandering pedestrian sidewalks and an equestrian trail, and the surrounding hillsides, mature trees, and ornamental landscaping. Colors throughout the study area vary between the mature trees, ornamental landscaping, and the lighter appearance of the sidewalks, equestrian trail, roadway, and surrounding development. The scale of the features visible in the study area is relatively consistent, with most structures ranging one to two stories in height. Diversity within the study area is moderate to moderate-high based on the variety of visual patterns associated with the mature trees, ornamental landscaping, sidewalks, equestrian trail, and roadway. Continuity within the study area is moderate, with form, line, color, and texture interrupted by limited signage, retaining walls, barriers, fences, overhead power lines, and street lighting. The location and direction of each key view are shown on Figure 2.6-1. Descriptions of each key view are provided below and on Figures 2.6-2 through 2.6-6.

Build Alternative 2 Key Views

Key View 1

Key View 1 is located along an existing sidewalk at the intersection of SR-74 and Calle Entradero, looking east along SR-74 and toward existing residential uses along eastbound SR-74 and Calle Entradero. Key View 1 would depict the widening of SR-74, and new landscape enhancements and reconstruction of the meandering sidewalks to the north of SR-74, between Calle Entradero and Via Cordova.

Key View 2

Key View 2 is located along eastbound SR-74 just west of the existing SR-74/Via Cordova intersection. Key View 2 would depict the project's proposed four-way traffic control signal at the SR-74/Via Cordova intersection and relocation of the existing Hunt Club Community guard house, as well as a proposed 712 ft long noise barrier on the south side of SR-74 from Via Cordova to Via Cristal. New landscape enhancements and reconstruction of the existing sidewalk on the north side of SR-74 would also be depicted.

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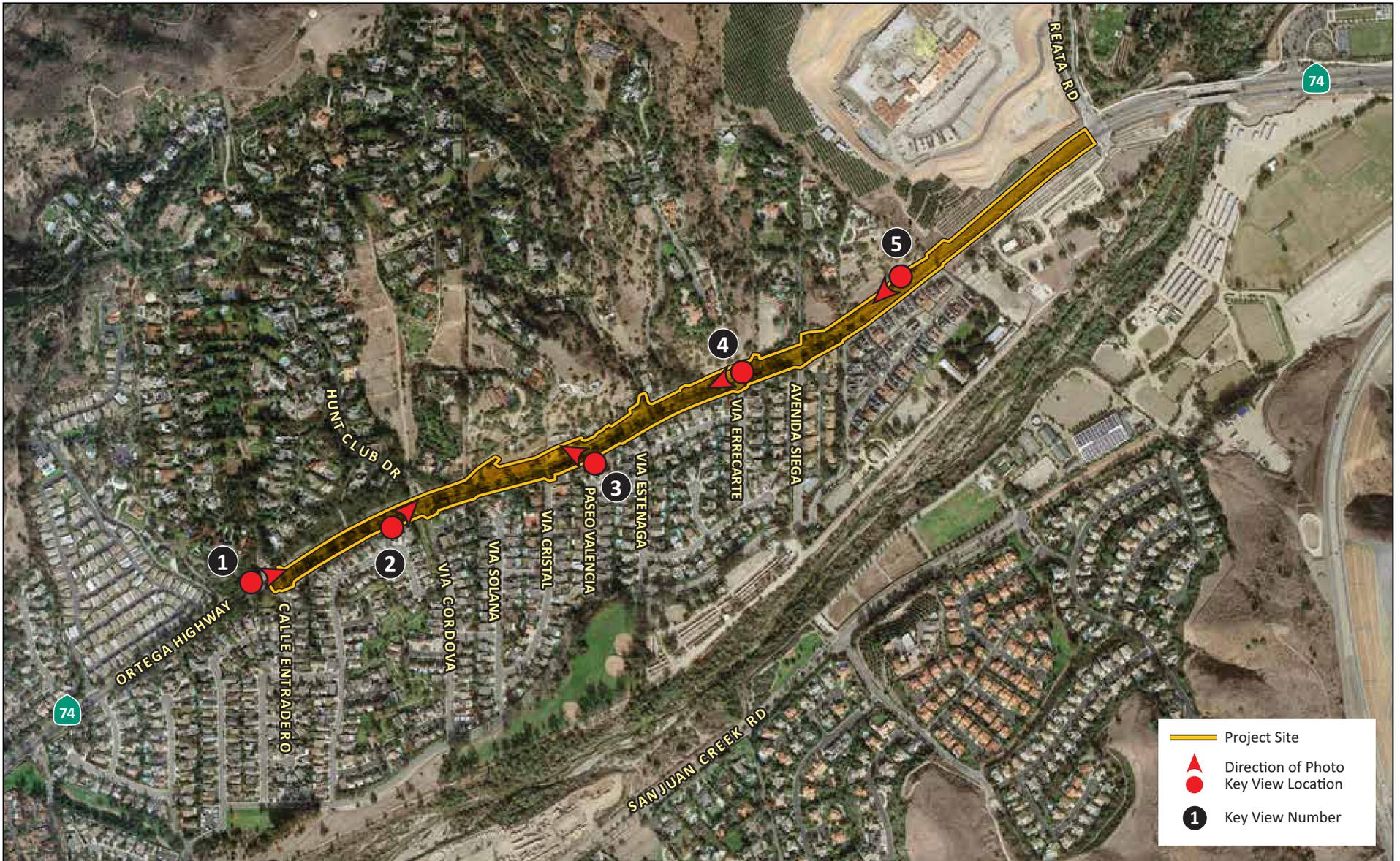


FIGURE 2.6-1



NOT TO SCALE

SOURCE: MBI/Google Earth (Oct 2018)

I:\CDT1609.41\G\View Simulation\View_Sim_Key-View_Locations.cdr (5/21/2019)

SR-74 Lower Ortega Highway Widening Project

Key View Locations Map

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Key View 1 - Existing Condition



Key View 1 - Proposed Condition

FIGURE 2.6-2

SR-74 Lower Ortega Highway Widening Project
Key View 1 - Existing & Proposed Condition

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Key View 2 - Existing Condition



Key View 2 - Proposed Condition

FIGURE 2.6-3

SR-74 Lower Ortega Highway Widening Project
Key View 2 - Existing & Proposed Condition

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Key View 3 - Existing Condition



Key View 3 - Proposed Condition

FIGURE 2.6-4

SR-74 Lower Ortega Highway Widening Project
Key View 3 - Existing & Proposed Condition

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Key View 4 - Existing Condition



Key View 4 - Proposed Condition

FIGURE 2.6-5

SR-74 Lower Ortega Highway Widening Project
Key View 4 - Existing & Proposed Condition

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Key View 5 - Existing Condition



Key View 5 - Proposed Condition

FIGURE 2.6-6

SR-74 Lower Ortega Highway Widening Project
Key View 5 - Existing & Proposed Condition

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Key View 4

Key View 4 is located within the westbound travel lane of SR-74, at Via Errecarte. This view looks west along the proposed project. Key View 4 represents a typical view for westbound SR-74 travelers and offers views to mature ornamental landscaping, slope vegetation, a two-lane highway, and sidewalk to the south of SR-74. Key View 4 would depict the project's proposed widening of SR-74 from two to four lanes, curb and gutter, and views to a proposed 1,215 ft long noise barrier on the south side of SR-74, from Via Cristal to Via Errecarte.

Key View 5

Key View 5 is located along westbound SR-74, between Avenida Siega and the City/County municipal boundary. This view looks west along the proposed project. Key View 5 represents a typical view for westbound SR-74 travelers and offers views to mature ornamental landscaping, slope vegetation, a two-lane highway, and overhead power lines. Key View 5 would depict Build Alternative 2's proposed widening of SR-74 from two to four lanes, curb and gutter, and new sidewalk along eastbound SR-74.

2.6.2.3 Visual Character

Visual character includes attributes such as form, line, color, and texture, and is used to describe rather than evaluate (i.e., these attributes are neither considered good nor bad). However, a change in visual character can be evaluated when it is compared with the viewer response to that change. Changes in visual character can be identified by how visually compatible a proposed project would be with the existing condition by using visual character attributes as an indicator. For this project, the following attributes were considered:

- **Form:** Visual mass or shape
- **Line:** Edges or linear definition
- **Color:** Reflective brightness (light, dark) and hue (red, green)
- **Texture:** Surface coarseness
- **Dominance:** Position, size, or contrast
- **Scale:** Apparent size as it relates to the surroundings
- **Diversity:** A variety of visual patterns
- **Continuity:** Uninterrupted flow of form, line, color, or textural pattern

2.6.2.4 Visual Quality

Visual quality is evaluated by identifying the vividness, intactness, and unity present in the study area. Public attitudes validate the assessed level of quality and predict how changes to the study area can affect these attitudes. This process helps identify specific methods for addressing each visual impact that may occur as a result of the project. The three criteria for evaluating visual quality are defined below:

- **Vividness** is the extent to which the landscape is memorable and is associated with distinctive, contrasting, and diverse visual elements.
- **Intactness** is the integrity of visual features in the landscape and the extent to which the existing landscape is free from non-typical visual intrusions.
- **Unity** is the extent to which all visual elements combine to form a coherent, harmonious visual pattern.

The average visual quality within the study area is considered moderate-high. Within the study area, motorists and pedestrians on the SR-74 eastbound and westbound travel lanes have views of transportation-related uses (i.e., SR-74 and local residential streets), pedestrian and equestrian trails, adjacent residential development, and mature trees and ornamental landscaping. These visual elements are unified within the western portion of the study area and are not unified within the eastern portion of the study area. Limited signage, retaining walls, barriers, fences, overhead power lines, and street lighting reduce the overall intactness of the study area. Visual unity within the study area is increased with the meandering pedestrian sidewalks and equestrian trail along westbound SR-74 as well as mature trees and ornamental landscaping associated with surrounding residential development.

2.6.2.5 Viewer Groups

There are two major types of viewer groups for highway projects: highway neighbors and highway users. Each viewer group has their own particular level of viewer exposure and viewer sensitivity, resulting in distinct and predictable visual concerns for each group that help to predict their responses to visual changes.

The primary viewer groups in the study area include motorists traveling along SR-74. Other viewers likely to be affected by visual changes associated with Build Alternative 2 include local roadway travelers, residential community residents, and visitors to the nearby recreational uses.

2.6.2.6 Viewer Response

Viewer response is a measure or prediction of the viewer's reaction to changes in the visual environment and, as previously mentioned, has two dimensions: viewer exposure and viewer sensitivity.

Viewer Exposure

Viewer exposure is a measure of the viewer's ability to see a particular object. High viewer exposure helps predict that viewers will have a response to a visual change. Viewer exposure has three attributes: location, quality, and duration.

- **Location** relates to the position of the viewer in relationship to the object being viewed. The closer the viewer is to the object, the more exposure.
- **Quantity** refers to how many people see the object. The more people who can see an object or the greater frequency an object is seen, the more the exposure affects the viewer.
- **Duration** refers to how long a viewer is able to keep an object in view. The longer it is kept in view the more the exposure affects the viewer.

Viewer Sensitivity

Viewer sensitivity is a measure of the viewer's recognition of a particular object. High viewer sensitivity helps predict that viewers will have a high concern for any visual change. It has three attributes: activity, awareness, and local values.

- **Activity** relates to the preoccupation of viewers—are they preoccupied, thinking of something else, or are they truly engaged in observing their surroundings? The more they are actually observing their surroundings, the more sensitive viewers will be to changes to visual resources.
- **Awareness** relates to the focus of view—the focus is wide and the view general, or the focus is narrow and the view specific. The more specific the awareness, the more sensitive a viewer is to change.
- **Local values and attitudes** also affect viewer sensitivity. If the viewer group values aesthetics in general or if a specific visual resource has been protected by local, state, or national designation, it is likely that viewers will be more sensitive to visible changes.

Overall Viewer Response

The narrative descriptions of viewer exposure and viewer sensitivity for each viewer group were merged to establish the overall viewer response of each group. Table 2.6.1 summarizes the overall viewer response for each group.

Table 2.6.1: Viewer Response Summary

Viewer Group	Viewer Sensitivity	Viewer Exposure	Viewer Response
Residential Uses	High	Moderate-High	High
SR-74 Travelers	High	Moderate-High	High
Local Roadway Travelers	Moderate-Low	Moderate-Low	Moderate-Low

Source: Visual Impact Assessment (Michael Baker International 2019).

- Residential Uses:** Overall viewer exposure is considered moderate-high and viewer sensitivity for residential uses within the study area is considered high. Since the City has many homeowner associations, community groups, and business groups that represent important resources for accomplishing long-term community goals, and several residential viewers would be highly aware of the change, overall viewer response for this group is considered high.
- SR-74 Travelers:** Overall viewer exposure for SR-74 travelers is considered moderate-high, while the overall viewer sensitivity for the study area is considered high. As noted, SR-74 is identified as a Landscape Corridor by the County of Orange General Plan. In addition, the City recognizes that major vehicular travel ways provide the public with a visual image of the quality of life envisioned by the community and enforces design criteria in order to ensure that scenic corridors are developed with a sense of care to aesthetic values. Thus, the overall viewer response for this viewer group is considered high.
- Local Roadway Travelers:** The overall viewer exposure and viewer sensitivity for local roadway travelers (motorists, bicyclists, and pedestrians) is considered moderate-low. The City does not specifically identify local roadway travelers as sensitive viewers. Thus, the overall viewer response for this group is considered moderate-low.

2.6.3 Environmental Consequences

2.6.3.1 Temporary Impacts

Build Alternative 2

Construction of Build Alternative 2 would expose motorist traveling along SR-74 and local roadways and local residents to views of construction-related vehicle access and staging of construction materials within California Department of Transportation

(Caltrans) right-of-way and disturbed or developed areas within the study area. Construction of Build Alternative 2 would expose surfaces, construction debris, equipment, and truck traffic to nearby sensitive viewers. These visual impacts would be short term and would cease upon project completion. Adherence to Caltrans Standard Specifications for Construction would minimize visual impacts using opaque temporary construction fencing that would be situated around construction staging areas. Furthermore, Minimization Measure LU-1 (Restoration of Land Used Temporarily) would require restoration of all land temporarily disturbed by construction activities to be restored to a condition equal to pre-construction conditions. Therefore, temporary impacts to land with temporary construction easements (TCEs) that are required for construction access and staging would be addressed, and no adverse effects would occur.

As described in Chapter 1, in accordance with the Settlement Agreement, nighttime construction activities would be prohibited for the proposed project, with the exception of emergency situations. Nighttime construction lighting in emergency situations could potentially result in light impacts to nearby residents and motorists traveling on SR-74 or adjacent local roadways. Necessary lighting for safety and construction purposes would be directed away from adjacent land uses, and would be contained and directed toward the specific area of construction. In accordance with Minimization Measure VIS-1, necessary lighting for safety and construction purposes will be directed away from land uses outside the project limits and contained and directed toward the specific area of construction. With implementation of Minimization Measure VIS-1, construction lighting types, plans, and placement will be reviewed at the discretion of the Project Engineer in order to minimize light and glare impacts on surrounding sensitive uses.

No Build Alternative

The No Build Alternative would not include the construction of any of the improvements included as part of Build Alternative 2 and, therefore, would not result in changes in views to/from the study area. Therefore, the No Build Alternative would not result in short-term visual impacts.

2.6.3.2 Permanent Impacts

Build Alternative 2

The visual character and quality of VAU1 would be slightly reduced as compared to existing conditions. Build Alternative 2 would modify SR-74 by widening the highway from two to four lanes, and other modifications such as the construction of

new retaining walls, proposed noise barriers, drainage improvements, and tree removal activities. Build Alternative 2 would also result in the partial right-of-way acquisition of five parcels adjacent to SR-74, relocation of the Hunt Club Community existing guard house and construction of a four-way traffic signal at the SR-74/Via Cordova intersection, and relocation of several existing access driveways to the north of SR-74. A total of three noise barriers may be constructed at various locations throughout the project corridor, and seven retaining walls would be introduced where changes in elevation cannot be accommodated by grading. These changes, among others, would introduce additional hardscape surfaces within VAU1. The residence that would be accommodated by the proposed noise barrier (NB No. 6) is not included in the key views. Due to the location, elevation, and existing landscaping, only a small portion of this proposed noise barrier would be visible from SR-74 and this would not constitute a substantial visual change at this residence or within VAU1. Terraced retaining walls were considered as a potential aesthetic treatment for the seven retaining walls. However, this design is considered infeasible based on the cost of obtaining the additional right-of-way necessary for implementation of this treatment. The wall types and aesthetic design will receive guidance from the aesthetic committee, which consists of the Hunt Club, the City, and Caltrans (refer to Minimization Measure VIS-5). The resource changes that would occur in each key view are described below.

Key View 1

Implementation of Build Alternative 2 would result in the removal of existing trees to accommodate realignment of the westbound SR-74 sidewalk to the north as shown on Figure 2.6-2. The colors and textures in Key View 1 would remain similar to existing conditions, although a decrease in green color and tree foliage would occur from tree removal and the realignment of the westbound SR-74 sidewalk to the north and the widening of the SR-74 highway would increase the visible hardscape in this key view. The removal of several mature trees would also result in a slight decrease in vividness and diversity in Key View 1 compared to existing conditions. Further, the meandering form of the westbound SR-74 sidewalk would appear slightly more linear, and a street light has been relocated to the north. However, the landscaping improvements to the north of SR-74 (i.e., in the Landscape Enhancement Area) increases the visual diversity in this key view with a variety of colors and ornamental landscaping as shown at the Calle Entradero/Hunt Club Community entrance. In addition, background views of hillsides looking east along SR-74 have expanded as a result of tree removal. As such, the overall resource change for Key View 1 is considered moderate-low.

Key View 2

The most notable visual changes in Key View 2 from Build Alternative 2 would be the construction of a new signalized intersection at SR-74/Via Cordova and the proposed 16 ft high, 712 ft long noise barrier on the south side of SR-74 from Via Cordova to Via Cristal. The four-way traffic signal and proposed noise barrier would decrease the intactness of views for travelers along eastbound SR-74. Namely, the traffic signals and noise barrier would encroach onto views of the surrounding mature vegetation, and the noise barrier would increase the hardscape, tan colors, and rough textures in Key View 2. Other noticeable changes would include a new eastbound SR-74 travel lane, the relocation of the existing Hunt Club Community guard house, and the removal of mature trees in the middleground and background views. Also noted in this key view is the reconstructed meandering sidewalk along westbound SR-74, east of the Hunt Club Community entrance. An increase in hardscape and gray colors has resulted from the new eastbound SR-74 travel lane and new background driveways/retaining walls, and a decrease in green colors and tree foliage has occurred due to tree and vegetation removal to the north and south of SR-74. However, as shown on Figure 2.6-3, the landscaping improvements to the north of SR-74 (i.e., in the Landscape Enhancement Area) increase the visual diversity with a variety of colors and ornamental landscaping in this key view. Overall, the visual continuity at Key View 2 has been moderately affected by Build Alternative 2 compared to existing conditions. As such, the overall resource change for Key View 2 is considered moderate.

Key View 3

The most noticeable visual change in Key View 3 from implementation of Build Alternative 2 would be the proposed slope grading, two new retaining walls, and the removal of mature trees/vegetation to the north of SR-74 (see Figure 2.6-4). The new retaining walls and slope grading would require the removal of large mature trees and vegetation near the residences, and the relocation of a residential access driveway to the north of SR-74. These new features would result in an increase in hardscape and a decrease in the diversity of visual features (i.e., from mature tree removal) in this key view. In addition, the widening of SR-74 would result in an increase in hardscape surfaces.

The colors and textures in Key View 3 would remain similar to existing conditions with implementation of Build Alternative 2, although a slight decrease in green color and tree foliage (from tree removal) would occur, and the new retaining walls would increase the gray colors and rough textures in this key view. The retaining walls

would also result in a slight decrease in vividness and intactness compared to existing conditions because the walls would introduce new non-typical vertical features that impinge on the existing visual landscape, and the resultant tree removal would reduce the existing natural features in Key View 3. As such, the overall resource change for Key View 3 is considered moderate-high.

Key View 4

The most visible changes in Key View 4 as a result of Build Alternative 2 would be the removal of vegetation, the construction of a new retaining wall to the north of SR-74, and a proposed 16 ft high, 1,215 ft long noise barrier on the south side of SR-74 from Via Cristal to Via Errecarte. The new retaining wall and noise barrier would increase the hardscape features and gray and tan colors in Key View 4, and reduce the brown colors and rough dirt texture along the small hillside area north of SR-74. In addition, the new 16 ft high noise barrier would reduce the intactness and visual diversity in Key View 4 due to tree removal and obstruction of existing mature trees in the middleground view along westbound SR-74. Vegetation removal to the north of SR-74 would also slightly reduce the green colors and foliage in this key view, although new trees and landscaping is shown to the north of SR-74. The widened SR-74 highway would result in an increase in gray colors and smooth pavement compared to existing conditions. The curvilinear alignment of SR-74 in the middleground views would remain, and other visual intrusions (e.g., new signage, street lighting, and power lines) would not occur in Key View 4 from the implementation of Build Alternative 2. Therefore, the visual continuity, diversity, vividness, intactness, and unity would be mostly similar to existing conditions, although to a lesser extent. As such, the overall resource change for Key View 4 is considered moderate.

Key View 5

Implementation of Build Alternative 2 would result in an increase in hardscape surfaces from SR-74 widening, a new retaining wall north of SR-74 in Key View 5, and a new sidewalk along eastbound SR-74. The widening of SR-74 and retaining wall construction would require the removal of several mature trees to the north of SR-74 in this key view. An increase in light and dark gray colors and smooth surfaces from SR-74 widening, the new sidewalk along eastbound SR-74, the retaining wall to the north of SR-74, a decrease in green colors, tree foliage, and visual diversity from mature tree removal are noted. SR-74 appears more dominant and expansive in Key View 5, and the curvilinear edges of the roadway are more visible in background views. The visual form and diversity in Key View 5 have been slightly altered

compared to existing conditions as a result of the widened SR-74, new retaining wall and sidewalk, and tree removal north of SR-74. However, the visual unity and continuity have increased in this key view as a result of Build Alternative 2. As such, the overall resource change for Key View 5 is considered moderate.

Summary for Visual Assessment Unit 1

Although visual changes would be noticeable within the study area as a result of the proposed improvements, Build Alternative 2 would not involve a change in use that would substantially degrade the visual character/quality at Key Views 1 through 5. Table 2.6.2 below summarizes and compares the narrative ratings for visual resource change, viewer response, and visual impacts between alternatives for each key view.

Table 2.6.2: Summary of Key View Narrative Ratings

Visual Assessment Unit	Key View	Proposed Project		
		Resource Change	Viewer Response	Visual Impact
1	1	M	H	MH
	2	M	H	MH
	3	MH	H	H
	4	M	H	MH
	5	M	H	MH

Source: *Visual Impact Assessment* (Michael Baker International 2019).
H = High
M = Moderate
MH = Moderate-High

Residents, motorists, bicyclists, pedestrians, and equestrians would continue to be afforded views of trees (existing mature trees and new replacement trees) and vegetation and the surrounding hillsides, although to a lesser extent in some areas compared to existing conditions. The proposed roadway widening, sidewalk improvements, drainage improvements, retaining walls, and proposed noise barriers would require removal of existing trees and landscaping. However, implementation of Minimization Measure VIS-2 landscape improvements would be provided within the Landscape Enhancement Area. In addition, as separate from the proposed landscape enhancements, all trees removed as a result of Build Alternative 2 would be replaced at a ratio of three replacement trees for each removed tree (3:1) to minimize visual impacts from Build Alternative 2 (Minimization Measure VIS-3). As described in Chapter 1, transparent material will be used on the upper 5 ft of all proposed noise barriers to reduce views of hardscape for residential viewers. Furthermore, Minimization Measure VIS-4 will be implemented to ensure the Landscape Plan and

plant palette are compatible with the existing landscape, and Minimization Measure VIS-5 will soften the appearance of new wall features (i.e., retaining walls and proposed noise barriers) by requiring aesthetics treatment to these features. Minimization Measure VIS-6 will require replacing appurtenances, fencing, and other similar features removed from private property to be replaced in kind and Minimization Measure VIS-7 will require the Caltrans Landscape Architect to determine erosion control seed species used for landscaping within the bioswales. Minimization Measure VIS-8 also requires the establishment of an Aesthetics and Landscape Plan Committee to provide guidance on the aesthetic design of retaining walls and sound walls as well as the Landscape Plan, to further ensure that the visual character of the study area is not degraded with implementation of Build Alternative 2.

As Build Alternative 2 would introduce new large-scale objects (e.g., retaining walls, traffic signals, proposed noise barriers), increase the hardscape, and alter the existing natural landscape within the project corridor, the overall visual impact would be moderate-high. However, with implementation of Minimization Measures VIS-2 through VIS-8, long-term visual impacts from permanent improvements would be minimized and Build Alternative 2 would blend into the existing landscape, thereby reducing any potential visual impacts to viewer groups for the project.

No Build Alternative

The No Build Alternative would not include the construction of any of the improvements for Build Alternative 2 and, therefore, would not result in changes in views to/from the study area. Therefore, the No Build Alternative would not result in long-term visual impacts.

2.6.4 Avoidance, Minimization, and/or Mitigation Measures

With implementation of the following avoidance and minimization measures, impacts to visual and aesthetics resources would not be adverse.

VIS-1 Construction Lighting. Construction lighting types, plans, and placement will be reviewed at the discretion of the Project Engineer in order to minimize light and glare impacts on surrounding sensitive uses. At a minimum, the construction contractor will minimize project-related light and glare to the maximum extent feasible, given safety considerations. Portable lights will be operated at the lowest allowable wattage and height and will be raised to a height no greater than

20 feet. All lights will be screened and directed downward toward work activities and away from the night sky and nearby residents to the maximum extent possible. The number of nighttime lights used will be minimized to the greatest extent possible.

VIS-2 Landscape Enhancements. Landscape enhancements will be installed on the north side of SR-74 between Hunt Club Drive/Via Cordova to just west of Calle Entradero (referred to as the “Landscape Enhancement Area”). The project shall include additional landscaping and additional trees, where feasible, than the landscaping and trees described as project features or project mitigation in the project CEQA Clearance (collectively, the “Landscape Enhancements”) per the following requirements:

- Landscape Enhancements shall be installed on the north side of the intersection adjacent to the entrance into the Hunt Club community as well as on the north side of Ortega Highway from the intersection to the west side of the Calle Entradero entrance off of Ortega Highway, in the City (the “Landscape Enhancement Area”).
- Prior to the installation of the Landscape Enhancements, Caltrans shall prepare a Landscaping Plan depicting the Landscape Enhancements proposed to be installed in accordance with the Settlement Agreement. Caltrans shall provide a copy of that plan prior to awarding the construction contract to the Hunt Club for its review, and shall meet and confer with the Hunt Club’s representatives and consider in good faith any recommendations or suggestions made by the Hunt Club’s representatives.
- The parties anticipate that the value of the Landscape Enhancements shall be approximately Fifty Thousand Dollars (\$50,000); provided, however, that the entity constructing the Project shall have no obligation to expend in excess of Fifty Thousand Dollars (\$50,000) for the Landscape Enhancements.
- The Landscape Enhancements shall be substantially completed prior to the recordation of a Notice of Completion pursuant to California Civil Code Section 3093.

VIS-3 Tree Replacement. Separate from the proposed landscape enhancements, all trees that are removed as a result of Build Alternative 2 will be replaced at a minimum ratio of three replacement trees for each removed tree (3:1). Replacement trees will be planted on the slopes or within the existing landscaped portion of the Landscape Enhancement Area. Where speeds are posted greater than 35 miles per hour, large trees (trees with trunks over 4 inches in diameter when mature) shall be placed outside the clear recovery zone (30 feet from the travel lane). Small trees (trees with trunks 4 inches in diameter or less when mature) shall be used to replace the trees within the clear recovery zone. Tree spacing for small trees can be adjusted to account for the removal of existing mature trees. The Project Engineer or designated representative will be responsible for identifying and inventorying plant material anticipated for removal.

VIS-4 Landscaping Plan. To maintain the context of the study area (color, form, and texture), the project shall install landscaping that is compatible with the existing landscape along SR-74 and adjoining hillsides in the project vicinity and surrounding area. Where feasible, landscaping shall include trees, shrub/groundcover mass planting, and landscape treatment along walls to soften the hardscape features and glare and radiant heat from the walls. All selected species within Caltrans District 12 right-of-way shall share similar water requirements. In areas where noise barriers are visible from adjacent residential land use, landscaping shall be utilized to screen views to the wall where feasible. The Landscape Plan and plant palette shall be determined in consultation with, and approved by, the Caltrans District 12 Landscape Architect during the Plans, Specifications, and Estimate (PS&E) phase.

VIS-5 Aesthetic Enhancements. To minimize the visual impacts caused by the proposed retaining walls and noise barriers, wall aesthetic enhancement shall be developed as a theme treatment (i.e., color treatment, textural treatment, varying materials, etc.) for all new retaining walls and noise barriers within the proposed project. Structural themes (i.e., noise barriers, walls, new sidewalks, and sidewalk replacement areas) shall be compatible with the existing architectural character of the surrounding area and shall be determined

in consultation with the Caltrans District 12 Landscape Architect during the PS&E phase of the project. Terraced retaining walls were considered; however, the cost of acquiring the additional right-of-way that would be required to build the terraced walls is not feasible for the proposed project.

- VIS-6 Landscaping and Appurtenance Replacement.** Where appropriate and to the degree possible, landscaping and related appurtenances, fencing, and other similar features removed from private property by construction must be replaced or restored in kind to mitigate for visual impacts resulting from the loss of such features.
- VIS-7 Erosion Control Seed Species.** Erosion control seed species for bioswales shall be determined by the Caltrans District 12 Landscape Architect to ensure that the mix and application strategy is appropriate for the specific soil composition of the area.
- VIS-8 Aesthetics and Landscape Plan Committee.** An Aesthetics and Landscape Plan Committee shall be established to provide guidance on the aesthetic design of retaining walls and sound walls included in the project, and the Landscape Plan for the project. Representatives from the City and the Hunt Club shall be included in the Aesthetics and Landscape Plan Committee. The City Council and Hunt Club Board shall each appoint two members to the Committee and each shall notify Caltrans in writing of the appointees.

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2.7 Cultural Resources

2.7.1 Regulatory Setting

The term “cultural resources,” as used in this document, refers to the “built environment” (e.g., structures, bridges, railroads, water conveyance systems, etc.), places of traditional or cultural importance, and archaeological sites (both prehistoric and historic), regardless of significance. Under federal law, cultural resources that meet certain criteria of significance are referred to by various terms including “historic properties,” “historic sites,” and “traditional cultural properties.” Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 Code of Federal Regulations [CFR] 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the Federal Highway Administration (FHWA), the ACHP, the California State Historic Preservation Officer (SHPO), and the Department went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the ACHP’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Program (23 United States Code [USC] 327).

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties (in Section 4(f) terminology—historic sites). See Appendix A for specific information about Section 4(f).

2.7.2 Affected Environment

The following section is based on the *Historic Property Survey Report* (HPSR) (May 2019) and the *Archaeological Survey Report* (ASR) (May 2019), *Historical Resources Evaluation Report* (HRER) (May 2019), and the *Finding of No Adverse*

Effect Report (FNAE) (May 2019), which are all provided as appendices to the HPSR.

2.7.2.1 Methods

Area of Potential Effects

The Area of Potential Effects (APE) is established to identify the geographic area within which the proposed project may directly or indirectly cause alterations in the character or use of cultural resources. The mapped APE was established in consultation with Caltrans District 12 staff and encompasses 36.53 acres. The APE is the combination of the areas of potential direct and indirect effects. The areas of direct effects, the Direct APE (17.94 acres), includes the areas where physical impacts may occur. These are generally limited to the proposed and existing rights-of-way (ROW) and include areas associated with ground-disturbing activities. The Vertical APE within the Direct APE varies for the various project activities but is expected to be no more than 2 feet (ft) for pavement, less than 1 ft deep for driveways and sidewalks, 7 ft for drainages, 1 ft deep for drainage ditches/bioswales, 5 ft deep for retaining walls, 4.5 ft deep for utility trenches, 7 ft deep for utility poles, 15 ft deep for vertical pile foundations for noise barriers, and 20 ft deep on the north side of State Route 74 (SR-74) (Ortega Highway) for cuts to existing slopes and 8 ft high fill slopes on the south side of SR-74. The areas of indirect effects extend beyond those of the direct effects and incorporate areas that may be indirectly affected by visual, noise, or other effects.

Records Searches

On May 29, 2018, a record search was conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) at California State University, Fullerton. The record search included a review of all recorded historic and prehistoric archaeological sites within a one - mile radius of the APE, as well as a review of known cultural resource survey and excavation reports. In addition, the following inventories were examined:

- National Register of Historic Places (National Register or NRHP)
- California Register of Historical Resources (California Register or CRHR)
- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)
- California Historic Resources Inventory (HRI)

Please refer to Chapter 3, Comments and Coordination, for a more detailed description of consultation performed for the project.

In addition to research conducted at the SCCIC, further background research was conducted using historic maps (e.g., historic United States Geological Survey topographic maps) and aerial photographs. . On the basis of this research, a historic context was developed in which cultural resources could be evaluated for significance. This context was used during the analysis of historic archaeological resources and the historic built environment. For details of the historic context of the APE, refer to the HPSR, ASR, and HRER.

Additional background information was provided by Caltrans District 12 in the form of previous documentation of the Manriquez Adobe site as part of an HPSR that was prepared in January 2007 and approved by Caltrans Headquarters in February 2007 (Sinopoli 2007). The Manriquez Adobe site was evaluated for this project due to its recorded location within the APE, as mapped by the SCCIC.

Fieldwork

On September 6, 2018, fieldwork for this project was conducted in two parts, including a pedestrian field survey and an Extended Phase I (XPI) subsurface investigation. A pedestrian field survey in public ROW was conducted. The pedestrian field survey was conducted to examine the surface of the APE for evidence of cultural resources, both prehistoric and historic. The survey consisted of 13.1 acres (ac). Since the road was sometimes narrow, often with little or no shoulder, access was not always safely available. Areas of exposed ground that could be accessed safely, even if vegetated, were surveyed by walking linear transects separated by approximately 7 to 10 meters (23 to 33 feet [ft]) over larger areas with intensive survey over smaller areas. Areas within the APE that were not surveyed include existing roadway and paved/concreted pull-outs and sidewalks.

On February 11 and 12, 2019, an XPI subsurface investigation was also conducted partially within public ROW and one privately owned property. The XPI fieldwork involved hand excavation of 16 shovel test pits (STPs) in both public ROW and on private property to determine the presence or absence of cultural resources at the possible location of the Manriquez Adobe site, within the APE. Laboratory analysis and curation were not necessary following the XPI study; any material found during excavation was photographed and placed back in the STP prior to backfilling.

Native American Consultation

On August 7, 2018, Native American consultation per Section 106 was conducted. The Native American Heritage Commission (NAHC) was contacted, to conduct a Sacred Lands File (SLF) search and provide a Native American Contact List for the project APE. On August 13, 2018, the NAHC responded, stating that an SLF search was completed for the APE with positive results, indicating Native American resources are present. The NAHC recommended contacting the Juaneño band of Mission Indians for further information regarding the positive SLF search. The NAHC also recommended contacting nine Native American individuals representing the Juaneño, Gabrielino Tongva, and Gabrielino groups for information regarding cultural resources that could be affected by the proposed project.

On August 29, 2018, nine Native American contacts identified by the NAHC were notified of the proposed project in letters sent by Caltrans, and contacted again between August 30, 2018, and September 19, 2018, with follow-up phone calls and/or emails, as needed. The following Native American contacts were notified:

- Juaneño Band of Mission Indians Acjachemen Nation, Matias Belardes, Chairperson
- Gabrieleno/Tongva San Gabriel Band of Mission Indians, Anthony Morales, Chairperson
- Gabrielino/Tongva Nation, Sandonne Goad, Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation, Teresa Romero, Chairperson
- Juaneño Band of Mission Indians, Sonia Johnston, Tribal Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation, Joyce Perry, Tribal Manager
- Gabrielino-Tongva Tribe, Linda Candelaria, Chairperson
- Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairperson
- Gabrielino-Tongva Tribe, Charles Alvarez, Councilmember

One contact person identified by the NAHC was not contacted. The contact list provided by the NAHC contained Ms. Candelaria's name but no mailing address, email address, or phone number. No letter or any other type of communication was attempted for Ms. Candelaria, Gabrielino-Tongva Tribe given the lack of available contact information.

Responses were received from the groups of Mr. Belardes (Ms. Perry responded on behalf of Mr. Belardes), Ms. Romero, and Mr. Salas. Ms. Perry manages cultural resources for Mr. Belardes's group. On October 2, 2018, Caltrans Archaeologist Cheryl Sinopoli, and Caltrans Environmental Branch Chief Charles Baker, met Ms. Perry at the project location to discuss the project. Ms. Perry requested archaeological and Native American monitoring for construction activities in native soil below three feet in depth for potential resources. Steven Villa (a representative on behalf of Ms. Romero's tribe) requested Native American monitoring during all project-related ground disturbance, and did not respond to a Caltrans message containing project information and an offer to meet in the field to discuss the proposed project.

Mr. Salas's group stated via email that if any ground disturbance would occur during the proposed project, then the Tribal government would like to consult with the lead agency. Caltrans sent an email describing the proposed ground-disturbing activities and providing information about known resources near and within the APE, and requested that Mr. Salas contact them if the Tribe was interested in meeting to discuss the proposed project. Caltrans sent a follow-up email and requested that Mr. Salas's group let Caltrans know if the Tribe had an interest to meet for the proposed project, needed additional information, or wished to provide comments. No further response was received from Mr. Salas's group.

No additional responses were received as a result of the initial letter or follow-up communications. For additional details of the Native American consultation, please to Chapter 3, Comments and Coordination.

2.7.2.2 Results

Archaeological Results

The SCCIC record search indicated that five resources are recorded within the APE and that 25 resources are recorded within 1.0-mile of the APE. The five sites in the APE include prehistoric site CA-ORA-27, and historic sites CA-ORA-1155, P-30-176750, P-30-176616, and P-30-176715/176758.

Site CA-ORA-27 is an extensive prehistoric habitation site situated both north and south of SR-74 at the east end of the APE.

Site CA-ORA-1155 contained four framed houses (no longer extant) built in the 1890s situated both north and south of SR-74 as well as a 50-centimeter (cm) deep trash deposit of ca. 1850-modern materials. The area was excavated and the deposit, now destroyed, was recorded outside the current APE.

Site P-30-176750 is the recorded location of the Manriquez Adobe situated along the north side of SR-74 where the northern building of ORA-1155 is recorded (but no longer extant).

P-30-176615/176758 is Ortega Highway (SR-74) itself.

The Manriquez Adobe site (P-30-176750) was identified within the APE as a result of Caltrans' previous study conducted for this project in 2007, and the record search at the SCCIC. No evidence of the site was encountered within the APE during the XPI study. Despite the lack of subsurface evidence identified during the field investigation, portions of the site have potential to yield important information regarding the Modernization of Californios and is being assumed eligible for the National Register of Historic Places for purposes of this project only.

The Anderson-Lamb House (P-30-176616) is also recorded within the APE, but is located in the same space as P-30-176750 (the Manriquez Adobe). Because the Anderson-Lamb House contains the same primary name (Anderson), construction date (1908), and address (28461 Ortega Highway) as the Manriquez Adobe site (Anderson House/P-30-176750), sites P-30-176616 (Anderson-Lamb House) and P-30-176750 (Manriquez Adobe location, aka Anderson House) appear to be the same resource.

Built Environment Results

In addition to the archaeological resources, there are several existing built environment resources identified within the APE. Specifically, built environment resources at 28241, 28281, and 28341 Ortega Highway as well as 30882 Via Errecarte and 30981 Via Cristal, all in San Juan Capistrano, were previously determined not eligible for inclusion in the NRHP and/or the CRHR. SHPO concurred with those determinations in 2007 (HPSR, 2019).

Two resources, the Hankey/Rowse Cottage and Errecarte House, are within the Indirect APE, and are not eligible for the NRHP but are listed on the City of San Juan Capistrano Inventory of Historic and Cultural Landmarks. Proposed impacts to the Hankey/Rowse Cottage property include a permanent access easement along the north side of the property for the construction of a proposed noise barrier with transparent sound attenuating material for the upper approximately five feet of the barrier. No impacts to the Hankey/Rowse Cottage building itself are proposed. All construction work adjacent to the Errecarte House will be on the north side of the

existing curb/gutter and within existing right-of-way. No impacts to the Errecarte House building itself are proposed.

Also, a segment of SR-74 from Post Mile 1.0–1.9, which composes the majority of the current APE, was previously determined not eligible for inclusion in the NRHP and/or the CRHR, and SHPO concurred with this determination in 2008. Further, the entire SR-74 route from I-5 east to Lake Elsinore was recommended as neither eligible for listing in the National Register nor for registration as a California Historic Landmark, and SHPO concurred with these findings in 2018 (Attachment H of the HPSR documents this concurrence). Because the SHPO now considers linear resources in their entirety, no portion of SR-74 in Orange County is eligible for National Register listing. None of these resources were re-evaluated as part of this project.

One additional resource at 28271 Ortega Highway in San Juan Capistrano was evaluated for this project and has been determined not eligible for the NRHP. SHPO concurrence with this determination is still pending.

The remaining built environment resources that were identified within the APE meet the criteria for Caltrans Section 106 PA Attachment 4 (Properties Exempt from Evaluation) and were therefore exempt from evaluation.

2.7.3 Environmental Consequences

2.7.3.1 Temporary Impacts

Build Alternative 2

Construction of Build Alternative 2 could potentially result in effects to previously undocumented cultural resources. Any such effects during construction would be considered permanent effects. As a result, potential effects of Build Alternative 2 on cultural resources are discussed below in Section 2.7.3.2.

No Build Alternative

The No Build Alternative would not include construction of Build Alternative 2 and, therefore, would not result in temporary effects to cultural resources. The existing operation of SR-74 would continue under the No Build Alternative.

2.7.3.2 Permanent Impacts

Build Alternative 2

Implementation of Build Alternative 2 would require ground disturbance and modification of existing roadway features.

Within the project APE, there is one cultural resource that is being assumed eligible for the NRHP for the purposes of this project only. This historic property is the Manriquez Adobe site (P-30-176750). No evidence of the site was encountered within the APE during the pedestrian survey or the XPI study. However, the site still has potential to yield important information regarding the modernization of Californios, but this information would be gathered from portions of the site not within the APE.

Portions of the Manriquez Adobe site outside of the APE have potential to contain information-bearing deposits and will be protected from project-related impacts through Measure CUL-1 for the establishment of an Environmentally Sensitive Area (ESA) and installation of ESA fencing. Additionally, an Archaeological Monitoring Area (AMA) will be established on the final construction plans for the recorded site locations associated with this site. No adverse effects are expected for the portion of the site within the APE since no potentially significant resources and no resources tied to the Manriquez Adobe site were encountered during the XPI investigation. The delineation of an ESA will ensure exclusion of all project construction activities from within the portions of the site that have potential to yield important information to history.

The portion of the site within the APE will be permanently affected, but no adverse effects will impact the portions of the Manriquez Adobe site that potentially contain important archaeological data. Overall, the proposed project has resulted in a Finding of No Adverse Effect (FNAE) without Standard Conditions – Environmentally Sensitive Area (ESA), and Build Alternative 2 would not result in a permanent adverse effect on historic properties. The HPSR and supporting documentation have been submitted to Caltrans' Cultural Studies Office (CSO) for review and will be submitted to the State Historic Preservation Officer (SHPO). SHPO concurrence is pending and the results of this coordination will be provided in the Final Environmental Document.

If cultural materials or human remains are discovered during construction, all earthmoving activity within and around the immediate discovery area would be diverted until a qualified archaeologist or the Orange County Coroner can assess the nature of the find. Project Feature PF-CUL-1 addresses the possibility of discovery of cultural materials during construction.

PF-CUL-1 Caltrans Standard Specification 14-2.03A: Discovery of Cultural Materials. If cultural materials are discovered during site preparation,

grading, or excavation, the construction Contractor will divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. At that time, coordination will be maintained with the California Department of Transportation (Caltrans) District 12 Environmental Branch Chief or the District 12 Native American Coordinator to determine an appropriate course of action. If the discovery of cultural materials occurs outside the Caltrans right-of-way, then coordination with the appropriate local agency will be conducted as well.

Project Feature PF-CUL-2 addresses the possibility of discovery of human remains during construction.

PF- CUL-2 Caltrans Standard Specification 14-2.03A: Discovery of Human Remains. If human remains are discovered during site preparation, grading, or excavation, California State Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the Orange County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to California Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendant (MLD). At that time, the persons who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of California PRC 5097.98 are to be followed as applicable.

Section 4(f) Resources

Build Alternative 2 would include improvements such as temporary construction fencing, permanent fencing, striping, edge of pavement, drainage improvements, roadway, and curb and gutter improvements, within the site boundary of the Manriquez Adobe (P-30-176750), which is being considered eligible for listing on the NRHP for purpose of this project only and is therefore subject to Section 4(f) consideration. While the 4(f) analysis is under preparation, Caltrans has made a preliminary determination that the improvements at the Manriquez Adobe site will be

considered a *de minimis* impact per 23 Code of Federal Regulations 774. This preliminary determination is based on the same understanding as the Finding of No Adverse Effect that no adverse effects are expected to portions of the site within the APE since no resources that could be tied to the Manriquez Adobe were encountered during the XPI investigation and the delineation of an ESA through Measure CUL-1 will ensure exclusion of all project construction activities from within the portions of the site that have potential to yield important information. Please refer to Appendix A of this document for the Section 4(f) analysis prepared for the proposed project.

No Build Alternative

The No Build Alternative would not include construction of Build Alternative 2 and, therefore, would not result in permanent effects to cultural resources. The existing operation of SR-74 would continue under the No Build Alternative.

2.7.4 Avoidance, Minimization, and/or Mitigation Measures

Along with the project features identified in Section 2.7.3.2, Measure CUL-1 would mitigate potential effects of Build Alternative 2 on cultural resources.

CUL-1 Environmentally Sensitive Area (ESA) Action Plan, Fencing, and Monitoring. An ESA Action Plan has been developed for the Manriquez Adobe site (P-30-176750). The ESA Action Plan includes: (1) delineation of the ESA on the construction plans to ensure that no construction equipment inadvertently impacts potential information-bearing portions of the site; (2) designation of an Archaeological Monitoring Area (AMA) on the construction plans within the recorded site areas associated with the Manriquez Adobe site; (3) incorporation of the ESA Action Plan into the Final Construction Plans, Special Provisions, and Resident Engineer File; (4) installation of ESA fencing along the proposed Temporary Construction Easement (TCE) limit or Direct Area of Potential Effects (APE) for the length of the entire property that includes the Manriquez Adobe site to prevent impacts to potential information-bearing portions of the site; (5) education of construction personnel on archaeological sensitivity; and (6) Archaeological monitoring within the AMA to ensure protection measures for the site are enforced.

2.8 Water Quality And Storm Water Runoff

2.8.1 Regulatory Setting

2.8.1.1 Federal Requirements: Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States (U.S.) from any point source¹ unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This act and its amendments are known today as the Clean Water Act (CWA). Congress has amended the act several times. In the 1987 amendments, Congress directed dischargers of storm water from municipal and industrial/construction point sources to comply with the NPDES permit scheme. The following are important CWA sections:

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the U.S. to obtain certification from the state that the discharge will comply with other provisions of the act. This is most frequently required in tandem with a Section 404 permit request (see below).
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. Regional Water Quality Control Boards (RWQCBs) administer this permitting program in California. Section 402(p) requires permits for discharges of storm water from industrial/construction and municipal separate storm sewer systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the U.S. This permit program is administered by the U.S. Army Corps of Engineers (USACE).

The goal of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal

¹ A point source is any discrete conveyance such as a pipe or a man-made ditch.

environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of the USACE's Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. Environmental Protection Agency's (U.S. EPA) Section 404 (b)(1) Guidelines (40 Code of Federal Regulations [CFR] Part 230), and whether the permit approval is in the public interest. The Section 404(b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S. and not have any other significant adverse environmental consequences. According to the Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures has been followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent² standards, jeopardize the continued existence of listed species, violate marine sanctuary protections, or cause "significant degradation" to waters of the U.S. In addition, every permit from the USACE, even if not subject to the Section 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4. A discussion of the LEDPA determination, if any, for the document is included in Section 2.14, Wetlands and Other Waters.

State Requirements: Porter-Cologne Water Quality Control Act

California's Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This act requires a "Report of Waste Discharge" for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state. It predates the CWA and regulates discharges to waters of the state. Waters of the state include more than just waters of the U.S., like groundwater and surface waters not considered waters of the U.S. Additionally, it prohibits discharges of "waste" as defined, and this definition is broader than the CWA definition of "pollutant." Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and

² The U.S. EPA defines "effluent" as "wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall."

may be required even when the discharge is already permitted or exempt under the CWA.

The State Water Resources Control Board (SWRCB) and RWQCBs are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA and regulating discharges to ensure compliance with the water quality standards. Details about water quality standards in a project area are included in the applicable RWQCB Basin Plan. In California, RWQCBs designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect those uses. As a result, the water quality standards developed for particular water segments are based on the designated use and vary depending on that use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants. These waters are then state-listed in accordance with CWA Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source or non-point source controls (NPDES permits or WDRs), the CWA requires the establishment of Total Maximum Daily Loads (TMDLs). TMDLs specify allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers water rights, sets water pollution control policy, and issues water board orders on matters of statewide application, and oversees water quality functions throughout the state by approving Basin Plans, TMDLs, and NPDES permits. RWQCBs are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

- **National Pollutant Discharge Elimination System (NPDES) Program**

- Municipal Separate Storm Sewer Systems (MS4)

- Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of storm water discharges, including Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined as “any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, county, or other public body having jurisdiction over storm water, that is designed or used for collecting or conveying storm water.” The

SWRCB has identified the Department as an owner/operator of an MS4 under federal regulations. The Department's MS4 permit covers all Department rights-of-way, properties, facilities, and activities in the state. The SWRCB or the RWQCB issues NPDES permits for five years, and permit requirements remain active until a new permit has been adopted.

The Department's MS4 Permit, Order No. 2012-0011-DWQ (adopted on September 19, 2012 and effective on July 1, 2013), as amended by Order No. 2014-0006-EXEC (effective January 17, 2014), Order No. 2014-0077-DWQ (effective May 20, 2014) and Order No. 2015-0036-EXEC (conformed and effective April 7, 2015) has three basic requirements:

1. The Department must comply with the requirements of the Construction General Permit (see below);
2. The Department must implement a year-round program in all parts of the State to effectively control storm water and non-storm water discharges; and
3. The Department storm water discharges must meet water quality standards through implementation of permanent and temporary (construction) Best Management Practices (BMPs), to the maximum extent practicable, and other measures as the SWRCB determines to be necessary to meet the water quality standards.

To comply with the permit, the Department developed the Statewide Storm Water Management Plan (SWMP) to address storm water pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The SWMP assigns responsibilities within the Department for implementing storm water management procedures and practices as well as training, public education and participation, monitoring and research, program evaluation, and reporting activities. The SWMP describes the minimum procedures and practices the Department uses to reduce pollutants in storm water and non-storm water discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of BMPs. The proposed project will be programmed to follow the guidelines and procedures outlined in the latest SWMP to address storm water runoff.

Construction General Permit

Construction General Permit, Order No. 2009-0009-DWQ (adopted on September 2, 2009 and effective on July 1, 2010), as amended by Order No. 2010-0014-DWQ (effective February 14, 2011) and Order No. 2012-0006-DWQ (effective

on July 17, 2012). The permit regulates storm water discharges from construction sites that result in a Disturbed Soil Area (DSA) of one acre or greater, and/or are smaller sites that are part of a larger common plan of development. By law, all storm water discharges associated with construction activity where clearing, grading, and excavation result in soil disturbance of at least one acre must comply with the provisions of the General Construction Permit. Construction activity that results in soil disturbances of less than one acre is subject to this Construction General Permit if there is potential for significant water quality impairment resulting from the activity as determined by the RWQCB. Operators of regulated construction sites are required to develop Storm Water Pollution Prevention Plans (SWPPPs); to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the Construction General Permit.

The Construction General Permit separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases, and are based on potential erosion and transport to receiving waters. Requirements apply according to the Risk Level determined. For example, a Risk Level 3 (highest risk) project would require compulsory storm water runoff pH and turbidity monitoring, and before construction and after construction aquatic biological assessments during specified seasonal windows. For all projects subject to the permit, applicants are required to develop and implement an effective SWPPP. In accordance with the Department's SWMP and Standard Specifications, a Water Pollution Control Program (WPCP) is necessary for projects with DSA less than one acre.

Section 401 Permitting

Under Section 401 of the CWA, any project requiring a federal license or permit that may result in a discharge to a water of the U.S. must obtain a 401 Certification, which certifies that the project will be in compliance with state water quality standards. The most common federal permits triggering 401 Certification are CWA Section 404 permits issued by the USACE. The 401 permit certifications are obtained from the appropriate RWQCB, dependent on the project location, and are required before the USACE issues a 404 permit.

In some cases, the RWQCB may have specific concerns with discharges associated with a project. As a result, the RWQCB may issue a set of requirements known as WDRs under the State Water Code (Porter-Cologne Act) that define activities, such as the inclusion of specific features, effluent limitations, monitoring, and plan submittals that are to be implemented for protecting or benefiting water quality. WDRs can be issued to address both permanent and temporary discharges of a project.

2.8.2 Affected Environment

This section is based on the *Water Quality Assessment Report* (April 2019) prepared for the project.

2.8.2.1 Surface Water

Regional and Local Hydrology

The proposed project is within the San Juan Hydrologic Unit (HU) of the San Diego Regional Water Quality Control Board located in south Orange County. The two major natural surface water bodies within the San Juan HU are San Juan Creek and San Mateo Creek. Water within the project limits discharges to San Juan Creek which runs parallel to Ortega Highway where it is joined by numerous small tributaries before it joins with Trabuco Creek and ultimately discharges to the Pacific Ocean at Doheny Beach.

San Juan Creek has a drainage area of approximately 176 square miles. San Juan Creek originates in the Santa Ana Mountains in the Cleveland National Forest and flows approximately 27 miles to the Pacific Ocean. The upper reach of San Juan Creek, where the project is located, contains exceptionally rugged terrain with steep slopes and generally sparse vegetative cover. The middle reach of San Juan Creek is characterized by considerably more dense vegetation, rolling foothills, agricultural land, and some developments. The lower reach of San Juan Creek flows through a floodplain, which is characterized by increased development and decreased vegetation cover. The lowest portion of San Juan Creek, which contains the confluence with Trabuco Creek, is channelized with sloped concrete banks with minimal vegetation. The floodplain is highly developed; encompassing residential, commercial, and industrial uses and degraded open space.

Surface Water Quality Objectives and Standards

Surface flows within San Juan Creek consist primarily of perennial creek flows and ephemeral flows from the smaller tributaries within the watershed. The flows originate from stormwater runoff during the wet season and from springs and groundwater seepage during the dry season.

The following numeric water quality objectives were listed in the San Diego RWQCB Basin Plan for the San Juan HU:

- **Un-ionized Ammonia:** 0.025 milligrams per liter (mg/L)
- **Total Dissolved Solids:** 500 mg/L
- **Chloride:** 250 mg/L

- **Sulfate:** 250 mg/L
- **Percent Sodium (Na):** 60 percent
- **Phosphorus:** 0.1 mg/L
- **Iron:** 0.3 mg/L
- **Manganese:** 0.05 mg/L
- **Methylene Blue Active Substances (MBAS):** 0.5 mg/L
- **Boron:** 0.75 mg/L
- **Turbidity:** 20 Nephelometric Turbidity Units (NTUs)
- **Fluoride:** 1 mg/L

The San Diego RWQCB Basin Plan designated the following beneficial uses for San Juan Creek in the vicinity of the project area:

- **Municipal and Domestic Supply (MUN):** Waters that are used for community, military, municipal, or individual water supply systems. These uses may include, but are not limited to, drinking water supply.
- **Agriculture Supply (AGR):** Waters that are used for farming, horticulture, or ranching. These uses include, but are not limited to, irrigation, stock watering, and support of vegetation for range grazing.
- **Industrial Service Supply (IND):** Water uses for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.
- **Water Contact Recreation (REC-1):** Waters that are used for recreation activities involving body contact with water where ingestion of water is reasonably possible. These uses may include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and use of natural hot springs.
- **Non-Contact Water Recreation (REC-2):** Waters that are used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water would be reasonably possible. These uses may include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, and aesthetic enjoyment in conjunction with the above activities.
- **Warm Freshwater Habitat (WARM):** Waters uses that support warm water ecosystems that may include, but are not limited to, preservation and enhancement of aquatic habitats, vegetation, fish, and wildlife, including invertebrates.
- **Cold Freshwater Habitat (COLD):** Waters uses that support cold water ecosystems that may include, but are not limited to, preservation and

enhancement of aquatic habitats, vegetation, fish, and wildlife, including invertebrates.

- **Wildlife Habitat (WILD):** Water uses that support wildlife habitats that may include, but are not limited to, the preservation and enhancement of vegetation and prey species used by waterfowl and other wildlife.

The portion of San Juan Creek near the project limits is not designated as impaired under the Final *2014 and 2016 California Integrated Report (CWA Section 303(d) List /305(b) Report)* approved by the SWRCB and the US EPA, however a one mile stretch of the creek approximately 4 miles downstream has been designated as impaired for unknown sources of Benthic Community Effects, DDE (Dichlorodiphenyldichloroethylene), Indicator Bacteria, Phosphorous, Selenium, and Toxicity.

San Juan Creek ultimately discharges to the Pacific Ocean which falls under a TMDL for indicator bacteria (Project I – Twenty Beaches and Creeks in the San Diego Region [Including Tecolote Creek]). The San Diego RWQCB adopted resolution No. R9-2010-0001, which incorporated the TMDL into the San Diego RWQCB Basin Plan and identified in Attachment IV of the Caltrans Statewide NPDES Permit (Order No. 2012-0011-DWQ as amended in Order WQ 2014-0077-DWQ). Runoff from the project area discharges to a water body with an established TMDL; therefore, as identified in Attachment IV of the Caltrans NPDES permit, any runoff treated in excess of the new impervious area created by the project may be claimed as a Compliance Unit (CU) to meet Caltrans NPDES permit requirements for achieving the TMDL compliance strategy.

San Juan Creek is influenced by non-point sources of storm water from urban and residential developments. Contaminants and pollutants affecting the watershed include vehicle-related pollutants from roadways such as oil, grease, heavy metals, and other petroleum products from roadways. Pollutants from illicit dumping, pesticides, herbicides, and fertilizers from parks, residential homes, and golf courses, and agriculture runoff contribute to the poor surface water quality in San Juan Creek.

2.8.2.2 Groundwater ***Groundwater Hydrology***

The project is located in the San Juan Groundwater Basin, which is split by the Cristianitos Fault into two basins which are referred to as the Upper San Juan Basin and the Lower San Juan Basin. The project is located in the Upper San Juan Basin. The San Juan Groundwater Basin has approximately 63,220 acre-feet of storage

capacity, 21,620 acre-feet in the Upper San Juan Basin and 41,600 acre-feet in the Lower San Juan Basin. In 2004 and 2005, depth to groundwater was typically less than 20 feet in the lower and middle portions of the San Juan Groundwater Basin.

Primary inflows for the San Juan Groundwater Basin are subsurface flows, and primary outflows are from well extractions. Recharge consists of subsurface inflow from the tributary alluvial riverbed areas, streambed percolation from the San Juan and Trabuco Creeks, rainfall infiltration and percolation, and percolation from landscape and agricultural irrigation. Total inflow to the San Juan Groundwater Basin is estimated at 4,284 acre-feet per year. Total outflow from the San Juan Groundwater Basin consists of well extractions, extraction from deep rooted plants, and subterranean outflow at the mouth of San Juan Creek. Outflow from the San Juan Groundwater Basin is estimated to be 4,819 acre-feet per year. A study conducted for the San Juan Basin Authority in 1994 revealed that the San Juan Groundwater Basin may have been over drafted by an average of 2,000 acre-feet per year during the period studied (1979 to 1990). Currently, two water districts, Capistrano Valley Water District and Trabuco Canyon Water District, are actively pumping groundwater from the San Juan Groundwater Basin. The Capistrano Valley Water District and Trabuco Canyon Water District receive approximately 30 percent and 15 percent of their total water supply from groundwater, respectively.

Groundwater Quality Objectives and Standards

Groundwater in the San Juan Groundwater Basin contains high levels of dissolved solids and salt from the high salt content in water-bearing sediments.

The numeric groundwater quality objectives for the Upper San Juan Groundwater Basin are:

- **Total Dissolved Solids:** 500 mg/L
- **Chloride:** 250 mg/L
- **Sulfates:** 250 mg/L
- **Percent Sodium:** 60 percent
- **Nitrate:** 45 mg/L
- **Iron:** 0.3 mg/L
- **Manganese:** 0.05 mg/L
- **Methylene Blue Active Substances (MBAS):** 0.5 mg/L
- **Boron:** 0.75 mg/L
- **Turbidity:** 5 NTUs
- **Fluoride:** 1 mg/L

The existing beneficial uses for groundwater in the San Juan HU as designated in the San Diego RWQCB Basin Plan are listed below:

- **Municipal and Domestic Supply (MUN):** Waters that are used for community, military, municipal, or individual water supply systems. These uses may include, but are not limited to, drinking water supply.
- **Agriculture Supply (AGR):** Waters that are used for farming, horticulture, or ranching. These uses include, but are not limited to, irrigation, stock watering, and support of vegetation for range grazing.
- **Industrial Service Supply (IND):** Waters that are used for industrial activities that do not depend primarily on water quality. These uses may include, but are not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.

2.8.3 Environmental Consequences

2.8.3.1 Temporary Impacts

Build Alternative 2

Pollutants of concern during construction of Build Alternative 2 include sediments from grading, excavation, and construction activities; trash from workers and construction waste; petroleum products from construction equipment and/or vehicles; concrete waste; sanitary wastes from portable toilets; and other chemicals used for construction, such as coolants used for equipment and/or concrete-curing compounds. In addition, construction activities would disturb soil and increase the potential for erosion. The total DSA during construction of Build Alternative 2 would be approximately 8.0 acres. Temporary construction-related impacts would be addressed by the implementation of Project Features PF-WQ-2 and PF-WQ-3, described below, which would ensure project construction complies with necessary permits by implementing all permit requirements including construction best management practices and other features that would address water quality.

PF-WQ-2 California Department of Transportation (Caltrans) Standard Specification Section 13-3: The project will comply with the provisions of the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit)* Order No. 2009-0009- DWQ, NPDES No. CAS000002 and any subsequent permits in effect at the time of construction.

PF-WQ-3 California Department of Transportation (Caltrans) Standard Specification Section 13-3: The project will comply with the

Construction General Permit by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) to address all construction-related activities, equipment, and materials that have the potential impact water quality for the appropriate Risk Level. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-storm water BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the *Storm Water Quality Handbooks: Construction Site Best Management Practices Manual* to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed. These include, but are not limited to temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-storm water BMPs.

Therefore, project features PF-WQ-2 and PF-WQ-3 would address potential construction-related water quality impacts. No adverse effects to water quality from construction activities are anticipated during construction of Build Alternative 2.

It is not anticipated that groundwater would be encountered during construction. However, because groundwater levels have historically been measured at less than 20 feet, the potential for groundwater to be encountered during construction and for groundwater dewatering to be required cannot be ruled out. Groundwater contains high levels of dissolved solids and salts and could affect water quality when discharged to surface waters. The potential for groundwater dewatering during construction would be addressed by project feature PF-WQ-6.

PF-WQ-6 California Department of Transportation (Caltrans) Standard Specification Section 13-4: If dewatering is required, Construction site dewatering must comply with the *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013, NPDES No. CAG919003)* and any subsequent updates to the permit at the time of construction. This Permit addresses temporary dewatering operations during construction. Dewatering BMPs must be used to control sediment and pollutants, and the discharges must comply with the WDRs issued by the San Diego RWQCB

Therefore, Project Feature PF-WQ-6 would address potential impacts to groundwater from dewatering during construction and no adverse effects to water quality would occur from construction of the Build Alternative 2.

No Build Alternative

Under the No Build Alternative, no improvements to SR-74 other than routine roadway maintenance would be made. The No Build Alternative would not result in short-term water quality impacts from construction-related activities.

2.8.3.2 Permanent Impacts

Build Alternative 2

The existing impervious surface within the project limits is 4.0 acres, and Build Alternative 2 would increase the impervious surface area in the project limits by 2.4 acres. This increase in impervious surfaces would result in long-term impacts that involve alteration in drainage patterns on the roadways as well as an increase in long term discharges of pollutants typically generated by the operation of a transportation facility. Stormwater discharges from the existing impervious surface consist of pollutants typically generated during the operation of a transportation facility which includes sediment/ turbidity, nutrients, trash and debris, bacteria and viruses, oxygen demanding substances, organic compounds, oil and grease, pesticides and metals. Build Alternative 2 would evaluate post-construction Treatment BMPs consistent with the Caltrans Statewide NPDES permit (see Project Feature PF-WQ-4). Treatment BMPs may include Design Pollution Prevention (DPP) Infiltration Areas, Infiltration Devices, Biofiltration Strips and Swales, Detention Devices, Media Filters, Multi-Chamber Treatment Train (MCTT), Wet Basin and Open Graded Friction Course pavement. Project feature PF-WQ-1 as outlined below would reduce operational impacts by requiring compliance with the NPDES Permit, which would in turn require evaluation of post-construction treatment BMPs.

PF-WQ-1 California Department of Transportation (Caltrans) Standard Specification Section 13-1: The project will comply with the provisions of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003* and any subsequent permits in effect at the time of construction.

As described in Project Features PF-WQ-4 and PF-WQ-5 below, Caltrans would incorporate approved Design Pollution Prevention, Treatment BMPs and Low Impact

Development (LID) strategies consistent with the Caltrans Statewide NPDES permit requirements to address pollutants in runoff that would be generated during operation of Build Alternative 2.

PF-WQ-4 Design Pollution Prevention Best Management Practices (BMPs) will be implemented such as preservation of existing vegetation, slope/surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes and swales, overside drains, flared end sections, and outlet protection/ velocity dissipation devices.

PF-WQ-5 Caltrans approved treatment Best Management Practices (BMPs) will be implemented consistent with the requirements of *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003* and any subsequent permits in effect at the time of construction. Treatment BMPs may include Design Pollution Prevention (DPP) Infiltration Areas, Infiltration Devices, Biofiltration Strips and Swales, Detention Devices, Media Filters, Multi-Chamber Treatment Train (MCTT), Wet Basin and Open Graded Friction Course

Therefore, with the implementation of the permanent BMPs, required by Project Features PF-WQ-1, PF-WQ-4, and PF-WQ-5 for compliance with the permits described above, operation of Build Alternative 2 would not result in permanent adverse water quality impacts.

No Build Alternative

Under the No Build Alternative, no improvements to SR-74 other than routine roadway maintenance would be made. The No Build Alternative would not increase the impervious surface area; however, existing runoff would remain untreated.

2.8.4 Avoidance, Minimization, and/or Mitigation Measures

Because Build Alternative 2 would incorporate project features as outlined above, and no adverse impacts to water quality would occur. No avoidance, minimization, and/or mitigation measures are required.

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2.9 Geology/Soils/Seismic/Topography

2.9.1 Regulatory Setting

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects “outstanding examples of major geological features.”

This section also discusses geology, soils, and seismic concerns as they relate to public safety and project design. Earthquakes are prime considerations in the design and retrofit of structures. Structures are designed using Caltrans’ Seismic Design Criteria (SDC). The SDC provides the minimum seismic requirements for highway bridges designed in California. A bridge’s category and classification will determine its seismic performance level and which methods are used for estimating the seismic demands and structural capabilities. For more information, please see Caltrans’ Division of Engineering Services, Office of Earthquake Engineering, Seismic Design Criteria.

2.9.2 Affected Environment

This section discusses the existing geologic, soils, seismic, and topographic conditions in the study area and provides an analysis of the potential impacts of the proposed project that are related to these conditions. This section also addresses the potential for structural damage to proposed facilities due to the local geology underlying the study area, as well as slope stability, ground settlement, soils, grading, and seismic conditions.

This section summarizes information provided in the *Geotechnical Design and Materials Report* (2007) and the *District Preliminary Geotechnical Report for State Route 74 Widening, Orange County, California* (2018).

2.9.2.1 Topography and Regional Geology

The study area, which includes the geologic units surrounding SR-74 within the project limits, is located within the Peninsular Ranges Geomorphic Province, a 900-mile long northwest-southeast-trending structural block with similarly trending faults, that extends from the Transverse Ranges in the north to the tip of Baja California in the south and includes the Los Angeles Basin.

The existing topography consists of a relatively flat highway with adjacent graded slopes and natural surfaces. Graded cut-and-fill slopes adjacent to SR-74 are typically

2:1 (vertical:horizontal, [V:H]), with a few slopes as steep as 1:1. Typically, the study area is bounded on the north by ascending slopes and on the south by descending slopes.

Steep slopes increasing in elevation are located along the north side of SR-74. These slopes are closer to the edge of SR-74 in the eastern portion of the study area. Gradual downslopes are located along the south side of SR-74.

Existing cut-and-fill slopes in the study area typically have slope ratios between 11:1 (horizontal:vertical [H:V]) and 1.2:1 (H:V). The elevation of the roadway increases from the west to the east.

No natural landmarks or landforms were identified in the study area.

2.9.2.2 Subsurface Soil Conditions

The segment of SR-74 within the project limits is located in the southwestern portion of the Santa Ana Mountain foothills, within the Peninsular Ranges province. The study area is north of the San Juan Creek floodplain and is underlain by artificial fill, colluvium/older alluvium, and bedrock of the Capistrano and Monterey Formations. The locations of these geologic units are shown on Figure 2.9-1, below.

The expansion potential of on-site soils is estimated to be moderately to highly expansive. Although the majority of the study area consists of moderately expansive clay and silts, soils associated with the Monterey and Capistrano Formations are highly expansive. These bedrock materials are likely to be encountered in the retaining wall foundation systems or near the western limits of the proposed roadway widening.

Soils within the study area are also moderately to severely corrosive to ferrous metals. Based on Caltrans' *Corrosion Guidelines* (March 2018), the study area should be considered corrosive.

The soils underlying the proposed fills typically possess low-to-moderate compressibility based on consolidation characteristics, moisture, and density and are not subject to significant hydro-collapse or settlement related to secondary consolidation.

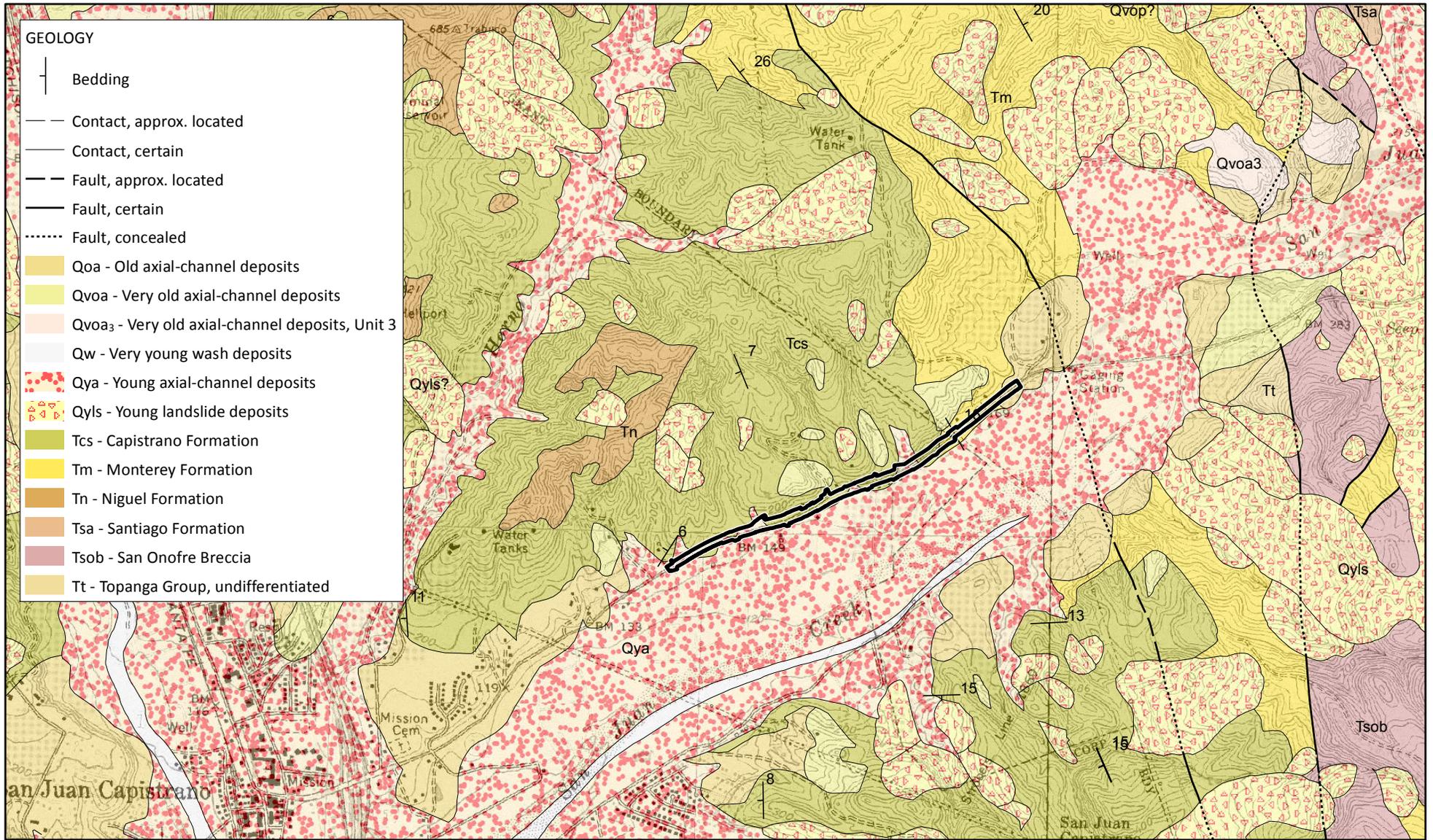


FIGURE 2.9-1

LEGEND

Project Limits



SR-74 Lower Ortega Highway Widening Project

Regional Geology

12-ORA-74 PM 1.0/2.1

EA 086920

SOURCE: Caltrans (4/3/2019); USGS 7.5' Quad - San Juan Capistrano (1981); Morton and Miller (2006)

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According to the California Department of Conservation California Geological Survey (CGS), the study area is located within a Mineral Resource Zone 3 (MRZ-3), a land classification area in which significance of mineral deposits is undetermined.¹

2.9.2.3 Groundwater Conditions

San Juan Creek is located south of SR-74 and runs parallel to this highway within the vicinity of the proposed improvements. The creek is a likely source for groundwater. Groundwater was not encountered during the geotechnical exploration for the study area; however, the static groundwater level can be estimated through a comparison with the regional groundwater regime. Based on the regional groundwater trend and borings on the south side of SR-74, the static groundwater level is estimated to be at least 25 to 35 feet below the highway grade. However, localized wet conditions have also been observed on the north side of SR-74 and may exist where drainage is poor or irrigation is excessive.

2.9.2.4 Regional Faulting, Seismic Hazards, and Surface Fault Rupture

Most of Southern California is subject to some level of ground shaking (ground motion) as a result of movement along active and potentially active fault zones in the region. Given the proximity of the study area to several active and potentially active faults, it will likely be subject to earthquake ground motions. The level of ground motion at a given location resulting from an earthquake is a function of several factors including earthquake magnitude, type of faulting, rupture propagation path, distance from the epicenter, earthquake depth, duration of shaking, site topography, and site geology.

There are no known active or potentially active faults within the study area. The faults shown on Figure 2.9-1 above are considered inactive. However, the nearest contributing fault is the San Joaquin Hills Fault (approximately 6.25 mi north of the study area), and there is the potential for strong seismic ground shaking in the study area. Furthermore, the study area is not located within a designated Alquist-Priolo Earthquake Fault Zone and does not overlie a seismogenic fault.

Peak ground acceleration (PGA) is a measurement of maximum ground acceleration in a particular area and is an important factor for structural engineering against

¹ California Department of Conservation, California Geological Survey (CGS). Surface Mining and Reclamation Act Mineral Lands Classification (MLC) data portal. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>.

earthquake damage for things such as roads, bridges, and buildings. It can be described as how hard the ground may shake in a given geographic area based on several factors, such as the distance from an active fault, the maximum expected earthquake from that fault, and the underlying geologic units. The PGA within the study area is estimated to be 0.42g.¹

The study area is also located in close proximity to several surface faults that are zoned as active or potentially active by the California Geological Survey pursuant to the Alquist-Priolo Earthquake Fault Zoning Act (of 1972). The study area is located within 6 mi of the San Juan Hills Blind Thrust (SJHBT), which is a low-angle fault system. Blind thrust fault surfaces do not necessarily break the ground surface during sizable earthquakes. In addition, the nearest Alquist-Priolo Earthquake Fault Zoning Act area is located along the strike-slip Newport-Inglewood Fault Zone, which trends northwest-southeast and is located approximately 7.8 mi west of the study area.

2.9.2.5 Geologic Hazards

Liquefaction and Seismically Induced Landslides

The study area is mapped by the CGS as being in a zone that has the potential for liquefaction. SR-74 traverses the northern border of the liquefiable zone bounded by the hillsides on the north side of the roadway. The borings drilled for the geotechnical investigation terminated at depths of about 20 to 25 feet below ground surface without encountering groundwater. Based on CGS maps, potentially liquefiable soils exist in the study area that could result in settlement.

Some of the hillsides directly north of the project limits are mapped by the CGS as being in a zone with the potential for seismically induced landslides. This includes areas where previous landslides have occurred, or local topographic, geological, geotechnical, and subsurface water conditions have indicated a potential for permanent ground displacements.

Tsunamis and Seiches

Seiches are large waves generated in enclosed bodies of water, such as lakes, in response to ground shaking. Tsunamis are waves generated in large bodies of water as a result of fault displacement or major ground movement. There are no enclosed bodies of water near the project site, and the Pacific Ocean is approximately 7 miles west of the study area.

¹ “g” is a common value of acceleration equal to 32 feet/second².

Soil Subsidence

Subsidence is the sinking or settling of the ground surface, which can occur due to highly compressible soils or soils with high collapse potential and shallow groundwater. The soils underlying the study area possess low-to-moderate compressibility. In addition, as described above, groundwater was not encountered at depths of 20 to 25 feet below ground surface.

Volcanic Hazards

There are no active, potentially active, or inactive volcanoes in Orange County.

Economical Resources/Mineral Hazards

The CGS Mineral Land Classification Map does not identify economical resources/mineral resources within the study area.

2.9.3 Environmental Consequences

2.9.3.1 Temporary Impacts

Build Alternative 2

Construction of Build Alternative 2 would temporarily disturb soil outside of the existing roadway and would require temporary construction easements (TCEs) for grading, landscaping, construction access, and equipment laydown areas in the study area. Excavated soil in these construction areas would be exposed and, as a result, there would be an increased potential for soil erosion during construction compared to existing conditions. During a storm event, soil erosion could occur at an accelerated rate.

During construction of Build Alternative 2, the Construction Contractor would be required to adhere to the requirements of the Construction General Permit (Project Feature PF-WQ-2) and would implement erosion and sediment control best management practices (BMPs) specifically identified in the Storm Water Pollution Prevention Plan (SWPPP) prepared for the project (Project Feature PF-WQ-3). Proper application and inspection of these BMPs would avoid substantial soil erosion, preventing stormwater from transporting sediment into receiving waters. Refer to Section 2.8, Water Quality and Storm Water Runoff, for a detailed discussion regarding construction-related water quality impacts and project features.

Construction activities could be affected by ground motion from seismic activities. Liquefaction and slumping or slope failure could occur in areas with artificial fill if an earthquake were to occur during construction. While natural slopes in the Capistrano Formation are prone to slope failure, the existing natural slopes north of SR-74 uphill

of the proposed improvements have been historically stable (both grossly and surficially) and do not exhibit any evidence of significant slope failures.

Implementation of Project Feature PF-GEO-1 would minimize impacts to worker safety with safe construction practices and compliance with Caltrans and the California Division of Occupational Safety and Health (Cal/OSHA) safety requirements.

PF-GEO-1 Caltrans Standard Specifications 7-1.02.K(6) Occupational Safety and Health Standards. All improvements would be constructed and operated in accordance with all applicable safety standards, such as the California Occupational Safety and Health Administration (Cal/OSHA) standards related to worker safety during construction and operation, provided in Title 8 Chapter 3.2, California Safety and Health Regulations, California Code of Regulations, and the National Fire Protection Association (NFPA) Safety Codes and Standards.

Based on the soil types underlying the study area, construction activities may result in minor settlement, as the soils are considered low-to-moderately compressible. Potential settlement magnitudes are anticipated to be less than 1.0 inch during construction. Study area soils are not subject to hydro-collapse or settlement related to secondary consolidation based on the site-specific consolidation characteristics, moisture, and density. Therefore, construction of Build Alternative 2 would not result in substantial impacts related to differential settlement.

No Build Alternative

Under the No Build Alternative, the temporary construction-related impacts discussed above for Build Alternative 2 would not occur because there would be no construction of project improvements on SR-74 under this alternative.

2.9.3.2 Permanent Impacts

Build Alternative 2

Geological hazards including Tsunami and Seiches, Soil Subsidence, Volcanic Hazards, and Economical Resources/Mineral Hazards are not discussed further in this section, as the risks associated with these hazards are low due to the geologic setting of the study area.

Topography and Regional Geology

Build Alternative 2 would not result in permanent substantive changes to the topography in the project limits, because the improvements would generally be constructed at or close to the same grade as the existing facility.

Subsurface Soil Conditions

The maximum designed fill depth is approximately 10 feet and is based on the soil characteristics described above; differential settlement is expected to be negligible with respect to the proposed improvements. The expansion potential of study area soils is estimated to be moderately to highly expansive and the soils are considered corrosive. Implementation of Project Feature PF-GEO-2, below, requires compliance with the requirements in the Caltrans' *Geotechnical Manual* (most current version) during design and construction. In addition, during final design, implementation of Measure GEO-1 in Section 2.9.4 would ensure that appropriate measures are incorporated into the design phase to address the risk from expansive soils.

PF-GEO-2 Caltrans Standard Specifications 48-2.02. B and Section 19 Earthwork General. The project will comply with the current Caltrans procedures and design criteria regarding seismic design to mitigate any adverse effects related to seismic ground shaking. Earthwork will be performed in accordance with Caltrans Standard Specifications, Section 19, which requires standardized measures related to compacted fill, over-excavation and recompaction, and retaining walls, among other requirements. Moreover, the Caltrans *Highway Design Manual* (HDM) Topic 113, Geotechnical Design Report, would require that a site-specific, geotechnical field investigation be performed for the proposed project during the design phase. The findings and recommendations from the investigation would be incorporated into the final design.

Groundwater Conditions

Due to the depth to groundwater within the study area, Build Alternative 2 would not result in permanent impacts to groundwater quality or supply.

Regional Faulting, Seismicity, and Surface Fault Rupture

As discussed above, there are no known active or potentially active surface faults within the study area. Therefore, the possibility of surface rupture from an earthquake is considered low. In addition, as discussed in Project Feature PF-GEO-2, all

structures associated with Build Alternative 2 would be designed to incorporate appropriate design measures to address potential effects associated with PGA during seismic events.

Moderate-to-severe seismic shaking is likely to occur in the study area during the life of the improvements under Build Alternative 2. Although the hillside areas north of SR-74 within the project limits are mapped as areas with the potential for seismically induced landslides, this potential would be low with implementation of the geotechnical recommendations for all excavations and retaining walls. In general, the project improvements can be designed to accommodate the expected ground accelerations through compliance with applicable building and seismic codes. As a result, the potential for structural damage can be substantially reduced or avoided through seismic engineering design.

Preparation of a Final Geotechnical Design Report consistent with the Caltrans *Geotechnical Manual* (current version) is required to address the foundation design and soil preparation to avoid or minimize soil stability, and seismic and geologic hazards impacts. This requirement is further specified in Project Feature PF-GEO-2 and Measure GEO-1. Therefore, implementation of the project would not result in substantial impacts due to on-site geology, soils, seismic conditions, or topography.

No Build Alternative

The No Build Alternative does not involve any construction activities and would not alter existing geologic or soil conditions; therefore, it would not result in any adverse impacts to geological, mineral, or soil resources. Hazards associated with seismic activity would exist as they do today under the No Build Alternative.

2.9.4 Avoidance, Minimization, and/or Mitigation Measures

Implementation of Project Features PF-GEO-1 and PF-GEO-2, as outlined previously, would address occupational safety concerns and the seismic design of the proposed improvements, and Measure GEO-1, as listed below, would avoid and/or minimize other potential geological, seismic, and soil effects.

GEO-1 Design Phase Geotechnical Work. During design phase, a detailed Geotechnical Investigation will be conducted by qualified geotechnical personnel to assess the geotechnical conditions at the project area. This assessment will be conducted in order to evaluate the geotechnical concerns identified in the Preliminary Geotechnical Report and to identify appropriate measures to address deficiencies. The

geotechnical investigation will include exploratory borings to investigate site-specific soils and conditions and to collect samples of subsurface soils for laboratory testing. Those soil samples will be tested to determine liquefaction potential, collapsibility potential, slope stability, and corrosion potential. The ascending bedrock slopes on the northside of SR-74 will also be evaluated for adverse bedding conditions. The project-specific findings and recommendations of the Geotechnical Investigation will be summarized in Structure Foundation Reports (SFRs) and a Geotechnical Design Report (GDR) to be submitted to the California Department of Transportation (Caltrans) for review and approval. Those findings and recommendations will be incorporated during final design.

In addition, temporary construction impacts related to erosion would be addressed through compliance with the Construction General Permit (PF-WQ-2) through implementation of erosion control BMPs in the SWPPP (PF-WQ-3), as described in Section 2.8, Water Quality and Storm Water Runoff.

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PHYSICAL ENVIRONMENT

2.10 Paleontology

2.10.1 Regulatory Setting

Paleontology is a natural science focused on the study of ancient animal and plant life as it is preserved in the geologic record as fossils.

A number of federal statutes specifically address paleontological resources, their treatment, and funding for mitigation as a part of federally authorized project.

23 United States Code (USC) 305 authorizes the appropriation and use of federal highway funds for paleontological salvage as necessary by the highway department of any state, in compliance with 16 USC 431-433 above and state law.

2.10.2 Affected Environment

This section is based on the *Paleontological Identification Report and Paleontological Evaluation Report* (2019).

Relevant geologic maps and geological and paleontological literature were reviewed. Paleontological resource (i.e., fossil) locality searches for any known localities within and surrounding the project limits were completed through the Natural History Museum of Los Angeles County (LACM) and the San Diego Natural History Museum (SDNHM) in June 2018. A pedestrian survey within the project limits was conducted on September 10, 2018.

The project limits are within the Peninsular Ranges Geomorphic Province, a large structural block that extends from the Transverse Ranges in the north to the tip of Baja California. This province is characterized by a series of mountain ranges and valleys that trend in a northwest-southeast direction roughly parallel to the San Andreas Fault Zone.

Geologic mapping indicates that land within the project limits contains Holocene to late Pleistocene (less than 126,000 years ago) Young Axial Channel Deposits; late to middle Pleistocene (11,700–781,000 years ago) Old Axial Channel Deposits; Pliocene to late Miocene (3.6–11.62 million years ago [Ma]) Capistrano Formation, siltstone facies; and late to middle Miocene (5.333–15.97 Ma) Monterey Formation (refer to Figure 2.9-1 in Section 2.9, Geology). Although not mapped, Artificial Fill was also noted within the project limits during the pedestrian survey. Because of its disturbed context, Artificial Fill does not have the potential to contain scientifically

significant paleontological resources. The upper 10 feet (ft) of the Young Axial Channel Deposits are unlikely to contain scientifically significant paleontological resources because of their young age (likely less than 4,200 years). However, the sediments of the Young Axial Channel Deposits below a depth of 10 ft may be old enough to contain scientifically significant paleontological resources. The Old Axial Channel Deposits; Capistrano Formation, siltstone facies; and the Monterey Formation have a high potential to contain scientifically significant paleontological resources.

The results of the fossil locality searches conducted by the LACM and SDNHM indicate that there are no known fossil localities within the project limits. Neither museum has records of fossil localities near the project limits from the Young Axial Channel Deposits, and only the SDNHM has records near the project limits from deposits similar to the Old Axial Channel Deposits. However, both museums have records of fossil localities near the project limits from the Capistrano Formation and the Monterey Formation. The SDNHM has five fossil localities from Pleistocene alluvial deposits similar to the Old Axial Channel Deposits mapped within the project limits. These localities have produced fossils of horse, mammoth, camel relatives, and giant ground sloth.

The closest LACM locality from the Capistrano Formation is LACM 5792, which is located west of the southwestern portion of the project limits in the hills on the north side of Horno Creek. This locality produced a substantial fauna consisting predominantly of sharks, bony fishes, sea lions, whales, and sea cows, with some elephants and pond turtles. From the siltstone facies of the Capistrano Formation, the SDNHM has 13 fossil localities within approximately 4 miles of the project limits. These localities produce trace fossils, as well as impressions and body fossils of algae, angiosperms, sponges, clams, sharks, bony fish, flightless auk, walruses, eared seals, dolphins, porpoises, beaked whales, and baleen whales.

The closest LACM locality from the Monterey Formation is LACM 3510, located northwest of the project limits on the east side of Alicia Parkway, southwest of Sulphur Creek Reservoir. This locality yielded specimens of sea lion (*Imagotaria*) and toothed whale (Odontoceti). The SDNHM has 41 fossil localities from the Monterey Formation that lie between approximately 3 and 5 miles of the project limits.

These localities produced impressions of a wide variety of plants (e.g., roses, walnut trees, plane trees, and laurels), marine invertebrates (e.g., crabs), and marine vertebrates (e.g., sharks, bony fish, walrus, eared seals, dolphins, baleen whales, and dugongs).

The pedestrian survey indicated that most of the land within the project limits is underlain by Artificial Fill. Visibility was poor within most of the project limits, but the survey noted outcrops of whitish siltstone, consistent with the siltstone facies of the Capistrano Formation mapped within the project limits. No paleontological resources were observed during the field survey.

2.10.3 Environmental Consequences

2.10.3.1 Temporary Impacts

Build Alternative 2

The construction of Build Alternative 2 would not result in temporary impacts to paleontological resources because the impacts to those types of resources during construction would be considered permanent as described later in Section 2.10.3.2.

No Build Alternative

Under the No Build Alternative, none of the proposed improvements to State Route 74 (SR-74) would be constructed. The No Build Alternative would maintain the existing conditions; therefore, the No Build Alternative would not result in temporary adverse impacts related to paleontological resources as a result of construction activities.

2.10.3.2 Permanent Impacts

Build Alternative 2

The expected excavation depths for the various components of Build Alternative 2 range from as shallow as 2 inches for pavement rehabilitation to as deep as 20 ft for the cut slope on the north side of SR-74.

The majority of the land within the project limits contains geologic units that have high paleontological sensitivity (e.g., the Young Axial Channel Deposits below a depth of 10 ft; the Old Axial Channel Deposits; the Capistrano Formation, siltstone facies; and the Monterey Formation). Based on the excavation depths of project components listed above, geologic units with high sensitivity would be impacted by excavation activities for Build Alternative 2. As such, development of Build Alternative 2 has the potential to impact scientifically significant, nonrenewable paleontological resources. However, implementation of Measure PAL-1 would

mitigate potential impacts to paleontological resources by requiring a work plan for monitoring during construction and a recovery plan for potential discovery of resources.

Unanticipated Paleontological Resources

There is a potential for unanticipated paleontological resources to be unearthed during site preparation, grading, or excavation for Build Alternative 2. Those potential effects would be avoided or minimized through Project Feature PF-PAL-1.

PF-PAL-1 California Department of Transportation (Caltrans) Standard Specification 14-7.03: Discovery of Unanticipated Paleontological Resources. If unanticipated paleontological resources are discovered, all work within 60 feet of the discovery must cease and the construction Resident Engineer will be notified. Work cannot continue near the discovery until authorized.

No Build Alternative

Under the No Build Alternative, none of the proposed improvements to SR-74 would be constructed. The No Build Alternative would maintain the existing conditions; therefore, the No Build Alternative would not result in permanent adverse impacts related to paleontological resources as a result of construction activities.

2.10.4 Avoidance, Minimization, and/or Mitigation Measures

The following mitigation measure provides procedures for the treatment of paleontological resources during construction of Build Alternative 2:

PAL-1 Paleontological Mitigation Plan. A qualified paleontologist shall prepare a Paleontological Mitigation Plan (PMP) following the guidelines in the California Department of Transportation (Caltrans) Standard Environmental Reference (SER), Environmental Handbook, Volume 1, Chapter 8 – Paleontology (November 2017) and guidelines developed by the Society of Vertebrate Paleontology (2010). The PMP shall be prepared concurrently with final design plans during the Plans, Specifications, and Estimates (PS&E) phase. The PMP shall include sections describing project activities, the geologic units within the project limits and their paleontological sensitivities, the work plan for mitigating project impacts to paleontological resources, estimates of monitoring schedules and costs, decision thresholds for monitoring levels and fossil collections, a recommended repository for recovered

fossils, any necessary permits, and the contents of the Paleontological Mitigation Report that is required at the end of the monitoring program regardless of whether any paleontological resources are recovered.

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2.11 Hazardous Waste/Materials

2.11.1 Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many federal laws. Statutes govern the generation, treatment, storage, and disposal of hazardous materials, substances, and waste, and also the investigation and mitigation of waste releases, air and water quality, human health, and land use.

The primary federal laws regulating hazardous wastes/materials are the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 and the Resource Conservation and Recovery Act (RCRA) of 1976. The purpose of CERCLA, often referred to as “Superfund,” is to identify and cleanup abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for “cradle to grave” regulation of hazardous waste generated by operating entities. Other federal laws include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

In addition to the acts listed above, Executive Order (EO) 12088, *Federal Compliance with Pollution Control Standards*, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

California regulates hazardous materials, waste, and substances under the authority of the CA Health and Safety Code and is also authorized by the federal government to implement RCRA in the state. California law also addresses specific handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning of hazardous waste. The Porter-Cologne Water Quality Control Act also restricts disposal of wastes and requires cleanup of wastes that are below hazardous waste concentrations but could impact ground and surface water quality. California regulations that address waste management and prevention and cleanup of

contamination include Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Title 23 Waters, and Title 27 Environmental Protection.

Worker and public health and safety are key issues when addressing hazardous materials that may affect human health and the environment. Proper management and disposal of hazardous material is vital if it is found, disturbed, or generated during project construction.

2.11.2 Affected Environment

This section is based on the *Initial Site Assessment* (ISA) (2018) and the Aerially Deposited Lead (ADL) summary letter (2018) for the proposed project.

2.11.2.1 Field Survey and Record Search Methodology

The following were conducted as part of the ISA:

- **Site Reconnaissance:** On May 16, 2018, site reconnaissance consisting of the observation and documentation of existing conditions along and in the vicinity of the project segment of State Route 74 (SR-74) were conducted. The visit included observations of specific properties for evidence of release(s) and assessment of the potential for on-site releases of any hazardous materials. The site reconnaissance was limited to the exterior parts of properties proposed for full or partial acquisition as part of Build Alternative 2.
- **Environmental Database Review:** A records search of Federal, State, and local environmental databases for the area within approximately 1 mile of the project limits was conducted on May 2, 2018.
- **Agency Records Review:** The State Water Resources Control Board's (SWRCB) GeoTracker online database, the California Department of Toxic Substances Control (DTSC) EnviroStor online database, the Orange County Health Care Agency Environmental Health (OCHCAEH) online database, and the State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) Well Finder database were used to obtain documentation for properties within and adjacent to the project limits.
- **Historical Research:** Aerial photographs, historical topographic maps, and city directories of the area along and in the vicinity of the project limits were reviewed.

2.11.2.2 Recognized Environmental Concerns within the Project Limits Impacts Associated with Proposed Acquisition Parcels

In total, approximately 41 parcels would be used as Temporary Construction Easements (TCEs) for accommodating the construction of the proposed noise barriers, four-way traffic signals, sidewalks, and retaining walls, 33 parcels would be required for Permanent Easements (PEs), which would allow for maintenance of the proposed retaining walls and noise barriers, and a total of five existing single-family residential parcels (Assessor Parcel Numbers [APNs] 650-171-20, 650-171-17, 650-171-14, 650-171-04, and 650-181-02; the locations of these parcels are shown on Figure 2.11-1) would be partially acquired for Build Alternative 2. Based on the historical research, these parcels have historical agricultural use (groves) during periods when persistent pesticides may have been applied to crops and therefore, there may be pesticides that potentially remain in the soil.

Impacts Associated with Parcels Located in the Vicinity of the Maximum Disturbance Limits

The following non-acquisition parcels located in the vicinity of the project limits of the project are reported on the environmental database review:

- **28607 Ortega Highway.** The property is listed on the National Pollutant Discharge Elimination System (NPDES) database. The listing corresponds with Tract 17052, which is located north of the project limits, northwest of SR-74 and west of Reata Road. The NPDES permit was active from 2007 to 2013. The facility is not listed on databases indicative of hazardous substances and/or petroleum product spills or releases. As a result, this property is unlikely to post any environmental concerns for the proposed project.
- **28672 Ortega Highway.** The property is listed on the Underground Storage Tank (UST) databases as the San Juan Company, and on the Historic UST (HIST UST), HIST, Hazardous Waste and Substances Sites (CORTESE), Leaking Underground Storage Tank (LUST), Statewide Environmental Evaluation and Planning System (SWEEPS) UST, and Facility Inventory Database (CA FID UST) databases as Rancho Mission Viejo. This property is located approximately 200 feet (ft) east of the project limits. Contaminated soil and groundwater were discovered when two USTs (500 and 1,000 gallons) were removed in March 1992. Excavation of impacted soil and soil vapor extraction were conducted. The LUST facility was closed by the OCHCAEH in May 2002. The groundwater flow direction was determined to be to the south-southeast, and residual contaminants left in place had been delineated and were not in the vicinity of SR-74.

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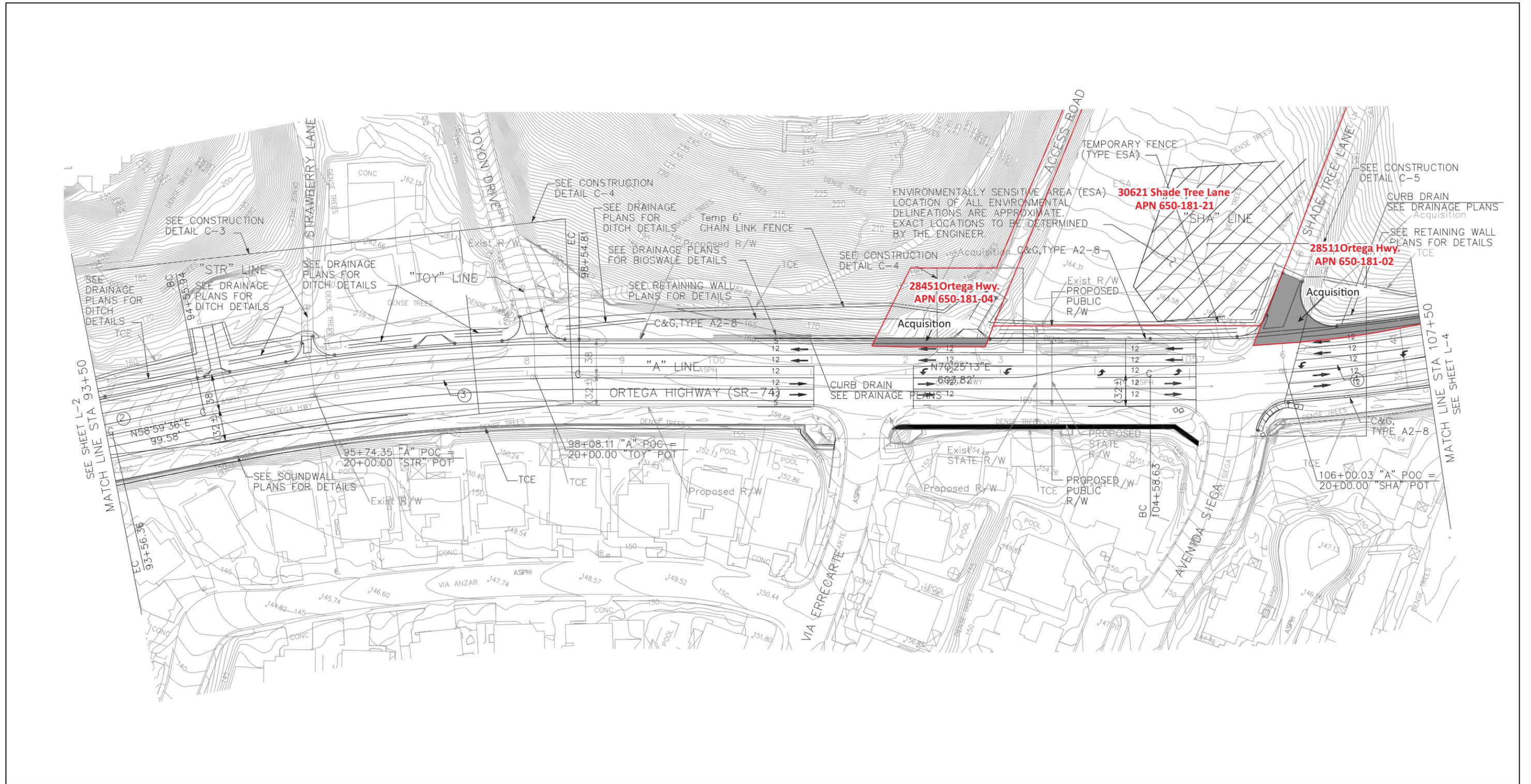
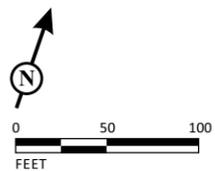


FIGURE 2.11-1
Page 2 of 3



SOURCE: Geocon Consultants, Inc.

SR-74 Lower Ortega Highway Widening
Sites of Recognized Environmental Concerns
for Build Alternative 2
12-ORA-74 PM 1.0/2.1
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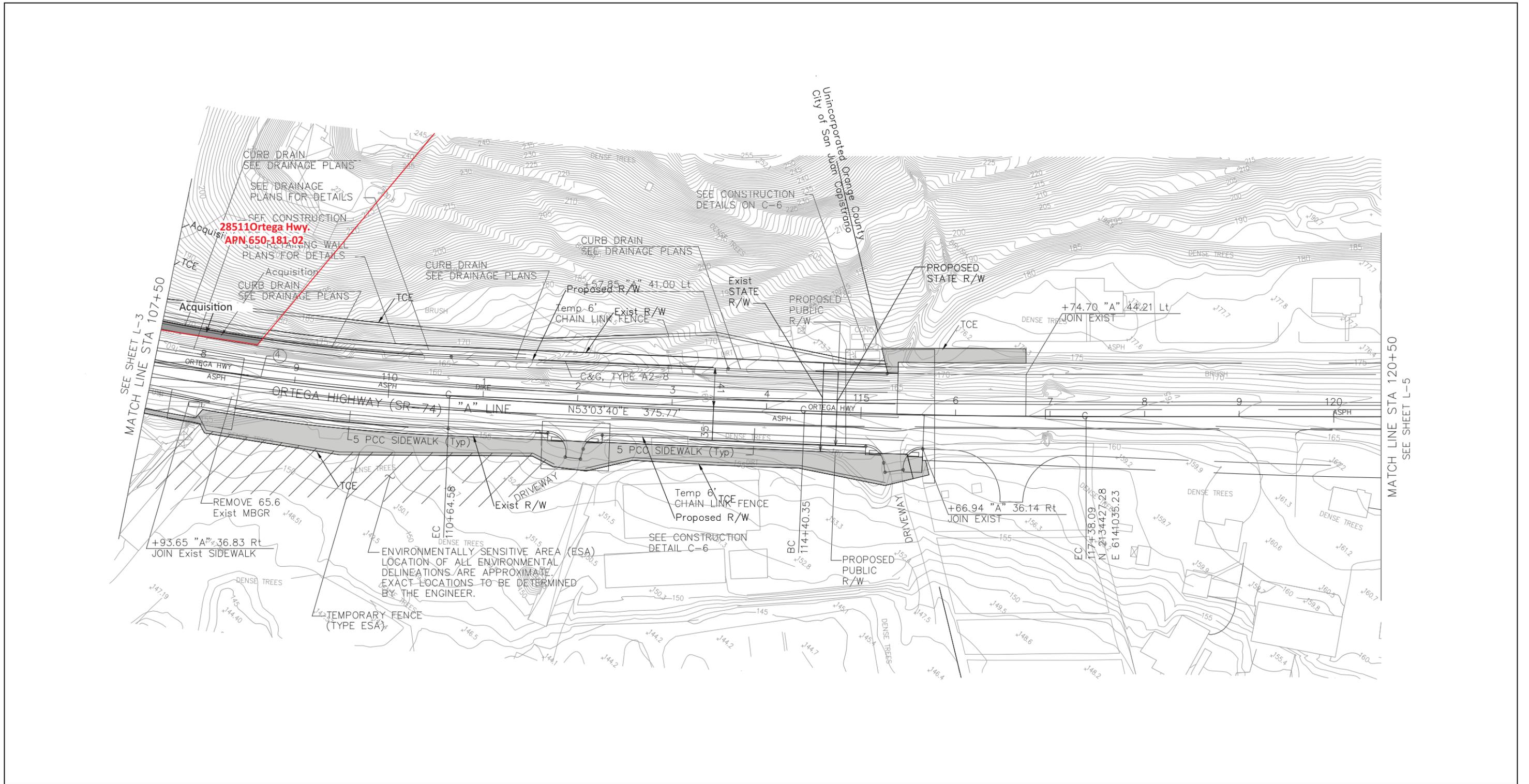
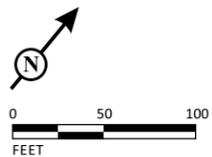


FIGURE 2.11-1
Page 3 of 3



SOURCE: Geocon Consultants, Inc.

SR-74 Lower Ortega Highway Widening
 Sites of Recognized Environmental Concerns
 for Build Alternative 2
 12-ORA-74 PM 1.0/2.1
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Considering the property is located cross-gradient relative to its hydraulic position and the current case status is closed, the property is unlikely to post any environmental concerns for the proposed project.

Hazardous Substances Drums and Other Chemical Containers

No hazardous substances drums or other chemical containers were observed in the project limits within the existing SR-74 right-of-way or the parcels to be acquired.

Storage Tanks

No aboveground or underground storage tanks were observed in the project limits within the existing SR-74 right-of-way or the parcels to be acquired.

Gas and Oil, Production Wells

No evidence of oil or gas production wells was observed within the project limits.

Staining, Discolored Soils, and/or Corrosion

No staining, discolored soils, or corrosion was observed within the project limits.

Polychlorinated Biphenyls

Polychlorinated biphenyls (PCBs), classified as chlorinated hydrocarbons, were manufactured from 1929 until their production was banned in 1979. PCBs were used in hundreds of industrial and commercial applications due to their non-flammability, chemical stability, high boiling point, and electrical-insulating properties. Equipment that might contain PCBs includes electrical transformers and capacitors, motor oil and hydraulic fluid, and thermal insulation material (e.g., fiberglass and felt). Pad- and pole-mounted electrical transformers were observed in the construction area within the project limits.

Overhead Power Lines

Overhead power lines were observed at the northern side of the road from Palm Hill Drive to the eastern project limits and on the southern side of the road on approximately the eastern 750 ft of the project limits. In addition, high voltage overhead power lines were observed from southwest-to-northwest immediately to the northeast side of the project limits.

Petroleum Pipeline

A Kinder Morgan high-pressure petroleum pipeline crossing was identified in the eastern portion of the project limits.

Aerially Deposited Lead

Leaded gasoline was used as a vehicle fuel in the United States through the 1980s. Lead emitted from vehicles up to that time has adversely affected soils along roadways. The lead resulting from vehicle and industrial activities is termed aerially deposited lead (ADL).

Lead Chromate

The California Department of Transportation (Caltrans) Engineering Department maintenance personnel confirmed that SR-74 from Calle Entradero to the San Juan Capistrano City limit was resurfaced in September 2012 and that the Orange County section of the eastern portion of the project limits was expanded from two to four lanes during the last few years.

2.11.3 Environmental Consequences

2.11.3.1 Temporary Impacts

Build Alternative 2

As discussed in the previous section, there would be no temporary impacts caused by impacts associated with parcels in the vicinity of the project limits, hazardous substances drums or other chemical containers, storage tanks, staining and discolored soils, and/or corrosion; therefore, these hazardous waste materials concerns are not discussed further in this section.

Potential Recognized Environmental Concerns (RECs) for the proposed project are discussed in detail below.

Impacts Associated with Proposed Acquisition Parcels

The historical agricultural use of five parcels identified for partial acquisition with Build Alternative 2. The area in question was tested for pesticides and the results were below action level Regional Screening Levels (RSLs) and therefore the soils tested are considered as non-hazardous. As a result, handling of these soils would not present an incremental health risk to on-site workers during construction.

Polychlorinated Biphenyls

There may be PCBs in pad- and pole-mounted transformers within the project limits for Build Alternative 2. None of those transformers appeared to be leaking during the site reconnaissance. In addition, San Diego Gas & Electric (SDG&E) provided a letter ensuring compliance with regulatory requirements for the transformers in the project area. As a result, Build Alternative 2 would not result in any impacts related to PCBs.

Overhead Power Lines

Although overhead power lines are observed within the project limits, the proposed project would not move or result in temporary impacts to the power lines.

Petroleum Pipeline

The Kinder Morgan high-pressure petroleum pipeline crossing identified in the eastern portion of the project limits is considered an REC. Measure HAZ-1, discussed later in this section, would avoid and/or minimize potential impacts associated with this specific concern.

Aerially Deposited Lead

ADL, from the historical use of leaded gasoline, exists along roadways throughout California. There is the likely presence of soils with elevated concentrations of lead as a result of ADL on the State highway system right-of-way within the limits of the project alternatives. Soils determined to contain lead concentrations exceeding stipulated thresholds must be managed under the July 1, 2016, ADL Agreement between Caltrans and the California DTSC. This ADL Agreement allows such soils to be safely reused within the project limits as long as all requirements of the ADL Agreement are met. Based on the results of the ADL Summary Letter, the on-site soil was reported to be non-ADL-contaminated within the project limits. As a result, Build Alternative 2 would not result in any impacts related to ADL.

Lead Chromate

The traffic striping within the project limits was recently resurfaced; therefore, as discussed earlier, lead is not considered as potential hazardous waste. Any potential impacts related to lead chromate during construction would be addressed through compliance with Caltrans' Standard Special Provision 84-9.03C (October 2015); refer to Project Feature PF-HAZ-1, below.

PF-HAZ-1 California Department of Transportation (Caltrans) Standard Specification Section 14-11.12. Residue from the removal of painted or thermoplastic traffic stripes and pavement markings contains lead from the paint or thermoplastic. The average lead concentrations contain less than 1,000 milligrams per kilogram (mg/kg) of total lead and 5 milligrams per liter (mg/L) of soluble lead. This residue:

- Is a non-hazardous waste

- Does not contain heavy metals in concentrations exceeding the thresholds established by the California Health and Safety Code and 22 California Code of Regulations
- Is not regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 United States Code § 6901 et seq.

Management of this material exposes workers to health hazards that must be addressed in the project's lead compliance plan.

Unknown Contaminants

The potential for hazardous waste to be encountered during construction with respect to the petroleum pipeline or historical use would be addressed through compliance with the Caltrans' Unknown Hazards Procedures in its *Construction Manual* Chapter 7 (July 2017); refer to Project Feature PF-HAZ-2, below.

PF-HAZ-2 Caltrans' Standard Specification Section 13-4.03E (2) and Unknown Hazards Procedures of the Caltrans' *Construction Manual* (July 2017). During construction, the construction contractor will monitor soil excavation for visible soil staining, odor, and the possible presence of unknown hazardous material sources. If hazardous material contamination or sources are suspected or identified during project construction activities, the construction contractor will be required to cease work in the area and to have an environmental professional evaluate the soils and materials to determine the appropriate course of action required, consistent with the Unknown Hazards Procedures in Chapter 7 of the Caltrans' *Construction Manual* (July 2017).

Hazardous Materials/Wastes During Construction

Typical hazardous materials anticipated to be used during construction of Build Alternative 2 (e.g., solvents, paints, and fuels) and hazardous wastes generated during construction would be handled in accordance with applicable federal and State regulations and Caltrans' policies regarding the use, storage, handling, disposal, and transport of those materials. As a result, Build Alternative 2 would not result in adverse impacts related to the use of hazardous materials or the generation of hazardous wastes during construction.

No Build Alternative

The No Build Alternative would not result in the disturbance or removal of any soils, groundwater, or structures and, therefore, would not result in temporary impacts related to hazardous waste and materials.

2.11.3.2 Permanent Impacts

Build Alternative 2

Routine maintenance activities during operation of Build Alternative 2 would be required to follow applicable regulations with respect to the use, storage, handling, transport, and disposal of potentially hazardous materials. Therefore, the operation of Build Alternative 2 would not result in adverse impacts related to hazardous waste or materials.

No Build Alternative

The No Build Alternative would not change the existing physical environment and, therefore, there would be no permanent impacts related to hazardous waste under this alternative. Similar to Build Alternative 2, routine maintenance activities would continue under the No Build Alternative, including compliance with applicable regulations regarding the handling and disposal of potentially hazardous materials.

2.11.4 Avoidance, Minimization, and/or Mitigation Measures

Implementation of Project Features PF-HAZ-1 and PF-HAZ-2, as outlined previously in this section, and Measure HAZ-1, as listed below, would address potential impacts.

HAZ-1 High Pressure Petroleum Pipelines. Any high-pressure petroleum pipeline within the project limits should be addressed as a physical hazard, with safety precautions considered a priority during construction.

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2.12 Air Quality

2.12.1 Regulatory Setting

The Federal Clean Air Act (FCAA), as amended, is the primary federal law that governs air quality while the California Clean Air Act (CCAA) is its companion state law. These laws, and related regulations by the United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (ARB), set standards for the concentration of pollutants in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). NAAQS and state ambient air quality standards have been established for six transportation-related criteria pollutants that have been linked to potential health concerns: carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM)—which is broken down for regulatory purposes into particles of 10 micrometers or smaller (PM₁₀) and particles of 2.5 micrometers and smaller (PM_{2.5})—and sulfur dioxide (SO₂). In addition, national and state standards exist for lead (Pb), and state standards exist for visibility reducing particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The NAAQS and state standards are set at levels that protect public health with a margin of safety, and are subject to periodic review and revision. Both state and federal regulatory schemes also cover toxic air contaminants (air toxics); some criteria pollutants are also air toxics or may include certain air toxics in their general definition.

Federal air quality standards and regulations provide the basic scheme for project-level air quality analysis under the National Environmental Policy Act (NEPA). In addition to this environmental analysis, a parallel “Conformity” requirement under the FCAA also applies.

2.12.1.1 Conformity

The conformity requirement is based on FCAA Section 176(c), which prohibits the U.S. Department of Transportation (USDOT) and other federal agencies from funding, authorizing, or approving plans, programs, or projects that do not conform to State Implementation Plan (SIP) for attaining the NAAQS. “Transportation Conformity” applies to highway and transit projects and takes place on two levels: the regional (or planning and programming) level and the project level. The proposed project must conform at both levels to be approved.

Conformity requirements apply only in nonattainment and “maintenance” (former nonattainment) areas for the NAAQS, and only for the specific NAAQS that are or

were violated. U.S. EPA regulations at 40 Code of Federal Regulations (CFR) 93 govern the conformity process. Conformity requirements do not apply in unclassifiable/attainment areas for NAAQS and do not apply at all for state standards regardless of the status of the area.

Regional conformity is concerned with how well the regional transportation system supports plans for attaining the NAAQS for carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and in some areas (although not in California), sulfur dioxide (SO₂). California has nonattainment or maintenance areas for all of these transportation-related “criteria pollutants” except SO₂, and also has a nonattainment area for lead (Pb); however, lead is not currently required by the FCAA to be covered in transportation conformity analysis. Regional conformity is based on emission analysis of Regional Transportation Plans (RTPs) and Federal Transportation Improvement Programs (FTIPs) that include all transportation projects planned for a region over a period of at least 20 years (for the RTP) and 4 years (for the FTIP). RTP and FTIP conformity uses travel demand and emission models to determine whether or not the implementation of those projects would conform to emission budgets or other tests at various analysis years showing that requirements of the FCAA and the SIP are met. If the conformity analysis is successful, the Metropolitan Planning Organization (MPO), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) make the determinations that the RTP and FTIP are in conformity with the SIP for achieving the goals of the FCAA. Otherwise, the projects in the RTP and/or FTIP must be modified until conformity is attained. If the design concept and scope and the “open-to-traffic” schedule of a proposed transportation project are the same as described in the RTP and FTIP, then the proposed project meets regional conformity requirements for purposes of project-level analysis.

Project-level conformity is achieved by demonstrating that the project comes from a conforming RTP and TIP; the project has a design concept and scope¹ that has not changed significantly from those in the RTP and TIP; project analyses have used the latest planning assumptions and EPA-approved emissions models; and in PM areas, the project complies with any control measures in the SIP. Furthermore, additional

¹ “Design concept” means the type of facility that is proposed, such as a freeway or arterial highway. “Design scope” refers to those aspects of the project that would clearly affect capacity and thus any regional emissions analysis, such as the number of lanes and the length of the project.

analyses (known as hot-spot analyses) may be required for projects located in CO and PM nonattainment or maintenance areas to examine localized air quality impacts.

2.12.2 Affected Environment

This section is based on the *Air Quality Report* (AQR, April 2019) prepared for the project.

2.12.2.1 Topography, Meteorology, and Climate

California is divided into 15 air basins, which were determined by the California Air Resources Board (CARB) based on areas with similar geographical and meteorological features. The study area is defined as the South Coast Air Basin (SCAB), which includes the western portions of Riverside and San Bernardino Counties, as well as Los Angeles County and Orange County and describes the geographic area generally associated with the project limits for which air quality impacts could occur.

Climate in the study area is determined by terrain and geographical location. The climate is generally Mediterranean in character, with cool winters (average 51.8° Fahrenheit [°F] in January) and warm, dry summers (average 72.3°F in July). Temperature inversions are common, affecting localized pollutant concentrations in the winter and enhancing ozone formation in the summer. Mountains averaging 10,000 ft in altitude tend to trap pollutants in the region by limiting airflow. Annual average rainfall is 10.32 inches (at the Riverside station), mainly falling during the winter months.

2.12.2.2 Air Quality Monitoring

The South Coast Air Quality Management District (SCAQMD) Mission Viejo Air Quality Monitoring Station, located at 26081 Via Pera, monitors five criteria pollutants (O₃, CO, PM₁₀, PM_{2.5}, and NO₂). Table 2.12.1 lists air quality trends identified for data collected between 2013 and 2017.

2.12.2.3 Criterial Pollutant Attainment/Nonattainment Status

Air quality monitoring stations are located throughout the nation and are maintained by local air districts and State air quality regulating agencies. Data collected at permanent monitoring stations are used by the EPA to identify regions as “attainment,” “nonattainment,” or “maintenance,” depending on whether the regions meet the requirements stated in the primary NAAQS.

Table 2.12.1: Air Quality Concentrations for the Past Five Years Measured at Mission Viejo Monitoring Station

Pollutant		Standard	2013	2014	2015	2016	2017
Ozone							
Max 1-hr concentration			0.104	0.115	0.099	0.122	0.103
No. days exceeded:							
State	0.09 ppm	2	4	2	5	3	
Max 8-hr concentration			0.082	0.088	0.088	0.094	0.084
No. days exceeded:							
State	0.070 ppm	5	10	8	13	27	
Federal	0.070 ppm	5	10	8	13	25	
Carbon Monoxide							
Max 1-hr concentration			1.5	1.2	1.4	1.3	1.4
No. days exceeded:							
State	20 ppm	0	0	0	0	0	
Federal	35 ppm	0	0	0	0	0	
Max 8-hr concentration			1.2	0.8	0.7	0.7	0.9
No. days exceeded:							
State	9.0 ppm	0	0	0	0	0	
Federal	9 ppm	0	0	0	0	0	
PM₁₀							
Max 24-hr concentration			50.0	40.0	49.0	59.0	58.2
No. days exceeded:							
State	50 µg/m ³	0	0	0	1	1	
Federal	150 µg/m ³	0	0	0	0	0	
Max annual concentration			19.3	20.2	18.0	21.0	18.8
No. days exceeded:							
State	20 µg/m ³	0	1	0	1	0	
PM_{2.5}							
Max 24-hr concentration			28.0	25.5	31.7	24.7	19.5
No. days exceeded:							
Federal	35 µg/m ³	0	0	0	0	0	
Max annual concentration			8.0	7.0	7.0	7.3	7.4
No. days exceeded:							
State	12 µg/m ³	0	0	0	0	0	
Federal	12.0 µg/m ³	0	0	0	0	0	
Nitrogen Dioxide							
Max 1-hr concentration			0.075	0.060	0.052	0.059	0.045
No. days exceeded:							
State	0.18 ppm	0	0	0	0	0	
Federal	100 ppb	0	0	0	0	0	
Max annual concentration			0.011	0.010	0.011	0.010	0.011
No. days exceeded:							
State	0.030 ppm	0	0	0	0	0	
Federal	53 ppb	0	0	0	0	0	

Source: Air Quality Report (April 2019).

µg/m³ = micrograms per cubic meter

avg. = average

hr = hour

max = maximum

PM₁₀ = particulate matter less than 10 microns in diameter

PM_{2.5} = particulate matter less than 2.5 microns in diameter

ppb = parts per billion

ppm = parts per million

USEPA = United States Environmental Protection Agency

Nonattainment areas are imposed with additional restrictions as required by the EPA. In addition, different classifications of nonattainment (e.g., marginal, moderate, serious, severe, and extreme) are used to classify each air basin in the State on a

pollutant-by-pollutant basis. The classifications are used as a foundation to create air quality management strategies to improve air quality and comply with the NAAQS. Table 2.12.2 lists the State and federal attainment status of the SCAB for all regulated pollutants.

2.12.2.4 Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (also referred to as sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Land uses considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. Sensitive land uses located in the vicinity of the proposed improvements include rural residences and parks. See Figure 2.12-1 for a map of sensitive receptor locations.

Naturally Occurring Asbestos

The proposed project is located in Orange County, which is not known to contain serpentine or ultramafic rock, according to the California Department of Conservation, Division of Mines and Geology (2000). Naturally occurring asbestos (NOA) in bedrock is typically associated with serpentine and peridotite deposits. Note that during demolition activities, the likelihood of encountering structural asbestos is low due to the nature of the demolished materials. The material would consist of concrete and metal piping.

Lead

Lead is normally not an air quality issue for transportation projects unless the project involves disturbance of soils containing high levels of aerially deposited lead or painting or modification of structures with lead-based coatings.

2.12.3 Environmental Consequences

Temporary impacts associated with construction of Build Alternative 2 are addressed in the Temporary Impacts section below. Permanent impacts on air quality in terms of regional air quality conformity and project-level conformity are addressed in the Permanent Impacts section below.

Table 2.12.2: State and Federal Criteria Air Pollutant Standards, Effects, And Sources

Pollutant	Averaging Time	State ¹ Standard	Federal ² Standard	Principal Health and Atmospheric Effects	Typical Sources	Attainment Status
Ozone (O ₃)	1 hour	0.09 ppm ³	--- ⁴	High concentrations irritate lungs. Long-term exposure may cause lung tissue damage and cancer. Long-term exposure damages plant materials and reduces crop productivity. Precursor organic compounds include many known toxic air contaminants. Biogenic VOC may also contribute.	Low-altitude ozone is almost entirely formed from reactive organic gases/volatile organic compounds (ROG or VOC) and nitrogen oxides (NOx) in the presence of sunlight and heat. Common precursor emitters include motor vehicles and other internal combustion engines, solvent evaporation, boilers, furnaces, and industrial processes.	Federal: Extreme Nonattainment (8-hour) State: Nonattainment (1-hour and 8-hour)
	8 hours	0.070 ppm	0.070 ppm (4 th highest in 3 years)			
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	CO interferes with the transfer of oxygen to the blood and deprives sensitive tissues of oxygen. CO also is a minor precursor for photochemical ozone. Colorless, odorless.	Combustion sources, especially gasoline-powered engines and motor vehicles. CO is the traditional signature pollutant for on-road mobile sources at the local and neighborhood scale.	Federal: Attainment/Maintenance State: Attainment
	8 hours	9.0 ppm ¹	9 ppm			
	8 hours (Lake Tahoe)	6 ppm	---			
Respirable Particulate Matter (PM ₁₀) ¹	24 hours	50 µg/m ³ ⁶	150 µg/m ³ (expected number of days above standard < or equal to 1)	Irritates eyes and respiratory tract. Decreases lung capacity. Associated with increased cancer and mortality. Contributes to haze and reduced visibility. Includes some toxic air contaminants. Many toxic & other aerosol and solid compounds are part of PM ₁₀ .	Dust- and fume-producing industrial and agricultural operations; combustion smoke & vehicle exhaust; atmospheric chemical reactions; construction and other dust-producing activities; unpaved road dust and re-entrained paved road dust; natural sources.	Federal: Attainment/Maintenance State: Nonattainment
	Annual	20 µg/m ³	--- ⁵			

Table 2.12.2: State and Federal Criteria Air Pollutant Standards, Effects, And Sources

Pollutant	Averaging Time	State ¹ Standard	Federal ² Standard	Principal Health and Atmospheric Effects	Typical Sources	Attainment Status
Fine Particulate Matter (PM _{2.5}) ⁵	24 hours	---	35 µg/m ³	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and produces surface soiling. Most diesel exhaust particulate matter – a toxic air contaminant – is in the PM _{2.5} size range. Many toxic & other aerosol and solid compounds are part of PM _{2.5} .	Combustion including motor vehicles, other mobile sources, and industrial activities; residential and agricultural burning; also formed through atmospheric chemical and photochemical reactions involving other pollutants including NO _x , sulfur oxides (SO _x), ammonia, and ROG.	Federal: Moderate Nonattainment State: Nonattainment
	Annual	12 µg/m ³	12.0 µg/m ³			
	24 hours (conformity process ¹)	---	65 µg/m ⁷			
	Secondary Standard (annual; also for conformity process ⁵)	---	15 µg/m ³ (98 th percentile over 3 years)			
Nitrogen Dioxide (NO ₂)	1 hour	0.18 ppm	0.100 ppm ⁸	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown. Contributes to acid rain & nitrate contamination of stormwater. Part of the “NO _x ” group of ozone precursors.	Motor vehicles and other mobile or portable engines, especially diesel; refineries; industrial operations.	Federal: Attainment/Maintenance State: Attainment
	Annual	0.030 ppm	0.053 ppm			
Sulfur Dioxide (SO ₂)	1 hour	0.25 ppm	0.075 ppm ⁹ (99 th percentile over 3 years)	Irritates respiratory tract; injures lung tissue. Can yellow plant leaves. Destructive to marble, iron, steel. Contributes to acid rain. Limits visibility.	Fuel combustion (especially coal and high-sulfur oil), chemical plants, sulfur recovery plants, metal processing; some natural sources like active volcanoes. Limited contribution possible from heavy-duty diesel vehicles if ultra-low sulfur fuel not used.	Federal: Attainment/Unclassified State: Attainment/Unclassified
	3 hours	---	0.5 ppm ¹⁰			
	24 hours	0.04 ppm	0.14 ppm (for certain areas)			
	Annual	---	0.030 ppm (for certain areas)			

Table 2.12.2: State and Federal Criteria Air Pollutant Standards, Effects, And Sources

Pollutant	Averaging Time	State ¹ Standard	Federal ² Standard	Principal Health and Atmospheric Effects	Typical Sources	Attainment Status
Lead (Pb) ¹²	Monthly	1.5 µg/m ³	---	Disturbs gastrointestinal system. Causes anemia, kidney disease, and neuromuscular and neurological dysfunction. Also a toxic air contaminant and water pollutant.	Lead-based industrial processes like battery production and smelters. Lead paint, leaded gasoline. Aerially deposited lead from older gasoline use may exist in soils along major roads.	Federal: Nonattainment (Los Angeles County only) State: Nonattainment (Los Angeles County only)
	Calendar Quarter	---	1.5 µg/m ³ (for certain areas)			
	Rolling 3-month average	---	0.15 µg/m ³ ₁			
Sulfate	24 hours	25 µg/m ³	---	Premature mortality and respiratory effects. Contributes to acid rain. Some toxic air contaminants attach to sulfate aerosol particles.	Industrial processes, refineries and oil fields, mines, natural sources like volcanic areas, salt-covered dry lakes, and large sulfide rock areas.	Federal: N/A State: Attainment/ Unclassified
Hydrogen Sulfide (H ₂ S)	1 hour	0.03 ppm	---	Colorless, flammable, poisonous. Respiratory irritant. Neurological damage and premature death. Headache, nausea. Strong odor.	Industrial processes such as: refineries and oil fields, asphalt plants, livestock operations, sewage treatment plants, and mines. Some natural sources like volcanic areas and hot springs.	Federal: N/A State: Attainment/ Unclassified
Visibility Reducing Particles (VRP)	8 hours	Visibility of 10 miles or more (Tahoe: 30 miles) at relative humidity less than 70%	---	Reduces visibility. Produces haze. NOTE: not directly related to the Regional Haze program under the Federal Clean Air Act, which is oriented primarily toward visibility issues in National Parks and other "Class I" areas. However, some issues and measurement methods are similar.	See particulate matter above. May be related more to aerosols than to solid particles.	Federal: N/A State: Attainment/ Unclassified

Table 2.12.2: State and Federal Criteria Air Pollutant Standards, Effects, And Sources

Pollutant	Averaging Time	State ¹ Standard	Federal ² Standard	Principal Health and Atmospheric Effects	Typical Sources	Attainment Status
Vinyl Chloride ¹¹	24 hours	0.01 ppm	---	Neurological effects, liver damage, cancer. Also considered a toxic air contaminant.	Industrial processes	Federal: N/A State: Attainment/ Unclassified

Adapted from Caltrans Standard Environmental Reference (SER) Air Pollution Standards Table (<http://www.dot.ca.gov/ser/forms.htm>).

Greenhouse Gases and Climate Change: Greenhouse gases do not have concentration standards for that purpose. Conformity requirements do not apply to greenhouse gases.

¹ State standards are “not to exceed” or “not to be equaled or exceeded” unless stated otherwise.

² Federal standards are “not to exceed more than once a year” or as described above.

³ ppm = parts per million

⁴ Prior to 6/2005, the 1-hour ozone NAAQS was 0.12 ppm. Emission budgets for 1-hour ozone are still be in use in some areas where 8-hour ozone emission budgets have not been developed, such as the S.F. Bay Area.

⁵ Annual PM10 NAAQS revoked October 2006; was 50 µg/m3. 24-hr. PM2.5 NAAQS tightened October 2006; was 65 µg/m3. Annual PM2.5 NAAQS tightened from 15 µg/m3 to 12 µg/m3 December 2012 and secondary annual standard set at 15 µg/m3.

⁶ µg/m3 = micrograms per cubic meter

⁷ The 65 µg/m3 PM2.5 (24-hr) NAAQS was not revoked when the 35 µg/m3 NAAQS was promulgated in 2006. The 15 µg/m3 annual PM2.5 standard was not revoked when the 12 µg/m3 standard was promulgated in 2012. The 0.08 ppm 1997 ozone standard is revoked FOR CONFORMITY PURPOSES ONLY when area designations for the 2008 0.75 ppm standard become effective for conformity use (7/20/2013). Conformity requirements apply for all NAAQS, including revoked NAAQS, until emission budgets for newer NAAQS are found adequate, SIP amendments for the newer NAAQS are approved with a emission budget, EPA specifically revokes conformity requirements for an older standard, or the area becomes attainment/unclassified. SIP-approved emission budgets remain in force indefinitely unless explicitly replaced or eliminated by a subsequent approved SIP amendment. During the “Interim” period prior to availability of emission budgets, conformity tests may include some combination of build vs. no build, build vs. baseline, or compliance with prior emission budgets for the same pollutant.

⁸ Final 1-hour NO2 NAAQS published in the Federal Register on 2/9/2010, effective 3/9/2010. Initial area designation for California (2012) was attainment/unclassifiable throughout. Project-level hot spot analysis requirements do not currently exist. Near-road monitoring starting in 2013 may cause re-designation to nonattainment in some areas after 2016.

⁹ EPA finalized a 1-hour SO2 standard of 75 ppb (parts per billion [thousand million]) in June 2010. Nonattainment areas have not yet been designated as of 9/2012.

¹⁰ Secondary standard, set to protect public welfare rather than health. Conformity and environmental analysis address both primary and secondary NAAQS.

¹¹ The CARB has identified vinyl chloride and the particulate matter fraction of diesel exhaust as toxic air contaminants. Diesel exhaust particulate matter is part of PM10 and, in larger proportion, PM2.5. Both the CARB and U.S. EPA have identified lead and various organic compounds that are precursors to ozone and PM2.5 as toxic air contaminants. There are no exposure criteria for adverse health effect due to toxic air contaminants, and control requirements may apply at ambient concentrations below any criteria levels specified above for these pollutants or the general categories of pollutants to which they belong.

¹² Lead NAAQS are not considered in Transportation Conformity analysis.

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LEGEND

- Sensitive Receptors



SOURCE: Google Maps (2017); Caltrans (6/25/2018)

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FIGURE 2.12-1

Sheet 1 of 3

State Route 74 Lower Ortega Highway Widening Project

Sensitive Receptor Locations

12-ORA-74 PM 1.0/2.1

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LEGEND

- Sensitive Receptors



SOURCE: Google Maps (2017); Caltrans (6/25/2018)

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FIGURE 2.12-1

Sheet 2 of 3

State Route 74 Lower Ortega Highway Widening Project

Sensitive Receptor Locations

12-ORA-74 PM 1.0/2.1

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LEGEND

- Sensitive Receptors



SOURCE: Google Maps (2017); Caltrans (6/25/2018)

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FIGURE 2.12-1

Sheet 3 of 3

State Route 74 Lower Ortega Highway Widening Project

Sensitive Receptor Locations

12-ORA-74 PM 1.0/2.1

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2.12.3.1 Temporary Impacts

Build Alternative 2

Construction Emissions

Site preparation and roadway construction would involve clearing, cut-and-fill activities, grading, and paving roadway surfaces. During construction, short-term degradation of air quality is expected from the release of particulate emissions (airborne dust) generated by excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment powered by gasoline and diesel engines are also anticipated and would include CO, NOX, VOCs, directly emitted PM₁₀ and PM_{2.5}, and toxic air contaminants (TACs) such as diesel exhaust particulate matter. Construction activities are expected to increase traffic congestion in the area, resulting in increases in emissions from traffic during the delays. These emissions would be temporary and limited to the immediate area surrounding the construction site.

SO₂ is generated by oxidation during combustion of organic sulfur compounds contained in diesel fuel. Under California law and CARB regulations, off-road diesel fuel used in California must meet the same sulfur and other standards as on-road diesel fuel (not more than 15 ppm sulfur), so SO₂-related issues due to diesel exhaust will be minimal.

Some phases of construction, particularly asphalt paving, may result in short-term odors in the immediate area of each paving site(s). Such odors would quickly disperse to below detectable levels as distance from the site(s) increases.

The construction emissions were estimated for Build Alternative 2 using the Sacramento Metropolitan AQMD's Road Construction Emissions Model, Version 8.1.0, which is consistent with the guidance provided by the SCAQMD for evaluating construction impacts from roadway projects with the EMFAC2014 motor vehicle emission factor data. The maximum amount of construction-related emissions during a peak construction day is presented in Table 2.12.3. The PM₁₀ and PM_{2.5} emissions assume a 50 percent control of fugitive dust as a result of watering and associated dust-control measures. The emissions presented below are based on the best information available at the time of calculations and specify that the schedule for Build Alternative 2 is anticipated to take approximately 24 months beginning in 2023. Additionally, SCAQMD has established rules for reducing fugitive dust emissions.

Table 2.12.3: Construction Emissions for Roadways

Project Phases (lbs/day)	ROG	CO	NO _x	Total PM ₁₀	Total PM _{2.5}
Grubbing/Land Clearing	1.06	10.62	9.79	10.46	2.47
Grading/Excavation	4.95	46.52	47.86	12.21	4.05
Drainage/Utilities/Sub-Grade	2.89	31.62	25.85	11.22	3.18
Paving/Traffic Signalization/ Signage/ Striping/Painting	1.33	17.93	12.24	0.65	0.55
Maximum (lbs/day)	4.95	46.52	47.86	12.21	4.05
Total (tons/construction project)	0.90	9.02	12.24	2.64	0.82

Source: *Air Quality Report* (April 2019).

CO = carbon monoxide

lbs/day = pounds per day

NO_x = nitrogen oxides

PM₁₀ = particulate matter less than 10 microns in diameter

PM_{2.5} = particulate matter less than 2.5 microns in diameter

ROG = reactive organic compound

tons/day = tons per day

With the implementation of standard construction measures outlined in SCAQMD Rule 403 (providing 50 percent effectiveness) such as frequent watering (e.g., a minimum of twice per day) as required by Project Feature PF-AQ-1, fugitive dust and exhaust emissions from construction activities would not result in any adverse air quality impacts.

Project Feature PF-AQ-1 addresses temporary air quality impacts through compliance with Caltrans Standard Specifications requiring compliance with all applicable laws and regulations related to air quality. This includes implementation of standard construction measures as specified in SCAQMD Rule 403 and described below, some of which may also be required for other purposes such as storm water pollution control, which would reduce air quality impacts resulting from construction activities.

PF-AQ-1 California Department of Transportation (Caltrans) Standard Specifications Section 14-9. The contractor will adhere to the Caltrans Standard Specifications for Construction, Section 14-9 to minimize impacts to air quality including Sections 14.9-02 (Air Pollution Control) and 14.9-03 (Air Monitoring). Section 14.9-02 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.

During clearing, grading, earthmoving, or excavation operations, excessive fugitive dust emissions will be controlled by regular watering or other dust preventive measures using the following

procedures, as specified in the South Coast Air Quality Management District (SCAQMD) Rule 403:

- All material excavated or graded will be sufficiently watered to prevent excessive amounts of dust.
- Watering will occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- All material transported on site or off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized to prevent excessive amounts of dust.
- Fugitive dust emissions will be controlled by applying waste or dust palliative to disturbed soils and unpaved areas.
- A Dust Control Plan will be prepared by the contractor in coordination with Caltrans and will be followed during construction to control fugitive dust emissions.

These control techniques will be indicated in project specifications. Visible dust beyond the property line emanating from the project will be prevented to the maximum extent feasible.

- Project grading plans will show the duration of construction. Ozone precursor emissions from construction equipment vehicles will be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications.
- All trucks that are to haul excavated or graded material on site will comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4), as amended, regarding the prevention of such material spilling onto public streets and roads.
- Should the project geologist determine that asbestos-containing materials (ACMs) are present at within the limits of construction during a final inspection prior to construction, the appropriate methods will be implemented to remove ACMs.
- All construction vehicles both on and off site shall be prohibited from idling in excess of 5 minutes.

Construction Air Quality Conformity

Construction activities will not last for more than 5 years at one general location; therefore, construction-related emissions do not need to be included in regional and project-level conformity analysis (40 CFR 93.123(c)(5)).

Naturally Occurring Asbestos

As described above, the potential for NOA to be present within the project limits is considered to be low due to the nature of the demolished materials during construction activities. Furthermore, prior to the commencement of construction, qualified geologists would further examine the soils and makeup of the existing structure. As described in Project Feature PF-AQ-1 above, should the project geologist encounter asbestos during the analysis, proper steps will be executed to handle the materials. Therefore, the impact from naturally occurring asbestos during project construction would be minimal to none. In the unlikely event that naturally occurring asbestos, serpentine, or ultramafic rock is discovered, SCAQMD will be notified per Section 93105, Title 17 of the CCR.

Lead

There are no known soils containing high levels of aerially deposited lead within the study area, nor does Build Alternative 2 include painting or modification of structures with lead-based coatings. Thus, there is no requirement for an analysis of lead emissions.

No Build Alternative

As the No Build Alternative would not involve any construction activities, no temporary construction-related air quality impacts would occur.

2.12.3.2 Permanent Impacts

This section discusses permanent impacts on air quality in terms of regional air quality conformity and project-level conformity.

Build Alternative 2

Regional Air Quality Conformity

The proposed project is in a nonattainment area for the federal ozone standard; therefore, the proposed project is subject to a regional conformity determination.

The proposed project is included in the Southern California Association of Governments' (SCAG's) 2012 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) under RTP ID ORA 120507 (refer to Appendix H). The project

is currently in the process of incorporation into the 2020 RTP/SCS; a copy of the documentation will be included in the Final Environmental Document (FED). In addition, the project is included in the 2019 Federal Transportation Improvement Program (FTIP) under Project ID ORA 190102 (Appendix H). The project’s 2019 FTIP listing will be amended once the project’s future phases are programmed; and a copy of the approved amendment will be provided in the FED. Conformity status information is summarized in Table 2.12.4.

Table 2.12.4: Status of Plans Related to Regional Conformity

MPO	Plan/TIP	Date of Adoption by MPO	Date of Approval by FHWA	Last Amendment	Date of Approval by FHWA of Last Amendment
SCAG	Regional Transportation Plan/Sustainable Communities Strategy	April 7, 2016	June 2016	Amendment No. 3	December 17, 2018
SCAG	Transportation Improvement Program (FSTIP approval)	September 6, 2018	December 2018	Amendment No. 7	Expected 2019

Sources: *Air Quality Report* (April 2019).
 FHWA = Federal Highway Administration
 FSTIP = Federal Statewide Transportation Improvement Program
 MPO = Metropolitan Planning Organization
 SCAG = Southern California Association of Governments
 TIP = Transportation Improvement Program

Project Level Conformity

The proposed project is located in an attainment/maintenance area for federal CO standards, a nonattainment area for federal PM_{2.5} and an attainment/maintenance area for federal PM₁₀ standards, thus a project-level hot-spot analysis is required under 40 CFR 93.109 for all three pollutants. Appendix F of the *Air Quality Report* (April 2019) for the Interagency Consultation Documentation showing PM determinations. On March 26, 2019, the SCAG Transportation Conformity Working Group (TCWG) determined that the project was not a project of air quality concern (POAQC). Build Alternative 2 does not cause or contribute to any new localized CO, PM_{2.5}, and/or PM₁₀ violations, or delay timely attainment of any NAAQS or any required interim emission reductions or other milestones during the timeframe of the transportation plan (or regional emissions analysis).

Carbon Monoxide

Areas of vehicle congestion have the potential to create pockets of CO called hot spots. In 2007, the SCAQMD was designated in attainment for CO under both the CAAQS and NAAQS.

The methodology required for a CO local analysis is summarized in the Caltrans Transportation Project-Level Carbon Monoxide Protocol (CO Protocol), Section 3 (Determination of Project Requirements) and Section 4 (Local Analysis).

The CO Protocol provides conformity requirement decision flowcharts designed to assist project sponsors in evaluating the requirements that apply to specific projects. The flowchart in Figure 1 of the Caltrans CO Protocol (provided in Appendix E of the *Air Quality Report* [April 2019]) applies to new projects and was used in this local analysis conformity decision. Below is a step-by-step explanation of the flowchart. Each level cited is followed by a response, which in turn determines the next applicable level of the flowchart for the project.

The flowchart begins with Section 3.1.1:

- **3.1.1. Is this project exempt from all emissions analyses?**

No.

Table 1 of the CO Protocol is Table 2 of 40 CFR, Section 93.126. Section 3.1.1 inquires whether the project is exempt. Such projects appear in Table 1 of the CO Protocol. Build Alternative 2 is not one of the exempt projects listed in Table 1 of the CO Protocol; therefore, the proposed project is not exempt from all emission analyses.

- **3.1.2. Is the project exempt from regional emissions analyses?**

No.

Table 2 of the CO Protocol is Table 3 of 40 CFR, Section 93.127. The question attempts to determine whether the proposed project is listed in Table 2. Projects that are included in Table 2 of the CO Protocol are exempt from regional conformity. Because Build Alternative 2 would expand and add traffic lanes to an existing highway, it is not exempt from regional emission analysis.

- **3.1.3. Is the project locally defined as regionally significant?**

Yes.

As noted above, the proposed project will widen an existing SR-74 highway. Therefore, Build Alternative 2 is regionally significant.

- **3.1.4. Is the project in a federal attainment area?**

No.

The proposed project is within an attainment/maintenance area for the federal CO standard; therefore, Build Alternative 2 is subject to a regional conformity determination.

- **3.1.5. Are there a currently conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP)?**

Yes.

Refer to Appendix A of the *Air Quality Report* (April 2019).

- **3.1.6. Is the project included in the regional emissions analysis supporting the currently conforming RTP and TIP?**

Yes.

The proposed project is included in the former SCAG 2008 RTP and the 2011 Regional Transportation Improvement Program (RTIP) (former Project ID: ORA120507, San Juan Capistrano Ortega Highway Widen from two to four lanes; Calle Entradero to Antonio Parkway [lower Ortega]).

- **3.1.7. Has the project design concept and/or scope changed significantly from that in the regional analysis?**

No.

As discussed in Section 3.1.6, regional conformity for the proposed project has been demonstrated for the RTP and the FTIP. Build Alternative 2 is consistent with the proposed Project Description in the 2012 RTP under ID No. ORA120507, and the 2019 FTIP under ID No. ORA190102.

- **3.1.9. Examine local impacts.**

Section 3.1.9 of the flowchart directs the project evaluation to Section 4 (Local Analysis) of the CO Protocol. This concludes the evaluation procedure in Figure 1.

Section 4 contains Figure 3 (Local CO Analysis [Appendix D of the *Air Quality Report*]). This flowchart is used to determine the type of CO analysis required for Build Alternative 2. Below is a step-by-step explanation of the flowchart. Each level cited is followed by a response, which in turn, determines the next applicable level of the flowchart for Build Alternative 2. The flowchart begins at Level 1:

- **Level 1. Is the project in a CO nonattainment area?**

No.

The project site is in an area that has demonstrated attainment with the federal CO standard.

- **Level 1 (cont.). Was the area redesignated as “attainment” after the 1990 Clean Air Act?**
Yes.
- **Level 1 (cont.). Has “continued attainment” been verified with the local Air District, if appropriate?**
Yes.
The USEPA designated the SCAB as attainment/maintenance on June 11, 2007.
(Proceed to Level 7.)
- **Level 7. Does the project worsen air quality?**

No.

Because the proposed project would not meet any of the criteria discussed below, it would not potentially worsen air quality.

- a. The project significantly increases the percentage of vehicles operating in cold start mode. Increasing the number of vehicles operating in cold start mode by as little as 2% should be considered potentially significant.*

The percentage of vehicles operating in cold-start mode is the same or lower for the intersection under study compared to those used for the intersection in the attainment plan. It is assumed that all vehicles on SR-74 are in a fully warmed-up mode. Therefore, this criterion is not met.

- b. The project significantly increases traffic volumes. Increases in traffic volumes in excess of 5% should be considered potentially significant. Increasing the traffic volume by less than 5% may still be potentially significant if there is also a reduction in average speeds.*

Based on the *Traffic Study Report* (2018), daily traffic volumes would increase due to the population growth projections and anticipated development along SR-74. This is due to there being few alternative routes in the project vicinity. As shown in Table 1.4, Build Alternative 2 would accommodate the increase in vehicular traffic volumes along SR-74. The overall average speeds (i.e., average peak and off-peak hour speeds) would increase with Build Alternative 2. Therefore, this criterion is not met.

- c. The project worsens traffic flow. For uninterrupted roadway segments, a reduction in average speeds (within a range of 3 to 50 mph) should be regarded as worsening traffic flow. For intersection segments, a reduction in*

average speed or an increase in average delay should be considered as worsening traffic flow.

Again, as shown in Table 1.4, the projected increase in traffic volumes would reduce the average speeds of vehicles during peak hours and increase the average speeds of vehicles during off-peak hours. The overall average speeds (i.e., average peak and off-peak hour speeds) would increase with Build Alternative 2. Therefore, this criterion is not met.

This concludes the Caltrans CO flowchart evaluation procedure listed in Figure 3 (Local CO Analysis [Appendix D of the *Air Quality Report*]). Using the levels and criteria in Figure 3 of the CO Protocol, the project would be considered satisfactory, and no further analysis is needed.

Particulate Matter (PM₁₀ and PM_{2.5})

As discussed in Chapter 1 and Section 2.5 of this document, Build Alternative 2 would improve traffic flow with a slight increase in traffic volumes due to the population growth projections and minor development in the study area through the year 2045. The projected increase in traffic volumes would reduce the average speeds of vehicles during peak hours (approximately 6 hours daily) and increase the average speeds of vehicles during off-peak hours (approximately 18 hours daily). The following sections discuss the determination of hot-spots for PM_{2.5} or PM₁₀ resulting from the proposed project.

Hot-Spot Analysis

The USEPA guidance for PM hot-spot analysis and interagency consultation was used to determine whether the project is a POAQC. On March 26, 2019, the Transportation Conformity Working Group (TCWG) determined that Build Alternative 2 is not a POAQC. Per the transportation conformity rules and regulations, all nonexempt projects must go through review by the TCWG. The proposed project was approved and concurred upon by interagency consultation at the TCWG meeting as a project not having adverse impacts on air quality, and Build Alternative 2 meets the requirements of the CAA and 40 CFR, Section 93.116. A copy of the TCWG finding is included in Chapter 3 of this document.

Therefore, Build Alternative 2 meets the CAA requirements and 40 CFR, Section 93.116, without any explicit hot-spot analysis. The proposed project was listed in the 2012 RTP under ID No. ORA120507 and 2019 FTIP, under ID No. ORA190102. The

project's 2019 FTIP listing will be amended once the project's future phases are programmed; and a copy of the approved amendment will be provided in the FED. Thus, the proposed project was included in the regional emissions analysis that was used to meet regional conformity and would not delay timely attainment of the PM₁₀ or PM_{2.5} NAAQS for the SCAB area. On August 1, 2017, the FHWA published its determination that 2016 RTP/SCS Amendment No. 2 conforms with the SIP in accordance with 40 CFR, Part 93. Construction and long-term operation of the proposed project would, therefore, be considered consistent with the purpose of the SIP, and Build Alternative 2 would conform to the requirements of the federal CAA.

NO₂ Analysis

The USEPA modified the NO₂ NAAQS to include a 1-hour standard of 100 parts per billion (ppb) in 2010. Currently there is no federal project-level nitrogen dioxide (NO₂) analysis requirement. However, NO₂ is among the near-road pollutants of concern. For Build Alternative 2, it is unlikely that NO₂ standards would be approached or exceeded based on the relatively low ambient concentrations of NO₂ in the SCAB and on the long-term trend toward reduction of NO_x emissions. Because of these factors, a specific analysis of NO₂ was not conducted for Build Alternative 2.

Mobile-Source Air Toxics

As discussed in the Section 2.5, the existing traffic on SR-74 near the proposed limits is well below the high MSAT project criteria of 125,000 average daily trips (ADT) or 10,000 truck trips. The segments of SR-74 analyzed in Section 2.5, Traffic and Transportation, would result in a maximum of 68,600 ADT and 5,040 truck trips. While future truck volumes are expected to increase from existing conditions (2018) to the design year (2045), passenger vehicle and truck volumes on SR-74 and adjacent streets would not substantially change the air toxics exposure measures contained in the 2016 RTP/SCS, as a result of Build Alternative 2.

Table 2.12.5 below provides a comparative emissions analysis, which shows both the change from existing conditions (2018) and the change from No Build Alternative conditions for Build Alternative in the opening year (2025) and design year (2045). Based on these results, the project would have a negligible increase in CO and PM emissions due to the increase in traffic volumes on SR-74.

Table 2.12.5: Summary of Comparative Emissions Analysis

Opening Year 2025	CO (lbs/day)	ROG (lbs/day)	NO_x (lbs/day)	PM₁₀ (lbs/day)	PM_{2.5} (lbs/day)
2018 Existing	58.48	2.10	16.63	3.13	1.25
No Build Alternative	44.29	1.71	8.61	2.82	1.28
<i>Change from Existing</i>	-14.18	-0.39	-8.02	-0.31	0.03
Build Alternative 2	46.14	1.60	8.36	3.18	1.43
<i>Change from Existing</i>	-12.33	-0.50	-8.27	0.05	0.18
<i>Change from No Build</i>	1.85	-0.11	-0.26	0.37	0.15
Design Year 2045	CO (lbs/day)	ROG (lbs/day)	NO_x (lbs/day)	PM₁₀ (lbs/day)	PM_{2.5} (lbs/day)
2018 Existing	58.48	2.10	16.63	2.64	1.25
No Build Alternative	39.34	2.18	10.57	3.55	1.57
<i>Change from Existing</i>	-19.14	0.08	-6.06	0.90	0.32
Build Alternative 2	41.66	2.01	8.60	4.17	1.83
<i>Change from Existing</i>	-16.82	-0.09	-8.02	1.52	0.58
<i>Change from No Build</i>	2.32	-0.17	-1.96	0.62	0.27

Source: Air Quality Report (April 2019).

CO = carbon monoxide
lbs/day = pounds per day
NO_x = nitrogen oxides

PM₁₀ = particulate matter less than 10 microns in diameter
PM_{2.5} = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
tons/day = tons per day

No Build Alternative

No improvements to SR-74 are proposed under the No Build Alternative other than routine maintenance and operations on SR-74 would be improved. Under the No Build Alternative, the performance of the roadway segments in the study area would continue to deteriorate with the forecasted increase in traffic. Furthermore, the No Build Alternative is not consistent with regional and local transportation plans, would not alleviate existing and projected congestion in the study area, and would not meet the project Purpose and Need. The No Build Alternative serves as the baseline against which to evaluate the effects of the Build Alternative 2.

2.12.4 Avoidance, Minimization, and/or Mitigation Measures

With the inclusion of Project Feature PF-AQ-1 outlined above in Section 2.12.13.1, air quality impacts related to construction of Build Alternative 2 would be addressed and no avoidance, minimization, and/or mitigation measures are required. During operation, no avoidance, minimization, and/or mitigation measures are required, as Build Alternative 2 would not produce substantial operational air quality impacts.

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2.13 Noise

2.13.1 Regulatory Setting

The National Environmental Policy Act (NEPA) of 1969 provides the broad basis for analyzing and abating highway traffic noise effects. The intent of this law is to promote the general welfare and to foster a healthy environment. The requirements for noise analysis and consideration of noise abatement under NEPA are described below.

2.13.1.1 National Environmental Policy Act and 23 CFR 772

For highway transportation projects with Federal Highway Administration (FHWA) involvement (and Caltrans, as assigned), the Federal-Aid Highway Act of 1970 and its implementing regulations (23 CFR 772) govern the analysis and abatement of traffic noise impacts. The regulations require that potential noise impacts in areas of frequent human use be identified during the planning and design of a highway project. The regulations include noise abatement criteria (NAC) that are used to determine when a noise impact would occur. The NAC differ depending on the type of land use under analysis. For example, the NAC for residences (67 A-weighted decibels [dBA]) is lower than the NAC for commercial areas (72 dBA). Table 2.13.1 lists the noise abatement criteria for use in the NEPA 23 CFR 772 analysis.

Figure 2.13-1 lists the noise levels of common activities to enable readers to compare the actual and predicted highway noise levels discussed in this section with common activities.

According to the Caltrans *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects*, May 2011, a noise impact occurs when the predicted future noise level with the project substantially exceeds the existing noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the NAC. Approaching the NAC is defined as coming within 1 dBA of the NAC.

If it is determined that the project will have noise impacts, then potential abatement measures must be considered. Noise abatement measures that are determined to be reasonable and feasible at the time of final design are incorporated into the project plans and specifications. This document discusses noise abatement measures that would likely be incorporated in the project.

Table 2.13.1: Noise Abatement Criteria

Activity Category	NAC, Hourly A-Weighted Noise Level, dBA L _{eq} (h)	Description of Activity Category
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ¹	67 (Exterior)	Residential.
C ¹	67 (Exterior)	Active sport areas, amphitheatres, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52 (Interior)	Auditoriums, daycare centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E	72 (Exterior)	Hotels, motels, offices, restaurants/bars, and other developed lands, properties, or activities not included in A–D or F.
F	No NAC—reporting only	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical, etc.), and warehousing.
G	No NAC—reporting only	Undeveloped lands that are not permitted.

Source: California Department of Transportation *Standard Environmental Reference* (February 2018).

¹ Includes undeveloped lands permitted for this activity category.

dBA = A-weighted decibels

L_{eq}(h) = one-hour A-weighted equivalent continuous noise level

NAC = Noise Abatement Criteria

Figure 2.13-1: Noise Levels of Common Activities

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
<u>Jet Fly-over at 300m (1000 ft)</u>	110	<u>Rock Band</u>
<u>Gas Lawn Mower at 1 m (3 ft)</u>	100	
<u>Diesel Truck at 15 m (50 ft), at 80 km (50 mph)</u>	90	<u>Food Blender at 1 m (3 ft)</u>
<u>Noisy Urban Area, Daytime</u>	80	<u>Garbage Disposal at 1 m (3 ft)</u>
<u>Gas Lawn Mower, 30 m (100 ft) Commercial Area</u>	70	<u>Vacuum Cleaner at 3 m (10 ft)</u> <u>Normal Speech at 1 m (3 ft)</u>
<u>Heavy Traffic at 90 m (300 ft)</u>	60	<u>Large Business Office</u>
<u>Quiet Urban Daytime</u>	50	<u>Dishwasher Next Room</u>
<u>Quiet Urban Nighttime</u>	40	<u>Theater, Large Conference Room (Background)</u>
<u>Quiet Suburban Nighttime</u>	30	<u>Library</u>
<u>Quiet Rural Nighttime</u>	20	<u>Bedroom at Night, Concert Hall (Background)</u>
	10	<u>Broadcast/Recording Studio</u>
<u>Lowest Threshold of Human Hearing</u>	0	<u>Lowest Threshold of Human Hearing</u>

Source: California Department of Transportation *Standard Environmental Reference* (February 2018).
dBA = A-weighted decibels
ft = foot/feet
m = meter(s)
mph = miles per hour

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Caltrans' May 2011 Traffic Noise Analysis Protocol sets forth the criteria for determining when an abatement measure is reasonable and feasible. Feasibility of noise abatement is basically an engineering concern. A minimum 5 dBA reduction for all impacted receptors in the future noise levels must be achieved for an abatement to be considered feasible. Other considerations include topography, access requirements, other noise sources, and safety considerations. Additionally, a noise reduction of at least 7 dBA must be achieved at one or more benefited receptors for an abatement measure to be considered reasonable. The reasonableness determination is basically a cost-benefit analysis. Factors used in determining whether a proposed noise abatement measure is reasonable include: residents' acceptance and the cost per benefited residence.

2.13.2 Affected Environment

This section is based on *Noise Study Report* (NSR; December 2018) and *Noise Abatement Decision Report* (NADR; April 2019) prepared for the proposed project. The NSR followed the Caltrans *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects* ("Traffic Noise Analysis Protocol" May 2011). This section summarizes the results from the NSR and the NADR.

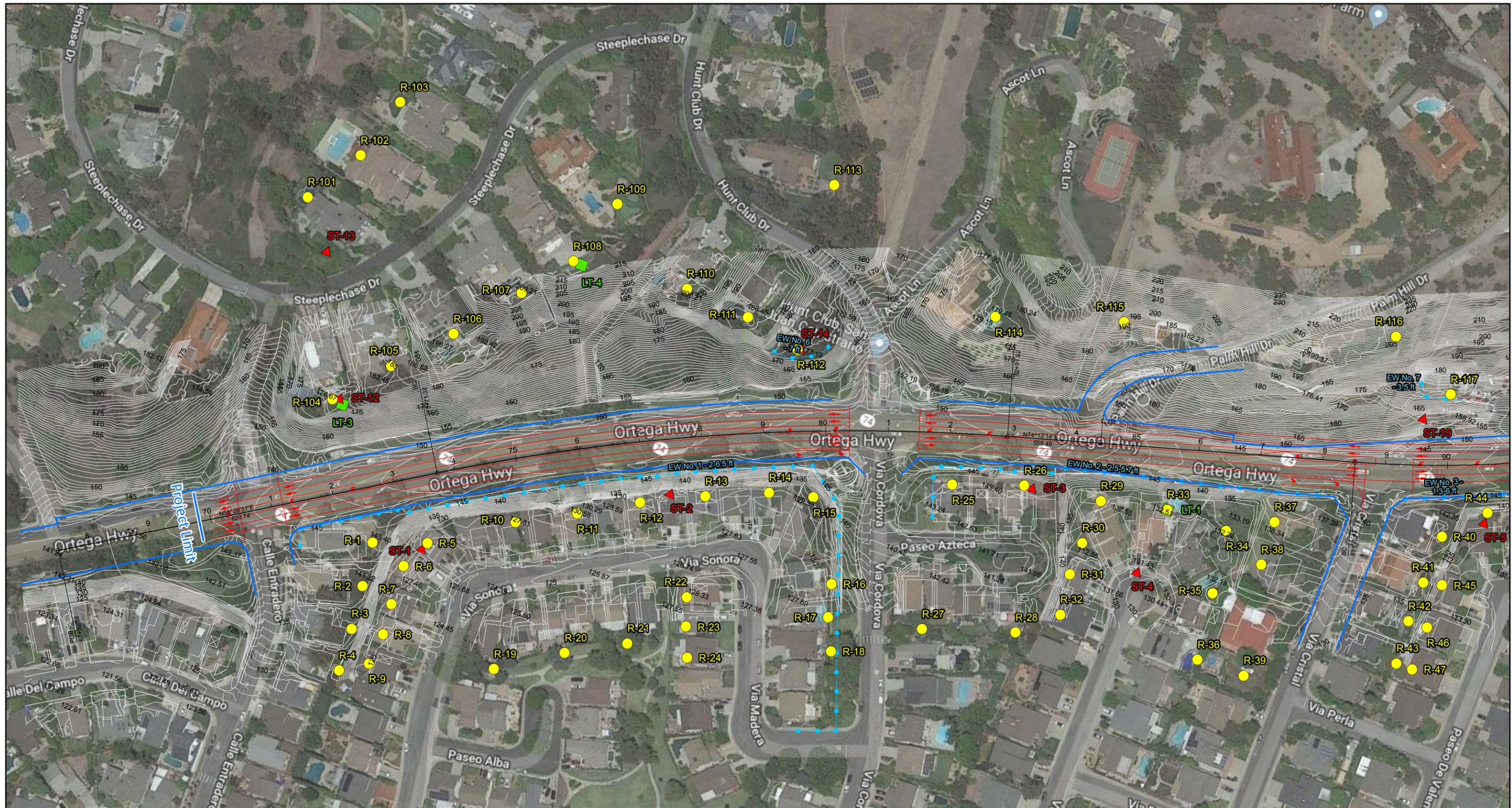
2.13.2.1 Surrounding Land Use and Receptors

The study area is defined by the limits of the adjacent land uses that could be subject to traffic and construction noise impacts, identified as sensitive receptors in this section. Sensitive receptor locations are shown on Figure 2.13-2.

Developed and undeveloped land uses in the project vicinity were identified through land use maps, aerial photography, and site inspection. Sensitive receptors were identified in each land use category. Existing land uses in the study area include single- and multifamily residences, a park, open space, and agricultural uses. Existing land uses in the project area are described below in further detail. Single-family residences were evaluated under Activity Category B of the NAC, which has an exterior NAC of 67 dBA equivalent continuous sound level (dBA L_{eq}). The park and open space were evaluated under Activity Category C, which also has an exterior NAC of 67 dBA L_{eq} .

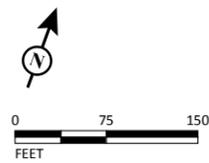
- **South Side of State Route 74 (SR-74) between Calle Entradero and Via Cordova:** Land use in this area includes single-family residences and ranges from 2 to 21 feet (ft) lower in elevation than SR-74. A 2 to 6.25 ft high existing wall

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LEGEND

- Modeled Receptors
- ▲ Short-Term Monitoring Locations
- Long-Term Monitoring Locations
- Existing State Right-of-Way
- Proposed Improvements
- Existing Wall



SOURCE: Google (2017)
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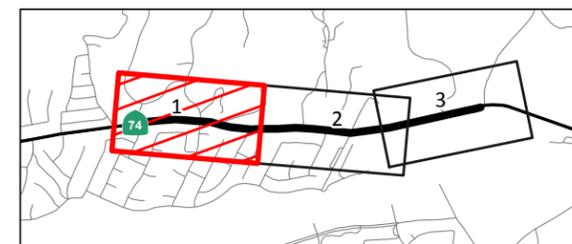


FIGURE 2.13-2
 Sheet 1 of 3

State Route 74 Lower Ortega Highway Widening Project
 Monitoring and Modeled Receptor Locations

12-ORA-74 PM 1.0/2.1
 EFIS 120000051; EA 086920

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LEGEND

- Modeled Receptors
- ▲ Short-Term Monitoring Locations
- Long-Term Monitoring Locations
- Existing State Right-of-Way
- Proposed Improvements
- Existing Wall



SOURCE: Google (2017)

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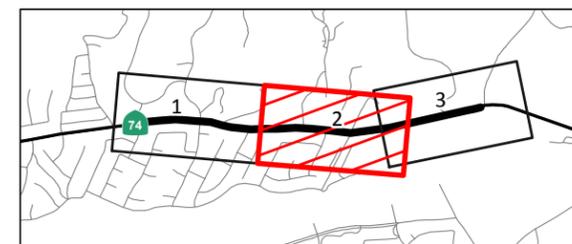


FIGURE 2.13-2

Sheet 2 of 3

State Route 74 Lower Ortega Highway Widening Project

Monitoring and Modeled Receptor Locations

12-ORA-74 PM 1.0/2.1
EFIS 120000051; EA 086920

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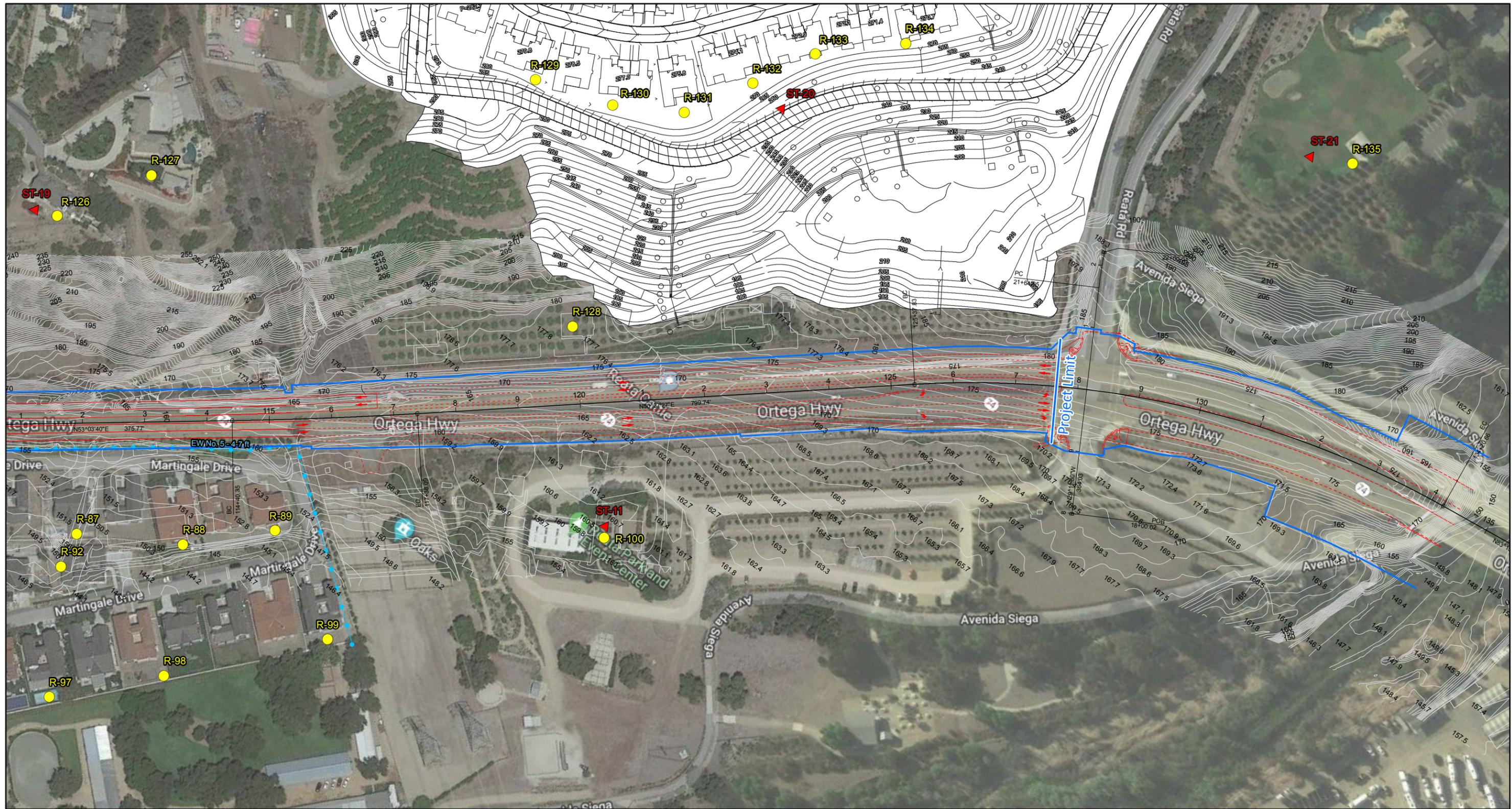
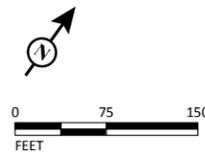


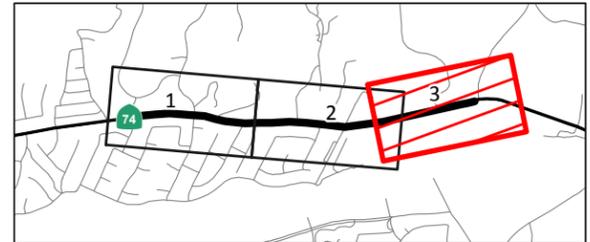
FIGURE 2.13-2
Sheet 3 of 3

LEGEND

- Modeled Receptors
- ▲ Short-Term Monitoring Locations
- Long-Term Monitoring Locations
- Existing State Right-of-Way
- Proposed Improvements
- Existing Wall



SOURCE: Google (2017)
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State Route 74 Lower Ortega Highway Widening Project
Monitoring and Modeled Receptor Locations

12-ORA-74 PM 1.0/2.1
EFIS 120000051; EA 086920

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- (Existing Wall [EW] No. 1) along the private property line shields the single-family residences located along Calle Entradero, Via Sonora, and Via Madera, as shown on Figure 2.13-2 on sheet 1 of 3.
- **South Side of SR-74 between Via Cordova and Via Cristal:** Land use in this area includes single-family residences and ranges from 6 to 14 ft lower in elevation than SR-74. A 2 to 5.7 ft high existing wall (EW No. 2) along the private property line shields the single-family residences located along Paseo Azteca, Via Solana, and Via Cristal, as shown on Figure 2.13-2 on sheet 1 of 3.
 - **South Side of SR-74 between Via Cristal and Via Errecarte:** Land use in this area includes single-family residences and ranges from 3 to 16 ft lower in elevation than SR-74. A 1.3 to 6 ft high existing wall (EW No. 3) along the private property line shields the single-family residences located along Via Cristal, Paseo De Valencia, Via Estenaga, Via Anzar, and Via Errecarte, as shown on Figure 2.13-2 on sheets 1 of 3 and 2 of 3.
 - **South Side of SR-74 between Via Errecarte and Avenida Siega:** Land use in this area includes single-family residences and the elevation ranges from 7 to 8 ft lower than SR-74. A 2.5 to 6.5 ft high existing wall (EW No. 4) along the private property line shields the single-family residences located along Via Errecarte and Silverleaf Drive, as shown on Figure 2.13-2 on sheet 2 of 3.
 - **South Side of SR-74 between Avenida Siega and Reata Road:** Land use in this area includes single-family residences and a park, and ranges from 2 to 13 ft lower in elevation than SR-74. A 4 to 7 ft high (EW No. 5) existing wall along the private property line shields the single-family residences located along Paseo Diana and Martingale Drive, as shown on Figure 2.13-2 on sheets 2 of 3 and 3 of 3.
 - **North Side of SR-74 between Calle Entradero and Palm Hill Drive:** Land use in this area includes single-family residences and ranges from 25 to 84 ft higher in elevation than SR-74. A 7 ft high existing wall (EW No. 6) along the private property line shields the single-family residence represented by Receptor R-112, as shown on Figure 2.13-2 on sheet 1 of 3. No existing walls shield the other single-family residences.
 - **North Side of SR-74 between Palm Hill Drive and Strawberry Lane:** Land use in this area includes single-family residences and ranges from 8 to 84 ft higher in elevation than SR-74. A 3.5 ft high existing wall (EW No. 7) within the private property line shields the outdoor use area of the single-family residence represented by Receptor R-117, as shown on Figure 2.13-2 on sheet 1 of 3. A 6 ft high existing wall along the private property line shields the single-family

residence represented by Receptor R-118, as shown on Figure 2.13-2. No existing walls shield the other single-family residences.

- **North Side of SR-74 between Strawberry Lane and Shadetree Lane:** Land use in this area includes single-family residences and ranges from 4 to 125 ft higher in elevation than SR-74. No existing walls shield the single-family residences.
- **North Side of SR-74 between Shadetree Lane and Reata Road:** Land use in this area includes existing single-family residences and agriculture as well as multifamily residences under construction, and ranges from 11 to 134 ft higher in elevation than SR-74. No existing walls shield the single- and multifamily residences.
- **North Side of SR-74 and east of Reata Road:** Land use in this area includes open space that is 47 ft higher in elevation than SR-74. No existing walls shield this open space.

2.13.2.2 Existing Noise Level Measurements

The existing noise environment in the study area is described below based on short- and long-term (24-hour) noise monitoring that was conducted at representative receptor locations. To comply with the requirements of the Settlement Agreement, written notices dated June 12, 2018, were provided to the residences of the Hunt Club, The Hunt Club Community Association, the City of San Juan Capistrano, Rutan & Tucker, LLP, and Chatten-Brown and Carstens prior to the commencement of the noise level measurements. In addition, the results of the noise level measurements were also provided to The Hunt Club Community Association in a letter dated July 26, 2018.

Short-Term Monitoring

The primary source of noise in the study area is traffic on SR-74. Short-term (20-minute) noise measurements were conducted to document existing noise levels at 21 representative sensitive receptor locations in the study area. Short-term noise level measurements were conducted using Larson Davis Models 831, 824, and 820 Type 1 sound level meters. Table 2.13.2 contains the results of the short-term noise level measurements along with a description of the physical location at each monitoring site. Of the 21 short-term noise measurements, 20 were used to calibrate the noise model and to predict the noise levels at all 135 modeled sensitive receptors in the study area. One short-term measurement (i.e., ST-20) was not used for noise model calibration because the traffic noise levels were low and construction noise at the Reata Glen development was the major noise source. The short-term monitoring locations are shown on Figure 2.13-2.

Table 2.13.2: Short-Term Ambient Noise Monitoring Results

Monitor No.	Date	Start Time	Duration	dBA L _{eq}	Location Description	Noise Sources	Comments
ST-1	6/26/2018	10:41 a.m.	20 minutes	56.4	31097 Via Sonora. In the backyard. On the EB side of SR-74 between Calle Entradero and Via Cordova.	Traffic on SR-74.	Yard level is about 25 to 30 ft below road grade of SR-74.
ST-2	6/26/2018	10:41 a.m.	20 minutes	56.0	31065 Via Sonora. In the backyard. On the EB side of SR-74 between Calle Entradero and Via Cordova.	Traffic on SR-74.	Approximately 20 ft lower than SR-74. 3 ft existing wall.
ST-3	6/26/2018	10:41 a.m.	20 minutes	58.9	28121 Paseo Azteca. In the backyard. On the southeast corner of SR-74 and Via Cordova.	Traffic on SR-74.	3 ft existing wall. Gap in wall to northwest. Fences between neighbors. Some heavy trucks are visible travelling both directions on SR-74.
ST-4	6/26/2018	11:31 a.m.	20 minutes	51.3	Between 31023 and 31021 Via Solana. In front of the homes on the sidewalk.	Traffic on SR-74.	
ST-5	6/26/2018	11:31 a.m.	20 minutes	57.3	30991 Paseo Valencia. In the backyard. On the EB side of SR-74 between Via Cristal and Via Errecarte.	Traffic on SR-74.	6 ft high wall. Existing wall at roadway elevation. Approximately 10 ft lower in elevation from roadway. Hen house next door to the west making some noise.
ST-6	6/26/2018	12:12 p.m.	20 minutes	58.8	28361 Via Anzar. In the backyard. On the EB side of SR-74 between Via Cristal and Via Errecarte.	Traffic on SR-74.	
ST-7	6/26/2018	12:12 p.m.	20 minutes	58.3	28431 Via Anzar. In the backyard. On the southwest corner of the intersection of SR-74 and Via Errecarte.	Traffic on SR-74.	4.7 to 5.2 ft existing wall.
ST-8	6/26/2018	1:39 p.m.	20 minutes	56.9	30882 Via Errecarte. In the backyard. On the EB side of SR-74 between Via Errecarte and Avenida Siega.	Traffic on SR-74.	

Monitor No.	Date	Start Time	Duration	dBA L _{eq}	Location Description	Noise Sources	Comments
ST-9	6/26/2018	1:39 p.m.	20 minutes	57.5	28121 Paseo Diana. In the backyard. On the southeast corner of SR-74 and Avenida Siega.	Traffic on SR-74.	5.3 ft existing wall, 6 to 8 ft above backyard. Trucks are abnormally loud at this location, possibly due to a joint in the roadway.
ST-10	6/26/2018	1:39 p.m.	20 minutes	50.0	28740 Martingale Drive. In the backyard.	Traffic on SR-74.	Property walls on all sides are about 5 ft high.
ST-11	6/26/2018	3:26 p.m.	20 minutes	59.4	28632 Ortega Highway. At Reata Park and Event Center. On the EB side of SR-74 west of Reata Road.	Traffic on SR-74.	
ST-12	6/26/2018	9:56 a.m.	20 minutes	61.9	30967 Steeplechase Drive. In the backyard. On the WB side of SR-74 between Calle Entradero and Hunt Club Drive.	Traffic on SR-74.	
ST-13	6/26/2018	9:56 a.m.	20 minutes	52.4	30962 Steeplechase Drive. In the front side yard. On the WB side of SR-74 between Calle Entradero and Hunt Club Drive.	Traffic on SR-74.	Landscaping activities two homes up the hill, across the street.
ST-14	6/26/2018	9:56 a.m.	20 minutes	57.9	30981 Hunt Club Drive. In the backyard. On the WB side of SR-74 between Calle Entradero and Hunt Club Drive.	Traffic on SR-74.	7 ft barrier consisting of plexi-glass on masonry blocks. Occasional faint, distant hammering from across street.
ST-15	6/26/2018	11:31 a.m.	20 minutes	67.3	28241 Ortega Highway. In the front of the residence. On the WB side of SR-74 between Palm Hill Drive and Strawberry Lane.	Traffic on SR-74.	
ST-16	6/26/2018	12:12 p.m.	20 minutes	64.5	28271 Ortega Highway. In the backyard. On the northwest corner of SR-74 and Strawberry Lane.	Traffic on SR-74.	No barrier. 5 to 10 ft above SR-74.
ST-17	6/26/2018	2:37 p.m.	20 minutes	60.5	30742 Hilltop Way. In the backyard. On the WB side of SR-74 between Toyon Drive and Shadetree Lane.	Traffic on SR-74.	
ST-18	6/26/2018	2:37 p.m.	20 minutes	54.5	30621 Shadetree Lane. On Shadetree Lane next to fire hydrant.	Traffic on SR-74.	

Monitor No.	Date	Start Time	Duration	dBA L _{eq}	Location Description	Noise Sources	Comments
ST-19	6/26/2018	2:37 p.m.	20 minutes	56.7	30752 Shadetree Lane. In the backyard. On the northeast corner of SR-74 and Shadetree Lane.	Traffic on SR-74.	
ST-20	6/26/2018	3:26 p.m.	20 minutes	51.5	Reata Glen development. On the northwest corner of SR-74 and Reata Road.	Construction noise. Faint traffic on SR-74.	Approximately 80 ft higher than SR-74. 46.0 to 48.0 dBA without construction noise
ST-21	6/26/2018	3:26 p.m.	20 minutes	52.3	28815 Reata Road. In the open space area of The Reserve at Rancho Mission Viejo.	Traffic on SR-74.	

Source: *Noise Study Report* (December 2018).

dBA L_{eq} = equivalent continuous sound level measured in A-weighted decibels

EB = eastbound

ft = foot/feet

SR-74 = State Route 74

ST = short-term

WB = westbound

Long-Term Monitoring

Long-term traffic noise level measurements were conducted to document peak traffic noise hours. Long-term ambient noise monitoring was conducted using three NoisePro DLX Dosimeters and one Larson Davis 720 Type 2 sound level meter at four representative locations in the study area. The long-term noise level measurement results are shown in Tables 2.13.3 through 2.13.6. The long-term noise monitoring locations are shown on Figure 2.13-2.

The following summarizes those measurements:

- The long-term noise level measurement at LT-1 (Table 2.13.3) was performed from 9:00 a.m. on Tuesday, June 26, 2018, to 9:00 a.m. on Wednesday, June 27, 2018, at a single-family residence at 31021 Via Solana.
- The long-term noise level measurement at LT-2 (Table 2.13.4) was performed from 10:00 a.m. on Tuesday, June 26, 2018, to 10:00 a.m. on Wednesday, June 27, 2018, at a single-family residence at 28740 Martingale Drive.
- The long-term noise level measurement at LT-3 (Table 2.13.5) was performed from 11:00 a.m. on Tuesday, June 26, 2018, to 11:00 a.m. on Wednesday, June 27, 2018, at a single-family residence at 30967 Steeplechase Drive.
- The long-term noise level measurement at LT-4 (Table 2.13.6) was performed from 10:00 a.m. on Tuesday, June 26, 2018, to 10:00 a.m. on Wednesday, June 27, 2018, at a single-family residence at 30987 Steeplechase Drive.

2.13.3 Existing Noise Levels

Existing traffic noise levels for all 135 receptor locations were determined with existing walls using the worst-case traffic operations (at free-flowing conditions) or the existing peak-hour traffic volumes, whichever is lower. Existing traffic volumes on SR-74 and Reata Road were obtained from the *Traffic Study Report* (2018). Table 2.13.8 (provided later in this section) outlines the results of the existing traffic noise modeling. Figure 2.13-2 shows the locations of the modeled receptors.

2.13.4 Environmental Consequences

The proposed project is considered a Type 1 project because it would be used to add one additional travel lane in each direction on SR-74 (Ortega Highway). A noise analysis is required for all Type 1 projects. Therefore, noise impacts of Build Alternative 2 are analyzed below.

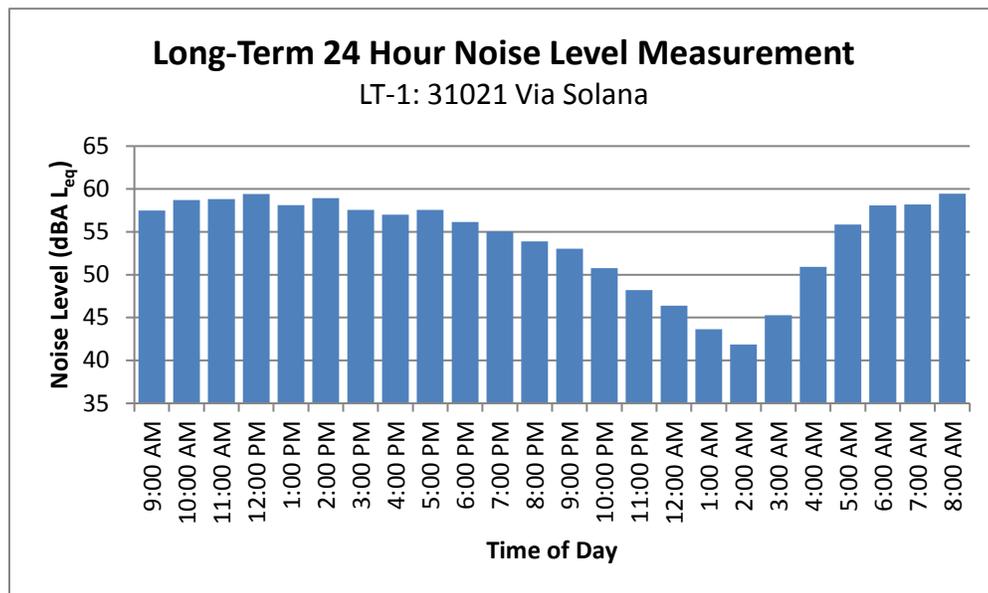
Table 2.13.3: Long-Term (24-Hour) Noise Level Measurement Results at 31021 Via Solana, San Juan Capistrano, California (LT-1)

	Start Time	Date	Noise Level (dBA L _{eq})
1	9:00 AM	6/26/2018	58
2	10:00 AM	6/26/2018	59 ¹
3	11:00 AM	6/26/2018	59
4	12:00 PM	6/26/2018	59
5	1:00 PM	6/26/2018	58
6	2:00 PM	6/26/2018	59
7	3:00 PM	6/26/2018	58
8	4:00 PM	6/26/2018	57
9	5:00 PM	6/26/2018	58
10	6:00 PM	6/26/2018	56
11	7:00 PM	6/26/2018	55
12	8:00 PM	6/26/2018	54
13	9:00 PM	6/26/2018	53
14	10:00 PM	6/26/2018	51
15	11:00 PM	6/26/2018	48
16	12:00 AM	6/27/2018	46
17	1:00 AM	6/27/2018	44
18	2:00 AM	6/27/2018	42
19	3:00 AM	6/27/2018	45
20	4:00 AM	6/27/2018	51
21	5:00 AM	6/27/2018	56
22	6:00 AM	6/27/2018	58
23	7:00 AM	6/27/2018	58
24	8:00 AM	6/27/2018	59

Source: Noise Study Report (December 2018).

¹ **Bold** numbers represent peak traffic noise hour.

dBA L_{eq} = equivalent continuous sound level measured in A-weighted decibels



**Table 2.13.4: Long-Term (24-Hour) Noise Level Measurement Results at
28740 Martingale Drive, San Juan Capistrano, California (LT-2)**

	Start Time	Date	Noise Level (dBA L _{eq})
1	10:00 AM	6/26/2018	53
2	11:00 AM	6/26/2018	55
3	12:00 PM	6/26/2018	56
4	1:00 PM	6/26/2018	58
5	2:00 PM	6/26/2018	62 ¹
6	3:00 PM	6/26/2018	61
7	4:00 PM	6/26/2018	59
8	5:00 PM	6/26/2018	54
9	6:00 PM	6/26/2018	50
10	7:00 PM	6/26/2018	48
11	8:00 PM	6/26/2018	47
12	9:00 PM	6/26/2018	46
13	10:00 PM	6/26/2018	44
14	11:00 PM	6/26/2018	43
15	12:00 AM	6/27/2018	42
16	1:00 AM	6/27/2018	41
17	2:00 AM	6/27/2018	40
18	3:00 AM	6/27/2018	41
19	4:00 AM	6/27/2018	44
20	5:00 AM	6/27/2018	48
21	6:00 AM	6/27/2018	51
22	7:00 AM	6/27/2018	51
23	8:00 AM	6/27/2018	53
24	9:00 AM	6/27/2018	53

Source: *Noise Study Report* (December 2018).

¹ **Bold** numbers represent peak traffic noise hour.

dBA L_{eq} = equivalent continuous sound level measured in A-weighted decibels

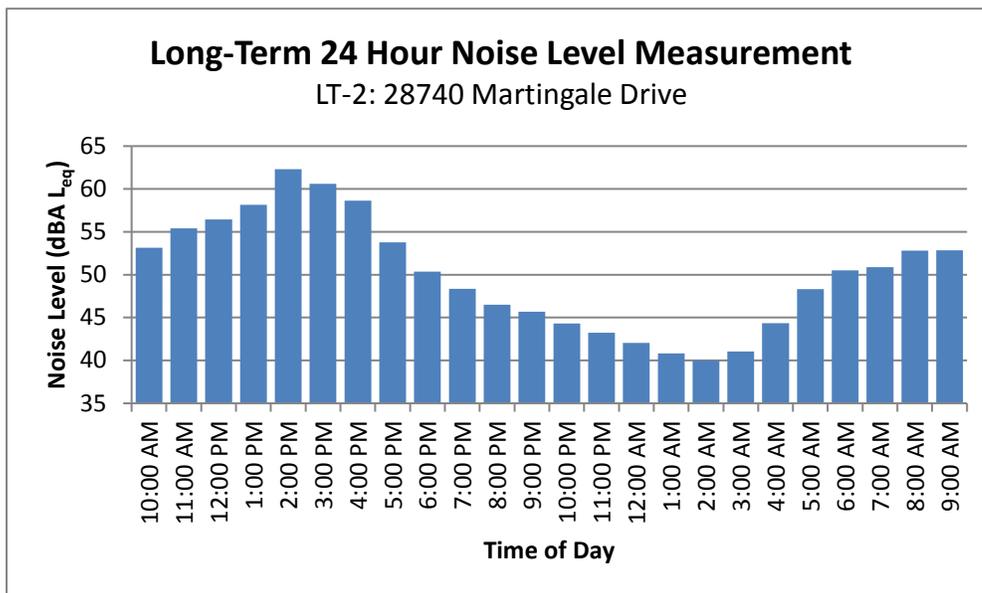


Table 2.13.5: Long-Term (24-Hour) Noise Level Measurement Results at 30967 Steeplechase Drive, San Juan Capistrano, California (LT-3)

	Start Time	Date	Noise Level (dBA L _{eq})
1	11:00 AM	6/26/2018	65 ¹
2	12:00 PM	6/26/2018	65
3	1:00 PM	6/26/2018	65
4	2:00 PM	6/26/2018	65
5	3:00 PM	6/26/2018	65
6	4:00 PM	6/26/2018	64
7	5:00 PM	6/26/2018	64
8	6:00 PM	6/26/2018	62
9	7:00 PM	6/26/2018	62
10	8:00 PM	6/26/2018	61
11	9:00 PM	6/26/2018	60
12	10:00 PM	6/26/2018	57
13	11:00 PM	6/26/2018	55
14	12:00 AM	6/27/2018	52
15	1:00 AM	6/27/2018	50
16	2:00 AM	6/27/2018	47
17	3:00 AM	6/27/2018	51
18	4:00 AM	6/27/2018	57
19	5:00 AM	6/27/2018	62
20	6:00 AM	6/27/2018	65
21	7:00 AM	6/27/2018	65
22	8:00 AM	6/27/2018	65
23	9:00 AM	6/27/2018	65
24	10:00 AM	6/27/2018	64

Source: Noise Study Report (December 2018).

¹ **Bold** numbers represent peak traffic noise hour.

dBA L_{eq} = equivalent continuous sound level measured in A-weighted decibels

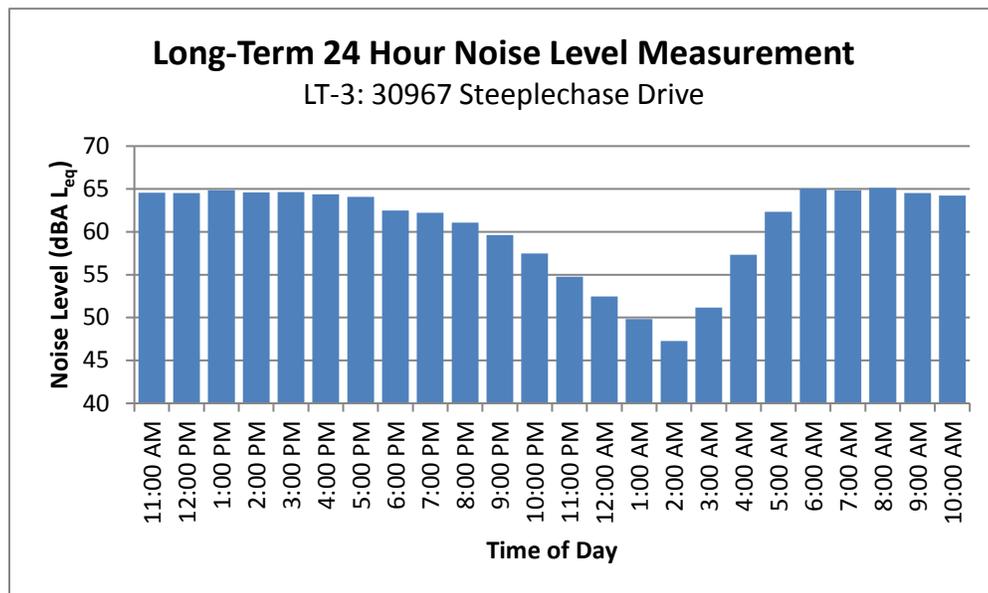


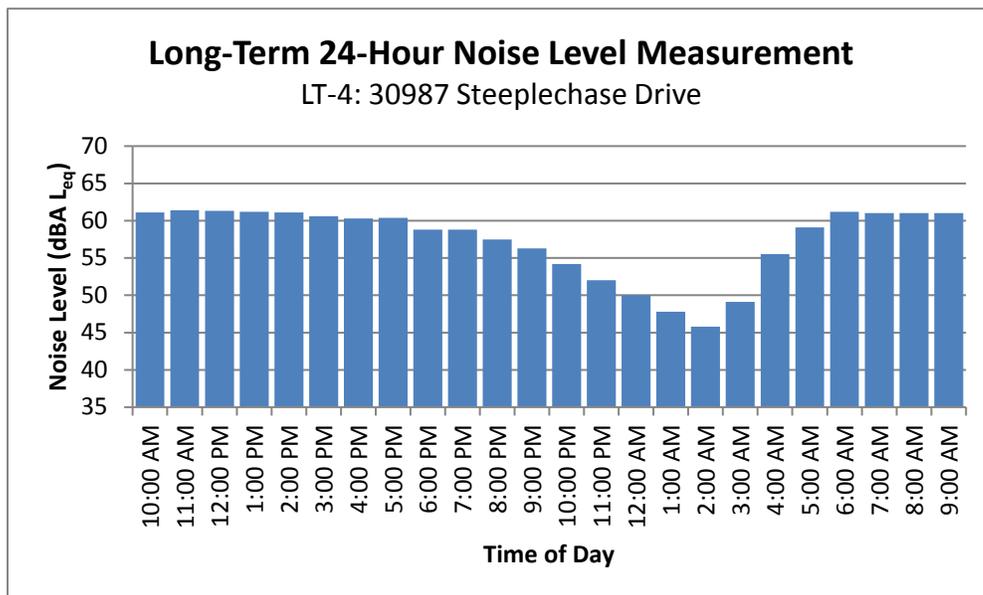
Table 2.13.6: Long-Term (24-Hour) Noise Level Measurement Results at 30987 Steeplechase Drive, San Juan Capistrano, California (LT-4)

	Start Time	Date	Noise Level (dBA L _{eq})
1	10:00 AM	6/26/2018	61 ¹
2	11:00 AM	6/26/2018	61
3	12:00 PM	6/26/2018	61
4	1:00 PM	6/26/2018	61
5	2:00 PM	6/26/2018	61
6	3:00 PM	6/26/2018	61
7	4:00 PM	6/26/2018	60
8	5:00 PM	6/26/2018	60
9	6:00 PM	6/26/2018	59
10	7:00 PM	6/26/2018	59
11	8:00 PM	6/26/2018	58
12	9:00 PM	6/26/2018	56
13	10:00 PM	6/26/2018	54
14	11:00 PM	6/26/2018	52
15	12:00 AM	6/27/2018	50
16	1:00 AM	6/27/2018	48
17	2:00 AM	6/27/2018	46
18	3:00 AM	6/27/2018	49
19	4:00 AM	6/27/2018	56
20	5:00 AM	6/27/2018	59
21	6:00 AM	6/27/2018	61
22	7:00 AM	6/27/2018	61
23	8:00 AM	6/27/2018	61
24	9:00 AM	6/27/2018	61

Source: *Noise Study Report* (December 2018).

¹ **Bold** numbers represent peak traffic noise hour.

dBA L_{eq} = equivalent continuous sound level measured in A-weighted decibels



2.13.4.1 Temporary Impacts

Build Alternative 2

Two types of short-term noise impacts would occur during construction of Build Alternative 2. The first type would be from construction crew commutes and the transport of construction equipment and materials to the project area, which would incrementally raise noise levels on local access roads. The pieces of heavy equipment for grading and construction activities would be moved on site, would remain for the duration of each construction phase, and would not add to the daily traffic volumes in the project vicinity. A high single-event noise exposure potential at a maximum level of 84 dBA maximum instantaneous sound level (L_{max}) from trucks passing at 50 ft may occur. However, the projected construction traffic volume would be minimal when compared to existing traffic volumes on SR-74. Therefore, short-term construction-related worker commutes and equipment transport would not result in substantial temporary noise impacts.

The second type of short-term noise impact is related to noise generated during roadway construction. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated and the noise levels in the project area as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 2.13.7 lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments based on a distance of 50 ft between the equipment and a noise receptor.

Typical noise levels at 50 ft from an active construction area range up to 88 dBA L_{max} during the noisiest construction phases. The site preparation phase, which includes grading and paving, tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery (e.g., backfillers, bulldozers, and front loaders). Earthmoving and compacting equipment include compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

Table 2.13.7: Typical Construction Equipment Noise Levels

Equipment Description	Spec 721.560 ¹ dBA L _{max} at 50 ft	Actual Measured ² dBA L _{max} at 50 ft
Backhoe	80	78
Compactor (ground)	80	83
Crane	85	81
Dozer	85	82
Dump Truck	84	76
Excavator	85	81
Flat Bed Truck	84	74
Front-End Loader	80	79
Grader	85	N/A ³
Jackhammer	85	89
Pickup Truck	55	75
Pneumatic Tools	85	85
Pumps	77	81
Rock Drill	85	81
Roller	85	80
Scraper	85	84
Tractor	84	N/A
Vibratory Pile Driver	95	101

Source: *Roadway Construction Noise Model*, Table 9.1 (FHWA 2006).

Note: Noise levels reported in this table are rounded to the nearest whole number.

¹ Maximum noise levels were developed based on Spec 721.560 from the CA/T program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.

² The maximum noise level was developed based on the average noise level measured for each piece of equipment during the CA/T program in Boston, Massachusetts.

³ Because the maximum noise level based on the average noise level measured for this piece of equipment was not available, the maximum noise level developed based on Spec 721.560 was used.

CA/T = Central Artery/Tunnel

L_{max} = maximum instantaneous sound level

dBA = decibel(s)

N/A = not applicable

FHWA = Federal Highway Administration

RCNM = Roadway Construction Noise Model

ft = foot/feet

Construction of Build Alternative 2 is expected to require the use of graders, bulldozers, and water trucks/pickup trucks. Noise associated with the use of construction equipment is estimated to be between 55 dBA L_{max} and 85 dBA L_{max} at a distance of 50 ft from the active construction area for the grading phase. As seen in Table 2.13.7, the maximum noise level generated by each grader is assumed to be approximately 85 dBA L_{max} at 50 ft from the grader in operation. Each bulldozer would generate approximately 85 dBA L_{max} at 50 ft. The maximum noise level generated by water trucks/pickup trucks is estimated to be approximately 55 dBA L_{max} at 50 ft from these vehicles. Each doubling of the sound source with equal strength increases the noise level by 3 dBA. Each piece of construction equipment operates as an individual point source. The worst-case composite noise level at the nearest residence during this phase of construction would be 88 dBA L_{max} (at a distance of 50 ft from an active construction area). Based on a usage factor of 40 percent, the worst-case combined noise level during this phase of construction would be 84 dBA L_{eq} at a distance of 50 ft from the active construction area.

The closest residences are approximately 50 ft from the project construction limits. Therefore, the closest residences may be subject to short-term noise reaching 88 dBA L_{max} and 84 dBA L_{eq} generated by construction activities. As described in Chapter 1, in compliance with the Settlement Agreement, nighttime construction activities will be prohibited except in cases of emergencies. Project Feature PF-N-1, below, requires compliance with Caltrans' Standard Specifications in Section 14-8.02 in case of emergency situations requiring nighttime construction. Construction noise impacts on sensitive land uses in the study area would not be adverse.

PF-N-1 California Department of Transportation (Caltrans) Standard Specifications Section 14.8-02: The Construction Contractor will control and monitor noise resulting from work activities. The nighttime noise level from the Construction Contractor's operations, between the hours of 9:00 p.m. and 6:00 a.m., shall not exceed the 86 A-weighted decibel (dBA) maximum instantaneous sound level (L_{max}) at a distance of 50 feet from the job site.

No Build Alternative

No construction activities would occur under the No Build Alternative associated with SR-74 improvements. Therefore, no short-term construction noise impacts would result.

2.13.4.2 Permanent Impacts

Build Alternative 2

Based on the existing and planned land use in the study area, potential long-term noise impacts under Build Alternative 2 would result solely from traffic noise. Traffic noise was evaluated for the worst-case traffic condition for the 135 receptor locations identified in Figure 2.13-2.

Future traffic noise levels at all 135 modeled receptor locations were determined using either the worst-case traffic operations (prior to speed degradation) or the peak-hour traffic volumes, whichever was lower. Table 2.13.8 summarizes the Traffic Noise Model (TNM) results for the Existing (2018), Future No Build (2045), and Future Build Alternative 2 (2045) conditions. The modeled future noise levels with the proposed project were compared to the modeled existing noise levels (after calibration) from TNM 2.5 to determine whether a substantial noise increase would occur. The modeled future noise levels were also compared to the NAC to determine whether a traffic noise impact would occur.

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Table 2.13.8: Predicted Future Noise and Noise Barrier Analysis for Build Alternative 2

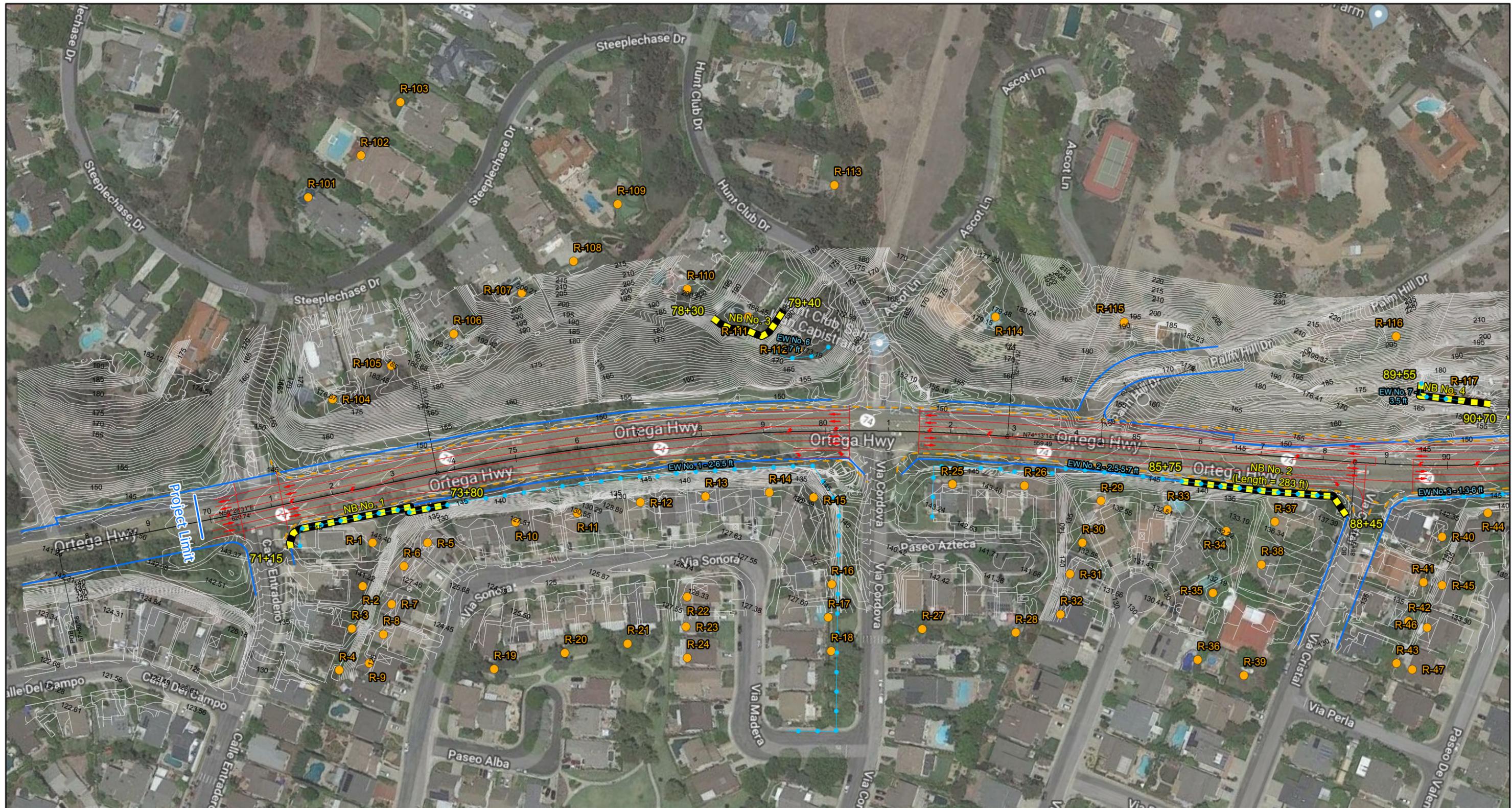
Receptor No.	NB No. 1	Land Use	No. of Dwelling Units/Receptors	Existing Noise Level, dBA L _{eq} (h)	Future Noise Levels, dBA L _{eq} (h)																																
					2045 Noise Level				Activity Category (NAC)	Impact Type	Noise Prediction with Barrier, Barrier I.L., and NBR																										
					No Build	Build	Build Minus No Build Conditions	Build Minus Existing Conditions			6 ft			8 ft			10 ft			12 ft			14 ft			16 ft			18 ft			20 ft			22 ft		
											L _{eq} (h)	I.L. ²	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR	L _{eq} (h)	I.L.	NBR
R-1	NB No. 1	Residence	1	66.8 ³	67.1	68.4	1.3	1.6	B (67)	A/E	67.6	0.8	0	66.4	2.0	0	63.9	4.5	0	63.0	5.4 ⁴	1	62.3	6.1	1	61.9	6.5	1	61.5	6.9	1	61.2	7.2	1	61.0	7.4	1
R-2	NB No. 1	Residence	1	63.3	63.5	64.9	1.4	1.6	B (67)	None	64.6	0.3	0	64.0	0.9	0	62.5	2.4	0	62.1	2.8	0	61.8	3.1	0	61.6	3.3	0	61.5	3.4	0	61.4	3.5	0	61.4	3.5	0
R-3	NB No. 1	Residence	1	61.1	61.3	62.6	1.3	1.5	B (67)	None	62.3	0.3	0	61.9	0.7	0	60.9	1.7	0	60.6	2.0	0	60.4	2.2	0	60.3	2.3	0	60.2	2.4	0	60.1	2.5	0	60.1	2.5	0
R-4	NB No. 1	Residence	1	59.6	59.8	61.1	1.3	1.5	B (67)	None	60.9	0.2	0	60.6	0.5	0	59.9	1.2	0	59.6	1.5	0	59.5	1.6	0	59.4	1.7	0	59.4	1.7	0	59.3	1.8	0	59.3	1.8	0
R-5	NB No. 1	Residence	1	58.3	58.6	59.7	1.1	1.4	B (67)	None	59.0	0.7	0	58.5	1.2	0	57.9	1.8	0	57.6	2.1	0	57.3	2.4	0	57.1	2.6	0	56.8	2.9	0	56.7	3.0	0	56.5	3.2	0
R-6	NB No. 1	Residence	1	59.8	60.1	61.7	1.6	1.9	B (67)	None	59.6	2.1	0	58.8	2.9	0	58.4	3.3	0	58.0	3.7	0	57.8	3.9	0	57.6	4.1	0	57.4	4.3	0	57.3	4.4	0	57.2	4.5	0
R-7	NB No. 1	Residence	1	58.1	58.4	59.6	1.2	1.5	B (67)	None	59.0	0.6	0	57.6	2.0	0	57.0	2.6	0	56.7	2.9	0	56.5	3.1	0	56.3	3.3	0	56.2	3.4	0	56.1	3.5	0	56.0	3.6	0
R-8	NB No. 1	Residence	1	57.5	57.7	58.9	1.2	1.4	B (67)	None	58.4	0.5	0	57.9	1.0	0	56.4	2.5	0	56.1	2.8	0	55.9	3.0	0	55.7	3.2	0	55.6	3.3	0	55.5	3.4	0	55.4	3.5	0
R-9	NB No. 1	Residence	1	56.6	56.9	58.1	1.2	1.5	B (67)	None	57.6	0.5	0	57.1	1.0	0	55.9	2.2	0	55.6	2.5	0	55.4	2.7	0	55.3	2.8	0	55.1	3.0	0	55.1	3.0	0	55.0	3.1	0
R-10	NB No. 1	Residence	2	58.2	58.4	59.6	1.2	1.4	B (67)	None	59.4	0.2	0	59.4	0.2	0	59.3	0.3	0	59.3	0.3	0	59.3	0.3	0	59.2	0.4	0	59.2	0.4	0	59.2	0.4	0	59.1	0.5	0
R-11		Residence	2	58.5	58.6	60.2	1.6	1.7	B (67)	None	-- ⁵	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-12		Residence	2	57.8	57.8	59.4	1.6	1.6	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-13		Residence	2	58.0	58.0	59.7	1.7	1.7	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-14		Residence	2	57.9	57.9	59.6	1.7	1.7	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-15		Residence	1	57.8	57.9	59.6	1.7	1.8	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-16		Residence	1	56.1	56.2	57.8	1.6	1.7	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-17		Residence	1	54.8	54.8	56.4	1.6	1.6	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-18		Residence	1	53.4	53.5	55.1	1.6	1.7	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-19	NB No. 1	Residence	2	54.7	54.9	56.2	1.3	1.5	B (67)	None	56.0	0.2	0	55.6	0.6	0	54.5	1.7	0	54.3	1.9	0	54.1	2.1	0	54.0	2.2	0	54.0	2.2	0	53.9	2.3	0	53.7	2.3	0
R-20		Residence	2	52.8	53.0	54.2	1.2	1.4	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-21		Residence	2	52.7	52.8	54.1	1.3	1.4	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-22		Residence	1	58.2	58.3	59.9	1.6	1.7	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-23		Residence	1	56.8	56.9	58.4	1.5	1.6	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-24		Residence	1	55.0	55.1	56.6	1.5	1.6	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-25		Residence	2	58.7	58.7	60.9	2.2	2.2	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-26		Residence	1	59.8	59.8	61.6	1.8	1.8	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-27		Residence	2	51.9	51.9	53.8	1.9	1.9	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-28		Residence	2	50.9	50.9	52.8	1.9	1.9	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-29		Residence	1	58.0	58.0	59.1	1.1	1.1	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-30		Residence	1	55.7	55.7	57.2	1.5	1.5	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-31		Residence	1	53.5	53.5	55.4	1.9	1.9	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-32		Residence	1	51.7	51.7	53.8	2.1	2.1	B (67)	None	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
R-33	NB No. 2	Residence	1	62.4	62.4	62.3	-0.1	-0.1	B (67)	None	61.7	0.6	0	61.6	0.7	0	61.4	0.9	0	61.2	1.1	0	61.1	1.2	0	61.1	1.2	0	61.0	1.3	0	60.9	1.4	0	60.9	1.4	0
R-34	NB No. 2	Residence	1	62.9	62.9	63.7	0.8	0.8	B (67)	None	62.0	1.7	0	60.1	3.6	0	59.5	4.2	0	59.0	4.7	0	58.6	5.1	1	58.4	5.3	1	58.1	5.6	1	57.8	5.9	1	57.6	6.1	1
R-35	NB No. 2	Residence	1	57.9	57.9	59.6	1.7	1.7	B (67)	None	58.6	1.0	0	57.6	2.0	0	55.8	3.8	0	55.1	4.5	0	54.6	5.0	1	54.3	5.3	1	54.0	5.6	1	53.8	5.8	1	53.6	6.0	1
R-36	NB No. 2	Residence	1	55.3	55.3	57.1	1.8	1.8	B (67)	None	56.6	0.5	0	56.1	1.0	0	55.6	1.5	0	54.9	2.2	0	54.6	2.5	0	54.5	2.6	0	54.4	2.7	0	54.3	2.8	0	54.2	2.9	0
R-37	NB No. 2	Residence	1	65.3	65.3	66.4	1.1	1.1	B (67)	A/E	63.6	2.8	0	61.3	5.1	1	60.2	6.2	1	59.5	6.9	1	59.0	7.4	1	58.6	7.8	1	58.2	8.2	1	57.9	8.5	1	57.5	8.9	1
R-38	NB No. 2	Residence	1	61.2	61.2	62.9	1.7	1.7	B (67)	None	61.3	1.6	0	60.2	2.7	0	58.4	4.5	0	57.7	5.2	1	57.4	5.5	1	57.1	5.8	1	56.8	6.1	1	56.6	6.3	1	56.4	6.5	1
R-39	NB No. 2	Residence	1	55.5	55.5	57.3	1.8	1.8	B (67)	None	56.9	0.4	0	56.5	0.8	0	55.9	1.4	0	55.1	2.2	0	54.9	2.4	0	54.7	2.6	0	54.6	2.7	0	54.5	2.8	0	54.4	2.9	0
R-40		Residence	1	59.7	59.7	61.7	2.0	2.0	B (67)	None	--	--																									

Traffic noise impacts occur when either of the following occurs: (1) the traffic noise level at a receptor location is predicted to “approach or exceed” its corresponding NAC, or (2) the predicted traffic noise level is 12 dBA or more over the corresponding modeled existing noise level at the receptor locations analyzed. When traffic noise impacts occur, noise abatement measures must be considered. Of the 135 modeled receptors, 6 receptors under Build Alternative 2 would approach or exceed the NAC. No receptors would experience a substantial noise increase of 12 dBA or more over its corresponding modeled existing noise level under any scenario.

The receptor locations listed below would be or would continue to be exposed to noise levels that either approach or exceed the NAC under Build Alternative 2:

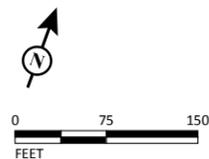
- **Receptor R-1:** This receptor location represents an existing single-family residence along Calle Entradero on the eastbound side of SR-74, between Calle Entradero and Via Cordova. EW No. 1 shields this residence. One 293 ft noise barrier (NB No. 1 [2018 NSR]), as shown on Figure 2.13-3, was modeled along the State right-of-way and private property line on the eastbound side of SR-74 to shield the residence.
- **Receptor R-37:** This receptor location represents an existing single-family residence along Via Cristal on the eastbound side of SR-74, between Via Cordova and Via Cristal. EW No. 2 shields the residence. One 283 ft noise barrier (NB No. 2 [2018 NSR]), as shown on Figure 2.13-3, was modeled along the State right-of-way on the eastbound side of SR-74 to shield the residence.
- **Receptor R-111:** This receptor location represents an existing single-family residence along Hunt Club Drive on the westbound side of SR-74, between Calle Entradero and Hunt Club Drive. No existing walls shield this residence. One 141 ft noise barrier (NB No. 3 [2018 NSR]), as shown on Figure 2.13-3, was modeled at the edge of the outdoor use area, within the private property line, on the westbound side of SR-74 to shield the residence. A noise barrier along the edge of shoulder or State right-of-way would not be feasible because the elevation of the residence is significantly higher than SR-74.
- **Receptor R-117:** This receptor location represents an existing single-family residence on the westbound side of SR-74, between Palm Hill Drive and Strawberry Lane. EW No. 7 shields the outdoor use area of this residence. One 135 ft noise barrier (NB No. 4 [2018 NSR]), as shown on Figure 2.13-3, was modeled at the edge of the outdoor use area, within the private property line, on the westbound side of SR-74 to shield the residence. A noise barrier along the edge of shoulder or State right-of-way would not be feasible due to driveway

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LEGEND

- Modeled Receptors
- - - Proposed Improvements
- - - Existing Wall
- Modeled Noise Barrier
- - - Proposed State Right-of-Way
- Existing State Right-of-Way



SOURCE: Google (2017)
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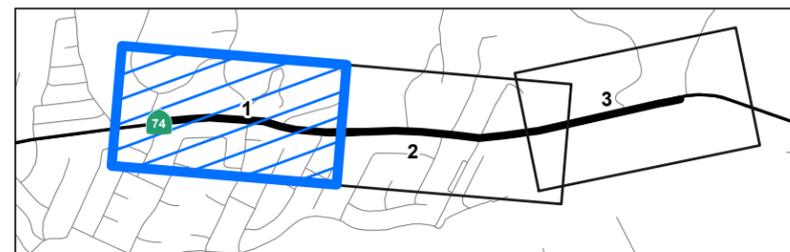
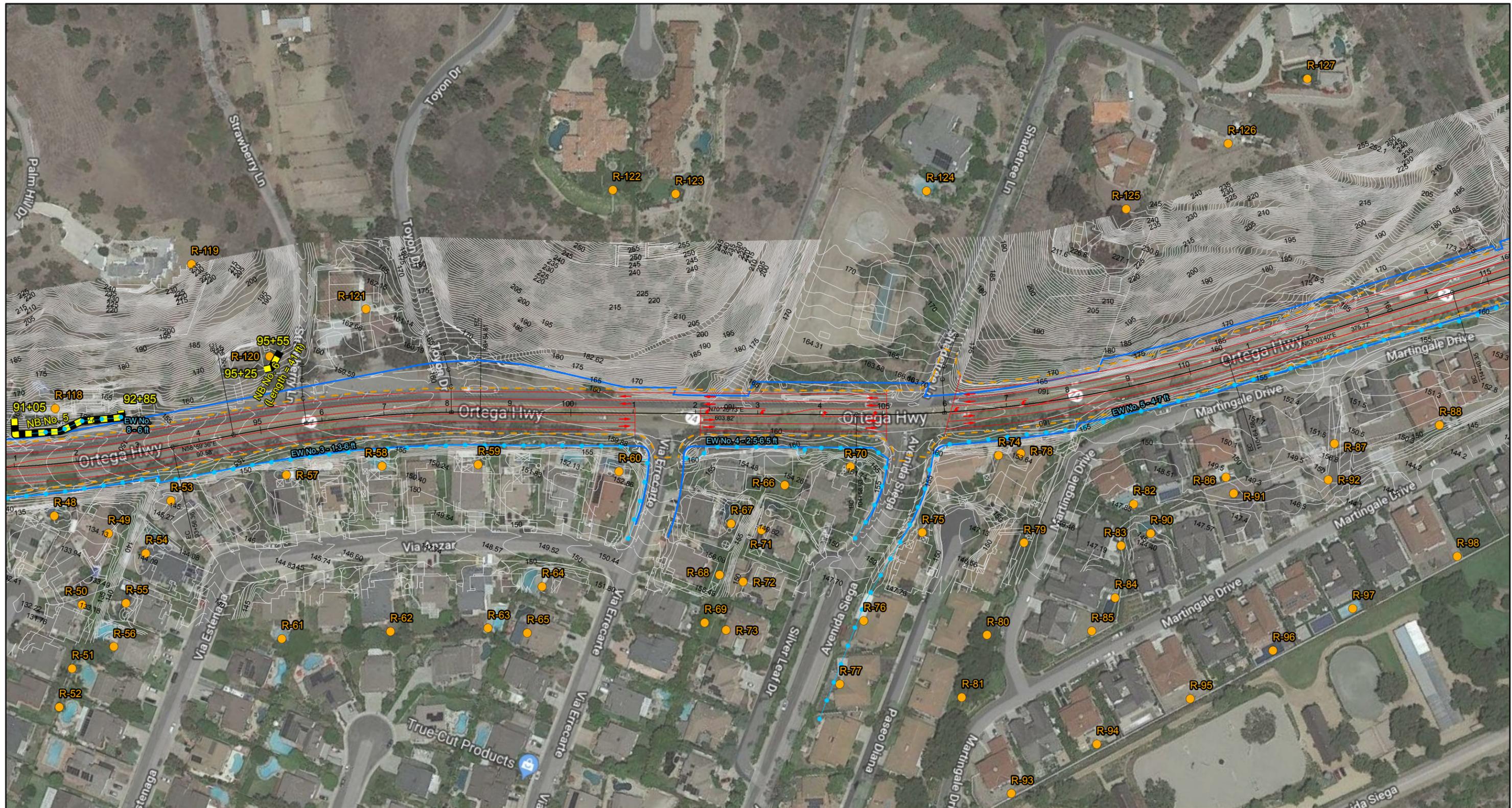


FIGURE 2.13-3
 Sheet 1 of 3

State Route 74 Lower Ortega Highway Widening Project
 Modeled Noise Barriers and Receptor Locations
 12-ORA-74 PM 1.0/2.1
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LEGEND

- Modeled Receptors
- Existing Wall
- Modeled Noise Barrier
- Proposed Improvements
- Proposed State Right-of-Way
- Existing State Right-of-Way



SOURCE: Google (2017)

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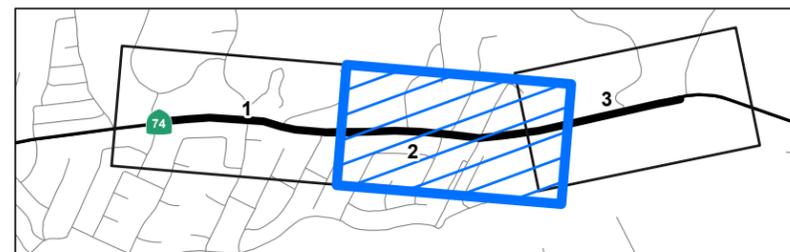
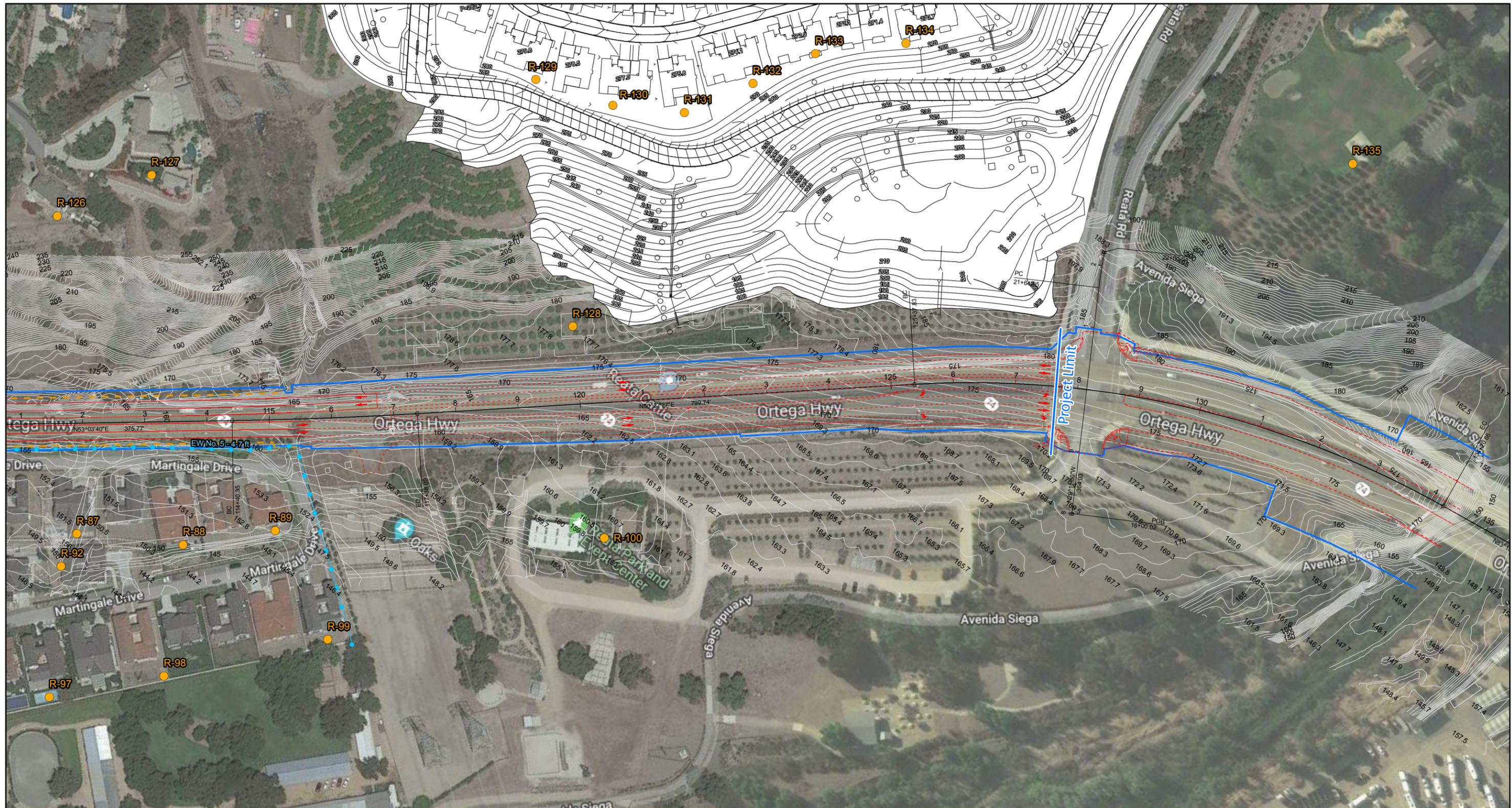


FIGURE 2.13-3
Sheet 2 of 3

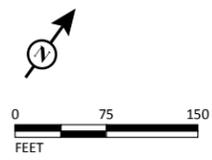
State Route 74 Lower Ortega Highway Widening Project
 Modeled Noise Barriers and Receptor Locations
 12-ORA-74 PM 1.0/2.1
 EFIS 120000051; EA 086920

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LEGEND

- Modeled Receptors
- Existing Wall
- Modeled Noise Barrier
- Proposed Improvements
- Proposed State Right-of-Way
- Existing State Right-of-Way



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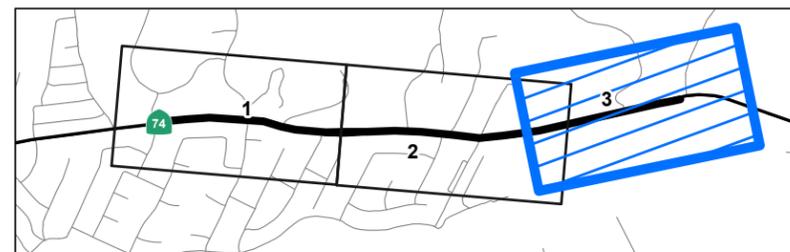


FIGURE 2.13-3
 Sheet 3 of 3

State Route 74 Lower Ortega Highway Widening Project
Modeled Noise Barriers and Receptor Locations
 12-ORA-74 PM 1.0/2.1
 EFIS 120000051; EA 086920

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access onto SR-74 and because the elevation of the residence is significantly higher than SR-74.

- **Receptor R-118:** This receptor location represents an existing single-family residence on the westbound side of SR-74, between Palm Hill Drive and Strawberry Lane. EW No. 8, along the private property line, shields this residence. One 212 ft noise barrier (NB No. 5 [2018 NSR]), as shown on Figure 2.13-3, was modeled along the private property line on the westbound side of SR-74 to shield the residence. A noise barrier along the edge of shoulder or State right-of-way would not be feasible due to driveway access onto SR-74.
- **Receptor R-120:** This receptor location represents an existing single-family residence located along the westbound side of SR-74, between Palm Hill Drive and Strawberry Lane. No existing walls shield this residence. One 41 ft noise barrier (NB No. 6 [2018 NSR]), as shown on Figure 2.13-3, was modeled along the private property line on the westbound side of SR-74 to shield the residence. A noise barrier along the edge of shoulder or State right-of-way would not be feasible due to driveway access onto SR-74 and because the elevation of the residence is higher than SR-74.

No Build Alternative

The No Build Alternative would not result in the construction of improvements along SR-74, and, therefore, would not result in any additional permanent noise effects.

2.13.5 Avoidance, Minimization, and/or Abatement Measures

No avoidance or minimization measures are required. However, in accordance with the requirements of the 2009 FEIR, Interior Mitigation Measure N-1 is offered “to reduce permanent significant noise impacts to Receptors 31 K5 to below a level of significance, the Caltrans shall offer interior noise mitigation measures such as installation of double-paned windows and a mechanical heating and cooling system (air conditioning). Additionally, according to the December 2018 Noise Study Report (NSR) and the April 2019 Noise Abatement Decision Report (NDR) the same location was analyzed for exterior traffic noise impact and a 41 ft Noise Barrier (NB No. 6) was determined to be feasible and reasonable (See Sections 2.13.1.1 and 2.13.5.1). Therefore, this noise barrier is offered as an alternative to Mitigation Measure N-1. The property owner shall be given the opportunity to choose one of the above options.

2.13.5.1 Noise Abatement Consideration

Noise abatement measures such as noise barriers were considered in order to shield receptors within the study area that would or would continue to be exposed to traffic noise levels approaching or exceeding the NAC. All properties requiring abatement consideration are within Activity Category B (67 dBA L_{eq} NAC). Noise barriers were analyzed for each of these receptor locations. Noise barrier heights from 6 to 22 ft at 2 ft increments were analyzed. The locations of the modeled noise barriers for Build Alternative 2 are shown on Figure 2.13-3.

The following noise barriers were analyzed to shield receptor locations that would be exposed to traffic noise levels approaching or exceeding the NAC for Build Alternative 2:

- **NB No. 1** (2018 NSR): A 293 ft long barrier along the State right-of-way and private property line on the eastbound side of SR-74 was analyzed to shield Receptor R-1.
- **NB No. 2** (2018 NSR): A 283 ft long barrier along the State right-of-way on the eastbound side of SR-74 was analyzed to shield Receptor R-37.
- **NB No. 3** (2018 NSR): A 141 ft long barrier within the private property line on the westbound side of SR-74 was analyzed to shield Receptor R-111.
- **NB No. 4** (2018 NSR): A 135 ft long barrier within the private property line on the westbound side of SR-74 was analyzed to shield Receptor R-117.
- **NB No. 5** (2018 NSR): A 212 ft long barrier within the private property line on the westbound side of SR-74 was analyzed to shield Receptor R-118.
- **NB No. 6** (2018 NSR): A 41 ft long barrier within the private property line on the westbound side of SR-74 was analyzed to shield Receptor R-120.

Feasibility and Reasonable Allowance

Section 3 of the Caltrans Traffic Noise Analysis Protocol, states that a minimum noise reduction of 5 dBA must be achieved at the impacted receptors in order for the proposed noise abatement measure to be considered feasible. Greater noise reductions are encouraged if they can be reasonably achieved. Feasibility may also be restricted by the following factors: (1) topography, (2) access requirement for driveways, (3) presence of local cross-streets, (4) underground utilities, (5) other noise sources in the area, and (6) safety considerations.

Table 2.13.9 lists the feasible noise barriers along with their heights, approximate lengths, highest noise attenuation, number of benefited units/receptors, total reasonable allowance, noise barrier locations, beginning and ending station numbers, and beginning and ending top of wall elevation. Of the six modeled noise barriers evaluated, all six noise barriers were determined to be feasible.

Noise Barrier Reasonableness

The reasonableness of a noise barrier is determined by comparing the estimated cost of constructing the noise barrier against the total reasonable allowance. The total reasonable allowance is determined based on the number of benefited residences/receptors multiplied by the reasonable allowance per residence/receptor.

Additionally, in accordance with the Caltrans Traffic Noise Analysis Protocol, each noise barrier must provide at least 7 dBA of noise reduction at one or more benefited residence/receptor to be considered reasonable. Therefore, if the estimated noise barrier construction cost exceeds the total reasonable allowance or was not predicted to provide at least 7 dBA of noise reduction at one or more benefited residences/receptors, the noise barrier is determined to be not reasonable. However, if the estimated noise barrier construction cost is less than the total reasonable allowance and is predicted to provide at least 7 dBA of noise reduction at one or more benefited residences/receptors, the noise barrier is determined to be reasonable.

The estimated noise barrier construction cost was developed by Caltrans. A summary of abatement information in Table 2.13.10 lists the feasible noise barriers, along with their heights, approximate lengths, highest noise attenuation, number of benefited units/receptors, total reasonable allowance per barrier, and whether the noise barrier is reasonable with and without the right-of-way acquisition cost. The community located along the eastbound side of Ortega Highway were surveyed in June 2006 to obtain their viewpoint on NB Nos. 2 and 3 (2009 FEIR) and the results of the survey determined that majority of the property owners were in favor of the barriers. Therefore, NB Nos. 2 and 3 (2009 FEIR) would be constructed as project features in accordance to the Certified 2009 FEIR based on the June 2006 survey results. A survey letter will be mailed to the property owner(s) where NB No. 6 (2018 NSR) is located along the westbound side of Ortega Highway, during public review to determine if they are either in favor of NB No. 6 (2018 NSR) or the interior noise mitigation as outline in the 2009 Certified FEIR.

Table 2.13.9: Summary of Feasible Noise Barriers for Build Alternative 2

Noise Barrier No. ¹	Height (ft)	Approximate Length (ft)	Highest Noise Attenuation (dBA)	Number of Benefited Receptors/ Units ²	Total Reasonable Allowance ³	Noise Barrier Location	Noise Barrier Station Number		Top of Wall Elevation	
							Begin	End	Begin	End
1	12 ⁴	293	5.4	1	\$95,000	ROW/PL	71+15	73+80	154.85	160.00
	14	293	6.1	1	\$95,000				156.85	162.00
	16	293	6.5	1	\$95,000				158.85	164.00
	18	293	6.9	1	\$95,000				160.85	166.00
	20	293	7.2	1	\$95,000				162.85	168.00
	22	293	7.4	1	\$95,000				164.85	170.00
2	8	283	5.1	1	\$95,000	ROW	85+75	88+45	153.00	147.09
	10	283	6.2	1	\$95,000				155.00	149.09
	12 ⁴	283	6.9	2	\$190,000				157.00	151.09
	14	283	7.4	4	\$380,000				159.00	153.09
	16	283	7.8	4	\$380,000				161.00	155.09
	18	283	8.2	4	\$380,000				163.00	157.09
	20	283	8.5	4	\$380,000				165.00	159.09
	22	283	8.9	4	\$380,000				167.00	161.09
3	6 ⁴	141	7.9	1	\$95,000	PL	78+30	79+40	193.00	192.00
	8	141	9.5	1	\$95,000				195.00	194.00
	10	141	10.9	1	\$95,000				197.00	196.00
	12	141	12.1	1	\$95,000				199.00	198.00
	14	141	13.0	1	\$95,000				201.00	200.00
	16	141	14.1	1	\$95,000				203.00	202.00
	18	141	14.9	1	\$95,000				205.00	204.00
	20	141	15.6	1	\$95,000				207.00	206.00
	22	141	16.6	1	\$95,000				209.00	208.00
	4	6 ⁴	135	5.1	1				\$95,000	PL
8		135	7.1	1	\$95,000	179.90	178.00			
10		135	8.3	1	\$95,000	181.90	180.00			
12		135	9.2	1	\$95,000	183.90	182.00			
14		135	9.7	1	\$95,000	185.90	184.00			
16		135	10.0	1	\$95,000	187.90	186.00			
18		135	10.3	1	\$95,000	189.90	188.00			

Noise Barrier No. ¹	Height (ft)	Approximate Length (ft)	Highest Noise Attenuation (dBA)	Number of Benefited Receptors/ Units ²	Total Reasonable Allowance ³	Noise Barrier Location	Noise Barrier Station Number		Top of Wall Elevation	
							Begin	End	Begin	End
4	20	135	10.7	1	\$95,000	PL	89+55	90+70	191.90	190.00
	22	135	11.1	1	\$95,000				193.90	192.00
5	12	212	5.2	1	\$95,000	PL	91+05	92+85	172.00	169.24
	14 ⁴	212	5.9	1	\$95,000				174.00	171.24
	16	212	6.4	1	\$95,000				176.00	173.24
	18	212	6.6	1	\$95,000				178.00	175.24
	20	212	6.9	1	\$95,000				180.00	177.24
	22	212	7.0	1	\$95,000				182.00	179.24
6	6	41	6.1	1	\$95,000	PL	95+25	95+55	168.50	170.00
	8 ⁴	41	10.2	1	\$95,000				170.50	172.00
	10	41	12.7	1	\$95,000				172.50	174.00
	12	41	13.9	1	\$95,000				174.50	176.00
	14	41	15.3	1	\$95,000				176.50	178.00
	16	41	16.2	1	\$95,000				178.50	180.00
	18	41	16.4	1	\$95,000				180.50	182.00
	20	41	16.8	1	\$95,000				182.50	184.00
22	41	17.2	1	\$95,000	184.50	186.00				

Source: *Noise Abatement Decision Report* (April 2019).

¹ Noise barriers from the 2018 NSR.

² Number of receptors/units that are attenuated by 5 dBA or more by the modeled barrier.

³ Calculated by multiplying the number of benefited receptors by \$95,000 (reasonable allowance per benefited receptor/unit).

⁴ Denotes the minimum wall height required to break the line-of-sight between the receptor and a truck exhaust stack.

dBA = A-weighted decibels

ft = foot/feet

PL = property line

ROW = right-of-way

As shown in Table 2.13.10, NB Nos. 2 and 6 (2018 NSR) were determined to be reasonable if right-of-way is donated and NB Nos. 1, 3, 4, and 5 (2018 NSR) were determined to be not reasonable because the estimated construction cost exceeded the total reasonable allowance. NB Nos. 2 and 6 (2018 NSR) were determined to be feasible and reasonable. These noise barriers will be considered for construction; however, the final decision on construction of the noise barriers will be made during final design.

The feasible and reasonable noise barriers for Build Alternative 2 are shown in Table 2.13.10.

Non-Acoustical Factors Relating to Feasibility

Non-acoustical factors relating to feasibility were considered for the reasonable noise barriers. These factors include: geometric standards, safety, maintenance, security, drainage, geotechnical considerations, and utility relocations. The non-acoustical factors relating to feasibility are addressed below for the feasible and reasonable noise barriers.

The non-acoustical factors relating to the feasibility of NB Nos. 2 and 6 (2018 NSR) are addressed below.

- **Geometric Standards:** NB Nos. 2 and 6 (2018 NSR) would not affect the geometric standards of adjacent roadways.
- **Safety:** NB Nos. 2 and 6 (2018 NSR) would not affect sight distance for vehicular or pedestrian traffic.
- **Maintenance:** Temporary construction easements would be required for NB Nos. 2 and 6 (2018 NSR). For NB No. 2 (2018 NSR), the City of San Juan Capistrano would be responsible for maintaining the noise barrier. Caltrans would be responsible for maintenance of NB No. 6 (2018 NSR) and permanent easements would need to be acquired for maintenance access.
- **Security:** NB No. 2 (2018 NSR) would be in the same alignment as an existing wall and would not change the security conditions of the site. In addition, NB No. 6 (2018 NSR) would not change the security conditions of the site.
- **Drainage:** NB Nos. 2 and 6 (2018 NSR) would not affect the existing and proposed drainage system.

Table 2.13.10: Summary of Abatement Key Information for Build Alternative 2

Noise Barrier No. ¹	Noise Barrier Location	Height (ft)	Approximate Length (ft)	Highest Noise Attenuation (dBA)	Number of Benefited Receptors/ Units ²	Total Reasonable Allowance	Without ROW Donated		With ROW Donated	
							Estimated Construction Cost ³	Reasonable?	Estimated Construction Cost ³	Reasonable?
1	ROW/PL	12	293	5.4	1	\$95,000	-- ⁴	--	--	--
		14	293	6.1	1	\$95,000	--	--	--	--
		16	293	6.5	1	\$95,000	--	--	--	--
		18	293	6.9	1	\$95,000	--	--	--	--
		20	293	7.2	1	\$95,000	\$911,734	No	\$381,734	No
		22	293	7.4	1	\$95,000	\$929,943	No	\$399,943	No
2	ROW	8	283	5.1	1	\$95,000	--	--	--	--
		10	283	6.2	1	\$95,000	--	--	--	--
		12	283	6.9	2	\$190,000	--	--	--	--
		14	283	7.4	4	\$380,000	\$627,731	No	\$312,731	Yes
		16	283	7.8	4	\$380,000	\$650,209	No	\$335,209	Yes
		18	283	8.2	4	\$380,000	\$667,274	No	\$352,274	Yes
		20	283	8.5	4	\$380,000	\$684,637	No	\$369,637	Yes
3	PL	22	283	8.9	4	\$380,000	\$702,311	No	\$387,311	No
		6	141	7.9	1	\$95,000	\$1,683,102	No	\$128,102	No
		8	141	9.5	1	\$95,000	\$1,688,526	No	\$133,526	No
		10	141	10.9	1	\$95,000	\$1,696,481	No	\$141,481	No
		12	141	12.1	1	\$95,000	\$1,703,970	No	\$148,970	No
		14	141	130	1	\$95,000	\$1,714,000	No	\$159,000	No
		16	141	14.1	1	\$95,000	\$1,724,030	No	\$169,030	No
		18	141	14.9	1	\$95,000	\$1,732,700	No	\$177,700	No
		20	141	15.6	1	\$95,000	\$1,741,520	No	\$186,520	No
4	PL	22	141	16.6	1	\$95,000	\$1,750,496	No	\$195,496	No
		6	135	5.1	1	\$95,000	--	--	--	--
		8	135	7.1	1	\$95,000	\$956,657	No	\$136,657	No
		10	135	8.3	1	\$95,000	\$962,443	No	\$142,443	No
		12	135	9.2	1	\$95,000	\$972,829	No	\$152,829	No
		14	135	9.7	1	\$95,000	\$980,806	No	\$160,806	No
		16	135	10.0	1	\$95,000	\$991,335	No	\$171,335	No
		18	135	10.3	1	\$95,000	\$1,000,096	No	\$180,096	No
		20	135	10.7	1	\$95,000	\$1,009,006	No	\$189,006	No
22	135	11.1	1	\$95,000	\$1,018,079	No	\$198,079	No		

Noise Barrier No. ¹	Noise Barrier Location	Height (ft)	Approximate Length (ft)	Highest Noise Attenuation (dBA)	Number of Benefited Receptors/ Units ²	Total Reasonable Allowance	Without ROW Donated		With ROW Donated	
							Estimated Construction Cost ³	Reasonable?	Estimated Construction Cost ³	Reasonable?
5	PL	12	212	5.2	1	\$95,000	--	--	--	--
		14	212	5.9	1	\$95,000	--	--	--	--
		16	212	6.4	1	\$95,000	--	--	--	--
		18	212	6.6	1	\$95,000	--	--	--	--
		20	212	6.9	1	\$95,000	--	--	--	--
		22	212	7.0	1	\$95,000	\$674,617	No	\$309,617	No
6	PL	6	41	6.1	1	\$95,000	--	--	--	--
		8	41	10.2	1	\$95,000	\$644,617	No	\$44,617	Yes
		10	41	12.7	1	\$95,000	\$646,681	No	\$46,681	Yes
		12	41	13.9	1	\$95,000	\$650,061	No	\$50,061	Yes
		14	41	15.3	1	\$95,000	\$653,486	No	\$53,486	Yes
		16	41	16.2	1	\$95,000	\$656,911	No	\$56,911	Yes
		18	41	16.4	1	\$95,000	\$660,060	No	\$60,060	Yes
		20	41	16.8	1	\$95,000	\$663,254	No	\$63,254	Yes
22	41	17.2	1	\$95,000	\$666,499	No	\$66,499	Yes		

Source: *Noise Abatement Decision Report* (April 2019).

¹ Noise barriers from the 2018 NSR.

² Number of receptors/units that are attenuated by 5 dBA or more by the modeled barrier.

³ The estimated noise barrier construction cost information was provided by Caltrans (2019).

⁴ Shaded areas represent barrier heights that have been determined to be not reasonable because the barrier would not reduce noise levels by 7 dBA or more.

dBA = A-weighted decibels

ft = foot/feet

PL = property line

ROW = right-of-way

- **Geotechnical Considerations:** NB Nos. 2 and 6 (2018 NSR) would be constructed at a similar grade to the existing condition.
- **Utility Relocations:** No utility impacts are anticipated as a result of NB Nos. 2 and 6 (2018 NSR).

Based on the studies completed to date, Caltrans intends to incorporate NB No. 6 (2018 NSR) at Receptor R-120 with a length of 41 ft and a height of either 8 ft, 10 ft, 12 ft, 14 ft, or 16 ft. Calculations based on preliminary design data show that NB No. 6 (2018 NSR) would reduce noise levels by 10.2 to 16.2 dBA at a cost that ranges from \$44,617 to \$56,911. A noise barrier survey letter will be sent to the property owner to seek their opinion on the noise barrier. If the owner concurs with NB No. 6 (2018 NSR), then Mitigation Measure N-1 will not be offered. However, if the property owner does not concur with NB No. 6 (2018 NSR), then Mitigation Measure N-1 would be offered to meet the requirements of the Settlement Agreement (see Chapter 1).

In addition, Caltrans intends to incorporate NB Nos. 2 and 3 from the 2009 Final Environmental Impact Report (FEIR). NB No. 2 (2009 FEIR) would be constructed on the eastbound side of SR-74 from Via Cordova to Via Cristal with a length of 712 ft and a height of 16 ft. NB No. 3 (2009 FEIR) would be constructed on the eastbound side of SR-74 from Via Cristal to Via Errecarte with a length of 1,215 ft and a height of 16 ft. It should be noted that NB No. 2 (2018 NSR) at Receptor R-37 would be replaced by NB No. 2 (2009 FEIR) to meet the requirements of the Settlement Agreement. The location of NB Nos. 2 and 3 (2009 FEIR) is shown in Figure 1-4 in Chapter 1. In addition, the length of NB No. 2 in the FEIR (2009 FEIR) is longer than NB No. 2 in the NSR (2018 NSR), and the two noise barriers are virtually at the same location. NB Nos. 2 and 3 (2009 FEIR) and NB No. 6 (2018 NSR) would be constructed with transparent sound-attenuating material on the upper 5 ft of the noise barriers based on the requirements of the Settlement Agreement.

The project features and noise abatement measures may change based on input received from the public. If during final design, conditions have substantially changed, noise abatement may not be necessary. The final decision on noise abatement will be made upon completion of the project design.

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2.14 Wetlands and Other Waters

2.14.1 Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Federal Water Pollution Control Act, more commonly referred to as the Clean Water Act (CWA) (33 United States Code [USC] 1344), is the primary law regulating wetlands and surface waters. One purpose of the CWA is to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. The lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary high water mark (OHWM), in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands. To classify wetlands for the purposes of the CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA.

Section 404 of the CWA establishes a regulatory program that provides that discharge of dredged or fill material cannot be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (USACE) with oversight by the U.S. Environmental Protection Agency (U.S. EPA).

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of USACE's Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230), and whether permit approval is in the public interest. The Section 404 (b)(1) Guidelines

(Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a “least environmentally damaging practicable alternative” (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S., and not have any other significant adverse environmental consequences.

The Executive Order for the Protection of Wetlands (EO 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, EO 11990 states that a federal agency, such as FHWA and/or the Department, as assigned, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: (1) that there is no practicable alternative to the construction and (2) the proposed project includes all practicable measures to minimize harm. A Wetlands Only Practicable Alternative Finding must be made.

The Regional Water Quality Control Boards (RWQCBs) were established under the Porter-Cologne Water Quality Control Act to oversee water quality. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA. In compliance with Section 401 of the CWA, the RWQCBs also issue water quality certifications for activities which may result in a discharge to waters of the U.S. This is most frequently required in tandem with a Section 404 permit request. Please see the Water Quality section for more details.

2.14.2 Affected Environment

The information in this section is based on the *Natural Environment Study (Minimal Impacts)* (NES/MI; 2018) prepared for the proposed project.

The study area assessed for biological resources is referred to as the biological study area (BSA). The BSA represents the area of potential direct and indirect project effects to biological resources and includes the existing State Route 74 (SR-74) right-of-way from Post Mile (PM) 1.0 to PM 2.1 plus a 300-foot (ft) buffer from the Build Alternative 2 footprint from approximately 600 ft west of Calle Entradero to approximately 600 ft east of the San Juan Capistrano City limits. The northern and southern boundaries of the BSA included the width of the proposed roadway, median, and sidewalk areas, but with limited to residential walls and fences, which encompass the Build Alternative 2 footprint.

The BSA includes the existing SR-74, residential areas, commercial areas, landscaped areas, and disturbed roadway shoulders. The BSA is dominated by commercial, residential, and transportation land uses, roadways, medians, pedestrian sidewalks, landscaped areas, and channelized waterways. No indicators of wetlands were observed within the BSA. The most valuable natural habitat near the BSA is San Juan Creek, which is designated as both waters of the State and waters of the United States and is protected under the USACE's Special Area Management Plan (SAMP). In addition, the BSA contains drainage features that connect to San Juan Creek. However, these features were determined to be neither waters of the State nor waters of the United States. San Juan Creek Special Area Management Plan

The BSA is located within the USACE San Juan Creek SAMP area and implementation of the proposed project would require permitting under the SAMP. Compensatory mitigation may also be required as part of the permitting under the SAMP. The SAMP for the San Juan Creek Watershed was developed and approved by the USACE in cooperation with the County of Orange. The BSA contains areas of USACE and/or California Department of Fish and Wildlife (CDFW) jurisdiction that are included within the San Juan Creek Watershed and the SAMP for the San Juan Creek Watershed.

Upon review by the USACE, if the project is found to be inconsistent with the SAMP, an individual permit may be required. As part of the SAMP process, selected Nationwide Permits (NWPs) have been revoked. Therefore, an NWP authorization for the San Juan Creek Watershed cannot be obtained, but the project may be authorized by a Letter of Permission (LOP).

2.14.3 Environmental Consequences

The discussions regarding the potential temporary and permanent project effects on jurisdictional and non-jurisdictional waters in the following sections should be considered preliminary until verified by the USACE, the CDFW, and the RWQCB.

2.14.3.1 Temporary Impacts

Build Alternative 2

Construction of Build Alternative 2 is not anticipated to result in temporary effects to any wetlands or waters within the BSA associated with the existing drainage features described above. If jurisdictional areas were to be impacted by Build Alternative 2, Measure BIO-1, as outlined in Section 2.14.4 below, would be required to avoid and/or minimize impacts to these resources. Measure BIO-1 requires authorization

from the USACE, the CDFW, and the RWQCB prior to construction. Avoidance, minimization, and/or compensatory mitigation would be determined during the permit process. With implementation of Measure BIO-1, which requires a permit from the USACE, the CDFW, and the RWQCB, temporary impacts to wetlands or waters would not be adverse.

No Build Alternative

The No Build Alternative does not contain a construction component or ground-disturbing activities. The No Build Alternative is not expected to result in a change in the surface water flow, and thus would not affect wetlands and other waters.

Therefore, the No Build Alternative would not result in adverse temporary impacts to wetlands and other waters within the BSA.

2.14.3.2 Permanent Impacts

Build Alternative 2

Drainage work for the project primarily consists of extending existing curb-gutter inlets and constructing additional curb-gutter inlets to account for the new edge-of-pavement; the inlets will be constructed/extended to intercept water at the new edge-of-pavement along the westbound side of the SR-74. A concrete V-ditch along the westbound side of the SR-74 will be replaced with a similar structure adjacent to the new edge-of-pavement as well.

Two culverts, approximately 4 ft in diameter, will be extended as part of the project. These two culverts were analyzed by professional biologists and were determined to be non-jurisdictional waters (both U.S. and State). In addition, these culverts were determined to (1) lack evidence/indicators of an ordinary high watermark; (2) not house a regularly occurring channel (perennial, intermittent, or ephemeral); and (3) not be comprised of valuable habitat. In addition, the project drainage activities will not degrade or affect the biological, chemical, or physical characteristics of adjacent and/or nearby jurisdictional waterways and/or valuable habitat areas.

Construction of Build Alternative 2 is not anticipated to result in permanent effects to any wetlands or waters within the BSA associated with the existing drainage features, described above. If jurisdictional areas were to be impacted by the project, permit authorizations stipulated in Measure BIO-1 would be required. The CWA Section 404 permit authorization would depend on the USACE's determination regarding consistency with the SAMP.

Impacts to jurisdictional areas would require authorization from the USACE, CDFW, and RWQCB prior to construction as specified in Measure BIO-1. Avoidance, minimization, and/or compensatory mitigation would be determined during the permit process. With implementation of Measure BIO-1, which requires permits from the USACE, CDFW, and RWQCB, permanent impacts to wetlands or waters would not be adverse.

No Build Alternative

The No Build Alternative is not expected to result in a change in the surface water flow, and thus would not affect wetlands and other waters. Therefore, the No Build Alternative would not result in adverse permanent impacts to wetlands and other waters within the BSA.

2.14.4 Avoidance, Minimization, and/or Mitigation Measures

Measure BIO-1, as outlined below, would be implemented to help avoid any potential impacts to wetlands and other waters.

BIO-1 **San Juan Creek.** In the unlikely event that San Juan Creek is impacted by the project's activities, the California Department of Transportation (Caltrans) Biologist will need to coordinate with the United States Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the Santa Ana Regional Water Quality Control Board (SARWQCB) prior to construction. These permits may require compensatory mitigation, which will be implemented during project design and construction.

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2.15 Plant Species

2.15.1 Regulatory Setting

The U.S. Fish and Wildlife Service (USFWS) is responsible for the protection of federally listed special-status plant species. “Special-status” species are selected for protection because they are rare and/or subject to population and habitat declines. “Special status” is a general term for species that are provided varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act (FESA). Please see the Threatened and Endangered Species section summarized at the beginning of Chapter 2 in this document for detailed information about these species.

This section of the document discusses all federally protected special-status plant species, including USFWS candidate species.

The regulatory requirements for FESA can be found at 16 United States Code (USC) Section 1531, et seq. See also 50 Code of Federal Regulations (CFR) Part 402.

2.15.2 Affected Environment

The information in this section is based on the *Natural Environment Study (Minimal Impacts)* (NES-MI; 2018) prepared for the proposed project.

A literature review, site visits, and aerial photos were conducted for the project to identify the existence or potential occurrence of sensitive or special-status plant species located within or in the vicinity of the biological study area (BSA), which is primarily composed of commercial, residential, transportation land uses, roadways, medians, pedestrian sidewalks, landscaped areas, and channelized waterways. Due to lack of natural suitable habitat within the BSA, protocol and rare-plant focused surveys were determined to be unnecessary for the project.

In total, 12 special-status plant species were identified in the literature review as potentially occurring within the BSA, three of which are federally listed. Vegetation on the southern side of State Route 74 (SR-74) primarily consists of Western sycamore (*Platanus racemosa*), pine (*Pinus* sp.), and eucalyptus (*Eucalyptus* sp.) trees; the northern side of SR-74 contains disturbed areas typical of roadway shoulders, and residential housing. Based on multiple site visits, sensitive plant species were not observed and are not expected to occur within the BSA because of

the specific habitat requirements for special-status plant species and the availability and quality of habitat within the project area. In addition, there are no critical habitats identified for plant species by the USFWS for the project area.

2.15.3 Environmental Consequences

2.15.3.1 Temporary Impacts

Build Alternative 2

No special-status plant species were observed during multiple site visits conducted for the proposed project. Further, no special-status plants are expected to occur in the project area and most construction activities will occur within the existing roadway. Build Alternative 2 is not expected to result in temporary impacts to populations of special-status plant species within the BSA.

No Build Alternative

The No Build Alternative proposes no construction or other disturbance in the project limits. Therefore, the No Build Alternative would not result in temporary impacts related to special-status plant species. Further, the No Build Alternative would not result in permanent impacts on special-status plant species.

2.15.3.2 Permanent Impacts

Build Alternative 2

No native habitat is planned to be removed as part of Build Alternative 2; vegetation planned for removal consists of highway ornamental plants, primarily comprised of non-native ground cover, trees, and shrubs. Implementation of Build Alternative 2 would not result in permanent impacts to special-status plant species.

No Build Alternative

The No Build Alternative proposes no construction or other disturbance in the project limits. Therefore, the No Build Alternative would not result in impacts related to special-status plant species.

2.15.4 Avoidance, Minimization, and/or Mitigation Measures

Build Alternative 2 would not result in adverse impacts to special-status plant species, and no avoidance, minimization, or mitigation measures are required.

2.16 Invasive Species

2.16.1 Regulatory Setting

On February 3, 1999, President William J. Clinton signed Executive Order (EO) 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Federal Highway Administration (FHWA) guidance issued August 10, 1999 directs the use of the State’s invasive species list, maintained by the California Invasive Species Council to define the invasive species that must be considered as part of the National Environmental Policy Act (NEPA) analysis for a proposed project.

2.16.2 Affected Environment

The information in this section is based on the *Natural Environment Study (Minimal Impacts)* (NES[MI]) (2018) prepared for the proposed project. The majority of the biological study area (BSA) is dominated by highly disturbed and landscaped areas. Native habitat does not exist within or adjacent to the BSA. However, there are several invasive species that exist within the BSA, such as castor bean (*Ricinus communis*), iceplant (*Carpobrotus edulis*), purple fountain grass (*Pennisetum setaceum*), and pampas grass (*Cortaderia selloana*). The invasive species that exist within the BSA are spread throughout the project limits. There is a low potential for some invasive species from one location of the project limits to be spread to another location within the project limits although the entire BSA contains various highly invasive species.

2.16.3 Environmental Consequences

2.16.3.1 Temporary Impacts

Build Alternative 2

Construction of Build Alternative 2 has the potential to spread invasive species within the project limits through the entering and exiting of contaminated construction equipment and through the improper removal and disposal of invasive species during the construction period.

With implementation of Measure BIO-2 the project would avoid the spread of invasive species within the project limits during the construction period.

No Build Alternative

The No Build Alternative would not include construction of any of the proposed improvements associated with Build Alternative 2. As a result, the No Build Alternative would not result in new impacts related to invasive species. Locations within the State Route 74 (SR-74) right-of-way where invasive species currently occur would not be modified under the No Build Alternative.

2.16.3.2 Permanent Impacts

Build Alternative 2

To accommodate the highway widening, the new retaining and sound walls, and drainage improvements, Build Alternative 2 would permanently remove existing invasive plant species located adjacent to the highway and may reduce existing invasive species in the BSA. No potential effects from the introduction and/or invasive species associated with construction are considered permanent because there are no undisturbed, native habitats within the project limits. Implementation of Build Alternative 2 does have the potential to spread invasive species to adjacent disturbed areas in the BSA through the entering and exiting of contaminated construction equipment, the inclusion of invasive species in seed mixtures and mulch, and the improper removal and disposal of invasive species causing seed to be spread along the highway.

With implementation of Measure BIO-2, potential project-related permanent impacts related to invasive species would not be adverse.

No Build Alternative

The No Build Alternative would not include construction or operation of any of the proposed improvements associated with Build Alternative 2. Therefore, the No Build Alternative would not result in impacts related to invasive species.

2.16.4 Avoidance, Minimization, and/or Mitigation Measures

The project will incorporate Measure BIO-2, outlined below, to avoid and/or minimize potential effects related to the introduction and spread of invasive species.

BIO-2 **Vegetation Removal.** To avoid the spread of invasive plant species, all vegetation being removed should be disposed of properly. If vegetation is planted on site, the Caltrans Biologist and the Landscape Architect will coordinate and approve the proposed vegetation to be planted.

2.17 Cumulative Impacts

2.17.1 Regulatory Setting

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the study area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

A definition of cumulative impacts under the National Environmental Policy Act (NEPA) can be found in 40 Code of Federal Regulations (CFR) Section 1508.7.

2.17.2 Methodology

The cumulative impact analysis methodology utilized was based on the eight-step process set forth in the California Department of Transportation (Caltrans) *Standard Environmental Reference (SER) Guidance for Preparers of Cumulative Impact Analysis* (2005). The eight-step process is as follows:

- Identify resources to be analyzed
- Define the study area for each resource (i.e., the Resource Study Area [RSA])
- Describe the current health and historical context for each resource
- Identify both direct and indirect impacts of Build Alternative 2
- Identify other reasonably foreseeable actions that affect each resource
- Assess potential cumulative impacts
- Report results
- Assess the need for mitigation

2.17.3 Affected Environment

The proposed project traverses through the City of San Juan Capistrano (City) and unincorporated areas of the County of Orange (County). The identification of cumulative impacts was based upon a search of projects within the City, as well as the adjacent areas of unincorporated Orange County. This study area is considered appropriate because it will capture the key projects that have the potential of contributing similar impacts on resources affected by the proposed project. A list of past, present, and reasonably foreseeable future development projects is provided in Table 2.21-1. Table 2.21-2 identifies roadway projects along SR-74. The locations of these projects are illustrated in Figure 2.21-1, Cumulative Projects.

Not all projects would contribute to cumulative impacts for each topical area. For example, not all projects would have impacts on biological resources. Not all impacts associated with each cumulative project would contribute to a cumulative impact. Some of the impacts are site-specific and would not compound the impacts associated with the proposed project. In other cases, short-term impacts would not contribute to cumulative impacts because the construction of the cumulative project and the road widening would not occur in the same time period or be proximate to each other.

It is important to note that a quantification of cumulative impacts is not feasible for some impact topics and would be speculative. In some cases, no environmental document has been prepared and impacts are unknown. In other instances, the impacts have not been quantified. Therefore, much of the cumulative evaluation is a qualitative judgment regarding the combined effects of the relationship among the projects included in the RSA for each resource. In some cases, application of the identified project mitigation and/or minimization program may reduce the cumulative impacts as well as the project impact.

The cumulative analysis is limited to the resources that require avoidance, minimization, and mitigation measures to analyze whether the impact contribution to the resources, when considered with the proposed project and other cumulative projects, could be cumulatively considerable. In addition, temporary construction impacts of the project are not considered contributory to cumulative impacts, given the limited duration, localization, and small scale of these impacts as well as the avoidance and minimization measures applied to them. Therefore, the cumulative analysis only considers potential cumulative long-term impacts of the proposed project and the other cumulative projects.

Table 2.17.1: Cumulative Development Projects List

No.	Project Name	Location	Land Use	Status	Size	Lead Agency
1	San Juan Hills High School	West of La Pata Avenue; 29211 Stallion Ridge, San Juan Capistrano, CA 92675	Public high school	Completed	50 ac	Capistrano Unified School District
2	24-Hour Fitness	South side of Calle Arroyo, west of Rancho Viejo Road; 27124 Calle Arroyo, San Juan Capistrano, CA 92675	Health club	Under construction	38,000 sf	City of San Juan Capistrano
3	Plaza Banderas	Northeast corner of El Camino Real & SR-74 (Ortega Highway); San Juan Capistrano, CA 92675	Hotel and restaurant	Under construction	18,398 sf	City of San Juan Capistrano
4	The Oaks	South side of Ortega Highway, west of Reata Park; San Juan Capistrano, CA 92675	Residential equestrian	Completed	12 ac	City of San Juan Capistrano
5	Tirador Residential	Near terminus of Calle Arroyo; San Juan Capistrano, CA 92675	Townhomes and detached single-family residences	Under review	229,591 sf	City of San Juan Capistrano
6	Chevron Service Station & Convenience Store	27164 Ortega Highway, San Juan Capistrano, CA 92675	New fueling station and convenience store	Under review	1,932 sf	City of San Juan Capistrano
7	Reata Glen	28805 Ortega Highway, San Juan Capistrano, CA 92675	Senior Residential	Under construction	22,815 ac	County of Orange
8	Blenheim Farms and Stables	28801 San Juan Creek Road, San Juan Capistrano, CA 92675	Stable/barn	Approved	974,091 sf	City of San Juan Capistrano
9	Sendero Ranch Plan (Marketplace, Apartments, Field)	30721 Gateway Place and 1701 Gateway Place, Ladera Ranch, CA 92694 and 29201 Ortega Highway, San Juan Capistrano, 92675	Commercial/Retail, Residential/Recreation	Completed	98,000 sf, 12.6 ac, 15 ac	County of Orange
10	Escencia Ranch Plan Planning Subarea 2.2	East of Antonio Parkway north of Cow Camp Road	Neighborhood Center, Residential	Completed	225 ac	County of Orange

Table 2.17.1: Cumulative Development Projects List

No.	Project Name	Location	Land Use	Status	Size	Lead Agency
11	Ranch Plan Planning Areas 3 & 4	East of Antonio Parkway and Ladera Ranch, south of Coto de Caza, and west of Caspers Regional Park	Residential, urban activity center, business park, and open space	Under review	3,313 ac	County of Orange

Sources: City of San Juan Capistrano (2018); County of Orange (2018)
ac = acre(s)
sf = square feet
SR-74 = State Route 74

Table 2.17.2: Cumulative Transportation Projects List

No.	Project Name	Route	Post Mile	Location	Land Use	Status	Lead Agency
1	State Route 74 Slope Embankment Repairs (EA 0Q570)	74	PM 3.1–5.6	City of San Juan Capistrano	Highway	Complete	Caltrans
2	State Route 74 Signal Emergency Project (EA 0R550)	74	PM 0.47	Ortega Highway (SR-74) at La Novia; City of San Juan Capistrano	Highway	Under construction	Caltrans
3	Pedestrian Facilities Upgrade to ADA Standards (EA 0M090)	74/5	PM 0.04–1.8	0.06 mi east of the I-5/SR-74 interchange; City of San Juan Capistrano	Highway	Planning construction in summer 2019	Caltrans
4	Landscape for Mitigation Planting (EA 0L720)	74	PM 2.93–5.06	East of Antonio Parkway/La Pata Avenue to west of Conrock entrance; City of San Juan Capistrano	Highway	Under construction	Caltrans

Source: Caltrans (2019).

ADA = Americans with Disabilities Act (of 1990)

I-5 = Interstate 5

mi = mile(s)

PM = post mile(s)

PS&E = Plans, Specifications, and Estimates

SR-74 = State Route 74

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- Development Projects**
- 1 San Juan Hills High School
 - 2 24-Hour Fitness
 - 3 Plaza Banderas
 - 4 The Oaks
 - 5 Tirador Residential
 - 6 Chevron Service Station & Convenience Store
 - 7 Reata Glen
 - 8 Blenheim Farms and Stables
 - 9 Sendero Ranch Plan (Marketplace, Apartments, Field)
 - 10 Escencia Ranch Plan Planning Subarea 2.2
 - 11 Ranch Plan Planning Areas 3 & 4
- Transportation Projects**
- 1 State Route 74 Embankment Repairs (EA 0Q570)
 - 2 State Route 74 Signal Emergency Project (EA 0R550)
 - 3 Pedestrian Facilities Upgrade to ADA Standards (EA 0M090)
 - 4 Landscape for Mitigation Planting (EA 0L720)

LEGEND

- Project Limits
- 1 Cumulative Projects
- Development
- Transportation



0 1000 2000
FEET

SOURCE: Bing Maps (2017); Caltrans (4/3/2019)

I:\CDT1609\GIS\MXD\Task41_SR74_LowerOrtega_Env\CumulativeProjects.mxd (5/15/2019)

FIGURE 2.17-1

SR-74 Lower Ortega Highway Widening Project

Cumulative Projects

12-ORA-74 PM 1.0/2.1

EA 086920

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2.17.3.1 Resources Excluded from Cumulative Impacts Analysis

As specified in the Caltrans guidance, if Build Alternative 2 would not result in a direct or indirect impact to a resource, it would not contribute to a cumulative impact on that resource and need not be evaluated with respect to potential cumulative impacts.

Those resources for which cumulative effects are not anticipated or for which the impacts were already analyzed in a cumulative context (e.g., traffic, air quality, and noise) are briefly discussed below.

- **Coastal Zone:** The study area is not located in the California Coastal Zone. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts related to the Coastal Zone.
- **Wild and Scenic Rivers:** No wild and scenic rivers are located within the study area. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts to wild and scenic rivers.
- **Farmlands/Timberlands:** No farmlands or timberlands are located within the study area. There are no parcels under a Williamson Act contract within the project limits. In addition, there is no existing zoning for agricultural use, forestland, or timberland in the study area. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts to farmlands or timberlands.
- **Land Use:** Build Alternative 2 would be consistent with the applicable policies and objectives contained in local and regional planning documents to improve regional transportation facilities and maximize the efficiency of the circulation system. Build Alternative 2 would result in the conversion of 0.63 ac of land planned for residential uses into transportation uses for the proposed roadway improvements. This impact would be avoided and/or minimized with implementation of Measure LU-2. Additionally, permanent use of land would also be required through permanent easements (PEs) on 33 parcels, but would not result in a permanent land use conversion. The roadway improvements associated with Build Alternative 2 would not result in changes to the overall existing land use patterns along SR-74 because the project segment of SR-74 is an existing transportation facility located in a highly developed area. Therefore, Build Alternative 2 would not contribute to adverse cumulative impacts related to land use.
- **Parks and Recreation:** Build Alternative 2 would not result in the temporary use or permanent acquisition of parks and recreational facilities. The East Club Trail,

privately owned by the Hunt Club HOA, would be impacted temporarily due to construction; however, Project Feature PF-TR-1 would address these temporary impacts with the implementation of a detour plan included in a TMP. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts related to parks and recreation.

- **Growth:** Build Alternative 2 would improve existing and future traffic operations, reduce congestion, and accommodate existing and future planned growth that would occur with or without Build Alternative 2. In addition, Build Alternative 2 would not influence the location, type, or rate of future growth and development and would not result in any adverse temporary or permanent growth-inducing impacts. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts related to growth.
- **Community Impacts:** Implementation of Build Alternative 2 would require permanent partial acquisitions from five parcels along SR-74; however, because the acquired land is located adjacent to the existing alignment and no displacement or relocations would be required, Build Alternative 2 would not result in permanent impacts to community cohesion by dividing or limiting access to or from neighborhoods or community facilities. In addition, Build Alternative 2 would not result in any impacts to environmental justice communities. Build Alternative 2 would result in beneficial effects related to community character and cohesion in terms of improved access and connectivity. Construction of Build Alternative 2 would require temporary construction easement(s) (TCEs) on 46 parcels that may result in temporary vegetation removal, ground disturbance, trail closures, sidewalk closures, partial roadway closures and temporary congestion on SR-74; however, implementation of Project Features PF-TR-1 and PF-UES-2 would address these temporary impacts. Additionally, construction of Build Alternative 2 would require Permanent Easements (PEs) on 33 parcels required for access and maintenance of the intended improvements. However, property owners for parcels with PEs would still retain ownership of the underlying fee, and Caltrans would hold an easement interest. Therefore, Build Alternative 2 would not contribute cumulatively negative impacts to the study area and adjacent communities.
- **Utilities and Emergency Services:** Construction of Build Alternative 2 would require avoidance, protection-in-place, relocation, or adjustment to grade of utilities within the project limits. However, all utilities would be relocated according to an approved relocation plan, and final design will focus on relocating utilities within existing public rights-of-way and/or permanent easements. Utility

relocations are anticipated to be completed by the various utility owners prior to or during construction. Prior to utility relocation activities, the Construction Contractor will coordinate with affected utility providers regarding potential utility relocations and inform affected utility users in advance about the date and timing of potential service disruptions (Project Feature PF-UES-1). In addition, prior to and during construction, Caltrans will coordinate all partial roadway closures and detour plans with law enforcement, fire protection, and emergency medical service providers to address temporary delays in emergency response times, including the identification of alternative routes for emergency vehicles and routes across the construction areas (Project Feature PF-UES-2). Temporary construction impacts on emergency services would also be addressed by implementation of a Transportation Management Plan (TMP) (Project Feature PF-TR-1) as described in Section 2.5, Traffic and Transportation / Pedestrian and Bicycle Facilities. As these project features address potential temporary effects of the project construction on utilities and temporary adverse effects on emergency services, Build Alternative 2 would not contribute to cumulative adverse impacts to utility facilities or the provision of emergency services.

- **Traffic/Transportation:** Build Alternative 2 would improve traffic operations and would improve pedestrian and bicycle facilities within the project limits. Construction of Build Alternative 2 would result in temporary disruptions to traffic flow along SR-74 and associated intersections within the project limits. Traffic on SR-74 may also be disrupted by trucks hauling construction materials and debris. Construction activities would require partial closures and potential temporary full road closures if any nighttime construction is required. However, per the Settlement Agreement (Appendix J), nighttime construction activities are generally prohibited. Nighttime construction will only be allowed in emergency situations, for the installation of traffic signals, or if Caltrans or the entity responsible for construction has received prior approval from the City for non-emergency nighttime construction activities. Short-term detours for pedestrians would also be required during the reconstruction of the sidewalk on the north side of SR-74 between Calle Entradero and Hunt Club Drive. A TMP would be prepared to minimize short-term impacts to vehicular, pedestrian, and bicycle transportation during construction of the project. Caltrans will coordinate with the City and the County in the development of the TMP (Project Feature PF-TR-1). Build Alternative 2 would increase the capacity of SR-74 to account for future increases in roadway segment capacity. Therefore, no traffic diversion would occur under Build Alternative 2. Because road closures would be coordinated

with local jurisdictions, Build Alternative 2 would not contribute to cumulative adverse impacts to traffic/transportation.

- **Hydrology and Floodplains:** Build Alternative 2 would not encroach into any floodplains or substantially change the hydrology of the study area. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts to hydrology and floodplains.
- **Water Quality:** As described in Section 2.8, Water Quality and Storm Water Runoff, runoff from the study area discharges to the San Juan Creek watershed, which could be impacted by construction of Build Alternative 2. Any temporary construction-related impacts to San Juan Creek would be addressed through the implementation of Project Features PF-WQ-2 and PF-WQ-3, which require compliance with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP), respectively. Build Alternative 2 would have a net increase in impervious surfaces that would include the construction of permanent best management practices (BMPs), as described in Project Features PF-WQ-4, PF-WQ-5, and PF-WQ-6 to target pollutants of concern and reduce the volume and velocity of storm water prior to discharge. Build Alternative 2 would comply with the requirements of the NPDES Construction General Permit, the Caltrans NPDES permit requirements, and the Caltrans Storm Water Management Plan (SWMP), and would implement BMPs to target pollutants of concern in stormwater runoff during construction and operation. In addition, all projects within the San Juan Creek watershed would be required to comply with applicable permit requirements to reduce impacts to water quality during construction and operation. As a result, Build Alternative 2 would not contribute to cumulative adverse impacts related to water quality.
- **Geology/Soils/Seismic/Topography:** As discussed in Section 2.9, Geology/Soils/Seismic/Topography, construction activities for Build Alternative 2 would disturb soil. Temporary effects of those activities would include increased possibility of soil erosion. Implementation of Project Features PF-WQ-2, PF-WQ-3, PF-WQ-4, and PF-WQ-5, described in Section 2.8, Water Quality and Storm Water Runoff, would address potential soil erosion from construction activities. Build Alternative 2 would have minimal effect on geologic and topographic conditions. However, design and construction of Build Alternative 2 could be constrained by seismic shaking, landslides, slope instability, liquefaction, erosion, expansive soils, and corrosion. There are no known active or potentially active surface faults within the study area; therefore, the potential for ground rupture is considered to

be low. There is potential for moderate-to- severe seismic shaking during the life of the improvements for Build Alternative 2. Project Feature PF-GEO-1 would be implemented to address worked safety during construction of Build Alternative 2. In addition, Project Feature PF-GEO-2 would require compliance with Caltrans' procedures and seismic design criteria to accommodate expected ground accelerations and implement other earthwork recommendations. Measure GEO-1 would also require design phase geotechnical work to provide recommendations for addressing liquefaction potential, collapsibility potential, slope stability, and corrosion potential, which would minimize short-term and long-term geotechnical effects. Because Build Alternative 2 would not result in effects related to geology, soils, seismicity, and topography, they would not contribute effects related to those parameters. Therefore, Build Alternative 2 would not contribute to cumulative adverse effects to these resources.

- **Hazardous Waste/Materials:** As discussed in Section 2.11, Hazardous Waste/Materials, the analysis of the potential hazardous waste and materials effects of Build Alternative 2 indicate potential concerns during construction related to: (1) disturbance of potentially contaminated soil; (2) presence of polychlorinated biphenyls (PCBs) in pad- and pole-mounted transformers; (3) overhead powerlines; (4) a petroleum pipeline; (5) presence of aerially deposited lead (ADL) in soils adjacent to roads; and (6) potential for elevated concentrations of metals such as lead in yellow traffic striping and pavement-marking materials. Project Features PF-HAZ-1 and PF-HAZ-2 would address potential impacts from lead chromate and unknown contaminants, respectively, through compliance with Caltrans Standard Specifications. The historical agricultural use of five partially acquired parcels is considered a Recognized Environmental Concern (REC) as there may be residual pesticides in the subsurface and shallow site soils. The implementation of Measure HAZ-1, outlined in Section 2.11, Hazardous Waste/Materials, would require soil investigations during the design phase to avoid and/or minimize potential effects related to hazardous materials and hazardous wastes during construction of Build Alternative 2. Build Alternative 2 would have no impacts related to PCBs, overhead power lines, or ADL. The Kinder Morgan high-pressure petroleum pipeline crossing identified in the eastern portion of the project limits is also considered an REC. Measure HAZ-2 would avoid and/or minimize potential impacts associated with this specific concern, and safety precautions will be taken during construction for all work near this pipeline. With implementation of these project features and measures, Build Alternative 2 would not result in adverse effects related to hazardous

waste/materials and would not contribute to cumulative adverse impacts related to hazardous waste/materials.

- **Natural Communities:** As discussed in Chapter 2.0, the Biological Study Area (BSA) primarily consists of urban landscaping, ornamental vegetation, and ruderal/disturbed soils and does not contain natural communities of special concern. As a result, listed species are highly unlikely to occur within the BSA. Furthermore, no wildlife corridors or crossings occur within the BSA. As a result, Build Alternative 2 would not contribute to cumulative adverse effects related to natural communities and, therefore, this environmental topic was not evaluated further in this analysis.
- **Wetlands and Other Waters:** Construction of Build Alternative 2 is not anticipated to result in any temporary or permanent impacts to any wetlands or waters within the BSA associated with the existing drainage features. However, if jurisdictional areas (San Juan Creek) were to be impacted by Build Alternative 2, Measure BIO-1, as outlined in Section 2.14, Wetlands and Other Waters, would be required to minimize impacts to these resources. With implementation of Measure BIO-1, which requires a permit from the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Boards (RWQCB), temporary impacts to wetlands or waters would not be adverse. Therefore, Build Alternative 2 would not contribute to cumulative adverse effects related to wetlands and other waters.
- **Plant Species:** Build Alternative 2 would not result in temporary impacts to populations of special-status plant species within the BSA. Based on multiple site visits, sensitive plant species were not observed and are not expected to occur within the BSA because of the specific habitat requirements for special-status plant species and the availability and quality of habitat within the BSA. In addition, there are no critical habitats identified for plant species by the USFWS for the BSA. Therefore, Build Alternative 2 would not contribute to cumulative adverse effects related to plant species.
- **Animal Species:** As discussed in Chapter 2.0, field visits were conducted, which confirmed that the special-status animal species are not anticipated to occur within the BSA due to lack of suitable habitat and lack of presence. Build Alternative 2 would not result in impacts to special-status animal species in the BSA. Therefore, Build Alternative 2 would not contribute to cumulative adverse effects related to animal species.
- **Threatened and Endangered Species:** In total, six listed USFWS' Information for Planning and Consultation (IPaC), California Natural Diversity Database

(CNDDDB), and National Marine Fisheries Service (NMFS) species were identified and determined to have the potential to occur in the general vicinity of the BSA. Site visits were also conducted to characterize the general biological resources and to ascertain the presence or absence of listed species and the likelihood of their occurrence in or near the BSA. As a result, no Federal or State-listed as threatened or endangered plant or animal species were observed within the BSA, and are not expected to occur based on the lack of suitable habitat and known distributions. Additionally, there are no critical habitats identified by the USFWS for threatened or endangered species within the BSA. A “*No Effect*” determination has been made for all of the federally listed species on the IPaC and NMFS lists. Therefore, there would be no cumulative adverse effects on threatened and endangered species.

- **Invasive Species:** Implementation of Build Alternative 2 has the potential to spread invasive species within the project limits and in the BSA through the entering and exiting of contaminated construction equipment and through the improper removal and disposal of invasive species during the construction period. With implementation of Measure BIO-2, provided in Section 2.16, Invasive Species, the spread of invasive species during the construction period would be avoided and/or minimized through proper disposal of all vegetation removed, and project-related effects related to invasive species would not be adverse. Therefore, Build Alternative 2 would not contribute to cumulative adverse effects related to invasive plant species.

2.17.3.2 Resources Evaluated for Cumulative Impacts

Cultural Resources

The RSA for cultural resources is the project’s area of potential effects (APE), which encompasses the existing roadway and the maximum limit of potential disturbances that may result from construction activities. The site-specific nature of cultural resources reduces the potential for cumulative impacts. Within the APE, there is one cultural resource that is being assumed eligible for the National Register of Historic Places (NRHP) for the purposes of this project only, the Manriquez Adobe site. No evidence of the site was encountered within the APE during the pedestrian survey or the Extended Phase I (XPI) study. Overall, the project’s finding is No Adverse Effect without Standard Conditions (Environmentally Sensitive Area [ESA]) on historic properties. With implementation of Measure CUL-1, an ESA Action Plan would be implemented, and potentially significant subsurface deposits would not be impacted.

Construction of Build Alternative 2 could potentially result in effects to previously undocumented cultural resources. Implementation of Project Feature PF-CUL-1, as discussed in Section 2.7, Cultural Resources, addresses the possibility of discovery of cultural materials during construction, and implementation of Project Feature PF-CUL-2 addresses the possibility of the discovery of human remains during construction. While cultural resources outside of the project limits may be directly or indirectly impacted by the cumulative projects identified in Tables 2.17.1 and 2.17.2, these projects would be required to implement measures to avoid, minimize, and/or mitigate potential impacts to cultural resources. Because Build Alternative 2 would not result in adverse impacts to the identified cultural resource in the study area and because no other projects would affect this cultural resource, Build Alternative 2 would not contribute to cumulative adverse impacts related to cultural resources.

Visual/Aesthetics

The RSA for visual/aesthetics is the vicinity surrounding the project limits. The RSA is located in a semi-rural area surrounded by residential, open space, community parks, and transportation uses. The location of Build Alternative 2 establishes the context for determining the impact of proposed changes to the existing visual setting. Visual impacts as a result of the construction and implementation of Build Alternative 2 include key views that represent public views from both public right-of-way and publicly accessible areas located within and adjacent to the project limits, as indicated in Section 2.6 Visual/Aesthetics. Visual impacts related to Build Alternative 2 would occur within the vicinity of the project limits.

Temporary impacts resulting from the construction of Build Alternative 2 would include exposure of sensitive viewers to construction activities within the project limits. Construction of Build Alternative 2 would expose surfaces, construction debris, equipment, and truck traffic to nearby sensitive viewers. Additionally, construction vehicle access and staging of construction materials would be visible from motorists traveling along the project limits as well as residential and recreational uses in the vicinity of the project limits. However, these impacts would be short-term and would cease upon completion of construction. As stated above, nighttime construction activities would be prohibited, except in cases of emergencies.

As it is not feasible to analyze all the views in which Build Alternative 2 would be seen, key views were selected that would most clearly demonstrate the changes in the visual resources of Build Alternative 2. Key views also represent the viewer groups that have the highest potential to be affected by Build Alternative 2 considering

exposure and sensitivity. Build Alternative 2 would result in permanent impacts to Key Views 1 through 5, as discussed in Section 2.6, Visual and Aesthetics. The overall visual impacts of Build Alternative 2 would be moderate-to-high. The highest visual impact rating would occur from Key View 3. This represents a typical view looking northwest towards single-family residential uses to the north of SR-74. Therefore, based on viewer response and the overall resource change, the visual impact for Key View 3 would be moderate-to-high.

Build Alternative 2 would involve improvements to SR-74, as well as ancillary improvements to adjacent driveways and the construction of potential soundwalls at various locations. As discussed above, the location of Build Alternative 2 establishes the context for determining the impact of proposed changes to the existing visual setting. This includes projects within the immediate vicinity of the project limits that may be visible to travelers along SR-74 in conjunction with Build Alternative 2.

Build Alternative 2 and the cumulative development projects listed in Tables 2.17.1 and 2.17.2 are largely within a developed portion of the City or areas planned for development in unincorporated areas of the County. As shown in Figure 2.17-1, one project (Pedestrian Facilities Upgrade to ADA Standards [ID No. 3]) overlaps with the project limits. Two development projects (The Oaks and Reata Glen [ID Nos. 4 and 7, respectively]) are also adjacent to the project limits. However, these projects would be compatible with the residential development in the City and are consistent with the land use designations for the City and the County. Although viewers traveling on SR-74 may notice visual changes as a result of Build Alternative 2 and the aforementioned cumulative development, SR-74 is not a designated scenic highway. Thus, Build Alternative 2 and its impact on key views would not cumulatively contribute to a change in character or quality in the study area. Therefore, the extent of impacts resulting from cumulative development would be moderate. With implementation of Measures VIS-1 through VIS-8, cumulatively considerable impacts resulting from implementation of Build Alternative 2 would be addressed.

Paleontological Resources

Excavation depths for various components of Build Alternative 2 range from a minimum of 2 inches for pavement rehabilitation to a maximum of 20 feet (ft) for proposed cut slopes. The majority of the RSA for paleontological resources contains geologic units that have high paleontological sensitivity including Old Axial Channel Deposits, Young Axial Channel Deposits, the Capistrano Formation, siltstone facies,

and the Monterey Formation, which would be impacted by excavation activities for Build Alternative 2. Sediments of the Young Axial Channel Deposits below a depth of 10 ft may be old enough to contain scientifically significant paleontological resources and the other geologic units referenced have high potential to contain scientifically significant paleontological resources. As such, Build Alternative 2 has the potential to impact scientifically significant, nonrenewable paleontological resources. However, a Paleontological Mitigation Plan (PMP) will be required to be prepared as specified in Measure PAL-1 to mitigate potential impacts to paleontological resources.

Build Alternative 2 and other projects in the study area could disturb sensitive sediments that may contain paleontological resources, thus contributing to cumulative impacts to paleontological resources. Projects such as Tirador Residential and The Oaks (Project IDs 5 and 9) would potentially excavate in previously undisturbed areas and could, in conjunction with nearby construction requiring ground disturbance, contribute cumulatively to impacts on paleontological resources. However, impacts to paleontological resources as a result of other projects would depend on the depth of excavation, if excavation is required, and the presence of sensitive sediments. The potential to encounter paleontological resources would be highly dependent on project-specific factors mentioned previously, and all projects located in areas with sensitive sediments would be required to implement mitigation measures similar to Measure PAL-1. Therefore, Build Alternative 2, in combination with other planned projects in the study area, would not result in substantial cumulative impacts to paleontological resources.

Air Quality

With implementation of Project Features PF-AQ-1 through PF-AQ-6, identified in Section 2.12, Air Quality, fugitive dust and exhaust emissions from construction activities would not result in any adverse air quality impacts. Construction activities related to Build Alternative 2 would not last for more than 5 years at one general location. Therefore, construction-related emissions do not need to be included in regional and project-level conformity analysis. The proposed project is in a nonattainment area for the federal ozone standard; therefore, the proposed project is subject to a regional conformity determination. As described in Section 2.12, the proposed project was determined not to be a Project of Air Quality Concern (POAQC) by the Transportation Conformity Working Group (TCWG). Construction and long-term operation of the proposed project would, therefore, be considered

consistent with the purpose of the State Implementation Plan (SIP), and Build Alternative 2 would conform to the requirements of the Federal Clean Air Act. Emission effects of Build Alternative 2 would be low, and it is expected that there would be no appreciable difference in overall Mobile-Source Air Toxics (MSAT) emissions between the No Build Alternative and Build Alternative 2. After implementation of the project features, no adverse air quality impacts related to construction of Build Alternative 2 would occur.

Although there is a potential for construction of Build Alternative 2 to occur simultaneously with transportation improvement projects listed in Table 2.17.1, construction-related emissions would be temporary and all projects would be required to implement standard measures/project features, similar to Project Feature PF-AQ-1, which requires compliance with the South Coast Air Quality Management District (SCAQMD) fugitive dust controls and Caltrans Standard Specifications for Construction [14-9.02]), to reduce any air quality impacts resulting from construction activities. In addition, since each of the projects listed in Table 2.17.2 is a Caltrans District 12 project, Caltrans would coordinate the projects' construction schedule and make adjustments as necessary to avoid substantial air quality impacts. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts related to air quality.

Noise

During construction, short-term noise impacts from construction crew commutes and equipment transport would not result in substantial temporary noise impacts. The closest sensitive receptors are approximately 50 ft from the project limits and may be subject to short-term noise impacts generated by construction activities. Project Feature PF-N-1 in Section 2.13, Noise, requires compliance with Caltrans' Standard Specifications in Section 14-8.02 and would reduce construction noise impacts on sensitive land uses in the study area. The analysis of future noise conditions related to Build Alternative 2 for 2045 (Design Year) is a cumulative analysis and considers all the related projects. The analysis considers traffic noise related to existing and future planned land uses and the effects of future planned transportation improvements. Six receptors under Build Alternative 2 would approach or exceed the Noise Abatement Criteria (NAC) and no receptors would experience a substantial noise increase of 12 A-weighted decibels (dBA) or more over its corresponding modeled existing noise level. However, only two noise barriers (NB) (NB Nos. 2 and 6) were determined to be feasible and reasonable. In addition, two noise barriers (NB Nos. 2 and 3) were

recommended for this project as a community enhancement to protect residences along the south side of SR-74 as part of the project features within the certified Final Environmental Impact Report (EIR). As NB No. 2 from the Final EIR and NB No. 2 from the 2018 NSR and 2019 NADR are in the same location, but have different lengths, NB No. 2 from the Final EIR will be implemented. Furthermore, in the noise barrier survey for NB No. 6, Mitigation Measure N-1 from the Final EIR will also be offered.

Although construction of Build Alternative 2 could potentially occur simultaneously with the projects listed in Tables 2.17.1 and 2.17.2, all projects would be required to comply with Caltrans Standard Specifications Section 14-8.02 or applicable City or County noise ordinances to reduce any temporary noise impacts associated with construction. In addition, Caltrans would coordinate their projects' construction schedules and make adjustments as necessary to avoid substantial noise impacts. Cumulative projects in the study area would also be required to analyze noise impacts and identify avoidance, minimization, mitigation, and/or abatement measures to protect sensitive receptors and to implement these measures if deemed both feasible and reasonable. Therefore, Build Alternative 2 would not contribute to cumulative adverse impacts related to noise.

2.17.4 Avoidance, Minimization, and/or Mitigation Measures

Measures to avoid, minimize, or mitigate harm resulting from construction and operation of Build Alternative 2 are provided in Sections 2.1 through 2.16. Those measures address temporary direct and indirect effects during construction and permanent direct and indirect effects during operation of Build Alternative 2. No measures beyond those identified in Sections 2.1 through 2.16 and summarized in this section are required to address the potential contributions of Build Alternative 2 to cumulative adverse effects.

Chapter 3 **Comments and Coordination**

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required and identify potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency and tribal consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including interagency coordination meetings, public meetings, public notices, Project Development Team (PDT) meetings, and Project Quality Team (PQT) meetings. This chapter summarizes the results of the California Department of Transportation's (Caltrans) efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

3.1 Interagency Coordination and Consultation

3.1.1 State Historic Preservation Officer

As discussed in Section 2.7, Cultural, State Route 74 (SR-74), including the project limits between Post Mile (PM) 1.0 and PM 2.1, has been previously determined as neither eligible for the National Register of Historic Places (NRHP) nor for registration as a California Historical Landmark. On May 22, 2018, the State Historic Preservation Officer (SHPO) concurred with these findings (*Historic Property Survey Report* [2019], Appendix H). Additionally, Caltrans is assuming that the Manriquez Adobe site (P-30-176750) is eligible for the NRHP for this project only because only a portion of the site is being affected and evaluation was not possible, under the Advisory Council on Historic Preservation Section 106 Programmatic Agreement (Section 106 PA) Stipulation VIII.C.4. Caltrans has determined that a Finding of No Adverse Effects without Standard Conditions – Environmentally Sensitive Area is appropriate and is requesting SHPO concurrence on this determination under Stipulation X.B.2. The letter documenting SHPO concurrence will be provided in the Final Environmental Document.

3.1.2 Native American Consultation

Consultation with nine Native American Tribes (groups and individuals) was initiated in August 2018 in compliance with Section 106 of the National Historic Preservation Act. Consultation with the Native American Heritage Commission (NAHC) and Native American representatives is summarized in Table 3.1, below. A copy of the NAHC correspondence is included at the end of this chapter.

3.1.3 United States Fish and Wildlife Service/National Marine Fisheries Service

Official species lists were obtained from the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website and the National Marine Fisheries Service (NMFS) in April 2019. The species lists provide information about the threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur in the vicinity of the project limits. The USFWS and NMFS species lists provided are included at the end of this chapter.

3.1.4 Transportation Conformity Working Group

The project is located within a nonattainment area for federal particulate matter less than 2.5 microns in size (PM_{2.5}) standards and within an attainment/maintenance area for the federal particulate matter less than 10 microns in size (PM₁₀) standards. Therefore, per 40 Code of Federal Regulations (CFR) Part 93, hot-spot analyses are required for conformity purposes. However, the United States Environmental Protection Agency (USEPA) does not require hot-spot analyses, qualitative or quantitative, for projects that are not listed in Section 93.123(b)(1) as Projects of Air Quality Concern (POAQC). The PM_{2.5}/PM₁₀ hot-spot analysis was presented to the Southern California Association of Governments' (SCAG) Transportation Conformity Working Group (TCWG) for discussion and review on March 26, 2019.

Per Caltrans Headquarters policy, all nonexempt projects need to go through review by the TCWG. The TCWG determined that the proposed project does not qualify as a POAQC because the project is not a new or expanded highway project. The project would reduce traffic congestion at and through adjacent local street intersections. However, in addition to widening SR-74, the project would slightly alter the traffic flow on local streets within the project area. Therefore, the proposed project meets the Federal Clean Air Act (CAA) requirements and 40 CFR 93.116 without any explicit hot-spot analysis. The proposed project would not create a new, or worsen an existing, PM₁₀ or PM_{2.5} violation.

Table 3.1: Summary of Native American Consultation

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
Native American Heritage Commission (NAHC) Frank Lienert, Program Analyst	August 7, 2018	August 13, 2018	Formal letter	<p>August 7, 2018: A letter was sent to the NAHC requesting a search of the Sacred Lands File (SLF) in order to provide a Native American Contact List for the project APE. The NAHC request letter is included at the end of this chapter.</p> <p>August 13, 2018: The NAHC responded on August 13, 2018, to say that the SLF search was completed for the APE with positive results, indicating Native American resources are present. The NAHC recommended contacting the Juaneño Band of Mission Indians for further information regarding the positive SLF search. The NAHC also recommended contacting Native American individuals representing the Juaneño, Gabrielino Tongva, and Gabrielino groups for information regarding cultural resources that could be affected by the project.</p> <p>August 29, 2018: Letters discussing the project and requesting information on Native American heritage resources were sent via certified letter and email to NAHC listed contacts on August 29, 2018.</p>
Juaneño Band of Mission Indians Acjachemen Nation Matias Belardes, Chairperson	August 29, 2018	No response received (see results for Joyce Perry below)	(see results for Joyce Perry below)	(see results for Joyce Perry below)
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson	August 29, 2018	None	September 14, 2018 September 17, 2018	<p>September 14, 2018: A follow-up email was sent to Mr. Morales.</p> <p>September 17, 2018: A phone call was made to Mr. Morales. The call went to voicemail; a message was left.</p> <p>No response was received.</p>
Gabrieleno/Tongva Nation Sandonne Goad, Chairperson	August 29, 2018	None	September 14, 2018 September 17, 2018	<p>September 14, 2018: A follow-up email was sent to Ms. Goad.</p> <p>September 17, 2018: A phone call was made to Ms. Goad. The call went to voicemail; a message was left.</p> <p>No response was received.</p>
Juaneño Band of Mission Indians Acjachemen Nation Teresa Romero, Chairwoman	August 29, 2018	None	August 30, 2018 September 17, 2018 October 16, 2018	<p>August 30, 2018: A phone call was made to Ms. Romero prior to delivery of the project notification letter. Another member of the Tribe answered the phone and stated that she would pass along the positive SLF search results to Ms. Romero, who would return the call in the next few days.</p> <p>September 17, 2018: Another phone call was made to Ms. Romero. The call went to voicemail; a message was left.</p> <p>October 16, 2018: A phone call was received from Steven Villa of NDNA Monitoring and Consulting, in partnership with the Tribe. Mr. Villa stated that, due to the location of the project in a sensitive area</p>

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
				<p>(near the Tree of Life and village sites), the group would like to request Native American monitoring during all project-related ground disturbance. A follow-up email was sent to Mr. Villa, with Ms. Romero and Caltrans District 12 Archaeologist Cheryl Sinopoli copied on the message. Ms. Sinopoli responded via email that same day to provide information regarding the current project and another project that Mr. Villa inquired after. Ms. Sinopoli provided ground disturbance information and resource information, offered to discuss the project over the phone, and offered to meet in the field to discuss the project.</p> <p>No further response was received.</p>
<p>Juaneño Band of Mission Indians Sonia Johnston, Tribal Chairperson</p>	<p>August 29, 2018</p>	<p>None</p>	<p>August 30, 2018 September 19, 2018</p>	<p>August 30, 2018: No phone number was provided for Ms. Johnston. An email was sent to her prior to delivery of the project notification letter to inform her of the positive SLF search results and invite her to comment on the project or express any concerns about sacred sites in the project area.</p> <p>September 19, 2018: Another follow-up email was sent to Ms. Johnston.</p> <p>No response was received.</p>
<p>Juaneño Band of Mission Indians Acjachemen Nation Joyce Perry, Tribal Manager</p>	<p>August 29, 2018</p>	<p>None</p>	<p>August 30, 2018 September 12, 2018 September 15, 2018 September 17, 2018 September 19, 2018 October 2, 2018 October 4, 2018</p>	<p>August 30, 2018: A phone call was made to Ms. Perry prior to delivery of the project notification letter to discuss the positive SLF search results and give advance notice of the letter that would be arriving soon. Ms. Perry stated that there is an ancestor buried in the canyon in the vicinity and requested that a field meeting be set up between her group and Caltrans. Additionally, she stated that her comments are made on behalf of Chairperson Belardes.</p> <p>September 12, 2018: Caltrans emailed Ms. Perry to follow up on the field meeting request and set up the field meeting.</p> <p>September 15, 2018: Ms. Perry suggested October 2, 4, or 5 in the morning.</p> <p>September 17, 2018: Caltrans responded and suggested October 2nd at 9:00 a.m.</p> <p>October 2, 2018: Caltrans Archaeologist Cheryl Sinopoli, and Caltrans Environmental Branch Chief Charles Baker, met Ms. Perry at the project location to discuss the project. Caltrans indicated it will provide additional details regarding deeper impacts (e.g., drainages) and their locations. After reviewing the APE and the ground disturbance proposed, Ms. Perry stated that no burials were within the APE, and based on the project area, requested archaeological and Native American monitoring for construction activities in native soil below 3 feet in depth for potential resources. Ms. Sinopoli followed up the meeting with a summary email.</p>

Agency and Agency Representative	Date of First Contact (Formal Letter)	Date of Reply	Date of Follow-up Contact (Phone Call)	Consultation Topic
				<p>October 4, 2018: Ms. Sinopoli sent another email to Ms. Perry, stating that Caltrans Design indicated that drainage work for the project could occur anywhere within the Direct APE (as shown on the APE maps).</p> <p>No further comments were received.</p>
Gabrielino-Tongva Tribe Linda Candelaria, Chairperson	N/A	N/A	N/A	<p>No letter was sent to Ms. Candelaria, and no other communication was attempted; the NAHC list provided no current mailing address, email address, or phone number. Another representative from this Tribe was contacted, see Charles Alvarez below.</p>
Gabrieleno Band of Mission Indians – Kizh Nation Andrew Salas, Chairperson	August 29, 2018	September 26, 2018: An Administrative Specialist with the Tribe sent an email stating that if any ground disturbance will occur during the project, then the Tribal government would like to consult with the lead agency.	September 10, 2018 October 2, 2018	<p>September 10, 2018: Caltrans District 12 sent an email to Mr. Salas describing the proposed ground-disturbing activities and providing information about known resources near and within the APE. Caltrans requested that Mr. Salas contact them if the Tribe is interested in meeting to discuss the project.</p> <p>October 2, 2018: Caltrans sent a follow-up email and requested that Mr. Salas's group let Caltrans know if they have an interest in meeting regarding the project, if they need additional information, or if they wish to provide comments.</p> <p>No further response was received.</p>
Gabrielino-Tongva Tribe Charles, Alvarez, Councilmember	August 29, 2018	None	September 17, 2018 September 19, 2019	<p>September 17, 2018: A phone call was made to Mr. Alvarez. The call went to voicemail; a message was left.</p> <p>September 19, 2018: A follow-up email was sent to Mr. Alvarez.</p> <p>No response was received.</p>

Source: *Historic Property Survey Report* (2019).
 APE = Area of Potential Effects
 Caltrans = California Department of Transportation
 N/A = not available

3.2 Community Outreach and Public Involvement

3.2.1 Project Development Team

The City of San Juan Capistrano (City) and the County of Orange (County) each participate in regular PDT meetings conducted by Caltrans for the SR-74 Lower Ortega Highway Widening Project. The PDT meetings cover a wide range of topics related to the proposed project, including engineering considerations, environmental issues, and the environmental document and documentation process.

3.2.2 Public Participation

Caltrans contacted the City and the County of the project status and potential concerns regarding the project on the following dates; documentation of the communication and coordination have been included at the end of this chapter:

- On July 26, 2018, as part of the Settlement Agreement between Caltrans and the Hunt Club Homeowners Association, Caltrans provided the results of the noise level measurements conducted in the Hunt Club community between June 26 and June 27, 2018. Noise level measurements were conducted subsequent to the June 12, 2018, letter notifying property owners of this work.
- On August 7, 2018, Caltrans contacted the City via email. The purpose of this communication was to inform the City of the status and potential issues of the proposed project. The County has entered into a Cooperative Agreement with Caltrans to complete the Project Approval and Environmental Document (PA&ED) phase for obtaining National Environmental Policy Act (NEPA) approval. Funding for the design, right-of-way, and construction phases have not been secured. In addition, costs for several project features, mitigations, and/or measures from the previously approved (Environmental Impact Report (EIR) and the Settlement Agreement as part of the design, right-of-way, and construction phases have not been settled; therefore, Caltrans, the City and the Hunt Club Homeowners Association need to coordinate and reach an agreement on how the specific project features, mitigations, and/or measures should proceed during the design, right-of-way, and construction phases.
- On August 13, 2018, Steve May, Public Works and Utilities Director for the City of San Juan Capistrano, responded to the email confirming that all the project features, mitigations, and/or measures included in Caltrans' initial email as being in the Settlement Agreement were accurate, and future coordination will be needed throughout different phases of the project.

- On August 14, 2018, Caltrans responded to the City to confirm that the City and Caltrans were in agreement that the project will contribute financially and allow the owners of the guard house (The Hunt Club) and right-of-way being landscaped to take the lead in the design and construction of the elements of the Settlement Agreement. On January 8, 2019, Amit Verma, Project Manager of Orange County Public Works (OCPW), informed Caltrans via email about OCPW's interest in committing \$3 million in funding towards the construction phase of the project; the funding is pending approval from the County Board.
- On March 27, 2019, the City requested an executive-level meeting with Caltrans to discuss (1) items on the Settlement Agreement with the Hunt Club Homeowners Association; (2) Caltrans and City right-of-way limits; (3) design and maintenance of noise barriers and retaining walls; (4) landscaping in parkways, and (5) water quality management. Caltrans responded to this request and a meeting was scheduled for May 22, 2019.

The environmental document for the proposed project will be circulated starting June 3, 2019, for a 45-day period; the project schedule and NOA were also being shared with the agencies. Copies of the emails are included at the end of this chapter.

A public hearing (open house format) is scheduled for June 25, 2019, from 5:00 p.m. to 7:00 p.m. at Kinoshita Elementary School located at 2 Via Positiva, San Juan Capistrano, California 92675. This public hearing will be advertised in three newspapers.

Other public participation methods used for this Environmental Assessment include: mailing lists, newspaper notices/articles, direct mailings, and web-based information.

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Native American Heritage Commission Correspondence

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Kerrie Collison

From: Sinopoli, Cheryl L@DOT <cheryl.sinopoli@dot.ca.gov>
Sent: Tuesday, August 07, 2018 9:55 AM
To: Kerrie Collison
Subject: FW: EA 086920 (Lower 74) NAHC SLF Request for Orange County
Attachments: Fig1_ProjectLocation_USGS.PDF; EA 086920 L-74 NAHC SLF Request.pdf

Hi Kerrie,
Attached is the NAHC SLF Request for Lower 74 (EA 086920):

From: Sinopoli, Cheryl L@DOT
Sent: Tuesday, August 7, 2018 9:54 AM
To: NAHC@NAHC <NAHC@nahc.ca.gov>
Subject: EA 086920 (Lower 74) NAHC SLF Request for Orange County

Dear NAHC,
The California Department of Transportation (Caltrans) District 12, proposes to widen a segment of SR-74 (Ortega Highway) in Orange County for approximately 1.1 miles starting in the city of San Juan Capistrano eastward approximately 150 ft. east of the City/County line (PM 1.0/2.09).

Attached is a Sacred Lands File request for the project, along with a Project Location Map.

Please contact me if you have any questions.
Thank you,

Cheryl Sinopoli, D-12 Archaeologist
657-328-6165

Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission

1550 Harbor Blvd, Suite 100

West Sacramento, CA 95691

916-373-3710

916-373-5471 – Fax

nahc@nahc.ca.gov

8/7/18

Information Below is Required for a Sacred Lands File Search

Project: EA 086920 Lower SR-74 Project (PM 1.0/2.09)

County: Orange

USGS Quadrangle Name(s):

- **San Juan Capistrano, Calif. 1968 (Photorevised 1981)**
Township: T. 7 S. & T. 8 S. Range: R. 7 W. Sections: 5, 6, & 32
- **Canada Gobernadora, Calif. 1997**
Township: T. 7 S. Range: R. 7 W. Section: 32

Company/Firm/Agency: California Department of Transportation - District 12

Street Address: 1750 E. 4th St., Suite 100 **City:** Santa Ana, CA **Zip:** 92705

Phone: (657) 328-6165 **Fax:** (657) 328-6515

Email: cheryl.sinopoli@dot.ca.gov

Project Description:

The California Department of Transportation (Caltrans), proposes to widen a segment of SR-74 from two to four lanes beginning in the city of San Juan Capistrano from Calle Entradero to 150 ft. east of the City/County line for a total length of 1.1 miles (PM 1.0/2.1). Project features also include: restriping, pavement restoration, painted median, shoulders, soundwalls, retaining walls, drainage and utility replacement/relocations.

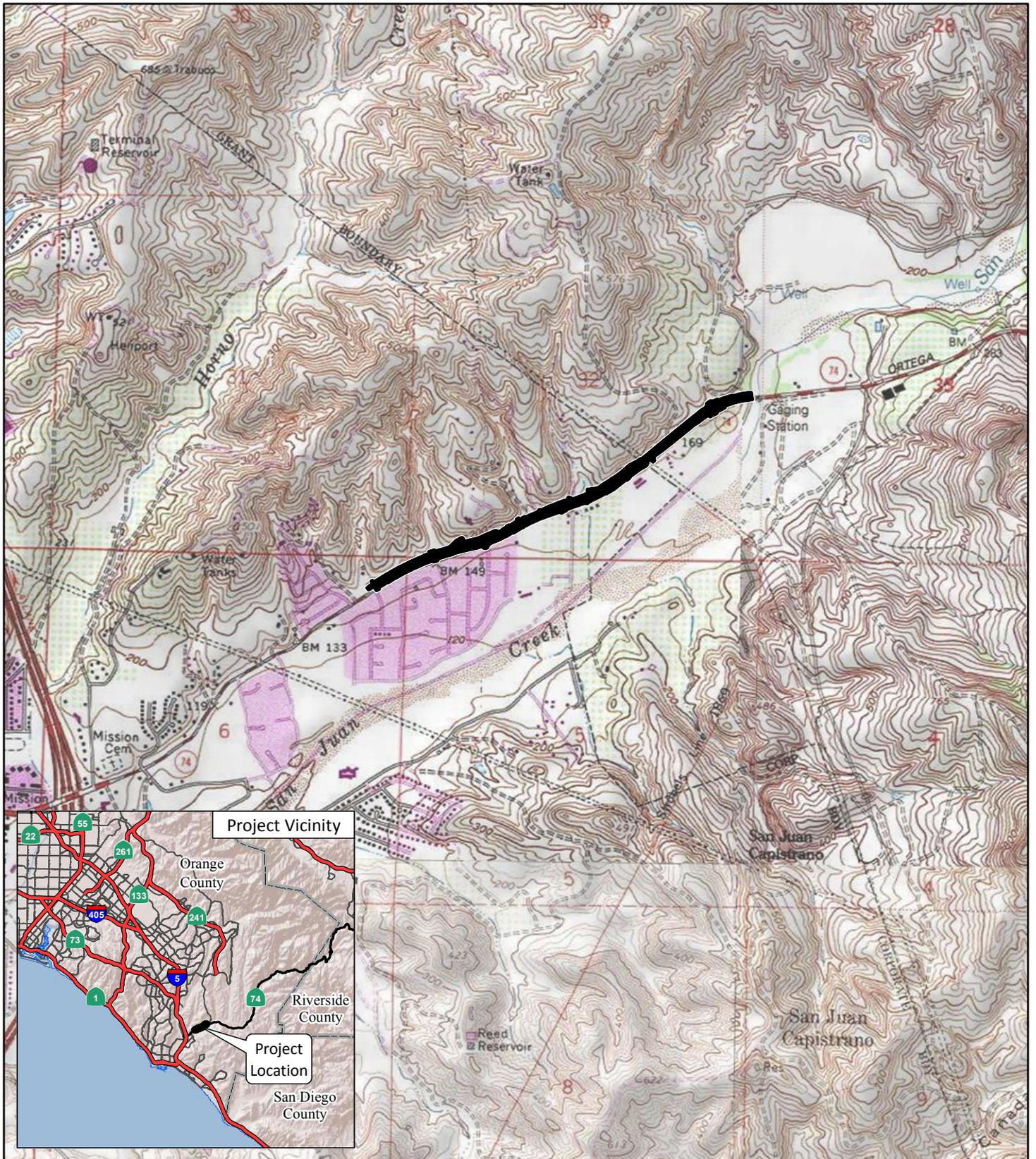
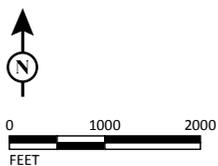


FIGURE 1

LEGEND

 Project Location



SR-74 Lower Ortega Highway Widening Project

Project Location

12-ORA-74 PM 1.0/2.09

EA 086920

SOURCE: Caltrans (3/7/2018); USGS 7.5' Quad - Laguna Beach (1981), CA

I:\CDT1609\GIS\MXD\Task38_LowerOrtegaHwy\ProjectLocation_USGS.mxd (6/5/2018)

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NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471



August 13, 2018

Cheryl Sinopoli
Caltrans, District 12

Sent by Email: Cheryl.sinopoli@dot.ca.gov

Re : EA 086920 Lower SR 74 Project, Orange County

Dear Ms. Sinopoli,

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results indicate Native American cultural sites are present. Please contact the Juaneno Band of Mission Indians. Other sources for cultural resources should also be contacted for information regarding known and/or recorded sites.

Enclosed is a list of Native American tribes who may also have knowledge of cultural resources in the project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these tribes, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at frank.lienert@nahc.ca.gov.

Sincerely,



Frank Lienert
Associate Governmental Program Analyst

Native American Heritage Commission

Native American Contacts

August 13, 2018

Juaneno Band of Mission Indians Acjachemen Nation

Matias Belardes. Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano , CA 92675
kaamalam@gmail.com
(949) 444-4340 (Cell)

Juaneno Band of Mission Indians Acjachemen Nation

Joyce Perry. Tribal Manager
4955 Paseo Sequoia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
(949) 293-8522

Gabrielino/Tongva San Gabriel Band of Mission Indians

Anthony Morales. Chairperson
P.O. Box 693 Gabrielino Tonava
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell

Gabrielino-Tongva Tribe

Linda Candelaria. Chairperson
No Current Address on File Gabrielino

(626) 286-1262 Fax

Gabrielino /Tonava Nation

Sandonne Goad. Chairperson
106 1/2 Judge John Aiso St., #231 Gabrielino Tonava
Los Angeles , CA 90012
sgoad@gabrielino-tongva.com
(951) 807-0479

Gabrielino Band of Mission Indians - Kizh Nation

Andrew Salas. Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
admin@gabrielenoindians.org
(626) 926-4131

Juaneno Band of Mission Indians Acjachemen Nation

Teresa Romero. Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano , CA 92675
tromoer@juaneno.com
(949) 488-3484
(949) 354-5876 Cell
(949) 488-3294 Fax

Gabrielino-Tongva Tribe

Charles Alvarez. Councilmember
23454 Vanowen St. Gabrielino
West Hills , CA 91307
roadkincharles@aol.com
(310) 403-6048

Juaneno Band of Mission Indians

Sonia Johnston. Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed EA 086920 Lower SR 74 Project, Orange County

Transportation Conformity Working Group Determinations

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PM Hot Spot Analysis Project Lists

Review of PM Hot Spot Interagency Review Forms

October, 2018	Determination
RIV080904 October 2018	Not a POAQC - Hot Spot Analysis Not Required (EPA concurrence received before the meeting)
SR-74 Widening October 2018	Not a POAQC - Hot Spot Analysis Not Required (EPA concurrence received before the meeting)
LA0G1119update October 2018 LA0G1119update October 2018 track	(Was determined to be not a POAQC on September 25, 2018)
LALS04update October 2018 LALS04update October 2018 track	(Was determined to be not a POAQC on May 22, 2018)
RIV100107 October 2018 Figures 2-4 RIV100107 October 2018 RIV100107 October 2018 Figure 1	Not a POAQC - Hot Spot Analysis Not Required (EPA concurrence received before the meeting. Project sponsor will update PM hot spot interagency review form by adding PM10.)
RIV031215 October 2018 Project Map RIV031215 October 2018 RIV031215 October 2018 Traffic Analysis	

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**TRANSPORTATION CONFORMITY WORKING GROUP
of the
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

**October 23, 2018
Minutes**

1.0 CALL TO ORDER AND SELF-INTRODUCTION

Lori Huddleston, TCWG Chair, called the meeting to order at 10:07 am.

2.0 PUBLIC COMMENT PERIOD

None.

3.0 CONSENT CALENDAR

3.1. Revised August 28, 2018 TCWG Meeting Minutes
The meeting minutes were approved.

3.2. September 25, 2018 TCWG Meeting Minutes
The meeting minutes were approved.

4.0 INFORMATION ITEMS

4.1 Review of PM Hot Spot Interagency Review Forms

1) SR-74 Widening

It was determined that this was not a POAQC (EPA concurrence was received before the meeting).

2) RIV100107

It was determined that this was not a POAQC (EPA concurrence was received before the meeting).

In response to a comment, project consultant will check PM₁₀ off under “Hot Spot Pollutant of Concern” on page 2 of the PM hot spot interagency review form and resubmit updated form to SCAG for record purposes.

3) RIV031215

Project will be brought back as an item on December 4, 2018 TCWG meeting agenda.

4) RIV080904

It was reaffirmed that this was not a POAQC (EPA concurrence was received before the meeting).

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Copied from SCAG TCWG Website Page

PM Hot Spot Analysis Project Lists

Review of PM Hot Spot Interagency Review Forms

March, 2019	Determination
RIV071252 March 2019	Not a POAQC - Hot Spot Analysis Not Required (Caltrans and FHWA concurrence received after meeting)
Updated SR74 Widening Project March 2019	Not a POAQC - Hot Spot Analysis Not Required (Caltrans and FHWA concurrence received after meeting)
20179901 March 2019	Not a POAQC - Hot Spot Analysis Not Required (Caltrans and FHWA concurrence received after meeting)

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**United States Fish and Wildlife Service/National
Marine Fisheries Service Species List**

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IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Orange County, California



Local office

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📠 (760) 431-5901

2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385

<http://www.fws.gov/carlsbad/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Pacific Pocket Mouse <i>Perognathus longimembris pacificus</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8080	Endangered

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8178	Threatened

Least Bell's Vireo *Vireo bellii pusillus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/5945>

Southwestern Willow Flycatcher *Empidonax traillii extimus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/6749>

Amphibians

NAME

STATUS

Arroyo (=arroyo Southwestern) Toad *Anaxyrus californicus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/3762>

Fishes

NAME

STATUS

Tidewater Goby *Eucyclogobius newberryi*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/57>

Crustaceans

NAME

STATUS

Riverside Fairy Shrimp *Streptocephalus woottoni*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/8148>

San Diego Fairy Shrimp *Branchinecta sandiegonensis*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/6945>

Flowering Plants

NAME

STATUS

Big-leaved Crownbeard *Verbesina dissita*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8049>

Laguna Beach Liveforever *Dudleya stolonifera*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7919>

Thread-leaved Brodiaea *Brodiaea filifolia*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/6087>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the

Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Allen's Hummingbird *Selasphorus sasin*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9637>

Breeds Feb 1 to Jul 15

Common Yellowthroat *Geothlypis trichas sinuosa*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/2084>

Breeds May 20 to Jul 31

Costa's Hummingbird *Calypte costae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9470>

Breeds Jan 15 to Jun 10

Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

Lewis's Woodpecker *Melanerpes lewis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9408>

Breeds Apr 20 to Sep 30

Long-billed Curlew *Numenius americanus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5511>

Breeds elsewhere

Nuttall's Woodpecker *Picoides nuttallii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Breeds Apr 1 to Jul 20

Oak Titmouse *Baeolophus inornatus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9656>

Breeds Mar 15 to Jul 15

Song Sparrow *Melospiza melodia*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds Feb 20 to Sep 5

Spotted Towhee *Pipilo maculatus clementae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/4243>

Breeds Apr 15 to Jul 20

Wrentit *Chamaea fasciata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there

- were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
 - The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

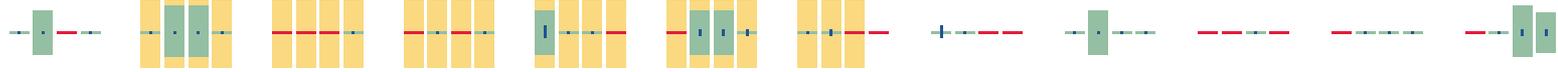
Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Allen's Hummingbird
BCC Rangwide (CON)
(This is a Bird of
Conservation Concern
(BCC) throughout its
range in the continental
USA and Alaska.)



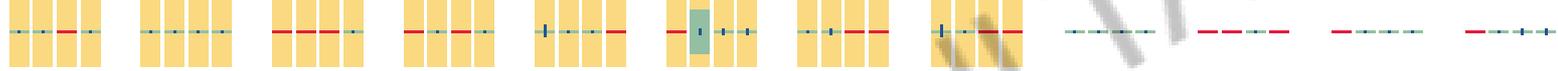
Common Yellowthroat
BCC - BCR (This is a Bird
of Conservation Concern
(BCC) only in particular
Bird Conservation
Regions (BCRs) in the
continental USA)



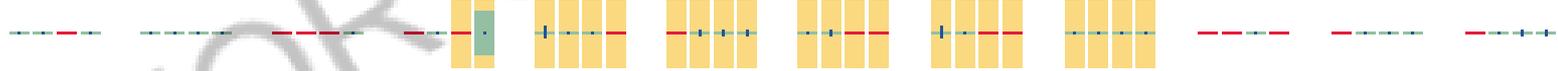
Costa's Hummingbird
BCC - BCR (This is a Bird
of Conservation Concern
(BCC) only in particular
Bird Conservation
Regions (BCRs) in the
continental USA)



Golden Eagle
Non-BCC Vulnerable (This
is not a Bird of
Conservation Concern
(BCC) in this area, but
warrants attention
because of the Eagle Act
or for potential
susceptibilities in
offshore areas from
certain types of
development or
activities.)



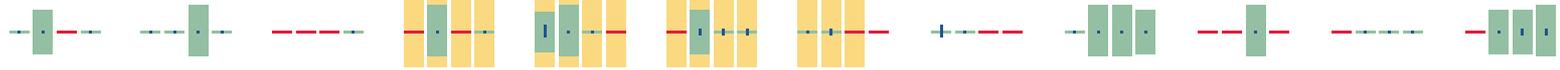
Lewis's Woodpecker
BCC Rangwide (CON)
(This is a Bird of
Conservation Concern
(BCC) throughout its
range in the continental
USA and Alaska.)



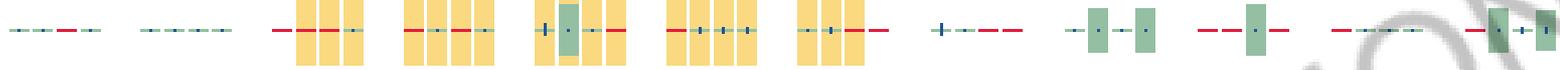
Long-billed Curlew
BCC Rangewide (CON)
(This is a Bird of
Conservation Concern
(BCC) throughout its
range in the continental
USA and Alaska.)



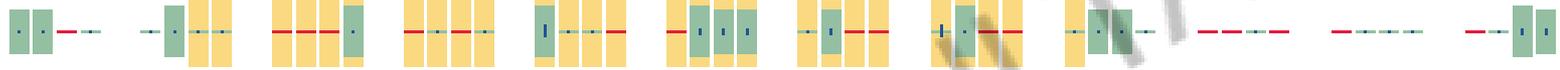
Nuttall's Woodpecker
BCC - BCR (This is a Bird
of Conservation Concern
(BCC) only in particular
Bird Conservation
Regions (BCRs) in the
continental USA)



Oak Titmouse
BCC Rangewide (CON)
(This is a Bird of
Conservation Concern
(BCC) throughout its
range in the continental
USA and Alaska.)



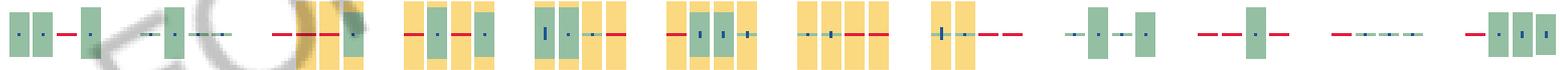
Song Sparrow
BCC - BCR (This is a Bird
of Conservation Concern
(BCC) only in particular
Bird Conservation
Regions (BCRs) in the
continental USA)



Spotted Towhee
BCC - BCR (This is a Bird
of Conservation Concern
(BCC) only in particular
Bird Conservation
Regions (BCRs) in the
continental USA)



Wrentit
BCC Rangewide (CON)
(This is a Bird of
Conservation Concern
(BCC) throughout its
range in the continental
USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the

intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Date: April 22, 2019

Quad Name **San Juan Capistrano**

Quad Number **33117-E6**

ESA Anadromous Fish

SONCC Coho ESU (T) -

CCC Coho ESU (E) -

CC Chinook Salmon ESU (T) -

CVSR Chinook Salmon ESU (T) -

SRWR Chinook Salmon ESU (E) -

NC Steelhead DPS (T) -

CCC Steelhead DPS (T) -

SCCC Steelhead DPS (T) -

SC Steelhead DPS (E) - **X**

CCV Steelhead DPS (T) -

Eulachon (T) -

sDPS Green Sturgeon (T) - **X**

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -

CCC Coho Critical Habitat -

CC Chinook Salmon Critical Habitat -

CVSR Chinook Salmon Critical Habitat -

SRWR Chinook Salmon Critical Habitat -

NC Steelhead Critical Habitat -

CCC Steelhead Critical Habitat -

SCCC Steelhead Critical Habitat -

SC Steelhead Critical Habitat - **X**

CCV Steelhead Critical Habitat -

Eulachon Critical Habitat -

sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) - **X**

Range White Abalone (E) - **X**

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) - X
Olive Ridley Sea Turtle (T/E) - X
Leatherback Sea Turtle (E) - X
North Pacific Loggerhead Sea Turtle (E) - X

ESA Whales

Blue Whale (E) - X
Fin Whale (E) - X
Humpback Whale (E) - X
Southern Resident Killer Whale (E) - X
North Pacific Right Whale (E) - X
Sei Whale (E) - X
Sperm Whale (E) - X

ESA Pinnipeds

Guadalupe Fur Seal (T) - X
Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -
Chinook Salmon EFH -
Groundfish EFH - X
Coastal Pelagics EFH - X
Highly Migratory Species EFH - X

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds

**See list at left and consult the NMFS Long Beach office
562-980-4000**

MMPA Cetaceans - X
MMPA Pinnipeds - X

Public Participation

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CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

July 26, 2018

The Hunt Club Community Association
c/o Common Interests, Inc.
647 Camino De Los Mares, Suite 221
San Clemente, CA 92673

Subject: Notification of Noise Monitoring Results for the State Route 74 Lower Ortega Highway Widening Project (from Calle Entradero to Reata Road)

Dear Sir or Madam:

LSA Associates, Inc. (LSA), on behalf of the California Department of Transportation (Caltrans), is providing the results of the noise level measurements conducted in the Hunt Club community between Tuesday, June 26, 2018, and Wednesday, June 27, 2018, as part of the Settlement Agreement between Caltrans and the Hunt Club Homeowners Association.

The noise level measurements were conducted subsequent to the June 12, 2018, letter notifying property owners of this work. As stated in the June 12, 2018, notification letter, noise level measurements were conducted as part of the Noise Study Report for the State Route 74 Lower Ortega Highway Widening Project (from Calle Entradero to Reata Road). LSA conducted a total of two long-term (24-hour) and three short-term (20-minute) noise level measurements within the Hunt Club community. The results of these noise level measurements are attached. If you have any questions, please contact me at (949) 553-0666 or Jason.Lui@lsa.net.

Sincerely,

LSA Associates, Inc.



Jason Lui
Senior Noise Specialist

Attachments: Short-Term Noise Level Measurements
Long-Term Noise Level Measurements at 30967 and 30987 Steeplechase Drive

Short-Term Noise Level Measurements

Monitor No.	Location Description	Date	Start Time	Duration	dBA L _{eq}	dBA L _{max}	dBA L _{min}
ST-12	30967 Steeplechase Drive	6/26/2018	9:56 a.m.	20 minutes	61.9	70.1	45.1
ST-13	30962 Steeplechase Drive	6/26/2018	9:56 a.m.	20 minutes	52.4	62.8	40.9
ST-14	30981 Hunt Club Drive	6/26/2018	9:56 a.m.	20 minutes	57.9	65.2	43.4

dBA = A-weighted decibels

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

L_{min} = minimum instantaneous noise level

Long-Term Noise Level Measurements at 30967 Steeplechase Drive (LT-3)

No.	Start Time	Date	Noise Level (dBA L _{eq})
1	11:00 AM	6/26/2018	65
2	12:00 PM	6/26/2018	65
3	1:00 PM	6/26/2018	65
4	2:00 PM	6/26/2018	65
5	3:00 PM	6/26/2018	65
6	4:00 PM	6/26/2018	64
7	5:00 PM	6/26/2018	64
8	6:00 PM	6/26/2018	62
9	7:00 PM	6/26/2018	62
10	8:00 PM	6/26/2018	61
11	9:00 PM	6/26/2018	60
12	10:00 PM	6/26/2018	57
13	11:00 PM	6/26/2018	55
14	12:00 AM	6/27/2018	52
15	1:00 AM	6/27/2018	50
16	2:00 AM	6/27/2018	47
17	3:00 AM	6/27/2018	51
18	4:00 AM	6/27/2018	57
19	5:00 AM	6/27/2018	62
20	6:00 AM	6/27/2018	65
21	7:00 AM	6/27/2018	65
22	8:00 AM	6/27/2018	65
23	9:00 AM	6/27/2018	65
24	10:00 AM	6/27/2018	64

dBA = A-weighted decibels

L_{eq} = equivalent continuous sound level

Long-Term Noise Level Measurement at 30987 Steeplechase Drive (LT-4)

No.	Start Time	Date	Noise Level (dBA L _{eq})
1	10:00 AM	6/26/2018	61
2	11:00 AM	6/26/2018	61
3	12:00 PM	6/26/2018	61
4	1:00 PM	6/26/2018	61
5	2:00 PM	6/26/2018	61
6	3:00 PM	6/26/2018	61
7	4:00 PM	6/26/2018	60
8	5:00 PM	6/26/2018	60
9	6:00 PM	6/26/2018	59
10	7:00 PM	6/26/2018	59
11	8:00 PM	6/26/2018	58
12	9:00 PM	6/26/2018	56
13	10:00 PM	6/26/2018	54
14	11:00 PM	6/26/2018	52
15	12:00 AM	6/27/2018	50
16	1:00 AM	6/27/2018	48
17	2:00 AM	6/27/2018	46
18	3:00 AM	6/27/2018	49
19	4:00 AM	6/27/2018	56
20	5:00 AM	6/27/2018	59
21	6:00 AM	6/27/2018	61
22	7:00 AM	6/27/2018	61
23	8:00 AM	6/27/2018	61
24	9:00 AM	6/27/2018	61

dBA = A-weighted decibels

L_{eq} = equivalent continuous sound level

Lo, Ka-Man@DOT

To: Mccahey, Barbara A@DOT
Subject: RE: 12-08692 Lover 74 Joint Caltrans and County project

From: Mccahey, Barbara A@DOT
Sent: Tuesday, August 07, 2018 12:42 PM
To: 'smay@sanjuancapistrano.org' <smay@sanjuancapistrano.org>
Cc: 'jgreen@sanjuancapistrano.org' <jgreen@sanjuancapistrano.org>; Ramsey, Lisa@DOT <lisa.ramsey@dot.ca.gov>
Subject: 12-08692 Lover 74 Joint Caltrans and County project

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Please let me know if you see any concerns with this strategy to handle to work incorporated in the settlement agreement.

Thanks for your help. I am looking forward to working with you and the City. Barbara

Barbara McGahey, P.E., Project Manager

California Department of Transportation | District 12 | Program and Project Management

1750 E 4th St #100, Santa Ana, CA 92705

(949) 226-6840 | E-mail: barbara.mcgahay@dot.ca.gov

Lo, Ka-Man@DOT

From: MCGahey, Barbara A@DOT
Sent: Tuesday, August 14, 2018 5:50 AM
To: Lo, Ka-Man@DOT
Cc: Deshpande, Smita R@DOT; Washington, Evangelina@DOT
Subject: Fwd: 12-08692 Lover 74 Joint Caltrans and County project

FYI, please keep in your files.

Barbara

From: Steve May
Sent: Monday, August 13, 8:50 PM
Subject: RE: 12-08692 Lover 74 Joint Caltrans and County project
To: MCGahey, Barbara A@DOT

Barbara,

I have confirmed all of the points in your email as being in the Settlement Agreement. Let's keep in touch as you proceed with the project.

Regards,



Steve May
Public Works & Utilities Director
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
O: 949-443-6363
SMay@SanJuanCapistrano.org

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From: MCGahey, Barbara A@DOT [mailto:barbara.mcgahay@dot.ca.gov]
Sent: Thursday, August 09, 2018 8:46 PM
To: Steve May <SMay@sanjuancapistrano.org>
Subject: RE: 12-08692 Lover 74 Joint Caltrans and County project

Thanks, Steve! I appreciate it. Barbara

From: Steve May [<mailto:SMay@sanjuancapistrano.org>]
Sent: Thursday, August 09, 2018 8:38 PM
To: MCGahey, Barbara A@DOT <barbara.mcgahey@dot.ca.gov>
Subject: RE: 12-08692 Lover 74 Joint Caltrans and County project

Barbara,

Yes, I am the right person. Sorry I didn't get back to you sooner. I need to go through the agreement and reconcile the provisions you outlined. I'll get back to you by the end of next week.

Regards,

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Sent: Thursday, August 09, 2018 8:24 PM
To: Steve May <SMay@sanjuancapistrano.org>
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Lo, Ka-Man@DOT

From: Mcgahey, Barbara A@DOT
Sent: Tuesday, August 14, 2018 7:47 AM
To: Lo, Ka-Man@DOT
Subject: FW: 12-08692 Lover 74 Joint Caltrans and County project

For your files.

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Sent: Tuesday, August 14, 2018 7:47 AM
To: 'Steve May' <SMay@sanjuancapistrano.org>
Subject: RE: 12-08692 Lover 74 Joint Caltrans and County project

Thanks, Steve. I agree, we will need to coordinate throughout this project.

With this email, I wanted to make sure Caltrans and the City were in agreement that the project will contribute financially, but allow the owners of the guardhouse and right of way being landscaped to take the lead in the design and construction of these elements of the settlement agreement.

To me this strategy seems more direct and so probably more cost-effective. I think it also increases the likelihood that that San Juan Capistrano and the Hunt Club will get a finished product that satisfies them.

The City, as far as I know, is not limited in the types or size of plants that they can use. They will be able to choose the design and what they want to maintain.

Do I have your agreement that this is the way we should proceed? We need to document this in the Environmental Document.

Thanks again! Barbara

From: Steve May [<mailto:SMay@sanjuancapistrano.org>]
Sent: Monday, August 13, 2018 8:50 PM
To: Mcgahey, Barbara A@DOT <barbara.mcgahey@dot.ca.gov>
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From: Verma, Amit <Amit.Verma@ocpw.ocgov.com>
Sent: Tuesday, January 08, 2019 9:42 AM
To: 'Santos, Brian@DOT'
Subject: RE: EA 12-08692 / SR-74: Lower Ortega Widening - Construction Support Funding

Hi Brian,

I'm sure this may be too late, but I just received notice that County is willing to contribute an additional million towards the CM budget; bringing a net total to \$3M.

Thanks,
Amit

From: Verma, Amit
Sent: Monday, January 7, 2019 7:09 AM
To: 'Santos, Brian@DOT'
Subject: RE: EA 12-08692 / SR-74: Lower Ortega Widening - Construction Support Funding

Good morning Brian,

County is committed to fund \$2M towards the Construction Management (i.e. Construction Support) for the Lower Ortega Widening project. Funding will be budgeted in FY 22/23.

Details are preliminary, as it's a few years away. Please be advised, this has been approved by County executive management and will go to the County Board for their approval around April/May 2019. Once the Board approves this, it's be listed within our 7 year CIP Project List (http://www.ocpublicworks.com/about/capital_improvement_program).

Respectfully,

Amit Verma
Project Manager
OC Public Works | OC Infrastructure Programs | Project Management
P-714-647-3908 | C-714-604-7327
Amit.Verma@ocpw.ocgov.com

From: Santos, Brian@DOT <brian.santos@dot.ca.gov>
Sent: Saturday, January 5, 2019 2:28 PM
To: Verma, Amit <Amit.Verma@ocpw.ocgov.com>
Subject: EA 12-08692 / SR-74: Lower Ortega Widening - Construction Support Funding

Hi Amit,

When we spoke at the last PDT meeting you mentioned that the County Board approved funding for Construction Support? I remember you said \$2 million.

Can you please confirm the details of this for me? I am working on filling out a grant application for USDOT Infrastructure for Rebuilding America (INFRA) funding, and need this information.

Please let me know by 11:00 AM on Monday, January 7, 2019. The application is due that day.

From: [George Alvarez](#)
To: [Santos, Brian@DOT](mailto:Santos.Brian@DOT)
Cc: [Thomas Toman](#); [Steve May](#); [Joe Parco](#)
Subject: Ortega Highway meeting
Date: Wednesday, March 27, 2019 11:56:15 AM

Hi Brian,

Hope you are doing well. This morning I briefed the City Manager, Public Works and Utilities Director, and other executive staff regarding the Ortega Highway widening project. The City Manager has requested a meeting with Caltrans to discuss the following:

Settlement agreement with the Hunt Club HOA
Right-of-way limits both Caltrans and City
Design and maintenance of sound wall and retaining wall
Landscaping in parkway
Water quality management

The purpose of the meeting is for the City to provide input regarding the above items prior to the release of the NEPA document and the public meeting scheduled for June 25, 2019. Please let me know what days and times work the week of April 8. Thanks for your cooperation and call me if you have any questions.

George Alvarez

Project Manager

City of San Juan Capistrano

32400 Paseo Adelanto

San Juan Capistrano, CA 92675

O: 949-443-6351

GAlvarez@SanJuanCapistrano.org



*****Please note that email correspondence with the City of San Juan Capistrano, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt.

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Chapter 4 **List of Preparers**

The following persons were principally responsible for preparation of this Environmental Assessment (EA) and supporting technical studies.

4.1 California Department of Transportation, District 12

Askari, Farid, Transportation Engineer, Civil, Range C, Environmental Engineering. Assistant Noise Specialist. B.S. in Civil Engineering, Roger Williams College, Rhode Island. Over 40 years of experience in the field of transportation engineering including design, hydraulics, hydrology, hazardous waste, construction, Storm Water Pollution Prevention Plans (SWPPP), noise, and aerially deposited lead (ADL) investigations. Contribution: Review of the Noise section of the EA.

Aurasteh, Reza, Senior Environmental Engineer. P.E., Ph.D. in Engineering, Utah State University. 28 years of experience in consulting engineering, academics, transportation engineering, and environmental engineering. Contribution: Senior Review of the Initial Site Assessment (ISA), Air Quality, and Noise.

Baker, Charles, Senior Environmental Planner. B.A. in Anthropology, California State University, Fullerton; M.A. in History, California State University, Fullerton. 15 years of experience in environmental planning. Contribution: Senior review for cultural and paleontological resources.

Barker, Kristopher P, Engineering Geologist. B.S., Geology, University of Southern California. 21 years of experience. Contribution: Review of Geology section of the EA.

Barrera, Baron, Associate Biologist, M.S. in Environmental Science and Policy. 12 years of experience. Contribution: Preparer of the Natural Environment Study-Minimal Impacts (NES-MI) and the Biological Resources sections of the EA.

Chiou, Wayne, Transportation/Environmental Engineer. P.E., M.S. in Civil and Environmental Engineering, Utah State University. 28 years of experience in consulting engineering and environmental engineering. Contribution: Review of the Air Quality section of the EA.

Deshpande, Smita, Senior Environmental Planner. B.A. in Geography, University of Pune, India; M.S. in Regional Planning, Indiana University of Pennsylvania, Indiana, Pennsylvania. 29 years of experience in environmental planning. Contribution: Oversight preparation and management of the EA.

Dickson, Eric, Senior Landscape Architect. B.S. in Landscape Architecture, California State Polytechnic University, Pomona. 16 years of experience in Visual Impact Assessments (VIAs) and aesthetic master plans. Contribution: Senior review of the VIA.

Dinh, Phi, Senior Transportation Engineer. MSCE, University of California, Los Angeles (UCLA). 20 years of experience in Caltrans Hydraulics, Design and Construction, 3.5 years in Environmental Engineering with the Department of the Navy. Contribution: Preparer of the Hydrology and Floodplains technical document.

Dove, Kathleen, Associate Environmental Planner. B.S, Journalism, Northern Arizona University, M.S., Political Communications, Arizona State University, Ph.D., candidate, Marine Sciences, University of Alaska, Fairbanks. 20 years of experience in environmental planning. Contribution: Reviewer of the Community Impact Assessment and the Community Impacts section of the EA.

Hassas, Roya, Transportation Engineer. B.S. California State University Long Beach. 19 years of experience with Caltrans. Contribution: Review of Traffic Study Report (TSR) and the Traffic section of the EA.

King, Anastasia, Transportation Engineer (Civil). B.S. in Civil Engineering from Loyola Marymount University. 5 years of civil engineering experience. Contribution: Design Engineer.

Lo, Carmen, Associate Environmental Planner. B.A. in Environmental Analysis and Design, University of California, Irvine. 11 years of experience conducting research and preparing technical sections of environmental documents. Contribution: Oversight preparation of the EA.

Phung, Alben, Environmental Planner. B.A. in Environmental Science and Policy. California State University, Long Beach. 1.5 years of experience in environmental planning. Contribution: Preparation of the EA.

- Piña-Garrett, Grace, Senior Transportation Engineer, National Pollutant Discharge Elimination System Unit. B.S. in Civil Engineering, California State University, Long Beach. 21 years of experience in engineering and water quality. Contribution: Senior review of the Water Quality Assessment Report.
- Qamar, Iffat, Associate Environmental Planner. Ph.D. in Environmental Planning and Management, Macquarie University, Sydney, Australia. 23 years of experience in environmental research, review, planning, and management. Contribution: Preparer of the Community Impact Assessment and reviewer of the Community Impacts section of the EA.
- Salas, Hector B., Associate Environmental Planner. B.A. in Environmental Analysis and Design, University of California, Irvine. 18 years of experience. Contribution: Preparer of the Water Quality Analysis Report and the Water Quality section of the EA.
- Sato, Lisa, Associate Environmental Planner (Biologist). B.S. in Biology (Biodiversity, Ecology, and Conservation), California State University, Fullerton. 7 years of experience. Contribution: Review of the NES-MI and the Biological Resources sections of the EA.
- Santos, Brian, Project Manager. B.S. Civil Engineering, California Polytechnic State University, San Luis Obispo. 10 years of experience in Caltrans' processes and construction methods. Contribution: Project Management.
- Sinopoli, Cheryl, Associate Environmental Planner (Archaeologist). B.A. in Anthropology, California State University, Bakersfield. 25 years of experience as an Archaeologist. Contribution: Oversight preparation of the Historic Property Survey Report (HPSR) and the Paleontological Identification Report (PIR) and Paleontological Evaluation Report (PER).
- Sowers, Steven, Senior Transportation Engineer. B.S.C.E, Penn State University. 23 years of experience with Caltrans in traffic project oversight, engineering, safety, transportation management plans, signs and delineation. Contribution: Review of the Traffic section of the EA.

Tran, Leha, Transportation Engineer (Civil). B.S. in Chemical Engineering, California State Polytechnic University, Pomona. PE license in Civil Engineering in 1992. 29 years of experience with Caltrans. Contribution: Project Design Engineer.

Trinh, Quan, Transportation Engineer. B.S.C.E. California State Polytechnic University, Pomona. 20 years of experience with Caltrans in roadway design, oversight, and safety. Contribution: Design Engineer.

Villanueva, Alma, Senior Right of Way Agent. B.A. International Business emphasis in Spanish, California State University, Fullerton. 25 years of experience with Caltrans Planning & Management, Relocation Assistance Program, Utility Relocation, Acquisitions. Contribution: Review Draft/Final Project Report, Environmental Document, Draft Relocation Impact Memorandum.

Washington, Evangelina, Senior Right of Way Agent, B.A. in Communications, University of California, San Diego. 30 years of experience with Caltrans in Real Property Acquisition, Appraisals, Property Management, Planning & Management & Project Coordination. Contribution: Review Draft/Final Project Report, Environmental Document.

Weeratunga, Gamini C, Transportation Engineer. M.S., Civil Engineering, University of Kentucky, Lexington. 32 years of experience. Contribution: Preparation of the Preliminary Geotechnical Assessment.

Wong, Ronald, Landscape Associate and Landscape Architect. B.S. in Landscape Architecture, California State Polytechnic University, Pomona. 19 years of experience with Caltrans, Landscape Architecture Branch. Contribution: Reviewer of the VIA.

Yaghoubi, David, Environmental Engineer. B.S. in Civil Engineering, California State University, Los Angeles. 20 years of experience as a Caltrans Environmental Engineer. Contribution: Reviewer of the ISA.

4.2 LSA Associates, Inc.

Annicchiarico, Abby, Assistant Environmental Planner. B.S. in Environmental Policy and Planning, University of California, Davis. 1 year of experience preparing environmental documents in compliance with CEQA/NEPA. Contribution: Preparation of the Utilities and Emergency Services sections of the EA.

Collison, Kerrie, Archaeologist. B.S. in Social Sciences, California Polytechnic State University, San Luis Obispo; M.A. in Anthropology, California State University, Northridge. 10 years of experience in Native American consultation and conducting surveys and monitoring for cultural and paleontological resources. Contribution: Preparation of cultural resource studies.

Hirt, Christina, Senior Environmental Planner. B.A. in Environmental Studies, University of San Diego. 4 years of experience conducting research and preparing environmental documents for projects requiring CEQA/NEPA coordination and implementation. Contribution: Assistant Task Manager, coordination of technical reports, oversight of EA sections, co-preparer of the Cumulative Impacts section of the EA.

Inloes, Beverly, Associate. 48 years of experience in technical editing and word processing for technical reports and environmental documents with expertise in a variety of technical disciplines. Contribution: Technical Editor and oversight of technical editing for EA sections.

Johnson, Lauren, Technical Editor. B.A. in English Literature, University of California, Santa Barbara. 25 years of experience in editing papers, journals, textbooks, and reports. Contribution: Technical Editor of EA sections.

Kallas, Patrick, Assistant Environmental Planner. B.S. in Environmental Management and Protection, Minor in Water Science, California Polytechnic State University, San Luis Obispo. 1 year of experience in conducting research and preparing technical sections of environmental documents. Contribution: Preparer of the Traffic section of the EA.

Kaufman, Daniel, Noise Analyst. B.A. in Environmental Studies, University of California, Santa Barbara. 2 years of experience in preparation of noise studies and technical sections of environmental documents. Contribution: Preparation of the Noise section of the EA.

Lui, Jason, Senior Noise Specialist. B.A. in Environmental Analysis and Design, University of California, Irvine; M.S. in Environmental Studies, California State University, Fullerton. 11 years of experience in environmental studies, specializing in noise and air quality analysis. Contribution: Managed the Noise section of the EA.

Philips, Matt, Graphic Designer. B.A. in Anthropology, California State University, Long Beach. 22 years of experience in graphic design and geographic information systems. Contribution: Preparation of technical graphics for the EA sections.

Pracilio, Deborah, Principal. B.A. in Social Ecology, University of California, Irvine. 33 years of experience in environmental assessment processing procedures for CEQA/NEPA. Contribution: Quality control review of the EA.

Rieboldt, Sarah, Paleontologist. B.A. in Biology, University of Colorado, Boulder, Magna cum Laude; Ph.D. in Paleontology, University of California, Berkeley. 15 years of experience in the paleontology and geology fields. Contribution: Preparer of the PIR and PER and reviewer of the Geology and Paleontology sections of the EA.

Roos, Justin, Associate. B.S. in Geography, California Polytechnic State University, Pomona. 13 years of experience in Geographic Information Systems mapping and management. Contribution: GIS graphics preparation and generation of technical data from GIS files for the technical reports and EA.

Slavick, Michael, Senior Air Quality Specialist. B.S., in Environmental Policy Analysis and Planning, University of California, Davis. More than 25 years of experience in air quality and climate change analysis. Contribution: Preparer of the Air Quality Assessment Report (AQAR) and the Air Quality section of the EA.

Strudwick, Ivan, Associate/Archaeologist. B.A. in Anthropology, California State University, Long Beach; M.A. in Anthropology, Magna cum Laude, with specialization in Archaeology, California State University, Long Beach. 34 years of archaeological experience in the archaeology field. Contribution: Preparer of the HPSR and the Archaeological Survey Report (ASR).

Thomas, King, Associate. B.A. in Social Ecology, Specialization in Environmental Health and Planning, University of California, Irvine. 30 years of experience in environmental and transportation planning. Contribution: Acted as Project Manager and performed quality control and quality assurance review of the EA.

- Tibbet, Casey, Associate. B.A. in Political Science, University of California, Riverside; M.A. in History (Historic Preservation), University of California, Riverside. 21 years of experience in architectural history and preparing cultural resources reports in compliance with CEQA/NEPA. Contribution: Preparation of the HPSR.
- Virgil, Chantik, Senior Word Processor. 37 years of experience in word processing and formatting, 11 years of experience in word processing and formatting environmental documents. Contribution: Word processing and formatting of the EA.
- Vreeland, Kelly, Paleontologist. B.S. in Geology, California State University, Fullerton, M.S. in Geology, California State University, Fullerton. 4 years of experience conducting paleontological resource monitoring and preparing paleontological reports. Contribution: Preparer of the Paleontology section of the EA.
- Watanabe, Marlene, Assistant Environmental Planner. B.A. in Environmental Policy Analysis and Planning, B.S. in Economics, University of California, Davis. 1 year of experience in preparing environmental documents in compliance with CEQA/NEPA. Contribution: Preparation of the Community Impacts section of the EA.
- Williams, Lisa, Principal. B.S. in Biological Sciences, University of California, Irvine; M.S. in Environmental Studies, California State University, Fullerton; Certificate in Environmental Site Assessment and Remediation, University of California, Irvine Extension. 19 years of experience preparing and managing environmental documents for projects requiring CEQA/NEPA coordination and preparation. Contribution: Task Manager, coordination of technical reports and sections, and quality control and quality assurance review of the EA.

4.3 Michael Baker International

- Bogue, Kristen, Task Order Manager. B.A. in Environmental Analysis and Design, University of California, Irvine. 13 years of experience in environmental and planning studies including Visual Impact Assessments and preparation of environmental documents pursuant to CEQA/NEPA. Contribution: Task Manager and oversight of VIA preparation.

Chiene, Ryan, Environmental Specialist. A.A. in General Education, Cuesta College; B.S. in City and Regional Planning, California State Polytechnic University. 5 years of experience in preparing environmental documents pursuant to CEQA/NEPA and technical studies including VIAs. Contribution: Preparation of the VIA.

Gonzalez, Alicia, Environmental Specialist. B.S. in Biological Science, California State University, San Marcos. 3 years of experience in preparation of environmental documents in compliance with CEQA/NEPA. Contribution: Preparation of the VIA.

Johnson, Cathy, Landscape Architect. B.S. in Ornamental Horticulture, Washington State University. 14 years of experience in management and design of public works and transportation landscape projects. Contribution: Preparation of landscape design for VIA analysis.

O'Neill, Kelley, GIT Specialist. B.S. in Biological Sciences, University of California, Irvine; coursework in Geographic Information Systems, Saddleback College. 16 years of experience in geographic information systems planning and data presentation. Contribution: Preparation of geographic information system analysis and data presentation for the VIA.

Stroud, Mary, Graphic Designer. A.A. in Commercial Art/Advertising Design, Colorado Institute of Art. 34 years of experience in creative development, graphic design, and production. Contribution: Oversight of technical graphics for the VIA.

Stueber, Jeffrey, GIT Associate. B.S. in Geography, Oregon State University. 12 years of experience in database management and geographic information system analysis. Contribution: Preparation of geographic information system analysis and data presentation for the VIA.

Torres, Eddie, Task Order Manager. B.A. in Environmental Analysis and Design, University of California, Irvine; B.S. in Mechanical Engineering, University of California, Irvine; M.S. in Mechanical Engineering, University of Southern California. 19 years of experience in preparation and management of environmental and planning studies under CEQA/NEPA.

Chapter 5 Distribution List

This Environmental Assessment will be distributed to federal, State, regional and local agencies and utility providers affected by the proposed project as listed below.

5.1 Federal Agencies

United States Army Corps of Engineers Los Angeles District 915 Wilshire Boulevard, Ste. 1101 Los Angeles, CA 90017	United States Fish and Wildlife Service Sally Brown Carlsbad Field Office 2177 Salk Avenue, Ste. 250 Carlsbad, CA 92008
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5.2 State Agencies

David Bunn, Director California Department of Conservation 801 K. Street, MS 24-01 Sacramento, CA 95814	Richard Corey, Executive Officer California Air Resources Board 1001 I Street Sacramento, CA 95812	California Department of Education Chief, Bureau of School Planning 1430 N Street Sacramento, CA 95814
California Department of Fish and Game – South Coast Region 4949 Viewridge Avenue San Diego, CA 92123	State Water Resources Control Board Executive Director 1001 I Street Sacramento, CA 95814	Santa Ana RWQCB Region 8 3737 Main Street, Ste. 500 Riverside, CA 92501-3348
California Highway Patrol Santa Ana District Office (675) 2031 East Santa Clara Avenue Santa Ana, CA 92705	California Public Utilities Commission Director 320 West 4 th Street, Ste. 500 Los Angeles, CA 90013	California Department of Water Resources 1416 9 th Street Sacramento, CA 95814
CalFire Southern Region HQ Operations 2524 Mulberry Street Riverside, CA 92501	Native American Heritage Commission 1550 Harbor Boulevard, Ste. 100 West Sacramento, CA 95691	

5.3 Regional/County/Local Agencies

Hugh Nguyen
Orange County Clerk
12 Civic Center Plaza
Santa Ana, CA 92701

Orange County Council of
Governments
1 Civic Center Plaza
c/o Marika Poynter, Chair,
Technical Advisory Committee
Irvine, CA 92623

Orange County Public Works
Shane Silsby, Director
300 North Flower Street, 8th Floor
Santa Ana, CA 92703

Orange County Fire Authority
1 Fire Authority Road
Irvine, CA 92602

Santa Ana Watershed Project
Authority
11615 Sterling Avenue
Riverside, CA 92503

South Coast Air Quality
Management District
IGR Coordinator
21865 Copley Drive
Diamond Bar, CA 91765

Orange County Sheriff's
Department
431 City Drive South
Orange, CA 92868

Orange County Transportation
Authority
550 S. Main Street
Orange, CA 92868

San Diego Regional Water Quality
Control Board, Region 9
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Southern California Association of
Governments
IGR Coordinator
818 W. Seventh Street, 12th floor
Los Angeles, CA 90017

County of Orange/Orange County
Parks
13042 Old Myford Road
Irvine, CA 92602

Mark Bodenhamer, Executive
Director
San Juan Capistrano Chamber of
Commerce
PO Box 1878
San Juan Capistrano, CA 92693

Steve May, Director
Department of Public Works
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Joel Rojas, Director
Development Services Department
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Crystal Turner, Ed.D.,
Superintendent
Saddleback Valley Unified School
District
25631 Peter A. Hartman Way
Mission Viejo, CA 92691

San Juan Capistrano Regional
Library
31495 El Camino Real
San Juan Capistrano, CA 92675

Kristen M. Vital, Superintendent
Capistrano Unified School District
300 South C Street
Tustin, CA 92780

Lakeside Library
32593 Riverside Dr.
Lake Elsinore, CA 92530

Keith Rattay, Director
Public Works
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Elaine Lister, Director
Community Development
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

City of Mission Viejo Library
100 Civic Center
Mission Viejo, CA 92691

Lt. Carl Bulanek, Chief of Police
City of San Juan Capistrano Police
Department
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Valarie McFall
Transportation Corridor Agencies
125 Pacifica, Suite 100
Irvine, CA 92618

Metropolitan Water District of
Southern California
700 North Alameda Street
Los Angeles, CA 90012-2944

San Clemente Library
242 Avenida Del Mar
San Clemente, CA 92672

5.4 Federal Legislators

Hon. Dianne Feinstein, Member
United States Senate
11111 Santa Monica Blvd., Suite
915
Los Angeles, CA 90025-3343

Hon. Kamala Harris, Member
United States Senate
300 South Spring Street
Los Angeles, CA 90013

Hon. Mike Levin
49th Congressional District
United States House of
Representatives
33282 Golden Lantern
Suite 102
Dana Point, CA 92629

Hon. Katie Porter
45th Congressional District
United States House of
Representatives
PO BOX 5176
Irvine, CA 92616-5176

5.5 State Legislators

Hon. Bill Brough, Member
73th Assembly District
29122 Rancho Viejo Road, Suite 111
San Juan Capistrano, CA 92675

Hon. Pat Bates, Member
36th Senate District, State of
California
24031 El Toro Road, Suite 201A
Laguna Hills, CA 92653

5.6 Local Elected Officials

Hon. Lisa A. Bartlett
Orange County Supervisor
5th District Supervisor
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Mayor, City of San Juan Capistrano
Attn: Hon. Brian Maryott
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Mayor Pro Tem, City of San Juan
Capistrano
Attn: Brian Goodell
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

City of San Juan Capistrano
Councilmember
Attn: Sergio Farias
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

City of San Juan Capistrano
Councilmember
Attn: Hon. Derek Reeve
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

City of San Juan Capistrano
Councilmember
Attn: Hon. John Taylor
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Mayor, City of Mission Viejo
Attn: Hon. Greg Rath
200 Civic Center
Mission Viejo, CA 92691

Mayor Pro Tem, City of Mission Viejo
Attn: Hon. Brian Goodell
200 Civic Center
Mission Viejo, CA 92691

City of Mission Viejo
Councilmember
Attn: Hon. Ed Sachs
200 Civic Center
Mission Viejo, CA 92691

City of Mission Viejo
Councilmember
Attn: Hon. Wendy Bucknum
200 Civic Center
Mission Viejo, CA 92691

City of Mission Viejo
Councilmember
Attn: Hon. Patricia Kelley
200 Civic Center
Mission Viejo, CA 92691

5.7 Interested Groups, Organizations, and Individuals

Andrew Salas, Chairperson Gabrieleno Band of Mission Indians – Kizh Nation P.O. Box 393 Covina, CA 91723	Matias Belardes, Chairperson Juaneño Band of Mission Indians Acjachemen Nation 32161 Avenida Los Amigos San Juan Capistrano, CA 92675	Joyce Perry, Tribal Manager Juaneño Band of Mission Indians Acjachemen Nation 4955 Paseo Segovia Irvine, CA 92612
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson P.O. Box 693 San Gabriel, CA 91778	Gabrieleno/Tongva Nation Sandonne Goad, Chairperson 160-1/2 Judge John Aiso Street #231 Los Angeles, CA 90012	Teresa Romero, Chairwoman Juaneño Band of Mission Indians Acjachemen Nation 31411-A La Matanza Street San Juan Capistrano, CA 92675
Sonia Johnston, Tribal Chairperson Juaneño Band of Mission Indians P.O. Box 25628 Santa Ana, CA 92799	Charles Alvarez, Councilmember Gabrielino-Tongva Tribe 23454 Vanowen Street West Hills, CA 91307	City of San Juan Capistrano Chamber of Commerce P.O. Box 1878 San Juan Capistrano, CA 92693- 1878
Native American Heritage Commission 1550 Harbor Boulevard, Ste. 100 West Sacramento, CA 95691	Kevin Johnston 2288 Buena Vista Avenue Livermore, CA 94550	Rhett Brose The Law Office of Corey Taylor 27128 A Paseo Espada #1501 San Juan Capistrano, CA 92675
City of Mission Viejo Chamber of Commerce 23052-H Alicia Parkway, Ste. 218 Mission Viejo, CA 92692	Ladera Ranch Transportation Club Charles Gibson 35 Kilbannan Court Ladera Ranch, CA 92694	Gregory Weiler Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP 2603 Main Street; East Tower, Ste 1300 Irvine, CA 92614-4281
Amy Minter Chatten-Brown & Carstens 2601 Ocean Park Blvd., Suite 205 Santa Monica, CA 90405	Lennie De Caro 30987 Steeplechase Drive San Juan Capistrano, CA 92675	Winter King Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco, CA 94102
Tierra Del Caballo Home Owners Association John Large 28536 Paseo Diana San Juan Capistrano, CA 92675	Terrell Watt Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco, CA 94102	Ben and Cheryl Trosky ctrosky@cox.net
Save Our San Juan Robert P. King 29422 Spotted Bull Way San Juan Capistrano, CA 92675	Joel D. Kuperberg Rutan & Tucker, LLP 611 Anton Blvd., Suite 1400 Costa Mesa, CA 92626	Brad Gates 28546 Paseo Diana San Juan Capistrano, CA 92675
Rancho Mission Viejo Sam Couch 28811 Ortega Highway, P.O. Box 9 San Juan Capistrano, CA 92693	Susan E. Merchant Trustee of the Susan E Merchant Trust 30621 Shadetree Lane San Juan Capistrano, CA 92675	The Hunt Club Community Association c/o Common Interests, Inc. 647 Camino De Los Mares, Suite 221 San Clemente, CA 92673

5.8 Utilities, Services, and Businesses

AT&T Transmission
22311 Brookhurst Street, Ste. 203
Huntington Beach, CA 92646

South Coast Water District
31592 West Street Street
Laguna Beach, CA 92651

AT&T California
1265 N. Van Buren Street,
Ste. 180
Anaheim, CA 92807

SMWD
26111 Antonio Pkwy
Las Flores, CA 92688

Southern California Gas –
Transmission
9400 Oakdale Avenue
Chatsworth, CA 91311

Thomas Eldred
Cox Communications
29947 Avenida De Las Banderas
Rancho Santa Margarita, CA 92688

Southern California Gas – Santa
Ana
1919 State College Boulevard
Anaheim, CA 92806

San Juan Capistrano Utilities
Department
32400 Pasel Adelanto
San Juan Capistrano, CA 92675

Daisy Covarrubias
Sanitation Districts of Orange
County
10844 Ellis Avenue
Fountain Valley, CA 92708

Kinder Morgan
Emergency Operator
1350 N Main Street
Orange, CA 92867

Prima Deshecha Landfill
32250 La Pata Avenue
San Juan Capistrano, CA 92675

Southern California Edison
1241 S. Grand Avenue
Santa Ana, CA 92705

Kinder Morgan
Design
1100 Town and Country Road
Orange, CA 92867

San Diego Gas & Electric
6875 Consolidated Way, SD 1312
San Diego, CA 92121

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Appendix A Draft Section 4(f) Preliminary De Minimis Determination and Resources Evaluated Relative to the Requirements of Section 4(f)

A.1 Introduction

Section 4(f) of the United States Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Section 4(f) specifies that the Secretary [of Transportation] may approve a transportation program or project ... “requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the United States Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer is also needed.

This appendix provides an evaluation of whether the proposed project would trigger the requirements for protection under Section 4(f) for any publicly owned parks, recreational facilities, wildlife, refuges, and/or National Register of Historic Places (NRHP) listed or eligible historic properties.

A.2 Project Description

The California Department of Transportation (Caltrans) District 12 proposes to make improvements to State Route 74 (SR-74). The project is located in the City of San Juan Capistrano (City) and unincorporated areas of the County of Orange (County) on SR-74 from Calle Entradero to Reata Road (between Post Miles [PMs] 1.0 and 2.1) (Figure A-1). The total length of the project is approximately 1.1 mile (mi). The project proposes to widen SR-74 from two lanes to four lanes from PM 1.0 to PM 1.9 with restriping from PM 1.9 to PM 2.1. The purpose of the project is to relieve existing and future traffic congestion, accommodate planned growth and development in the surrounding area, provide improvements consistent with local planning documents; and gap closure.

Two alternatives are analyzed in the Environmental Assessment (EA); the No Build Alternative and Alternative 2 (the Build Alternative). Those project alternatives are described in the following sections.

A.2.1 Alternatives

A.2.1.1 Alternative 2 (Build Alternative)

Alternative 2 (the Build Alternative) proposes to make improvements to SR-74 (Ortega Highway). Two 12 ft general purpose lanes in each direction and a painted median are located at the eastern portion of the project limits. Build Alternative 2 would widen this segment of existing SR-74, primarily on the north side of the roadway, to minimize removal of mature trees and to avoid removal of the existing sidewalk on the south side of SR-74. However, the existing curved and meandering sidewalk on the north side of SR-74 between Calle Entradero and Hunt Club Drive would be reconstructed. Depending on the existing conditions within the public right-of-way and to the greatest extent reasonably possible, the reconstructed sidewalk may resemble the existing curve and meandering sidewalk. This alternative would result in the roadbed changing from the current varying width of 62.3 ft at Calle Entradero and 24.6 ft at the City/County line to a width varying from 70 to 85 ft, including lanes, shoulders, and median. A paved 5 ft and 8 ft wide shoulder would be provided on each side of the roadway to accommodate Class II (striped on-road) bicycle facilities. The shoulder would be 8 ft wide from Avenida Siega to the City/County limits to merge with the completed County portion. The edge of the pavement would have concrete curbs on each side of the roadway. The proposed additional lanes, shoulders, median, drainages, driveways, and sidewalk have been developed consistent with the

standards in the Caltrans' *Highway Design Manual* (6th Edition or most current). The project design features are described below:

Intersection Improvements

There are five roadways that intersect with SR-74 from the south within the project limits: Calle Entradero, Via Cordova, Via Cristal, Via Errecarte, and Avenida Siega as shown in Figure A-1, Project Location Map (attached). North of SR-74, Via Cordova becomes Hunt Club Drive, and Avenida Siega becomes Shadetree Lane. Additionally, to the north, Palm Hill Drive, Strawberry Lane, and Toyon Drive provide access to private property. Each intersection would be modified/widened to accommodate the additional lanes, median, and shoulders. At intersections where there are existing right-turn pockets (Via Cordova and Via Cristal), the right-turn pocket would remain. No new intersections are proposed.

Standard Roadway Widening (widening on both sides)

The project would include rehabilitation and widening of the existing roadway, from Calle Entradero at PM 1.0 to the City limit at PM 1.9, with standard geometric cross section that includes four 12 ft lanes, a 12 ft painted median, 5 ft shoulders from Calle Entradero to Shadetree Lane and 8 ft shoulders from Shadetree Lane to the City/County line. Right turn lanes would be provided at Via Cristal, Via Errecarte, and Avenida Siega.

Build Alternative 2 would also affect two historical resources on the south, the existing equestrian trail, the existing driveways, and the environmentally-sensitive areas on the north.

Driveways

On the north side of SR-74 within the project limits, there are 11 existing driveways. Each of the 11 driveways would be modified to meet the grade of the widened roadway and to include reconstruction of the curb return. These driveways would be designed in order to maintain sight distance and to avoid safety issues.

Pedestrian and Bicycle Facilities

The existing sidewalk on the south side of SR-74 would be maintained in its current location with the exception of a portion of sidewalk at the intersection of Via Cordova, where the sidewalk would be shifted to the south and reconstructed to provide for the right-turn pocket at this intersection. A new sidewalk would be constructed to the east beyond Avenida Siega and would connect to the planned County sidewalk system to provide continuity and would be consistent with City and

County goals. In addition, the existing sidewalk on the north side of SR-74 would be reconstructed from Calle Entradero to Hunt Club Drive within the existing public right-of-way.

Class II bicycle facilities are planned and would be provided on each side of the roadway as part of the 5 ft and 8 ft wide paved shoulders throughout the project limits. These facilities would be in conformance with the Orange County Transportation Authority's 2009 *OCTA Commuter Bikeways Strategic Plan* (CBSP). The City's General Plan states in its Circulation Element that there is the need to promote an extensive public bicycle, pedestrian, and equestrian trails network. These bicycle facilities would comply with the City's goals.

Right-of-Way Acquisitions

The project would require a total of 46 parcels adjacent to SR-74 as partial acquisitions, permanent easements (PEs) and temporary construction easements (TCEs). Eight of the 46 parcels will be required for TCEs only; and a total of 33 parcels would be required for both PEs and TCEs. The PEs would allow for maintenance of the proposed noise barriers and retaining walls, and the TCEs would be required to accommodate construction of the proposed road widening (and drainage work), noise barriers, the four-way traffic signal at the intersection of SR-74 and Via Cordova/Hunt Club Drive, sidewalks, and retaining walls. Five parcels would be required for partial acquisitions, PEs, and TCEs. The partial acquisitions in some areas are required for the roadway widening. Although partial acquisitions and PEs would be required, no displacements or relocations are anticipated. In addition, a guard house immediately north of the Hunt Club Drive intersection would not be acquired for the project; however, due to a Settlement Agreement (see Appendix J), Caltrans will compensate the Hunt Club Homeowner Association (HOA) for this relocation.

Following construction of the traffic signal Improvements, the relocated guard house shall accommodate at least as much distance for queued vehicles between the guard gate and the roadway as were accommodated by the original location of the guard house prior to the installation of the traffic signal improvements. The guard house relocation shall be completed prior to final acceptance of the project construction and shall be completed prior to the recordation of a Notice of Completion (NOC) pursuant to California Civil Code Section 3093.

Cut and Fill

The roadway widening within the project limits would require cut slopes approximately 20 ft deep on the north side of SR-74 between Hunt Club Drive and the City/County line.

Drainage Improvements

Since most of the widening would occur on the north side of SR-74, all existing drainage facilities would be modified and extended to intercept flows at the proposed edge of pavement. Several additional drainage culverts would be added; locations and numbers of the drainage culverts will not be determined until design phase. The existing concrete channel along the north side of SR-74 at approximately Station 104+00 to Shadetree Lane would be removed and replaced in place with a 24-inch pipe. Caltrans approved Treatment Best Management Practices (BMPs) such as biofiltration swales would be implemented per Caltrans' National Pollutant Discharge Elimination System (NPDES) permit requirements. There would be no drainage systems added to the south side. However, existing drainage on the south side from Avenida Siega, where widening would occur to the City/County line, would be modified to intercept flows at the proposed edge of pavement.

Retaining Walls

There are seven retaining walls on the north side of SR-74 under consideration as shown in Figure A-2, all of which would be designed to meet Caltrans Division of Structures requirements. They are:

- A 160 ft long, 2 to 16 ft high retaining wall on the north side of Palm Hill Drive.
- A 560 ft long, 2 to 20 ft high retaining wall from Palm Hill Drive to an access road.
- A 100 ft long, 2 to 10 ft high retaining wall just east of the above-mentioned access road.
- A 280 ft long, 2 to 14 ft high retaining wall between Toyon Drive and an access road.
- A 1,060 ft long, 8 to 24 ft high retaining wall between Shadetree Lane to the City/County limits.
- Two 160 ft long, 3 ft high retaining walls on the north side of SR-74 between Calle Entradero and Hunt Club Drive.

Noise Attenuation

Two noise barriers (NB) (NB Nos. 2 and 3) were recommended for this project as a community enhancement to protect residences along the south side of SR-74 as part of the project features within the certified Final Environmental Impact Report (EIR). In addition, the *Noise Study Report* (NSR; 2018) and the *Noise Abatement Decision Report* (NADR; 2019) recommended NB No. 6. Details of the three noise barriers are provided below:

- NB No. 2: A 712 ft long, maximum of 16 ft high noise barrier on the south side of the SR-74 from Via Cordova to Via Cristal.
- NB No. 3: A 1,215 ft long, maximum of 16 ft high noise barrier on the south side of the SR-74 from Via Cristal to Via Errecarte.
- NB No. 6: A 41 ft long barrier within the private property line on the westbound side of SR-74 was analyzed to shield Receptor R-120.

Based on the Settlement Agreement, proposed noise barriers will use transparent sound attenuating material for the upper approximately 5 ft of each barrier. The City will accept responsibility for maintenance of the noise barriers (but not initial installation) on the City property.

Signals and Lighting

A four-way traffic signal would be installed at the intersection of SR-74 and Via Cordova/Hunt Club Drive.

Utilities

All utilities such as power, gas, sewer, and telephone lines impacted by this project would be relocated or replaced in-kind within the project limits. In addition, an existing concrete channel, along the north side of SR-74 at approximately Station 104+00 to Shadetree Lane, would be undergrounded as part of the project.

Pavement Rehabilitation

The project would also rehabilitate the existing pavement. The remaining existing pavement would be ground and overlaid with new rubberized asphalt concrete pavement to provide adequate strength to accommodate the projected 2045 traffic demand.

A.2.1.2 No Build Alternative

Under the No Build Alternative, no improvements would be made to the SR-74 within the project limits. For the purposes of analysis, the assumption is that all

design features would be constructed as one project. For this document, the No Build Alternative would maintain the existing conditions of the roadway.

The project Purpose and Need would not be entirely met by the No Build Alternative, and there would be limited improvements for the motoring public.

A.3 De Minimis Determination

As discussed earlier, Section 4(f) applies to "... publicly owned land of a public park, recreation areas or wildlife and waterfowl refuge, or land of an historic site of national, state, or local significance." Publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such or when the federal, state, or local officials having jurisdiction over the land determine that one of its major purposes or functions is for park, recreation, or refuge purposes (FHWA Section 4(f) Policy Paper, Additional Example and Other Consideration No, 25, Planned Section 4(f) Properties, July 2012). Any part of a publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance relative to the whole park by the federal, state, or local official having jurisdiction of that property.

With respect to historic properties, for purposes of Section 4(f), a historic site is significant only if it is in or eligible for listing in the National Register of Historic Places (NRHP), unless the FHWA determines that the application of Section 4(f) is otherwise appropriate (FHWA Section 4(f) Policy Paper).

The proposed project is a transportation project and will receive federal funding; therefore, it is subject to Section 4(f). The following study areas were used for the identification of Section 4(f) properties in the vicinity of the project:

- The area within 0.5 mi of the project limits for Build Alternative 2 was used to define the study area for publicly owned recreation and park resources, including publicly owned wildlife and water fowl refuges and conservation areas. The study area was defined to identify an area large enough to assess the potential for the project to result in proximity impacts to resources protected under Section 4(f) (Figure A-2).
- The *Historic Property Survey Report* (HPSR 2019) was prepared to identify properties listed, eligible for listing, or determined eligible for listing in the NRHP within the Area of Potential Effects (APE). A 36.53-acre APE was established to analyze areas in which the project has the potential to directly or indirectly affect historic properties if any such properties exist. The APE developed as part of the

HPSR was used as the study area for the Section 4(f) analyses for historic properties. Additional discussion regarding the development of the APE is provided in the HPSR.

For this project, the HPSR identified one property that is being assumed NRHP-eligible, the Manriquez Adobe site (P-30-176750), located within the APE for Build Alternative 2.

Manriquez Adobe Site (P-30-176750)

The Manriquez Adobe site is located primarily on privately held property (not State-owned), and a portion within the public right-of-way.. Build Alternative 2 would include proposed fencing, striping, edge of pavement, roadway, and drainage within the site boundary of the Manriquez Adobe (P-30-176750). These improvements would be constructed utilizing a TCE, and a temporary construction fence would be installed. This site is considered eligible for listing on the NRHP for the purpose of this project and is therefore subject to Section 4(f) consideration. If there are changes as the design phase is initiated, Caltrans will continue to coordinate with the property owner, evaluate the property, and follow the necessary procedures.

A summary of the resource subject to the provisions of Section 4(f) is shown in Table A-1, below.

Table A-1: Summary of the Resources Subject to the Provisions of Section 4(f)

Property Name	Description	Official Agency with Jurisdiction	Distance from Project Footprint	Type of Use
Manriquez Adobe Site (P-30-176750)	Attributes: No surface features are currently extant related to this site.	State Historic Preservation Officer (SHPO)	The proposed project is within the property boundary of this resource.	<i>De minimis</i>

Sources: HPSR (2019); HRER (2019).

The site has potential to yield important information regarding the Modernization of Californios, although this information would be gathered from portions of the site not within the current APE.

Pursuant to Stipulation X.A of the Section 106 Programmatic Agreement (PA), Caltrans has applied the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) and finds that the undertaking will not have an adverse effect on historic properties, specifically regarding the Manriquez Adobe site (P-30-176750). An Environmentally

Sensitive Area (ESA) Action Plan has been prepared for purposes of protecting the property by exclusion of all project construction activities from portions of the site likely to yield information important to history or prehistory. The proposed undertaking, if implemented, will not adversely affect the historic property as the project work will not alter the potential distinctive character-defining features or significant property attributes, directly or indirectly, that qualify the historic property for listing in the NRHP. Therefore, Caltrans has determined that a Finding of No Adverse Effect is appropriate for the undertaking as a whole, pursuant to the Section 106 PA, Stipulation X.B.2. As a result of the Finding of No Adverse Effect for this property, a *de minimis* impact finding is appropriate.

Project Features PF-CUL-1 and PF-CUL-2 would ensure that there are plans and procedures for the inadvertent discovery of cultural materials or human remains during construction, should such a discovery occur during construction activities. These project features are detailed in the Environmental Assessment (EA), Section 2.7, Cultural Resources. Further, potentially information-bearing portions of the Manriquez Adobe site outside of the APE will be protected from project-related impacts through the establishment of an ESA and installation of ESA fencing, as outlined in Mitigation Measure CUL-1 proposed for this project. Access to these portions of the Manriquez Adobe site would be restored with the removal of the ESA fencing after completion of construction activities. No evidence of the site was encountered during the Extended Phase I (XPI) investigation. The delineation of an ESA will ensure exclusion of all project construction activities from within the portions of the site that have the potential to yield important information. No adverse effects will impact the portions of the Manriquez Adobe site that potentially contain important archaeological data because these portions are outside the current APE.

The ESA will be depicted on construction plans and discussed during pre-construction meetings. ESA fencing will be placed along the north side of SR-74 (Ortega Highway) along the proposed Temporary Construction Easement (TCE) or Direct APE along the entire property where the Manriquez Adobe site is located. Fencing will be placed prior to ground disturbance of the project, and prior to any construction work in the area. The ESA fencing will be described to construction crews during a pre-construction meeting. Archaeological monitoring will be conducted during ground disturbance activities within the location of the recorded sites associated with the adobe and an Archaeological Monitoring Area (AMA) will be designated on the construction plans. A Caltrans Professionally Qualified Staff (PQS) monitor will inspect the construction area on a weekly basis or as needed, to

ensure that project construction activities do not impact the Manriquez Adobe site (P-30-176750) and to ensure that the ESA is not inadvertently breached. The ESA will remain in place until all ground-disturbing construction activities are complete. The only necessary post-construction measure anticipated is for the engineer to inform the archaeologist that construction work has been completed.

Caltrans staff will be responsible for ensuring that the ESA is depicted on project construction plans. The Resident Engineer will be responsible for notifying the Caltrans Archaeologist of the date of the pre-construction meeting in order to describe the location of the ESA and AMA procedures (avoidance of the ESA and Archaeological monitoring) during the pre-construction meeting.

Proximity impacts such as noise, vibration, and visual impacts would occur in the vicinity of the Manriquez Adobe site. However, these proximity impacts are not anticipated to impair the activities, features, or attributes that qualify this property for protection under Section 4(f). The Manriquez Adobe site is being assumed eligible for the NRHP under Criterion D, which provides for properties that have yielded or may be likely to yield information important in history or prehistory. The XPI investigation did not identify any historic or prehistoric archaeological resources within the APE associated with the Manriquez Adobe site (*Historical Resources Evaluation Report* [HRER] 2019). The level of effort to identify subsurface deposits in the APE is reasonable, given the proposed improvements associated with Build Alternative 2. While there is a potential to gather information from portions of the site outside the APE, an ESA will be established to avoid this area (Mitigation Measure CUL-1). Therefore, proximity impacts would not affect the potential to collect information from the site in the future and would not affect the eligibility of the Manriquez Adobe site (P-30-176750).

Since Caltrans supports a Finding of No Adverse Effect under Section 106, which is conditioned on the implementation of the ESA described above as a mitigation measure, this falls under a *de minimis* impact consistent with 49 USC 303(d)(2)(A)(i). It should be noted that compliance with 36 CFR Part 800 satisfies the public involvement and agency coordination requirement for *de minimis* impact findings for historic sites (FHWA Policy Paper, July 2012). Caltrans is currently seeking consultation in compliance with 36 CFR Part 800.

There is no exception to the “use” of the Manriquez Adobe site because there is permanent incorporation of land from this Section 4(f) resource.

A.3.2 Determine the Level of Approval required for the “Use”

The analyses described earlier support a Section 4(f) determination that Build Alternative 2 would result in a *de minimis* impact on the Manriquez Adobe site.

In summary, the permanent impacts expected to occur on the Manriquez Adobe site would have minimal impact on the integrity of the site. Project work would not alter the potential distinctive character-defining features or significant property attributes, directly or indirectly, that qualify the historic property for listing on the NRHP. A surface survey of the site boundary found no evidence of the site. Further, an XPI investigation was conducted, and no subsurface features or resources were located in association with this site within the current project limits proposed for project work. Construction impacts would be limited to portions of the site that are not known to contain potentially significant historic cultural resources.

A.3.2.1 Consultation and Coordination with the Official Jurisdiction and SHPO

Caltrans will initiate consultation with the State Historic Preservation Officer (SHPO) with regard to the characterization of effects of the project in the context of this Section 4(f) evaluation, consistent with 49 USC 303(d)(2)(A).

Hard copies of the HPSR have been sent to Caltrans Cultural Studies Office (CSO) for review/approval and will be submitted to SHPO for concurrence. The HPSR (including the Project Features PF-CUL-1 and PF-CUL-2 and mitigation measure CUL-1 below) will be sent to SHPO for *de minimis* concurrence.

PF-CUL-1 Caltrans Standard Specification 14-2.03A: Discovery of Cultural Materials. If cultural materials are discovered during site preparation, grading, or excavation, the construction Contractor will divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. At that time, coordination will be maintained with the California Department of Transportation (Caltrans) District 12 Environmental Branch Chief or the District 12 Native American Coordinator to determine an appropriate course of action. If the discovery of cultural materials occurs outside the Caltrans right-of-way, then coordination with the appropriate local agency will be conducted as well.

PF-CUL-2 Caltrans Standard Specification 14-2.03A: Discovery of Human Remains. If human remains are discovered during site preparation, grading, or excavation, California State Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the Orange County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to California Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendant (MLD). At that time, the persons who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of California PRC 5097.98 are to be followed as applicable.

CUL-1 Environmentally Sensitive Area (ESA) Action Plan, Fencing, and Monitoring. An ESA Action Plan has been developed for the Manriquez Adobe site (P-30-176750). The ESA Action Plan includes: (1) delineation of the ESA on the construction plans to ensure that no construction equipment inadvertently impacts potential information-bearing portions of the site; (2) designation of an Archaeological Monitoring Area (AMA) on the construction plans within the recorded site areas associated with the Manriquez Adobe site; (3) incorporation of the ESA Action Plan into the Final Construction Plans, Special Provisions, and Resident Engineer File; (4) installation of ESA fencing along the proposed Temporary Construction Easement (TCE) limit or Direct Area of Potential Effects (APE) for the length of the entire property that includes the Manriquez Adobe site to prevent impacts to potential information-bearing portions of the site; (5) education of construction personnel on archaeological sensitivity; and (6) Archaeological monitoring within the AMA to ensure protection measures for the site are enforced.

A.3.2.2 Public Notice and Section 4(f) Consultation

The Draft EA will be distributed to a number of agencies and members of the general public for review and comment. In addition, notices regarding availability of the EA in compliance with the National Environmental Policy Act (NEPA) will be published.

The distribution of the EA provides agencies and members of the general public with opportunities to provide comments for the proposed project, including the analysis in this appendix supporting the Section 4(f) *de minimis* findings for the Manriquez Adobe site.

Hard copies of the HPSR have been sent to Caltrans Cultural Studies Office (CSO) for review/approval and will be submitted to SHPO for *de minimis* concurrence prior to approval of the EA.

A.4 Resource Evaluated Relative to the Requirements of Section 4(f): No-Use Determination

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or next to the project area that do not trigger Section 4(f) protection because: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, or 4) the project does not permanently use the property and does not hinder the preservation of the property.

Since the proposed project is a federal undertaking, it must also comply with the National Historic Preservation Act (NHPA). The NHPA implementing regulations at CFR Title 36, Part 800.4(a)(1) require the establishment of an APE for a proposed project. The APE is the geographic area or areas within which an undertaking may directly or indirectly alter the character or use of historic properties, if any such properties exist. The APE for the proposed project serves as the Section 4(f) study area for historic properties that are listed, eligible for listing, or assumed eligible for listing in the NRHP for this undertaking. The APE for the project is included in the HPSR.

Cultural resources identified in the APE as documented in the HPSR or Archaeological Survey Report (ASR; an attachment to the HPSR), or Historical Resources Evaluation Report (HRER; an attachment to the HPSR) include all archaeological sites or properties that contain buildings, structures, objects, sites,

landscapes, and districts more than 50 years of age at the time the cultural resources survey for this project was conducted.

Five cultural resources were mapped as being within the APE. This includes prehistoric site CA-ORA-27 and historic sites CA-ORA-1155, P-30-176750, P-30-176715/176758, and P-30-176616. Site P-30-176715/176758 is Ortega Highway itself, which is not eligible for the NRHP. Site P-30-176616 is located in the same space and has the same characteristics as P-30-176750. As such, the two sites appear to be the same resource. An archaeological survey was conducted for all known sites, and no archaeological resources were observed.

Figure A-2 (attached) shows the project location and the locations of nearby recreational resources. Seven publicly owned parks are within the study area, with recreational facilities open to the public. However, these parks would not be directly or indirectly impacted by Build Alternative 2. In addition, access to these resources would not be affected by project construction or operation. These resources are the Reata Park and Event Center (adjacent to the eastern project limits), Sendero Field (0.25 mi east of the project limits), Cook Park –Cordova (0.25 mi south of the project limits), Cook Park –Del Campo (0.20 mi south of the project limits), Rancho Mission Viejo Riding Park (0.20 mi east of the project limits), San Juan Creek Neighborhood Park (0.30 mi south of the project limits), and Arroyo Park (0.30 mi west of the project limits).

A.4.1 Reata Park and Event Center

The Reata Park and Event Center is adjacent to the eastern limits of the project limits at 28632 Ortega Highway, San Juan Capistrano. It is a 12-acre park including an arboretum, nature gardens, picnic areas, and bike trails. Proximity impacts due to construction of the proposed improvements would not occur at the Reata Park and Event Center. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the arboretum, nature gardens, picnic areas, and bike trails) that qualify the resource for protection under Section 4(f) and would cease at the end of construction. In addition, the park would remain functional and open to the public throughout construction. As the park is already located near the existing roadway, permanent

proximity impacts are not anticipated to substantially impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.2 Sendero Field

Sendero Field is approximately 0.25 mi east of the project limits at 29201 Ortega Highway, San Juan Capistrano. It is a 15-acre park consisting of a children's Adventure Play Park, practice field, pickle ball courts, and multi-purpose event lawn and plaza. Proximity impacts due to construction of the proposed improvements would not occur at Sendero Field. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the children's park, practice field, pickle ball courts, and multi-purpose event lawn and plaza) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.3 Cook Park-Cordova

Cook Park Cordova is approximately 0.25 mi south of the project limits at 28398 Calle Arroyo, San Juan Capistrano. It is a 9.0-acre park including BBQ and fire rings, bike paths, equestrian and hiking trails, multi-purpose fields, grassy areas, and softball and soccer fields. Proximity impacts due to construction of the proposed improvements would not occur at Cook Park-Cordova. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the BBQ and fire rings, bike paths, equestrian and hiking trails, multi-purpose fields, grassy areas, and softball and soccer fields) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.4 Cook Park-Del Campo

Cook Park Del Campo is approximately 0.20 mi south of the project limits at 28336 Calle Arroyo, San Juan Capistrano. It is a 1.5-acre park including bike paths, children's play area, equestrian and hiking trails, and grassy areas. Proximity impacts due to construction of the proposed improvements would not occur at Cook Park-Del Campo. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the bike paths, children's play area, equestrian and hiking trails, and grassy areas) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.5 Rancho Mission Viejo Riding Park

Rancho Mission Viejo Riding Park is approximately 0.20 mi east of the eastern limits of the study area at 27174 Ortega Highway, San Juan Capistrano. It is a 40-acre park including an equestrian sports complex and a community special event center. Proximity impacts due to construction of the proposed improvements would not occur at Rancho Mission Viejo Riding Park. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the equestrian sports complex and the community special event center) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.6 Arroyo Park

Arroyo Park is approximately 0.3 mi west of the project limits at 31300 Sundance Drive, San Juan Capistrano. It is a 3.6-acre park including an equestrian trail and grassy areas. Proximity impacts due to construction of the proposed improvements

would not occur at Arroyo Park. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (the equestrian trail and grassy open areas) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

A.4.7 San Juan Creek Neighborhood Park

San Juan Creek Neighborhood Park is approximately 0.3 mi south of the project limits at the northwest corner of San Juan Creek and Camino Lacouage. It is a 4.7-acre park including children's play areas. Proximity impacts due to construction of the proposed improvements would not occur at San Juan Creek Neighborhood Park. Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving that could temporarily generate fugitive dust and other emissions. In addition, construction noise may temporarily and intermittently dominate the noise environment in the immediate area of construction. These impacts are short term; they would not substantially impair the activities, features, and attributes (children's play areas) that qualify the resource for protection under Section 4(f) and would cease after construction. In addition, the park would remain functional and open to the public throughout construction. Permanent proximity impacts are not anticipated to impair the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Because Build Alternative 2 would not result in the permanent use of these resources, or result in proximity impacts that would substantially impair the activities, features, and attributes that qualify them for protection under Section 4(f), no Section 4(f) use would occur.

A.5 Section 6(f) Consideration

State and local governments can obtain grant funds through the federal Land and Water Conservation Fund Act of 1965 (L&WCF Act) to acquire or make improvements to parks and recreation areas. Section 6(f) of the L&WCF Act prohibits the conversion of property acquired or developed with these grants to a non-

recreational purpose without the approval of the United States Department of the Interior (DOI) National Park Service (NPS).

As of 2017 (the most recent year for which data are available), no projects funded with L&WCF Act funds are located in the study area for the proposed project. Therefore, no further discussion of Section 6(f) resources protected under the L&WCF Act is provided in this appendix.

A.6 References

California Department of Parks and Recreation. Land and Water Conservation Fund.

Website: https://www.parks.ca.gov/pages/1008/files/LWCF_all_projects_1964_2017_1.12.18_6.7.18.pdf (accessed April 22, 2019).

City of San Juan Capistrano (2019) Community Services Department

<http://sanjuancapistrano.org/Departments/Community-Services> (accessed April 22, 2019).

Federal Highway Administration. 2012. Section 4(f) Policy Paper. July. Website:

<https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>.

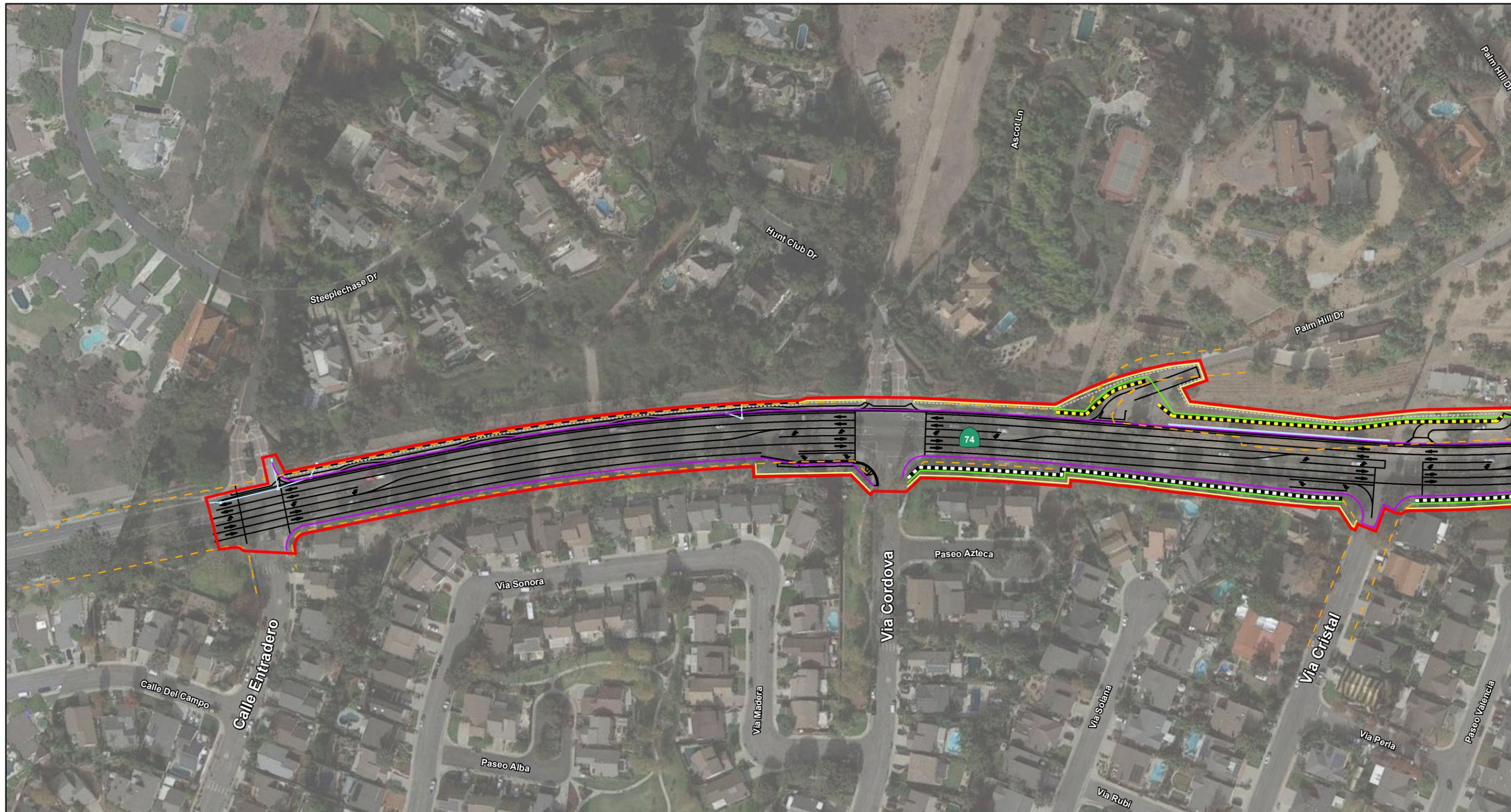
Finding of No Adverse Effect (confidential report) (LSA, May 2019).

Historic Property Survey Report (partially confidential report) (LSA, May 2019).

Orange County (2019) Orange County Parks <http://www.ocparks.com/> (accessed April 22, 2019).

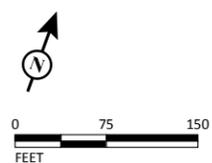
Attachments: Figure A-1. Project Location Map

Figure A-2. Recreational Resources



LEGEND

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|----------------|---|---------------------------------------|
| Project Limits | Project Features | Temporary Construction Easement (TCE) |
| City Boundary | Proposed Striping, Edge of Pavement, and Roadway Improvements | Permanent Access Easement |
| | Proposed Restriping Only | Temporary Chain Link Fence |
| | Proposed Right-of-Way | Proposed Retaining Wall |
| | Existing Right-of-Way | Proposed Sound Wall |
| | | Proposed Drainage |



SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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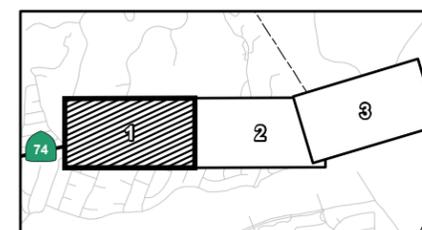


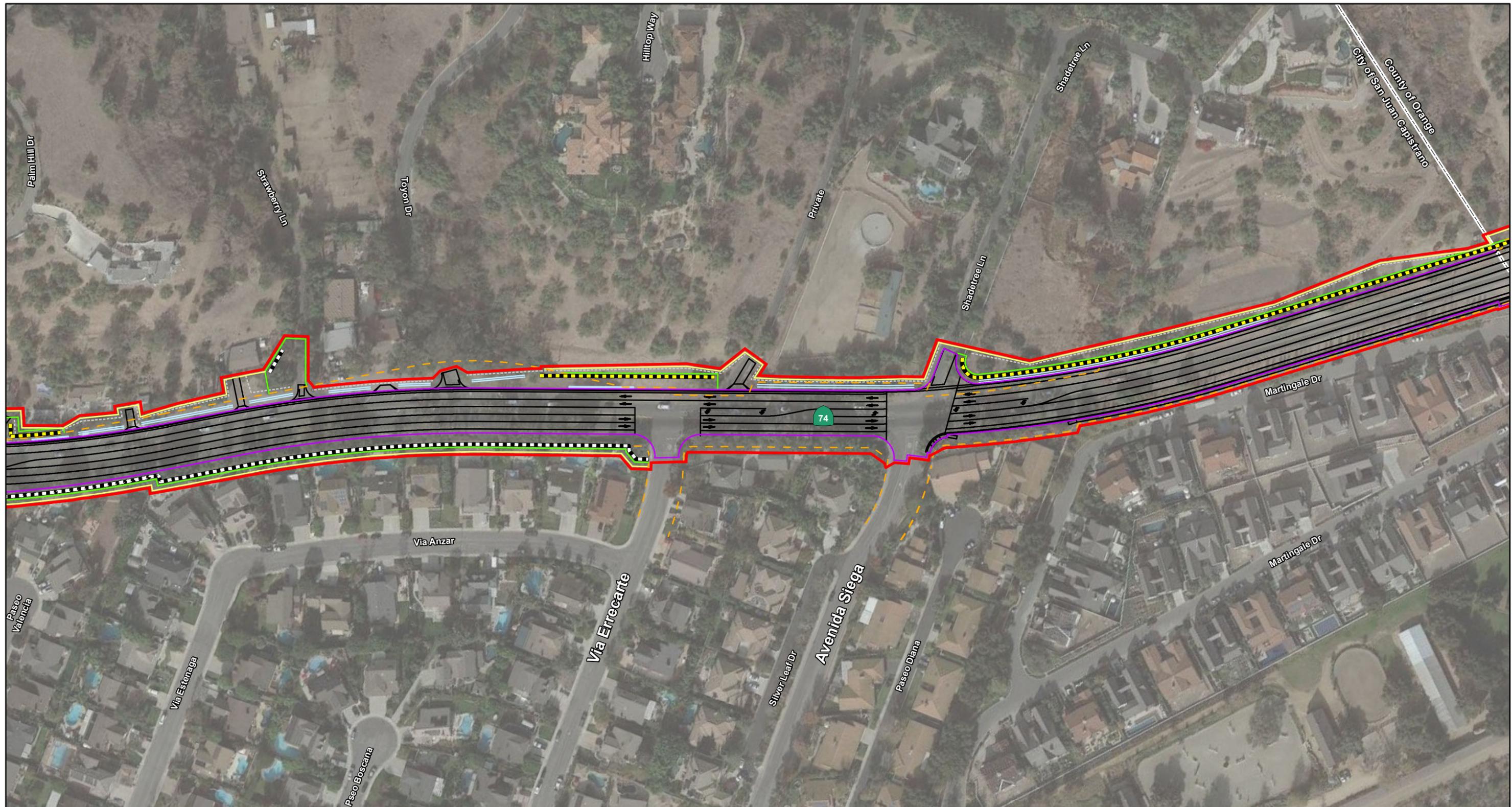
FIGURE A-1
 Sheet 1 of 3

SR-74 Lower Ortega Highway Widening Project

Project Location Map

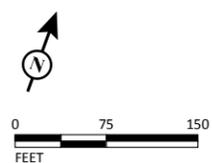
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|----------------|---|---------------------------------------|
| Project Limits | Project Features | Temporary Construction Easement (TCE) |
| City Boundary | Proposed Striping, Edge of Pavement, and Roadway Improvements | Permanent Access Easement |
| | Proposed Restriping Only | Temporary Chain Link Fence |
| | Proposed Right-of-Way | Proposed Retaining Wall |
| | Existing Right-of-Way | Proposed Sound Wall |
| | | Proposed Drainage |



SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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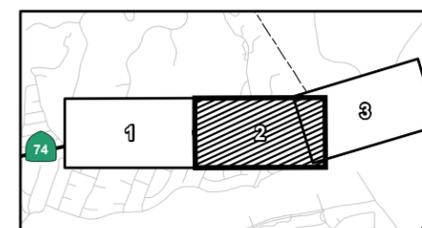
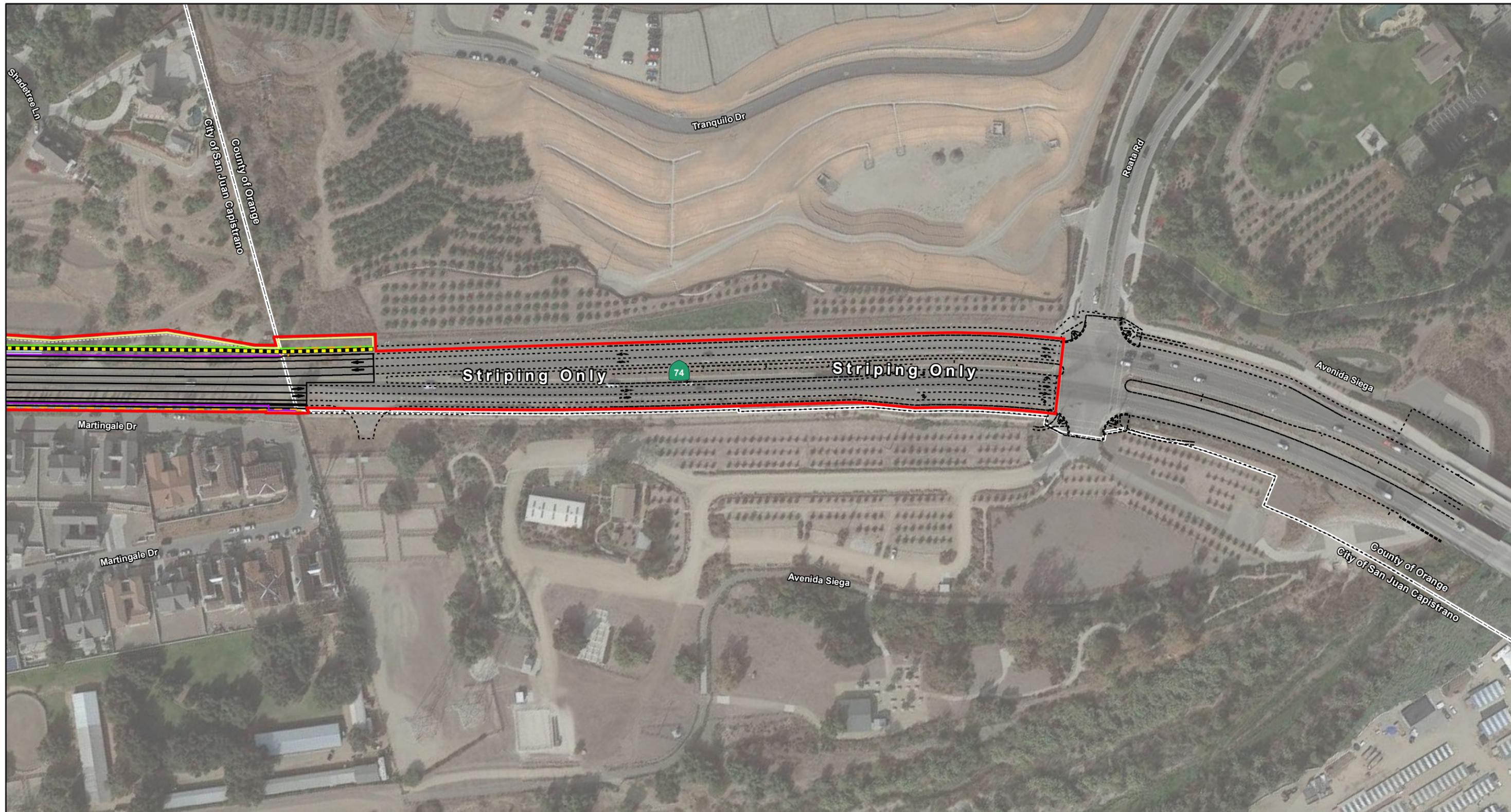


FIGURE A-1
 Sheet 2 of 3

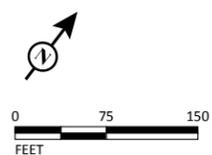
SR-74 Lower Ortega Highway Widening Project
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|----------------|---|---------------------------------------|
| Project Limits | Project Features | Temporary Construction Easement (TCE) |
| City Boundary | Proposed Striping, Edge of Pavement, and Roadway Improvements | Permanent Access Easement |
| | Proposed Restriping Only | Temporary Chain Link Fence |
| | Proposed Right-of-Way | Proposed Retaining Wall |
| | Existing Right-of-Way | Proposed Sound Wall |
| | | Proposed Drainage |



SOURCE: Esri (2018); Caltrans (4/3/2019); SCAG (2012)
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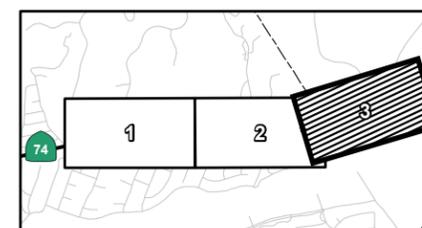


FIGURE A-1
 Sheet 3 of 3

SR-74 Lower Ortega Highway Widening Project

Project Location Map

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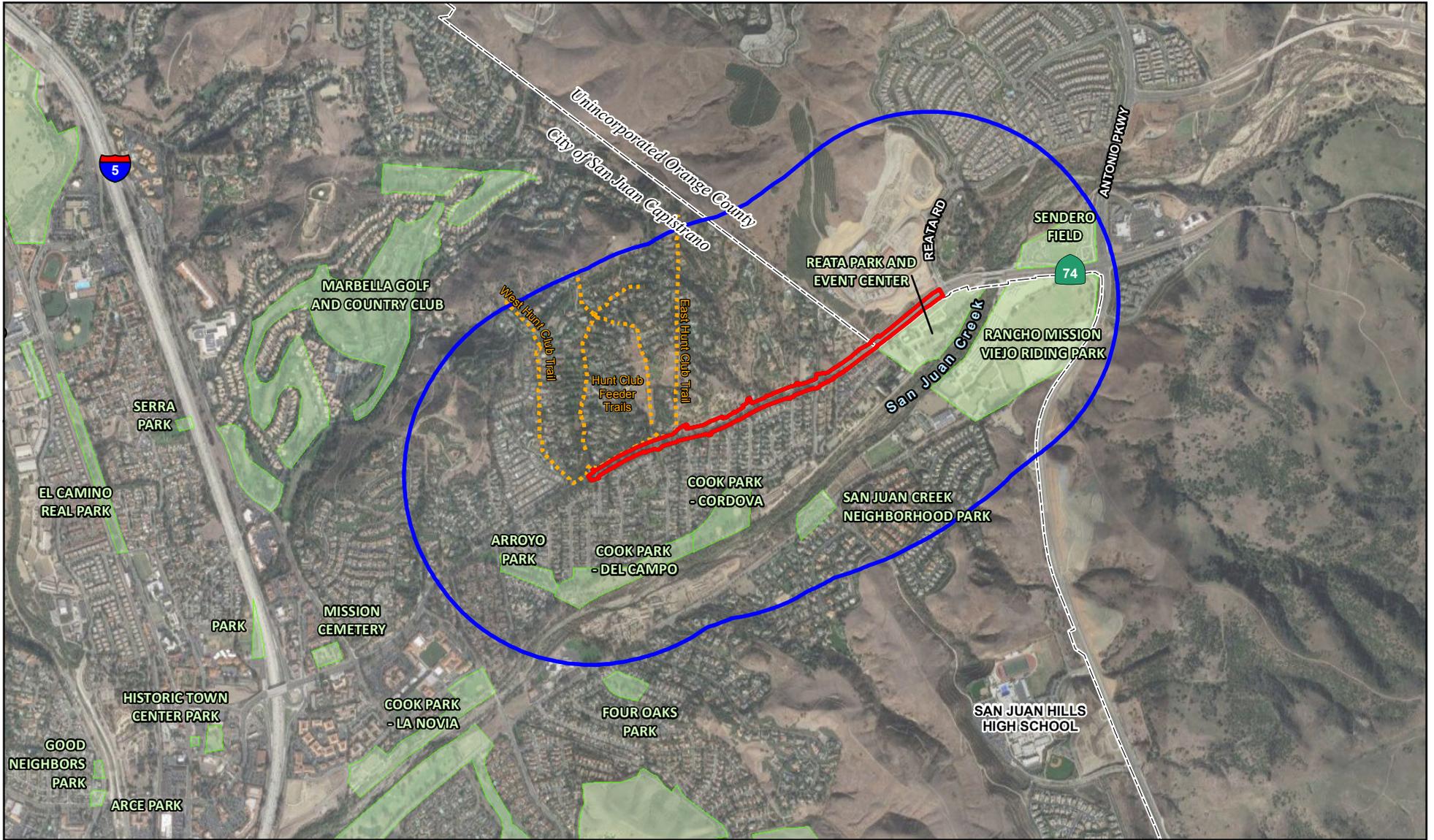
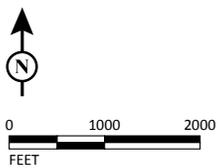


FIGURE A-2

LEGEND

- Project Limits
- Study Area
- Recreational Resources
- Trails
- City Boundary



SOURCE: Google Maps (2017); Caltrans (4/3/2019)

I:\CDT1609\GIS\MXD\Task41_SR74_LowerOrtega_Env\RecreationalResources.mxd (5/17/2019)

SR-74 Lower Ortega Highway Widening Project

Recreational Resources

12-ORA-74 PM 1.0/2.1

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Appendix B Title VI Policy Statement

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DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

April 2018

**NON-DISCRIMINATION
POLICY STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Related federal statutes and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, please visit the following web page:
http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone (916) 324-8379, TTY 711, email Title.VI@dot.ca.gov, or visit the website www.dot.ca.gov.

A handwritten signature in blue ink, appearing to read "Laurie Berman".

LAURIE BERMAN
Director

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DEPARTMENT OF TRANSPORTATION

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SACRAMENTO, CA 94273-0001
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FAX (916) 653-5776
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Abril 2018

**DECLARACIÓN DE POLÍTICA
DE NO DISCRIMINACIÓN**

El Departamento de Transporte de California, bajo el Título VI de la Ley de Derechos Civiles de 1964, asegura que *“Ninguna persona en los Estados Unidos, debido a su raza, color u origen nacional, será excluida de participar, ni se le negarán los beneficios, o será objeto de discriminación, en cualquier programa o actividad que reciba ayuda financiera federal”*.

Los estatutos federales relacionados y la ley estatal refuerzan estas protecciones para incluir el sexo, la discapacidad, la religión, la orientación sexual y la edad.

Para información u orientación sobre cómo presentar una queja relacionada, por favor visite la siguiente página de Internet: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Para obtener esta información en un formato alternativo como el Braille o en un lenguaje diferente al inglés, por favor póngase en contacto con la Oficina de Negocios y Oportunidades Económicas del Departamento de Transporte de California. Dirección: 1823 14th Street, MS-79, Sacramento, CA 95811. Teléfono: (916) 324-8379. Teléfono de Texto TTY: 711. Email Title.VI@dot.ca.gov, o visite la página de Internet: www.dot.ca.gov.

A handwritten signature in blue ink that reads "Laurie Berman".

LAURIE BERMAN
Director

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Appendix C Relocation Benefits

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Your Rights and Benefits
as a Displacee Under the
Uniform Relocation
Assistance Program
(Residential)



California Department of
Transportation

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

- (1) Decent, safe, and sanitary. (See definition below)
- (2) Functionally equivalent to the displaced dwelling.
- (3) Adequate in size to accommodate the family being relocated.
- (4) In an area not subject to unreasonable adverse environmental conditions.
- (5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of-employment.
- (6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary - which

means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- (1) Be structurally sound, weather tight, and in good repair.
- (2) Contain a safe electrical wiring system adequate for lighting and other devices.



- (3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.
- (4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than 2 persons per room unless

the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.

- (5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

- (6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- (7) *For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either a:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

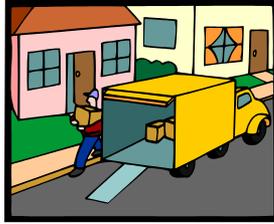
Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- (1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or
- (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- (3) A contract to purchase any interests or estates; or
- (4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Moving Expenses



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs - You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses may

include:

- Transportation
- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.

OR

Fixed Moving Cost Schedule - You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2014 Rate):

4 Rooms - \$ 1,295

7 Rooms - \$ 2,090

The Fixed Move Schedule for a furnished unit (e.g. you are a tenant of an apartment that is furnished by your landlord) is based on Schedule B.

Example (Year 2014 Rate):

1 Room - \$450

A dormitory style room under the 2014 Schedule B rate would receive \$125.

Under the Fixed Move Schedule, you will not receive any additional payments for temporary storage, lodging, transportation or utility hook-ups.

Replacement Housing Payments

The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant, and the length of occupancy in the property being acquired.

If you are a qualified **owner occupant** of more than 90 days prior to the initiation of negotiations for the acquisition of your property, you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

If you are a qualified **tenant occupant** of at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Down payment Option

Length of occupancy simply means counting the number of days that you actually occupied a dwelling before the date of initiation of negotiations by Caltrans for the purchase of the property. The term "initiation of negotiations" means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment. Check with your Relocation Agent before you make any decision to vacate your property.

For Owner Occupants of 90 Days or More

If you qualify as a 90-day owner occupant, you may be eligible - in addition to the fair market value of your property - for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and Incidental Expenses.

The **Price Differential** payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment will assist you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property

The **Mortgage Differential** payment will reimburse you for any increased mortgage interest costs you might incur because the interest rate on your new mortgage exceeds the interest rate on the property acquired by Caltrans. The payment computation is complex as it is based on prevailing rates, your existing loan and your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

EXAMPLES OF PRICE DIFFERENTIAL PAYMENT COMPUTATION:

Assume that Caltrans purchases your property for \$98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property will cost you \$100,000. If your purchase price is \$100,000, you will receive \$2,000 (see *Example A*).

If your actual purchase price is more than \$100,000, you pay the difference (see *Example B*). If your purchase price is less than \$100,000, the differential payment will be based on actual costs (see *Example C*).

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example A

Purchase Price of Replacement	\$100,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example B

Purchase Price of Replacement Property	\$105,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Maximum Price Differential	\$ 2,000
You Must Pay the Additional \$5,000	

Example C

Comparable Replacement Property	\$100,000
Purchase Price of Replacement	\$ 99,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Price Differential	\$ 1,000

In Example C you will only receive \$1,000 - not the full amount of the Caltrans "Comparable Replacement Property" because the requirements to spend were not met.

IN ORDER FOR A "90 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT (*Price Differential, Mortgage Differential and Incidental Expenses*), **you must:**

A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:

- (1) The date you first receive a notification of an available replacement house, **OR**
- (2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the closing of escrow on State's acquisition),

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Tenants of 90 Days or More

If you qualify as a 90-day occupant, you may be eligible for a Replacement Housing Payment in the form of a Rent Differential.

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

- a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**
- b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer - regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling

and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations.

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may - with certain limitations - be converted to a **Down payment Option** to assist you in purchasing a replacement property.

Example of Rent Differential Payment Computation:

After a thorough study of comparable, decent, safe and sanitary dwellings that are available for rent, Caltrans determines that a comparable replacement property will rent for \$325.00 per month.

Caltrans Computation (rates are per month)

Rental Rate for Comparable Replacement Property:	\$ 325
PLUS average estimated utilities costs:	<u>+ 100</u>
TOTAL Cost to Rent Comparable Replacement Property:	= \$ 425

Rental Rate for Your Current Property:	\$ 300
PLUS average utilities costs:	<u>+ 90</u>
TOTAL Cost you pay to rent your current property:	= \$ 390
Comparable Replacement Property including utilities:	\$ 425
Cost you pay to rent your property including utilities:	<u>+ 390</u>
Difference:	=\$ 35

Multiplied by 42 months = \$1,470 Rent Differential

Example A:

Rental Rate for a Replacement Property, including estimated average utilities costs:	\$ 525
Comparable Replacement Property including utilities:	\$ 425
Cost you pay to rent your property including utilities:	\$ 390

Since \$425 is less than \$525, the Rent Differential is based on the difference between \$390 and \$425.

Rent Differential (\$35 x 42 months = \$1,470)

In this case you spent “at least” the amount of the Comparable Replacement Property on the replacement property and will receive the full amount.

Example B:

Rental Rate for a Replacement Property, including estimated average utilities costs:	\$ 400
Comparable Replacement Property including utilities:	\$ 425
Cost you pay to rent your property including utilities:	\$ 390

Since \$400 is less than \$525, the Rent Differential is based on the difference between \$400 and \$390.

Rent Differential (\$10 x 42 months = \$420)

In this case you spent “less than” the amount of the Comparable Replacement Property on the replacement property and will not receive the full amount.

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. And, you will also receive at least 90 days' written notice before you must move.

Down Payment Option

The Rent Differential payment may - with certain limitations - be converted to a **Down Payment Option** to assist you in purchasing a replacement property. The down payment option is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between \$0 and \$7,200, your down payment option will be \$7,200, which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over \$7,200, you may be able to convert the entire amount of the Rent Differential to a down payment option.

The down payment option must be used for the acquisition of the replacement dwelling, plus any eligible incidental expenses (see “90-day Owner Occupants Incidental Expenses”) related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your down payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a down payment option, those advance payments will be deducted from the entire benefit.

Last Resort Housing

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will utilize a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate or modify housing in order to meet the needs of the people displaced from a project. Caltrans can also pay above the statutory limits of \$7,200 and \$31,000 in order to make available housing affordable.

Relocation Advisory Assistance



Any individual, family, business or farm displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real property taxes.
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or

handicapped. You may obtain the services of a real estate broker to assist in finding a replacement dwelling but, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans may establish a temporary Relocation Field Office on or near the project. Project relocation offices would be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions and be sure you fully understand all of your rights and available benefits.



YOUR RIGHTS AS A DISPLACED

All eligible displacees have a freedom of choice in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a purchase agreement or a rental agreement until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement

housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Americans with Disabilities Act (ADA) Notice:

This document is available in alternative formats for people with physical disabilities. Please call (916) 654-5413, or write to 'Department of Transportation - Right of Way, MS-37, 1120 N Street, Sacramento, CA 95814,' for information.

NOTES



Residential
Effective October 1, 2014 (2nd Printing)

Sus Derechos y Beneficios
Como Una Persona
Desplazada Bajo el
Programa Uniforme De
Asistencia Para Reubicación
(Residencial)



California Department of
Transportation

Introducción

En la construcción de un sistema moderno de transportación, el desplazamiento de un pequeño porcentaje de la población es a menudo necesario. Sin embargo, la política de Caltrans es que las personas desalojadas no tengan que sufrir innecesariamente como resultado de los programas diseñados para el beneficio del público en general.

Los individuos y familias desplazadas pueden ser elegibles para recibir servicios de asesoramiento y pagos de reubicación.

Este folleto provee información acerca de los servicios y pagos de reubicación disponibles. Si usted es requerido a mudarse como resultado de un proyecto de transportación, un Agente de Reubicación se comunicará con usted. El Agente de Reubicación le contestará preguntas específicas y le proveerá información adicional.

Ley de Procedimiento Uniforme de Asistencia para Rubicación y Adquisición de Bienes Raíces de 1970, Enmendada “La Ley Uniforme”

El propósito de esta Ley es proveer tratamiento igual y uniforme para las personas que son desplazadas de sus hogares, negocios, u operaciones agrícolas por programas federales o programas que son asistidos con fondos federales y para establecer uniformidad e igualdad en la política de adquisición de tierras por programas federales y programas asistidos con fondos federales.

La ley trata de asegurar que las personas desplazadas directamente como resultado de proyectos federales o proyectos asistidos con fondos federales sean tratados con igualdad, consistencia y equidad para que esas personas no sufran daños desproporcionados como resultado de proyectos designados para el beneficio del público en general.

Aunque se ha hecho un esfuerzo para asegurar la precisión de este folleto, debe de ser entendido que no tiene la fuerza o efectos de la ley, regla, o

regulación que gobierna el pago de los beneficios. Si hay diferencias o error, la ley tomará precedencia.

Algunas Definiciones Importantes...

Sus beneficios de reubicación pueden ser entendidos mejor si usted entiende los siguientes términos:

Vivienda de Restitución comparable: significa una propiedad que es:

- (1) Decente, segura y sanitaria. (Vea la definición abajo.)
- (2) Equivalente funcionalmente a la propiedad desplazada.
- (3) Adecuada en tamaño para acomodar a la familia que esta siendo reubicada.
- (4) En un área que no esté sujeta a condiciones irrazonablemente adversas.
- (5) En una localidad generalmente no menos deseable que la localidad de su propiedad desplazada con respecto a servicios públicos, y acceso razonable al lugar de empleo.
- (6) En una parcela de tamaño típico para el desarrollo de una residencia de tamaño normal.

Decente, Segura y Sanitaria (DS&S): La vivienda de restitución debe de ser decente, segura y

sanitaria ... que significa que llena todos los requisitos mínimos establecidos por las regulaciones federales y conforme a los códigos de ocupación de viviendas aplicables. La propiedad será:

- (1) Buena estructuralmente, cerrada a las condiciones climáticas y en buen estado de reparación.
- (2) Contiene un sistema eléctrico adecuado para iluminación y otros aparatos.



- (3) Contiene un sistema de calefacción capaz de mantener una temperatura saludable (de aproximadamente 70 grados) para la persona desplazada, con excepción en aquellas áreas donde las condiciones climáticas no requieren dicho sistema.
- (4) Debe de ser adecuada en tamaño con respecto al número de cuartos y áreas para vivir necesarias para acomodar a las personas desplazadas. Es política de Caltrans que más

de dos personas no deben de estar en un solo cuarto, a menos que el tamaño del cuarto sea suficientemente adecuado para acomodar los muebles de dormitorios necesarios de los ocupantes.

- (5) Tener un baño separado, bien iluminado y ventilado que sea privado a los usuarios y que contenga un lavamanos, una tina o regadera, y un excusado, todos en buenas condiciones y apropiadamente conectados a los sistemas de aguas negras y aguas potables.

Nota: En el caso de una "housekeeping dwelling," debe de haber una área de cocina que contenga un lavatrastos usable, propiamente conectado a agua caliente y agua fría, y al sistema de drenaje, y con espacio adecuado para utilizar los servicios y conexiones para una estufa y un refrigerador.

- (6) Contiene la salida sin obstrucciones a la caja fuerte, espacio abierto a nivel del suelo. Si la unidad de vivienda de reemplazo está en el segundo piso o por encima, con acceso directamente desde o a través de un pasillo común, el corredor común debe tener por lo menos dos medios de egreso.

(7) Si la persona desplazada es incapacitada físicamente, debe de ser libre de cualquier barrera que le impidan la entrada o salida, o uso razonable de la propiedad por dicha persona incapacitada.

Persona Desplazada: Cualquier individuo o familia que se mueva de una propiedad o mueva sus bienes personales de una propiedad como resultado de la adquisición de bienes raíces, en todo o en parte, o como resultado de una notificación escrita de una agencia pidiéndole que desocupe la propiedad que se necesita para un proyecto de transportación. En el caso de una adquisición parcial, Caltrans debe de determinar si la persona es desplazada directamente como resultado de esta adquisición.

Los beneficios de reubicación van a variar dependiendo del tipo y tiempo de ocupación. Como una persona desplazada de una unidad residencial usted puede ser clasificado como:

- Un dueño ocupante de una propiedad residencial (incluyendo casas movibles)
- Un inquilino ocupante de una propiedad residencial (incluyendo casas movibles y cuartos para dormir)

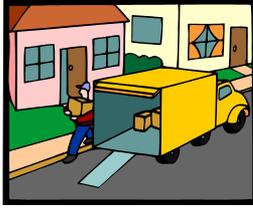
Vivienda: El lugar de permanencia o residencia regular y usual de una persona, de acuerdo a las costumbres locales o la ley, incluyendo una unidad familiar, una unidad familiar en un complejo doble o multi-familiar, o una propiedad de uso múltiple, una unidad de condominio o proyecto de vivienda en cooperativa, una unidad libre de mantenimiento doméstico, una casa movable, o cualquier otra unidad residencial.

Dueño: Una persona es considerada que llena los requisitos de dueño de una casa, si esta persona compra, tiene título o tiene algunos de los siguientes intereses en una propiedad:

- (1) Una escritura de propiedad, un interés de por vida en una propiedad, un contrato de renta por 99 años, un contrato oral de renta incluyendo una opción para extensión con al menos 50 años que queden después de la fecha de adquisición; o
- (2) El interés en un proyecto de vivienda en cooperativa que incluya el derecho de ocupar una vivienda; o
- (3) Un contrato de compra de interés, o bienes raíces.
- (4) Algún otro interés, incluyendo intereses parciales, que a juicio de la agencia garanticen los pagos como dueño.

Inquilino: Una persona que tiene el uso y la ocupación temporal de una propiedad de la que otro es dueño.

Gastos de Mudanza



Si usted califica como persona desplazada, usted tiene derecho a reembolso de sus gastos de mudanza y a ciertos gastos relacionados incurridos durante el traslado. Los métodos de traslado y los distintos tipos de pagos para gastos de mudanza son explicados abajo.

Los individuos y familias desplazadas pueden escoger un pago basado en los gastos reales, razonables y los gastos relacionados, o de acuerdo a una lista de costos fijos de mudanza. Sin embargo, para asegurar su elegibilidad y el pago rápido de sus gastos de mudanza, usted debe de ponerse en contacto con su Agente de Reubicación antes de mudarse.

Usted Puede Elegir Entre:

Los Gastos Razonables de Mudanza – A usted se le puede pagar por los gastos razonables de mudanza y gastos relacionados cuando una

compañía comercial de mudanza hace la mudanza. Los reembolsos deberán ser limitados a una mudanza de 50 millas o menos. Los gastos relacionados pueden incluir:

- Transportación.
- Empaque y desempaques de propiedades personales.
- Desconexión y reconexión de aparatos eléctricos.
- Almacenaje temporal de propiedades personales.
- Seguros cuando la propiedad está almacenada o en tránsito.

Ó

Lista de Costos Fijos de Mudanza – A usted se le puede pagar basado en una lista de costos fijos de mudanza. Bajo esta opción, usted no puede ser elegible para reembolsos de gastos relacionados incluidos en la lista de arriba. Esta lista de gastos fijos está designada a cubrir todos esos gastos.

Por ejemplo (Tarifa para el año 2014)

4 Cuartos - \$1,295

7 Cuartos - \$2,090

Los costos fijos de mudanza para una unidad (ejemplo, usted es inquilino en un apartamento donde los muebles pertenecen al dueño de la vivienda) están basados en la Tabla de Honorarios B.

Por ejemplo (Tarifa para el año 2014)
1 Cuartos - \$450

Una habitación de estilo dormitorio debajo de la tasa de la Tabla de B - \$125 (2014).

Bajo la lista de Pago Fijos de Mudanza, usted no puede recibir ningún pago adicional por almacenamiento temporario, vivienda temporaria, transportación o conexiones de servicios públicos.

Pagos Para Vivienda de Restitución

El tipo de Pago Para Vivienda de Restitución (RHP) depende de si usted es dueño o un inquilino, y en el tiempo de ocupación que tiene de la propiedad que será adquirida.

Si usted es calificado **como dueño ocupante** de más de 90 días antes de la iniciación de negociaciones para la adquisición de su propiedad, usted puede tener derecho a recibir RHP que consiste en:

Diferencia de Precio, y

Diferencia para Hipoteca, y

Gastos Incidentales

O

Diferencia Para Rentar

Si usted es un inquilino ocupante cualificada de al menos 90 días, usted puede tener derecho a un RHP de la siguiente manera:

Diferencia Para Rentar

U

Opción para Enganche

Tiempo de ocupación simplemente significa contar el número de días que usted actualmente ocupó la vivienda antes de la fecha de iniciación de negociaciones por Caltrans para la compra de la propiedad. El término “iniciación de negociaciones” significa la fecha que Caltrans hizo el primer contacto personal con el dueño de bienes raíces, o su representante, para darle a el/ella una oferta escrita para la adquisición de la propiedad.

Nota: Si usted ocupó una vivienda por menos de 90 días antes de la iniciación de negociaciones y la propiedad es posteriormente adquirida, o si usted se mudó a la propiedad después de la iniciación de negociaciones y usted todavía ocupaba la propiedad a la fecha de adquisición, usted puede ser elegible para un RHP, basado en una guía de elegibilidad establecida. Consulte con

su Agente de Reubicación antes de que haga cualquier decisión de mudarse de su propiedad.

Para Ocupantes de 90 Días o Más

Si usted califica como dueño ocupante de 90 días, puede ser elegible – además del valor equitativo en el mercado de su propiedad – para un RHP que consiste en un pago de Diferencia de Precio y/o Gastos Incidentales.

El Pago de **Diferencia de Precio** es la cantidad por la que el costo de una vivienda de restitución excede el costo de adquisición de la vivienda desplazada. Este pago le asistirá en la compra de una vivienda decente, segura, y sanitaria (DS&S). Caltrans computará el pago máximo que usted puede ser elegible para recibir.

Para recibir la cantidad total de la diferencia de precio calculadas, usted debe de gastar al menos la cantidad calculada por Caltrans en la propiedad de restitución.

El pago de **Diferencia de Hipoteca** le será reembolsado por cualquier aumento del costo de interés en la hipoteca que usted haya incurrido porque la tasa de interés en su nueva hipoteca excede la tasa de interés de la propiedad

adquirida por Caltrans. La computación del pago es complicada ya que está basada en las tasas típicas entre su préstamo anterior y su préstamo nuevo. También, una parte de los pagos pueden ser prorrateado como reembolso por una porción de los honorarios de su préstamo y los puntos (intereses) de la hipoteca.

Para ser elegible para recibir este pago, la propiedad adquirida debe de ser hipotecada con una hipoteca de buena fé, la cual fue un crédito válido de por lo menos 180 días antes de la iniciación de negociaciones.

Usted también puede ser reembolsado por cualquier **Gasto Incidental** actual y necesario que usted incurra en relación con la compra de su propiedad de restitución. Estos gastos pueden ser los costos por búsqueda de título, honorarios de copia en el Registro, reporte de crédito, reporte de evaluación, y ciertos otros gastos de cierre de escritura. Usted no puede ser reembolsado por ningún gasto frecuente como pre-pagos de impuesto de bienes raíces y seguro de propiedad.

EJEMPLO DE COMO SE CALCULA LA DIFERENCIA DE PAGO:

Suponga que Caltrans compra su propiedad por \$98,000. Después de un estudio completo de viviendas disponibles en el mercado, que sean decentes, seguras y sanitarias, Caltrans determina que la propiedad de restitución comparable en el mercado abierto le costará \$100,000. Si su precio de compra es \$100,000 usted recibirá \$2,000 (Vea el Ejemplo A)

Si su precio de compra es de más de \$100,000, usted paga la diferencia (vea el Ejemplo B). Si su precio de compra es menos de \$100,000, el pago se basará en los costos actuales (vea el Ejemplo C).

La cantidad que usted recibe en un pago diferencial dependerá de cuanto usted realmente gasta en una vivienda de restitución, como se muestra en estos ejemplos.

Computación de Caltrans

Precio Comparable de la Propiedad de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000

Ejemplo A

Precio de Compra de Restitución	\$100,000
Propiedad Comparable de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>-\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000

Ejemplo B

Precio de Compra de Restitución	\$105,000
Propiedad Comparable de Restitución	\$100,000
Precio de Adquisición de su Propiedad	<u>\$ 98,000</u>
Diferencia Máxima de Precio	\$ 2,000

Usted Debe de Pagar el Precio Adicional de \$5,000.

Ejemplo C

Propiedad Comparable de Restitución	\$100,000
Precio de Compra de Restitución	\$ 99,000
Precio de Adquisición de su Propiedad	<u>\$ 98,000</u>
Diferencia de Precio	\$ 1,000

En el ejemplo C usted solo recibirá \$1,000 – no la cantidad completa de “La propiedad Comparable de Restitución” por los requisitos de “Gastar para Obtener” de Caltrans.

PARA QUE UN “DUENO OCUPANTE DE 90 DÍAS” RECIBA LA CANTIDAD TOTAL DE SUS BENEFICIOS DE PAGOS PARA VIVIENDA

(Diferencia de Precio, Diferencia de Hipoteca y Gastos Incidentales), usted debe:

A) Comprar y ocupar una vivienda de restitución que sea DS&S dentro de al menos un año desde la fecha más tarde de:

(1) La fecha en que recibió la primera notificación de una casa de restitución, **O**

(2) La fecha que Caltrans pagó los costos de adquisición de su vivienda actual (usualmente

los gastos de cierre de escritura en la adquisición del Estado.)

Y

B) Haber gastado al menos la cantidad que Caltrans estableció para “La Propiedad Comparable de Restitución” para la propiedad de restitución.

Y

C) Reportar un reclamo para pago para reubicación dentro de los 18 meses de la fecha más tarde de:

(1) La fecha en que se mudó de la propiedad adquirida por Caltrans,

(2) La fecha en que Caltrans le pagó los costos de adquisición de su vivienda actual (usualmente al cierre de escritura en la adquisición del Estado.)

Usted no será elegible para recibir ningún pago de reubicación hasta que el Estado haya hecho la primera oferta por escrito de la compra de la propiedad. Usted también recibirá una notificación escrita por lo menos 90 días antes de tener que mudarse.

Para Inquilinos de 90 Días o Más

Si usted califica como un ocupante de 90 días, usted puede ser elegible para un Pago de Vivienda de Restitución en la forma de Diferencia para Rentar.

El pago de la **Diferencia para Rentar** es designado para asistirle en la renta de una vivienda comparable que sea decente, segura y sanitaria. El pago será basado en la diferencia entre la renta básica mensual por la propiedad adquirida por Caltrans (incluyendo el promedio del costo mensual de servicios públicos) y el menor de:

- a) La renta mensual y el promedio del costo mensual estimado de los servicios públicos para una vivienda comparable de restitución determinada por Caltrans, **○**

- b) La renta mensual y el promedio del costo mensual estimado de los servicios públicos para una vivienda decente, segura y sanitaria que usted rente como vivienda de restitución.

Gastos de servicios públicos son esos gastos que usted incurre por calefacción, luz, agua, y aguas negras – sin importar quien los provea (ejemplo,

electricidad, gas propano, y sistema séptico.) No incluye cable de televisión, teléfono, o seguridad. Los servicios públicos en su propiedad de restitución será el estimado del promedio de costos por los 3 últimos meses para el tipo de vivienda y área usados en los cálculos.

Esta diferencia es multiplicada por 42 meses y le puede ser pagado en una sola suma o en pagos periódicos de acuerdo con la política y regulaciones.

Para recibir la cantidad calculada total de la diferencia para rentar, usted debe gastar al menos la cantidad calculada por Caltrans en la propiedad de restitución.

Este pago puede – con ciertas limitaciones – ser convertido en una **Opción para Enganche** para asistirle en la compra de una propiedad de restitución.

EJEMPLO DE LA COMPUTACIÓN DEL PAGO DE LA DIFERENCIA PARA RENTAR:

Después de hacer un estudio completo de viviendas comparables, decentes, seguras y sanitarias que estén disponibles para rentar, Caltrans determina que una propiedad comparable de restitución podría ser rentada por \$325 al mes.

Computación de Caltrans

Renta por una Propiedad Comparable de Restitución	\$ 325
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MÁS: estimado de costos de servicios Públicos	<u>+100</u>
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TOTAL Costo de renta por una Propiedad Comparable de Restitución	=\$425
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Renta por su Propiedad Actual	\$ 300
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MÁS: costos de servicios públicos	<u>+ 90</u>
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TOTAL Costo para pagar la renta de su propiedad actual	=\$390
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Propiedad Comparable de Restitución
incluyendo servicios públicos \$ 425

Costo para pagar la renta de su
propiedad incluyendo servicios públicos + 390

Diferencia = \$ 35

Multiplicado por 42 meses = \$1,470 Diferencia
para Rentar.

Ejemplo A:

Renta para una Propiedad de Restitución,
incluyendo los costos estimados
de servicios públicos \$525

Propiedad Comparable de Restitución
incluyendo servicios públicos \$425

Costos de pago de la renta de su
propiedad incluyendo servicios públicos \$390

Ya que \$425 es menos que \$525, la diferencia
para rentar está basada en la diferencia entre
\$390 y \$425.

Diferencia para Rentar (\$35 x 42 meses = \$1,470)

*En este caso usted gasta “al menos” la cantidad
de la Propiedad de Restitución Comparable en la
propiedad de restitución y así recibirá la cantidad
total.*

Ejemplo B:

Renta por una Propiedad de Restitución,
incluyendo los costos estimados
de servicios públicos \$400

Propiedad Comparable de Restitución
incluyendo servicios públicos \$425

Costos de pago de la renta de su
propiedad incluyendo servicios públicos \$390

Ya que \$400 es menos que \$525, la diferencia
para rentar está basada en la diferencia entre
\$400 y \$390.

Diferencia para Rentar (\$10x 42 meses = \$420)

En este caso usted va a gastar “menos que” la
cantidad de Propiedad de Restitución Comparable
en la restitución de la vivienda y usted no recibirá
la cantidad total.

**Usted no será elegible para recibir ningún
pago de reubicación hasta que haya hecho la
primera oferta escrita para comprar la
propiedad. Además, usted recibirá al menos
una noticia por escrito 90 días antes de tener
que mudarse.**

OPCIÓN PARA ENGANCHE

El pago de Diferencia para Rentar puede – con ciertas limitaciones – ser convertido en una **Opción para Enganche** para asistirle en la compra de una propiedad de restitución. La Opción para Enganche es una conversión directa del pago de la diferencia para rentar.

Si la diferencia para rentar es calculada entre \$0 y \$7,200, su Opción Para Enganche será de \$7,200 la cual puede ser usada para la compra de una vivienda de restitución decente, segura y sanitaria.

Si la diferencia para rentar es más de \$7,200 usted podrá convertir la cantidad completa de diferencia para rentar a una Opción Para Enganche.

La Opción Para Enganche debe de ser usada para el enganche requerido, la cual usualmente es un porcentaje del precio total de compra, más cualquier gasto incidental elegible (vea, “Gastos Incidentales para Dueños Ocupantes de 90 días”) relacionado con la compra de la propiedad. Usted debe trabajar junto con su Agente de Reubicación para asegurarse de que puede utilizar la cantidad total de su Opción Para Enganche en su compra.

Si alguna porción de la diferencia para rentar fue usada antes de su decisión de convertirla a una Opción Para Enganche, los pagos avanzados serán deducidos de los beneficios completos.

CASA DEL ÚLTIMO RECURSO

En la mayoría de los proyectos de Caltrans, existe una cantidad adecuada de viviendas de venta y alquiler, y los beneficios serán suficientes para que usted pueda reubicarse a una vivienda comparable. Sin embargo, en ciertas localidades pueden haber proyectos donde el número de viviendas disponibles no son suficientes para proveer viviendas a todas las personas desplazadas. En estos casos, Caltrans utiliza un método llamado Casa del Último Recurso. La Casa del Último Recurso permite a Caltrans construir, rehabilitar, o modificar viviendas para cumplir con las necesidades de las personas desplazadas por un proyecto. Caltrans puede también pagar arriba de los límites legales de \$7,200 y \$31,000 para hacer posible viviendas con precios razonables.

Asistencia de Consulta Para Reubicación



A cualquier individuo, familia, negocio u operación agrícola desplazada por Caltrans deberá ofrecérsele servicios de asistencia con el propósito de localizar una propiedad de restitución. Los servicios de reubicación son proveídos por empleados calificados de Caltrans. Es la meta de ellos y el deseo de estos empleados de servirle y asistirle de cualquier manera posible para ayudarle a reubicarse exitosamente.

Un Agente de Reubicación de Caltrans se pondrá en contacto con usted personalmente. Los servicios de reubicación y pagos se le explicarán de acuerdo con su elegibilidad. Durante la entrevista inicial, sus necesidades de vivienda y deseos se determinarán así como sus necesidades de asistencia. No se le puede pedir

que se mude a menos que una vivienda comparable de restitución le sea disponible.

Usted puede esperar recibir los siguientes servicios, consejos y asistencia de su Agente de Reubicación quien le:

- Explicará los beneficios de reubicación y los requisitos de elegibilidad.
- Proveerá por escrito la cantidad de pago por su vivienda de restitución.
- Asegurará la disposición de una propiedad comparable antes de que se mude.
- Inspeccionará las posibles unidades residenciales de restitución para el cumplimiento de DS&S.
- Proveerá información y aconsejará como puede obtener ayuda para minimizar las adversidades en ajustarse a su nueva localidad.
- Ayudará en completar los documentos de préstamos, aplicaciones de rentas o las Formas de Reclamo para Reubicación.

Y proveerle información de:

- Seguro de Depósitos
- Taza de intereses y términos
- Pagos típicos de enganches

- Requisitos de préstamos de la Administración de Veteranos (VA) y la Administración de Vivienda Federal (FHA)
- Impuestos sobre bienes raíces
- Literatura de educación en viviendas para el consumidor

Si usted lo desea, el Agente de Reubicación le dará una lista actual de otras viviendas de restitución disponibles.

Se proveerá transportación para inspeccionar viviendas disponibles, especialmente si usted es mayor de edad o con impedimento físico. Aunque usted puede utilizar los servicios de un agente de bienes raíces, Caltrans no lo podrá referir.

Su Agente de Reubicación está familiarizado con los servicios proveídos por otras agencias de su comunidad y le proveerá información de otros programas de viviendas federales, estatales y locales que ofrecen programas de asistencia para personas desplazadas. Si usted tiene algún problema especial, su Agente de Reubicación hará su mejor esfuerzo para asegurarle los servicios de esas agencias con personal capacitado y con experiencia que le ayudarán.

Si el proyecto de transportación requiere un número considerable de personas que sean reubicados, Caltrans establecerá una Oficina Temporal de Reubicación en, o cerca del proyecto. Las oficinas de proyectos de reubicación deberán de abrirse durante horas convenientes y en horas tempranas de la noche, si es necesario.

Además de estos servicios, Caltrans es requerido que coordine las actividades de otras agencias que causen desplazamientos para asegurar que todas esas personas desplazadas reciban beneficios de reubicación equitativos y consistentes.

Recuerde – SU AGENTE DE REUBICACIÓN está para aconsejarle y asistirle. No vacile en hacer preguntas, y asegúrese de que entiende completamente sus derechos y beneficios de reubicación disponibles.



SUS DERECHOS COMO UNA PERSONA DESPLAZADA

Todas las personas elegibles como personas desplazadas tienen la libertad de escoger dentro de la selección de viviendas de restitución, y Caltrans no requerirá a ninguna persona que sea desplazada que acepte una vivienda de restitución proveída por Caltrans. Si usted decide no aceptar la vivienda de restitución ofrecida por Caltrans, usted puede elegir una vivienda de restitución de su propia selección, mientras que cumple con los requisitos de DS&S. Caltrans no pagará más que los beneficios calculados por una vivienda de restitución.

Lo más importante que usted debe de recordar es que la vivienda de restitución que usted seleccione debe de llenar los requisitos básicos de “decente, segura y sanitaria”. No ejecute los documentos de compra o el contrato de renta hasta que un representante de Caltrans haya inspeccionado y certificado por escrito que la vivienda que usted se propone ocupar cumple con los requisitos básicos. **NO ARRIESGUE** su derecho de recibir los pagos de vivienda de restitución por mudarse a una vivienda que no sea “decente, segura y sanitaria.”

Es importante recordar que sus beneficios de reubicación no van a tener ningún efecto adverso en su:

- Elegibilidad para Seguro Social
- Elegibilidad para Asistencia Social
- Impuestos sobre ingresos

Además, el Título VIII de los Derechos Civiles, Ley de 1968 y luego otras leyes y enmiendas hacen discriminatoria la práctica de compra y renta de unidades de vivienda si es basada ilegalmente en la raza, color, religión, sexo u origen nacional.

Cuando sea posible, a personas de minorías se les debe de dar oportunidades razonables para reubicarse a viviendas de restitución que sean decentes, seguras y sanitarias, no localizadas en áreas de concentración de minorías, y que estén dentro de sus recursos económicos. Esta política, sin embargo, no requiere que Caltrans provea a una persona pagos más grandes de lo que sean necesarios para permitir que la persona sea reubicada a una vivienda de restitución comparable.

La política No-Discriminatoria de Caltrans asegura que todos los servicios y/o los beneficios deben de ser administrados al público en general sin importar la raza, color, origen nacional, o sexo en cumplimiento con el Título VI de la Ley de Derechos Civiles de 1964 (42 USC 2000 d. et seq.)

Usted siempre tendrá el Derecho de Apelar cualquier decisión hecha por Caltrans relacionada a los beneficios de reubicación y elegibilidad.

Su Derecho de Apelar está garantizado en la “Ley Uniforme” la cual establece que una persona puede apelar al jefe de la agencia responsable, si ella cree que la agencia ha fallado en determinar correctamente su elegibilidad, o la cifra del pago autorizado por la Ley.

Si usted indica su disatisfacción, ya sea verbalmente o por escrito, Caltrans le asistirá en hacer su demanda de apelación y le explicará el procedimiento que debe de seguir. Usted tiene derecho de ser representado por un asesor legal u otro representante en conexión con su apelación (pero solamente por su propia cuenta.)

Caltrans considerará toda justificación y materia pertinente que usted entregue u otra información disponible, necesaria para asegurar una audiencia equitativa. Caltrans le proveerá una determinación por escrito del resultado de su apelación, con una explicación sobre la base de la decisión. Si usted aún no está satisfecho con la decisión otorgada, Caltrans le aconsejará que usted puede pedir una audiencia judicial.

Noticiero de la Ley para Americanos con Incapacidades Físicas (ADA):

Para personas con incapacidades físicas, este documento es disponible en formatos alternativos. Para información llame al número (916) 654-5413, o escriba a 'Department of Transportation - Right of Way, MS-37, 1120 N Street, Sacramento, CA 95814.'

NOTAS



Residential (Spanish)
Effective October 1, 2014

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Your Rights and Benefits
as a Displaced
Business, Farm, or
Nonprofit Organization
Under the California
Department of
Transportation Relocation
Assistance Program



California Department of
Transportation

Introduction

In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.



Displaced businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as Amended "The Uniform Act"



The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their business, farm or non-profit organization, by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Relocation Services

The California Department of Transportation has two programs to aid businesses, farms and nonprofit organizations which must relocate.

These are:

1. The Relocation Advisory Assistance Program, which is to aid you in locating a suitable replacement property, and
2. The Relocation Payments Program, which is to reimburse you for certain costs involved in relocating. These payments are classified as:
 - Moving and Related Expenses (costs to move personal property not acquired).
 - Reestablishment Expenses (expenses related to the replacement property).
 - In-Lieu Payment (a fixed payment in lieu of moving and related expenses, and reestablishment expenses).

Note: Payment for loss of goodwill is considered an acquisition cost. California law and the federal regulations mandate that relocation payments cannot duplicate other payments such as goodwill.

You will **not** be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. You will also receive at least 90 days' written notice before you must move.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

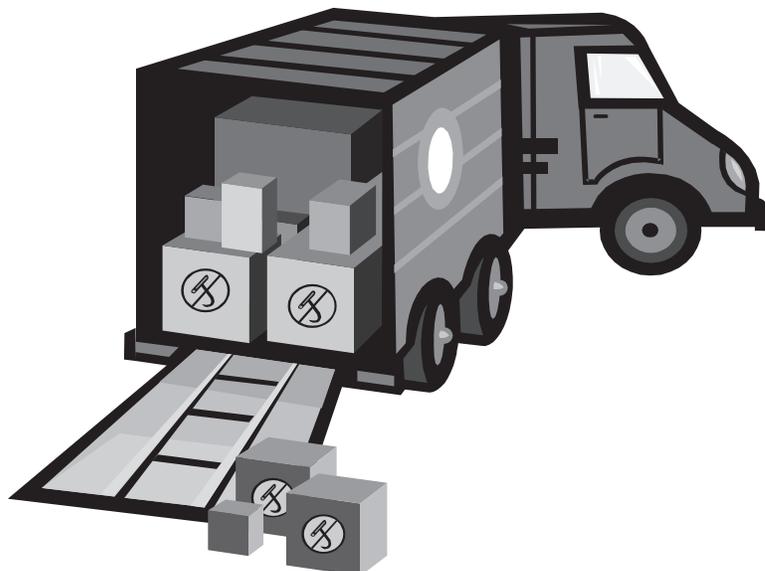
Small Business: A business having not more than 500 employees working at the site being acquired or displaced by a program or project.

Contributes Materially: A business or farm operation must have had average annual gross receipts of at least \$5,000 or average annual net earnings of at least \$1,000, in order to qualify as a bona-fide operation.

Farm Operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable law.

MOVING EXPENSES



If you qualify as a displaced business, farm or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. To qualify you must legally occupy the property as the owner or lessee/tenant when Caltrans initiates negotiations for the acquisition of the property **OR** at the time Caltrans acquires title or takes possession of the property. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs - You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses, with limitations, may include:

- Transportation.
- Packing and unpacking personal property.
- Disconnecting and reconnecting personal property related to the operation.
- Temporary storage of personal property.
- Insurance while property is in storage or transit, or the loss and damage of personal property if insurance is not reasonably available.
- Expenses in finding a replacement location (\$2,500 limit).
- Professional services to plan and monitor the move of the personal property to the new location.
- Licenses, permits and fees required at the replacement location.

OR

Self-Move Agreement - You may be paid to

move your own personal property based on the lower of two acceptable bids obtained by Caltrans.

Under this option, you will still be eligible for reimbursement of related expenses listed above that were not included in the bids.

OR

In-Lieu Payment – A small business may be eligible to accept a fixed payment between \$1,000 and \$40,000, based on your annual earnings IN LIEU OF the moving cost and related expenses. Consult your Relocation Agent for more information about this option.

Actual Reasonable Moving Costs

You may be paid the actual reasonable and necessary costs of your move when a professional mover performs the move. All of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and

reinstalling relocated machinery, equipment, and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your Relocation Agent can provide you with a complete explanation of reimbursable expenses.

Self-Move Agreement

If you agree to take full responsibility for all or part of the move of your business, farm, or nonprofit organization, the Department may approve a payment not to exceed the lower of two acceptable bids obtained by the Department from qualified moving firms or a qualified Department staff employee. A low-cost or uncomplicated move may be based on a single bid or estimate at the Department's discretion. The advantage of this moving option is the fact that it relieves the displaced business, farm, or nonprofit organization operator from documenting all moving expenses. The Department may make the payment without additional documentation as long as the payment is limited to the amount of

the lowest acceptable bid or estimate. Other expenses, such as professional services for planning, storage costs, and the cost of licenses, permits, and certifications may also be reimbursable if determined to be necessary. These latter expenses must be pre approved by the Relocation Agent.

Requirements:

Before you move, you must provide Caltrans with the:

- Certified inventory of all personal property to be moved.
- Date you intend to vacate the property.
- Address of the replacement property.
- Opportunity to monitor and inspect the move from the acquired property to the replacement property.

Related Expenses

1. Searching Expenses for Replacement

Property: Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to the real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the Department.



2. Direct Loss of Tangible Personal Property:

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the lesser of:

- a) The fair market value of the item for continued use at the displacement site minus the proceeds from its sale.

OR

- b) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE:

You determine that the "document shredder" cannot be moved to the new location because of its condition, and you will not replace it at the new location.

Fair Market Value of the Document Shredder based on its use at the current location		\$ 1,500
Proceeds: Price received from selling the Document Shredder	-	<u>\$ 500</u>
Net Value		\$ 1,000

OR

Estimated cost to move	\$ 1,050
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Based on the "lessor of", the amount of the "Loss of Tangible Personal Property" =	\$ 1,000
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Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

3. Purchase of Substitute Personal Property:

If an item of personal property, which is used as part of the business, farm, or nonprofit organization, is not moved but is promptly replaced with a substitute item that performs a

comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

- a) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item;

OR

- b) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE A:

You determine that the copying machine cannot be moved to the new location because it is now obsolete and you will replace it.

Cost of a substitute <i>Copying Machine</i> including installation costs at the replacement site.		\$ 3,000
Trade-in Allowance	-	<u>\$ 2,500</u>
Net Value		\$ 500

OR

Estimated cost to move		\$ 550
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Based on the "lesser of", the amount of the "Substitute Personal Property" =		\$ 500
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EXAMPLE B:

You determine that the chairs will not be used at the new location because they no longer match the décor and you will replace them.

Cost of substitute chairs		\$ 1,000
Proceeds: From selling the Chairs	-	<u>\$ 100</u>
Net Value		\$ 900

OR

Estimated cost to move \$ 200

Based on the "lesser of", the amount of
the "Substitute Personal Property" = \$ 200

Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

4. Disconnecting and Reinstallation: You will be reimbursed for your actual and reasonable costs to disconnect, dismantle, remove, reassemble and reinstall any machinery, equipment or other personal property in relation to its move to the new location. This includes connection to utilities available nearby and any modifications to the personalty that is necessary to adapt it to utilities at the replacement site.

5. Physical changes at the new location: You may be reimbursed for certain physical changes to the replacement property if the changes are necessary to permit the reinstallation of machinery or equipment necessary for the continued operation of the business. **Note:** *The changes cannot increase the value of the building*

for general purposes, nor can they increase the mechanical capability of the buildings beyond its normal requirements.

6. The cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site.

7. Marketing studies, feasibility surveys and soil testing.

8. One-time assessments or impact fees for anticipated heavy utility usage.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed \$25,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement of real property to make the structure(s) suitable for the business operation.
3. Construction and installation of exterior signing to advertise the business.
4. Redecoration or replacement such as painting, wallpapering, paneling or carpeting when required by the condition of the replacement site or for aesthetic purposes.
5. Advertising the new business location.
6. The estimated increased costs of operation at the replacement site during the first two years, for items such as:
 - a) Lease or rental charges
 - b) Personal or real property taxes
 - c) Insurance premiums, and
 - d) Utility charges (excluding impact fees).

7. Other items that the Department considers essential for the reestablishment of the business or farm.

In-Lieu Payment (Fixed)

Displaced businesses, farms, and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000.

For a business to be eligible for a fixed payment, the Department must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of existing patronage.
3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity, which are under the same ownership and are not being displaced by the department.

4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are being displaced from a farm or you represent a nonprofit organization and are interested in a fixed payment, please consult your relocation counselor for additional information.

Note: A nonprofit organization must substantiate that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). The payment is based on the average of two years annual gross revenues less administrative expenses.

The Computation of Your In-Lieu Payment:

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable

years immediately preceding the taxable year in which it was displaced. Caltrans can use a different two year period if it is determined that the last two taxable years do not accurately reflect the earnings of the operation.

EXAMPLE: Caltrans acquires your property and you move in 2013:

2011 Annual Net Earnings	\$ 10,500
2012 Annual Net Earnings	<u>\$ 12,500</u>
TOTAL	\$ 23,000
Average over two years	\$ 11,500

This would be the amount of your in-lieu payment. Remember - this is in-lieu of all other moving benefits. You must provide the Department with proof of net earnings to support your claim.

Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence of net earnings acceptable to the Department.

Note: The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified above.

Before You Move:

- A. Complete a "Request for Determination of Entitlement" form available from your Relocation Agent, and return it promptly.
- B. Include a written statement of the reasons the business cannot be relocated without a substantial loss in net earnings.
- C. Provide certified copies of tax returns for the two tax years immediately preceding the tax year in which you move. (If you move anytime in the year 2013, regardless of when negotiations began or the State took title to the property, the taxable years would be 2011 and 2012).
- D. You will be notified of the amount you are entitled to after the application is received and approved.
- E. You cannot receive the payment until after you vacate the property, AND submit a claim for the payment within 18 months of the date of your move.

Relocation Advisory Assistance



Any business, farm or non-profit organization, displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your needs and desires will be determined as well as your need for assistance.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Determine your needs and preferences.
- Explain the relocation benefits and eligibility.
- Provide information on replacement properties for your consideration.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits.
- Interest rates and terms.
- Typical down payments.
- Permits, fees and local planning ordinances.
- SBA loan requirements.
- Real property taxes.
- Consumer education literature.

If you desire, your Relocation Agent will give you current listings of other available replacement property. Transportation will be provided to inspect available property, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local programs offering assistance to displaced persons. If you have special needs, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACED

It is important to remember that your relocation benefits will not have an adverse effect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible

agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Americans with Disabilities Act (ADA) Notice:

This document is available in alternative formats for people with physical disabilities. Please call (916) 654-5413, or write to 'Department of Transportation - Right of Way, MS-37, 1120 N Street, Sacramento, CA 95814,' for information.

NOTES:



Non-Residential (2nd Printing)
Effective October 1, 2014

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Sus Derechos y Beneficios
Como Negocio, Operación
Agrícola o Organización No
Lucrativa Desplazada Bajo el
Departamento de
Transportación de California,
Programa para Asistencia de
Reubicación



California Department of
Transportation

Introducción

Cuando se está construyendo un sistema de transporte moderno, el desplazamiento de un pequeño porcentaje de la población es a veces necesario. Sin embargo, es el procedimiento de Caltrans que las personas desplazadas no deben de sufrir innecesariamente como resultado de los programas diseñados para el beneficio del público en general.



Los negocios, operaciones agrícolas, y organizaciones no-lucrativas desplazadas pueden ser elegibles para servicios de reubicación y pagos.

Este libreto le provee información acerca de los servicios y pagos de reubicación disponibles. Si usted tiene que mudarse como resultado de un proyecto de transportación de Caltrans, un Agente de Reubicación lo contactará. El Agente

de Reubicación estará disponible para responderle preguntas específicas y darle información adicional.

Acta de Procedimiento Uniforme de Asistencia para Reubicación y Adquisición de Bienes Raíces de 1970, Emendada “El Acta Uniforme”



El propósito de esta Acta es de proveer uniformidad e igualdad de tratamiento a personas desplazadas de sus negocios, operaciones agrícolas, u organización no-lucrativa, por programas federales o programas asistidos con fondos federales, y de establecer uniformidad e igualdad en los procedimientos para adquisición de tierras para los programas federales y programas asistidos con fondos federales.

El Código de Regulaciones Federales 49, Parte 24 implementa el “Acta Uniforme” de acuerdo a los siguientes objetivos de asistencia de relocalización:

Para asegurar que las personas desplazados como resultado directo de proyectos federales o proyectos asistidos con fondos federales sean tratados con justicia, consistencia e igualdad de tal manera que esas personas no sufran daños desproporcionados como resultado de los proyectos diseñados para el beneficio del público en general.

Mientras se ha hecho todo esfuerzo para asegurar la veracidad de este folleto, debe entenderse que no tiene la fuerza ni efecto de la ley, regla o regulaciones que gobiernan el pago de los beneficios. Si alguna diferencia o error resulta, la ley tomará precedencia.

Servicio de Reubicación

El Departamento de Transportación tiene dos programas para de ayudar a negocios, granjas y organizaciones no-lucrativas que tienen que reubicarse.

Estas son:

1. El Programa de Consejos de Asistencia de Reubicación, que es para ayudarle en localizar una propiedad de reemplazo conveniente, y
2. El Programa de Pagos para Reubicación, que le reembolsará de ciertos costos envueltos en la reubicación. Estos pagos están clasificados como:
 - Gastos Relacionados a Mudanza (costos de mover propiedad personal no adquirida).
 - Gastos de Restablecimiento (gastos relacionados a la propiedad de reemplazo).
 - Pagos Fijos (pago fijo en vez de los gastos de mudanzas y otros gastos relacionados, y gastos de restablecimiento).

Nota: Pagos por pérdida de clientela es considerado un costo de adquisición. La ley de

California y las regulaciones federales mandan que los pagos de reubicación no pueden duplicar otros pagos, como los pagos de pérdida de clientela.

Usted **no** puede ser elegible a recibir ningún pago de reubicación hasta que el Estado haya hecho la primera oferta escrita para comprar su propiedad. Usted también recibirá un aviso escrito por lo menos 90 días antes que se tenga que mover.

Alguna Definiciones Importantes...

Sus beneficios de relocalización pueden ser entendidos mejor si usted se familiariza con los siguientes términos:

Negocio: Cualquier actividad legal, con la excepción de operaciones agrícolas, conducida principalmente para la compra, venta, arrendamiento, y alquiler de bienes personales o bienes raíces, o para la fabricación, elaboración y/o mercadotecnia de productos, mercancías, u otros bienes personales, o solamente para el propósito de ésta Acta, un rótulo con anuncio o anuncios, cuando el rótulo(s) tenga(n) que ser movido(s) como resultado del proyecto.

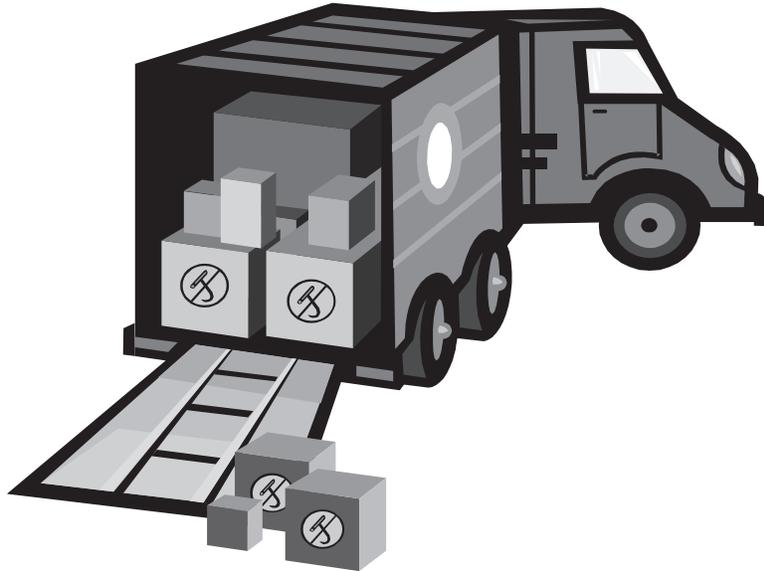
Negocio Pequeños: Un negocio que tenga no más de 500 empleados trabajando en el lugar que esta siendo adquirido o desplazado por un programa o proyecto.

Contribuye Materialmente: Un negocio u operación agrícola debe de haber tenido un ingreso bruto en recibos de al menos \$5,000 o un promedio anual de ingreso netos de al menos \$1,000, para poder calificar como una operación de buena fé.

Operación Agrícola: Cualquier actividad conducida sola o principalmente para la producción de uno o más productos de agricultura o mercancías, incluyendo venta de madera, para la venta y uso en casa, y producción ordinaria de tales productos o mercancía en cantidades suficientes para tener la capacidad de contribuir materialmente al soporte del operario.

Organización No-lucrativa: Una entidad pública o privada que haya establecido su estado de organización no-lucrativa bajo leyes aplicables.

GASTOS DE MUDANZA



Si usted califica como un negocio, operación agrícola, u organización no-lucrativa desplazada, usted puede recibir reembolso de los gastos de mudanza y ciertos gastos relacionados incurridos en la mudanza. Para calificar, usted tiene que ocupar la propiedad legalmente como dueño o inquilino cuando Caltrans inicie negociaciones para la adquisición de la propiedad, O al tiempo que Caltrans adquiera título, o tome posesión de la propiedad. Sin embargo, para asegurar su elegibilidad y el pronto pago de los gastos de mudanza, usted tiene que haber contactado a su Agente de Reubicación antes de que se mude.

Usted Puede Escoger Entre:

Gastos Razonables de Mudanza Actual –

Usted tiene que haber pagado por sus gastos de mudanza razonables y gastos relacionados cuando una compañía comercial hace la mudanza.

El reembolso será limitado a mudanza de 50 millas o menos. Los gastos relacionados, con limitaciones, ***pueden*** incluir:

- Transportación.
- Embalaje y desembalaje propiedad personal
- Desconexión y reconexión relacionada a la operación de la propiedad personal.
- Almacenamiento temporal de la propiedad personal.
- Seguros mientras la propiedad está en almacenamiento o en tránsito, o la propiedad personal es perdida y dañada, si los seguros no son razonablemente disponible.
- Gastos en encontrar un lugar de reemplazamiento (\$2500 máxima).

- Servicios profesionales para planificar y supervisar la mudanza de la propiedad personal al nuevo lugar.
- Licencias, permisos y honorarios requeridos en el lugar de reemplazamiento.
- El costo de instalación de servicios públicos desde la línea del derecho de vía a la estructura(s) o mejoramientos en el sitio de reemplazamiento.
- Estudios de mercado, estudios de factibilidad y exámen de suelo.

O

Contrato de Mudanza Propia – Usted puede ser pagado por mover su propia propiedad personal basado en la más baja de dos ofertas aceptables obtenidas por Caltrans. Bajo esta opción, usted todavía será elegible para el reembolso de los gastos relacionados arriba mencionados, que no fueron incluidos en las ofertas.

O

Pago Fijo – Usted puede aceptar un pago fijo entre \$1,000 y \$40,000 basado en sus ganancias anuales EN VEZ de los costos y gastos relacionados de la mudanza.

Costos Actuales Razonables de Mudanza

Pueden pagársele los gastos actuales razonables y necesarios de su mudanza si lo transporta con una compañía comercial de muebles y mudanzas. Todos sus gastos deben de ser respaldados con recibos u otra evidencia de gastos incurridos. Además de los gastos de transportación de su propiedad personal, ciertos otros gastos también pueden ser reembolsados, tales como empaque, embalaje, desempaque y desembalaje, desconexión, desmantelación, removimiento, reensamblamiento, y reinstalación de maquinaria relocalizada, equipos y otras propiedades personales. Otros gastos necesarios tales como servicios profesionales para planificar y supervisar la mudanza, almacenaje temporal y el costo para licencias, permisos y certificados también pueden ser reembolsables. Esta no es la intención de ser una lista inclusiva de todos los gastos relacionados de mudanza. Su Agente de Reubicación puede proveerle una explicación completa de los gastos reembolsables.

Contrato de Mudanza Propia

Si usted elige tomar la responsabilidad total o parcial para la mudanza de su negocio,

operación agrícola, u organización no-lucrativa, Caltrans puede aprobar un pago sin exceder el presupuesto más bajo de dos ofertas aceptables de una compañía comercial de muebles y mudanzas o por el Agente de Reubicación. Una mudanza a costo bajo o sin complicaciones puede ser basada en una sola oferta o estimado. En realidad, la ventaja de esta opción es que releva de la obligación al operador del negocio, operación agrícola u organización no-lucrativa desplazadas de documentar todos los gastos de mudanza. Caltrans puede hacer el pago sin documentación adicional siempre y cuando el pago sea limitado a la cantidad más baja aceptable de la oferta o del estimado. Otros gastos tales como servicios profesionales para planificar, costos de almacenaje y el costo de licencias, permisos, y certificados también pueden ser reembolsables si son necesarios. Estos gastos tienen que ser aprobados de ante mano por el Agente de Reubicación.

Requisitos:

Antes de que se mueva, usted tiene que proveer a Caltrans con:

- El inventario certificado de toda la propiedad personal que va a mover.

- La fecha que usted intenta desalojar la propiedad.
- La dirección de la propiedad de reemplazamiento.
- La oportunidad de supervisar e inspeccionar la mudanza desde la propiedad adquirida a la propiedad de reemplazo.

Gastos Relacionados

1. Gastos Para la Búsqueda de una Propiedad de Reemplazo – Negocios, operaciones agrícolas, y organizaciones no-lucrativas tienen derecho a un reembolso por gastos actuales razonables, incurridos en la búsqueda de una propiedad de reemplazo, sin exceder \$2,500. Los gastos pueden incluir transportación, alimento y alojamiento cuando esté lejos de su casa; el valor razonable del tiempo que ha gastado buscando una propiedad de reemplazo; los honorarios pagados a agentes de bienes raíces o asesores; y otros gastos determinados por Caltrans como razonables y necesarios.



2. Pérdidas Directas de Bienes Personales

Tangibles: Los negocios, operaciones agrícolas, y organizaciones no-lucrativas desplazada pueden ser elegibles para un pago por pérdidas directas de bienes personales tangibles incurrido como resultado de la mudanza o discontinuación de la operación. Este pago deberá ser basado en el menor de:

a) El valor de mercado de un producto para uso continuo en el sitio de desplazamiento menos la ganancia por su venta.

O

b) El costo estimado de mudanza y reinstalación de los objetos reemplazados es basado en la oferta mas baja o el estimado obtenido por Caltrans para mudanza elegible y costos relacionados, incluyendo desmantelamiento y reensamblaje, pero sin pago por almacenamiento.

POR EJEMPLO:

Usted determina que el “contador de documentos” no puede ser movido a la nueva localidad por su condición, y usted no lo va a reemplazar en la nueva localidad.

El Valor de Mercado del Cortador de Documentos basado en su uso actual en La Localidad actual es de \$1,500

Ganancia: Precio recibido por la venta Del Cortador de Documentos -\$ 500

Valor Neto \$1,000

O

El costo estimado de moverlo \$1,050

Basado en el “menor de,” la cantidad de la “Perdida de Propiedad Personal Tangible” = **\$1,000**

Nota: Usted también tiene derecho a todos los costos razonables incurrido en su esfuerzo por vender el cortado de documentos (por ejemplo, anuncio comercial)

3. Compra de Substitución de la Propiedad

Personal: Si un objeto de propiedad personal, el cual es usado como parte del negocio, la operación agrícola, o la organización no-lucrativa, no es movido pero es prontamente reemplazado con un objeto sustituto que hace una función comparable en el sitio de reemplazo, el desplazado tiene derecho al menor de:

- a) El costo de un objeto sustituto, incluyendo los costos de instalación en el sitio de reemplazamiento, menos cualquier ganancia por la venta o intercambio del objeto reemplazado.

O

- b) El costo estimado de mudanza y reinstalación del objeto de reemplazo, basado en la oferta mas baja aceptable o el estimado obtenido por Caltrans para una mudanza elegible y gastos relacionados, incluyendo el desmantelamiento y reensamblaje, pero sin pago por almacenamiento

EJEMPLO A:

Usted puede determinar que la máquina copidora no puede ser movida a la nueva localidad porque es ahora obsoleta y la va a reemplazar.

Costo de substituir una Máquina Copidora incluyendo costos de instalación en el sitio de reemplazamiento.	\$3,000
Pago por el intercambio	<u>-\$2,500</u>
Valor Neto	\$ 500

O

Costo estimado de la mudanza	\$ 550
Basado en el “menor de” la cantidad de “La Propiedad Personal Substituida.”	\$ 500

EJEMPLO B:

Usted determina que las sillas no van a ser usadas en la nueva localidad, porque ya no combinan con la decoración, y usted las quiere reemplazar.

Costo de la sillas substitutas	\$1,000
Ganancias: Por la venta de las Sillas	<u>-\$ 100</u>
Valor Neto	\$ 900

O

Costo estimado de la mudanza	\$ 200
Basado en el “menor de,” la cantidad de “La Propiedad Personal de Substitución	\$ 200

Nota: Usted también tiene derecho a todos los gastos razonables incurridos en su esfuerzo por vender la copiadora (Ejemplo A) o las sillas (Ejemplo B).

4. Desconexión y Reinstalación: Usted va a ser reembolsado por los costos actuales y razonables de desconexión, desmantelamiento, mudanza, reensamblaje, e instalación de cualquier maquinaria, equipo u otra propiedad personal en relación a la mudanza a su nuevo local. Esto incluye conexión a los servicios públicos disponibles en el lugar y a cualquier modificación de los objetos personales que sean necesario para adaptar a los servicios públicos en el sitio de reemplazamiento.

5. Cambios Físicos en el nuevo local: Usted puede ser reembolsado por cierto cambios físicos de la propiedad de reemplazamiento si los cambios son necesarios para permitir la reinstalación de la maquinaria o equipo necesario para la continua operación del negocio.

***Nota:** Los cambios no pueden incrementar el valor del edificio para propósitos generales, tampoco pueden incrementar la capacidad mecánica de los edificios más allá de los requerimientos normales.*

6. El costo de instalación de los servicios públicos desde la derecha de la línea de camino a las estructuras o mejoras en el lugar de reemplazo.

7. Los estudios de marketing, encuestas de viabilidad y análisis de suelos.

8. Evaluaciones de una sola vez o tarifas de impacto para uso pesado utilidad esperada.

Gastos De Restablecimiento

Un pequeño negocio, operación agrícola, u organización no-lucrativa puede ser elegible para un pago, que no exceda \$25,000, para los gastos actuales incurridos en la reubicación y el reestablecimiento en el sitio de reemplazo.

Gastos de reestablecimiento pueden incluir, pero no están limitado a, lo siguiente:

1. Reparación y mejoramiento de la propiedad de reemplazamiento requerido por las leyes, códigos, u ordenanzas federales, estatales o locales.
2. Modificaciones de la propiedad de reemplazamiento para hacer la estructura(s) apropiado para la operación del negocio.
3. Construcción e instalación de los letreros exteriores para anunciar el negocio.

4. Redecoración o reemplazamiento como pintura, tapizado de pared, paneles, o carpetas cuando sean requeridas por la condición del sitio de reemplazo o con propósitos estéticos.
5. Anunciar la localidad del nuevo negocio.
6. El aumento del costo estimado de operación en el lugar de reemplazo durante los primeros dos años, por objetos como:
 - a. Cargas de rentas.
 - b. Impuestos de propiedad personal o propiedad real
 - c. Prima de seguros, y
 - d. Carga de servicios públicos (excluyendo honorarios de impacto).
7. Otros objetos que el Departamento considere esenciales para el restablecimiento del negocio ú operación agrícola.

Pago De Una Vez (O Pago Fijo)

Negocios que han sido desplazados, operaciones agrícolas, y organizaciones no-lucrativas podrían ser elegibles para un pago fijo (en vez de) por los gastos actuales de mudanza, pérdida de propiedad personal, gastos de búsqueda, y gastos de restablecimiento. Los pagos fijos no podrán ser menos de \$1,000 o más de \$40,000.

Para que un negocio sea elegible por un pago fijo, Caltrans debe de determinar lo siguiente:

1. El negocio posee o renta propiedad personal que debe de ser movida debido al desplazamiento.
2. El negocia no puede ser relocalizado sin una pérdida substancial de la clientela existente.
3. El negocio no es parte de un empresa comercial que tiene más de tres otros negocios conectados en una misma o actividad similar, las cuales están bajo el mismo dueño y no estan siendo desplazadas por el Departamento.
4. El negocio contribuyó materialmente a las ganancias del operador del negocio desplazado durante los do años anteriores al desplazamiento.

Cualquier operación del negocio que está conectado solamente en la renta del espacio de otros, no es elegible para un pago fijo. Esto incluye la renta de espacio con propósitos residenciales o de negocios.

Los requerimientos de elegibilidad para las operaciones agrícolas y organizaciones no-lucrativas son un poco diferentes a los requerimientos para negocios. Si usted está siendo desplazado de una finca o usted representa una organización no-lucrativa y está interesado en un pago fijo, por favor consulte con su consejero de reubicación para información adicional.

Nota: Una organización sin fines de lucro debe corroborar que no puede ser reubicado sin una pérdida sustancial de patrocinio existente (membresía o clientela). El pago se basa en el promedio de dos años los ingresos brutos menos los gastos administrativos anuales.

La computación de Su Pago Fijo

El pago fijo para un negocio desplazado o una operación agrícola es basado en el promedio anual neto de ganancias de la operación por los dos años inmediatamente precedentes al año en el cual fue desplazado. Caltrans puede usar un período de dos años diferentes, si se determina que los dos últimos años no reflejan con certeza las ganancias de la operación.

Ejemplo: Caltrans adquiere su propiedad y usted se mueve en el 2013:

2011 Ganancias Netas Anuales	\$10,500
2012 Ganancias Netas Anuales	<u>\$12,500</u>
TOTAL	\$23,000
Promedio de los años	\$11,500

Este podría ser la cantidad de su pago fijo. Recuerde – esto es “en vez de” todos los otros beneficios de mudanza, incluyendo restablecimiento. Usted tendrá que proveer Caltrans pruebas de las ganancias netas para verificar su reclamo.

Prueba de las ganancias netas pueden ser documentas con sus declaraciones de impuestos, cartas financieras certificadas, u otra evidencia razonable de las ganancias netas aceptables por Caltrans.

Nota: La computación de las organizaciones no-lucrativas difiere en que los pagos son computados en la base del promedio anual grueso de las ganancias menos los gastos administrativos por el período de los dos años especificados arriba.

Antes de que se Mueva

- A. Completar una "Solicitud de Determinación de Titularidad" forma disponible de su agente de reubicación, y volver de inmediato.
- B. Somete una declaración escrita de las razones por las cuales su negocio no puede ser reubicado sin una pérdida substancial en la ganancia neta.
- C. Provea una copia certificada de su declaración de impuestos de los dos años inmediatamente precedentes al año en el que se va a mover. (Si usted se mueve en cualquier momento en el año 2013, sin importar de cuando comenzaron las negociaciones o cuando el Estado tomó título de su propiedad, los años serán el de 2011 y el 2012.
- D. Usted deberá ser notificado de la cantidad a la que tiene derecho después que la aplicación es recibida y aprobada.
- E. Usted no puede recibir un pago hasta que se haya movido de la propiedad, Y que haya entregado un reclamo de pago dentro de los 18 meses de la fecha de mudanza.

Asistencia de Asesoría de Reubicación



A cualquier negocio, operación agrícola, u organización no-lucrativa, desplazado por Caltrans debe de ofreceria los servicios de asistencia de reubicación con el propósito de localizar una propiedad de reemplazamiento. Los servicios de reubicación deben de ser proveídos por un empleado de Caltrans. Es la meta y el deseo de nosotros de servirle y asistirle en cualquier manera posible para ayudarle a reubicarse exitosamente.

Un Agente de Reubicación de Caltrans se comunicará con usted personalmente, Los servicios de reubicación y los pagos deberán ser explicados a usted de acuerdo con su

elegibilidad. Durante la entrevista inicial con usted, sus necesidades y deseos deberán determinarse así como su necesidad de asistencia.

Usted puede esperar recibir los siguientes servicios, consejos, y asistencia de su Agente de Reubicación quien le:

- Determinará sus necesidades y preferencias.
- Explicará los beneficios de reubicación y su elegibilidad.
- Proveerá información en las propiedades de reemplazo para su consideración.
- Proveerá información en aconsejarle como puede obtener ayuda para minimizar la adversidad en ajustarse a su nuevo local.
- Asistirá en completar los documentos de préstamos, aplicaciones de rentas o Formas de Reclamos de Reubicación.

Y puede proveerle información en:

- Depósitos de seguridad.
- Taza de intereses y términos.

- Pagos típicos de enganches.
- Permisos, honorarios, y ordenanzas locales.
- Requerimientos de préstamos SBA.
- Impuestos de bienes raíces.
- Literatura de educación al consumidor.

Si usted desea, su Agente de Reubicación le dará una lista actual de otras propiedades de reemplazamiento que estén disponibles. Se la proveerá transportación para inspeccionar la propiedad disponible, especialmente si usted es anciano o deshabilitado. Aunque usted puede usar los servicios de un vendedor de bienes raíces, Caltrans no lo puede referir a un agente específico.

Su Agente de Reubicación está familiarizado con los servicios proveído por otros en su comunidad y le proveerá información de otros programas federales, estatales y locales que ofrecen asistencia a las personas desplazadas. Si usted tiene necesidades especiales, su Agente de Reubicación hará un esfuerzo para asegurar los servicios del personal entrenado de estas agencias que tienen la experiencia para ayudarle.

Si el proyecto de carreteras requiere que un número considerable de personas sean reubicadas, Caltrans establecerá Oficinas temporales de Reubicación en o cerca del proyecto. Las oficinas de proyectos de reubicación serán abiertas durante las horas convenientes y hasta horas de la noche si es necesario.

Además de estos servicios, Caltrans será requerido a coordinar las actividades de reubicación con otras agencias causantes de desplazamiento para asegurar que todas las personas desplazadas reciban beneficios de reubicación iguales y consistentes.

Recuerde – Su Agente Reubicación está ahí para ofrecer consejos y asistencia. No tenga dudas en preguntar. Y esté seguro que usted entiende completamente todos los derechos y beneficios disponibles.

SUS DERECHOS COMO UNA PERSONA DESPLAZADA

Es importante que recuerde que los beneficios de reubicación no tendrán un efecto adverso en su:

- Elegibilidad para Seguro Social
- Elegibilidad para Asistencia Social
- Declaración de Impuestos

Además, el **Título VIII del Acta de Derechos Civiles de 1968**, y las actas anteriores y sus enmiendas hacen ilegal las prácticas en la venta y renta de las unidades residenciales que estén basadas en la raza, color, religión, sexo, u origen nacional.

Los Procedimientos No-Discriminatorios de Caltrans aseguran que todos los servicios y/o beneficios sean administrados al público en general sin diferencia de raza, color, origen nacional, o sexo en cumplimiento con el Título VI del Acta de Derechos Civiles de 1964. (42 USC 2000 (d.) et seq.).

Y usted siempre tiene el **Derecho de Apelar** una decisión de Caltrans en relación a sus beneficios de reubicación y elegibilidad.

Su Derecho de Apelación es garantizado en la “Ley Uniforme” que establece que una persona puede apelar con el responsable de la agencia si esta persona cree que la agencia ha fallado en determinar apropiadamente la elegibilidad de la persona o la cantidad de un pago autorizado por la Ley.

Si usted indica su disatisfacción, ya sea verbalmente o por escrito, Caltrans puede asistirle en entregar su caso y explicar los procedimientos a seguir. A usted le darán la oportunidad de ser oído pronta y totalmente. Usted tiene el derecho de ser representado por un consejero legal u otro representante en conexión con la apelación (pero solamente a su propio costo).

Caltrans puede considerar todas las justificaciones pertinentes y materiales entregadas por usted y cualquier otra información disponible que sea necesaria para asegurar una revisión justa. Caltrans le proveerá con una determinación de la apelación por escrito con una explicación de la base de la decisión. Si usted todavía no está satisfecho con la asistencia prestada, Caltrans le aconsejará que usted puede buscar una revisión judicial.

Noticiero de la Ley para Americanos con Incapacidades Físicas (ADA):

Para personas con incapacidades físicas, este documento es disponible en formatos alternativos. Para información llame al número (916) 654-5413, o escriba a 'Department of Transportation - Right of Way, MS-37, 1120 N Street, Sacramento, CA 95814.'



Nonresidential (Spanish)
Effective October 1, 2014

Appendix D Avoidance Minimization and/or Mitigation Summary

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

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Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
HUMAN ENVIRONMENT									
Land Use									
<i>Project Features</i>									
See PF-TR-1	Construction Contractor	Prior to construction							
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
LU-1: Restoration of Land Used Temporarily. Prior to project construction, the Construction Contractor would generate time-stamped photo documentation of the pre-construction conditions of all temporary staging areas. All construction access, mobilization, material laydown, and staging areas would be returned to a condition equal to the pre-construction condition. Following completion of the project, areas that are temporarily disturbed by construction activities would be returned to their property owners in the same or better condition than prior to construction. Owners of parcels where temporary construction easements (TCEs) would be required would receive compensation for the temporary use of a portion of their property.	Construction Contractor	Prior to and after construction							
LU-2: Land Use Consistency. The California Department of Transportation (Caltrans) will coordinate with the City of San Juan Capistrano and the County of Orange to reflect the modification of land use designations for properties that will be acquired for the project that are not currently designated for transportation uses in the Land Use Elements of their General Plans.	Caltrans	During final design							
LU-3: Development Standards Compliance. During final design, in accordance with the Caltrans <i>Highway Design Manual</i> (December 2018 or latest edition), design modifications that would minimize or avoid the loss of landscaping and noncompliance with general development standards will be selected, if feasible. If such losses cannot be minimized or avoided and the project still results in the loss of landscaping or other noncompliance with development standards, Caltrans will coordinate with the City of San Juan Capistrano and/or the County of Orange to obtain landscaping or setback variances for properties where the project would reduce the required amount of landscaping below the applicable municipal landscaping and setback requirements.	Caltrans	During final design							
Community Impacts									
<i>Project Features</i>									
See PF-TR-1, PF-AQ-1, and PF-N-1	Construction Contractor	Prior to construction, During construction							
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
See Minimization Measures LU-1, LU-2, and LU-3	Construction Contractor, Caltrans	Prior to construction, During final design							
Utilities and Emergency Services									
<i>Project Features</i>									
PF-UES-1: California Department of Transportation (Caltrans) Standard Specification Section 12-4: Prior to and during construction, the Caltrans will coordinate all temporary highway and arterial roadway closures and detour plans with law enforcement, fire protection, and emergency medical service providers to minimize temporary delays in emergency response times, including the identification of alternative routes for emergency vehicles and routes across the construction areas that are developed in coordination with the affected agencies.	Caltrans	Prior to and during construction							
See PF-TR-1	Construction Contractor	Prior to construction							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
<p>UES-1: During final design, utility relocation plans for those utilities that will need to be relocated, removed, or protected-in-place will be prepared in consultation with the affected utility providers. If relocation is necessary, final design will focus on relocating utilities within the State rights-of-way (ROWs) or other existing public ROW and/or easements. If relocations outside of existing ROWs or additional public ROWs and/or permanent easements is required for the project are necessary, the final design will focus on relocating those facilities to minimize environmental impacts as a result of project construction and ongoing maintenance and repair activities. The utility relocation plans will be included in the project specifications.</p> <p>Prior to and during construction, the Resident Engineer will coordinate with affected utility providers regarding potential utility relocations and inform affected utility users in advance of the date and timing of potential service disruptions.</p>	Construction Contractor	Prior to and during construction							
Traffic and Transportation/Pedestrian and Bicycle Facilities									
<i>Project Features</i>									
<p>PF-TR-1: California Department of Transportation (Caltrans) Standard Specification Section 12-4: A Transportation Management Plan (TMP) will be completed during final design and will be implemented by the Construction Contractor during project construction to address short-term traffic circulation and access effects during project construction. Specifically, during final design, a qualified traffic engineer will prepare the TMP, which will include, but not be limited to, the elements described below to reduce traveler delays and enhance traveler safety during project construction. The TMP will be approved by Caltrans District 12 during final design and will be incorporated into the plans, specifications, and estimates for implementation by the Construction Contractor. The TMP will detail a plan for the umbrella standard specification of 12-4 Maintaining Traffic and any applicable sections (i.e., 12-4.01 General, 12-4.02 Traffic Control Systems, 12-4.03 Falsework Openings, and 12-4.04 Pedestrian Facilities, etc.). The TMP will contain, but not be limited to, the following elements intended to reduce traveler delay and enhance traveler safety: a public information/awareness campaign, traveler information strategies, incident management, construction strategies, demand management, and alternate route strategies. These elements will be refined during final design and incorporated in the TMP for implementation during project construction.</p>	Construction Contractor	During construction							
Visual/Aesthetics									
<i>Project Features</i>									
None required.									
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
<p>VIS-1: Construction Lighting. Construction lighting types, plans, and placement will be reviewed at the discretion of the Project Engineer in order to minimize light and glare impacts on surrounding sensitive uses. At a minimum, the Construction Contractor will minimize project-related light and glare to the maximum extent feasible, given safety considerations. Portable lights will be operated at the lowest allowable wattage and height and will be raised to a height no greater than 20 feet. All lights will be screened and directed downward toward work activities and away from the night sky and nearby residents to the maximum extent possible. The number of nighttime lights used will be minimized to the greatest extent possible.</p>	Construction Contractor	During construction							
<p>VIS-2: Landscape Enhancements. Landscape enhancements will</p>	Caltrans	During construction							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
<p>be installed on the north side of SR-74 between Hunt Club Drive/Via Cordova to just west of Calle Entradero (referred to as the "Landscape Enhancement Area"). The project shall include additional landscaping and additional trees, where feasible, than the landscaping and trees described as project features or project mitigation in the project CEQA Clearance (collectively, the "Landscape Enhancements") per the following requirements:</p> <p>Landscape Enhancements shall be installed on the north side of the intersection adjacent to the entrance into the Hunt Club community as well as on the north side of Ortega Highway from the intersection to the west side of the Calle Entradero entrance off of Ortega Highway, in the City (the "Landscape Enhancement Area").</p> <p>Prior to the installation of the Landscape Enhancements, Caltrans shall prepare a Landscaping Plan depicting the Landscaping Enhancements proposed to be installed in accordance with the Settlement Agreement. Caltrans shall provide a copy of that plan prior to awarding the construction contract to the Hunt Club for its review, and shall meet and confer with the Hunt Club's representatives and consider in good faith any recommendations or suggestions made by the Hunt Club's representatives.</p> <p>The parties anticipate that the value of the Landscape Enhancements shall be approximately Fifty Thousand Dollars (\$50,000); provided, however, that the entity constructing the Project shall have no obligation to expend in excess of Fifty Thousand Dollars (\$50,000) for the Landscape Enhancements.</p> <p>The Landscape Enhancements shall be substantially completed prior to the recordation of a Notice of Completion pursuant to California Civil Code Section 3093.</p>									
<p>VIS-3: Tree Replacement. Separate from the proposed landscape enhancements, all trees that are removed as a result of Build Alternative 2 will be replaced at a minimum ratio of three replacement trees for each removed tree (3:1). Replacement trees will be planted on the slopes or within the existing landscaped portion of the Landscape Enhancement Area. Where speeds are posted greater than 35 miles per hour, large trees (trees with trunks over 4 inches in diameter when mature) shall be placed outside the clear recovery zone (30 feet from the travel lane). Small trees (trees with trunks 4 inches in diameter or less when mature) shall be used to replace the trees within the clear recovery zone. Tree spacing for small trees can be adjusted to account for the removal of existing mature trees. The Project Engineer or designated representative will be responsible for identifying and inventorying plant material anticipated for removal.</p>	Caltrans, Project Engineer	During construction							
<p>VIS-4: Landscaping Plan. To maintain the context of the study area (color, form, and texture), the project shall install landscaping that is compatible with the existing landscape along SR-74 and adjoining hillsides in the project vicinity and surrounding area. Where feasible, landscaping shall include trees, shrub/groundcover mass planting, and landscape treatment along walls to soften the hardscape features and glare and radiant heat from the walls. All selected species within Caltrans District 12 right-of-way shall share similar water requirements. In areas where noise barriers are visible from adjacent residential land use, landscaping shall be utilized to screen views to the wall where feasible. The Landscaping Plan and plant palette shall be determined in consultation with, and approved</p>	Caltrans Landscape Architect	During design phase							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
by, the Caltrans District 12 Landscape Architect during the Plans, Specifications, and Estimate (PS&E) phase.									
VIS-5: Aesthetic Enhancements. To minimize the visual impacts caused by the proposed retaining walls and noise barriers, wall aesthetic enhancement shall be developed as a theme treatment (i.e., color treatment, textural treatment, varying materials, etc.) for all new retaining walls and noise barriers within the proposed project. Structural themes (i.e., noise barriers, walls, new sidewalks and sidewalk replacement areas, etc.) shall be compatible with the existing architectural character of the surrounding area and shall be determined in consultation with the Caltrans District 12 Landscape Architect during the PS&E phase of the project. Terraced retaining walls were considered; however, the cost of acquiring the additional right-of-way that would be required to build the terraced walls is not feasible for the proposed project.	Caltrans Landscape Architect	During design phase							
VIS-6: Landscaping and Appurtenance Replacement. Where appropriate and to the degree possible, landscaping and related appurtenances, fencing, and other similar features removed from private property by construction must be replaced or restored in kind to mitigate for visual impacts resulting from the loss of such features.	Caltrans Landscape Architect	During construction							
VIS-7: Erosion Control Seed Species. Erosion control seed species for the proposed bioswales shall be determined by the Caltrans District 12 Landscape Architect to ensure that the mix and application strategy is appropriate for the specific soil composition of the area.	Caltrans Landscape Architect	During design phase							
VIS-8: Aesthetic Committee. An aesthetics and landscape plan committee shall be established to provide guidance on the aesthetic design of retaining walls and sound walls included in the Project, and the landscape plan for the Project. Representatives from the City and the Hunt Club shall be included in the aesthetic and landscape plan committee. The City Council and Hunt Club Board shall each appoint two members to the committee and each shall notify Caltrans in writing of the appointees.	Caltrans Landscape Architect	During design phase							
See LU-1.	Construction Contractor	Prior to and after construction							
Cultural Resources									
<i>Project Features</i>									
PF-CUL-1: Caltrans Standard Specification 14-2.03A: Discovery of Cultural Materials. If cultural materials are discovered during site preparation, grading, or excavation, the Construction Contractor will divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. At that time, coordination will be maintained with the California Department of Transportation (Caltrans) District 12 Environmental Branch Chief or the District 12 Native American Coordinator to determine an appropriate course of action. If the discovery of cultural materials occurs outside the Caltrans right-of-way, then coordination with the appropriate local agency will be conducted as well.	Construction Contractor Resident Engineer Caltrans Archaeologist	During construction							
PF-CUL-2: Caltrans Standard Specification 14-2.03A: Discovery of Human Remains. If human remains are discovered during site preparation, grading, or excavation, California State Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the Orange County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to California Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendant (MLD).	Construction Contractor Resident Engineer Caltrans Archaeologist	During construction							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
At that time, the persons who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of California PRC 5097.98 are to be followed as applicable.									
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
CUL-1: Environmentally Sensitive Area (ESA) Action Plan, Fencing, and Monitoring. An ESA Action Plan has been developed for the Manriquez Adobe site (P-30-176750). The ESA Action Plan includes: (1) delineation of the ESA on the construction plans to ensure that no construction equipment inadvertently impacts potential information-bearing portions of the site; (2) designation of an Archaeological Monitoring Area (AMA) on the construction plans within the recorded site areas associated with the Manriquez Adobe site; (3) incorporation of the ESA Action Plan into the Final Construction Plans, Special Provisions, and Resident Engineer File; (4) installation of ESA fencing along the proposed Temporary Construction Easement (TCE) limit or Direct Area of Potential Effects (APE) for the length of the entire property that includes the Manriquez Adobe site to prevent impacts to potential information-bearing portions of the site; (5) education of construction personnel on archaeological sensitivity; and (6) Archaeological monitoring within the AMA to ensure protection measures for the site are enforced.	Caltrans Archaeologist Project Engineer Resident Engineer Construction Contractor	During design phase, construction and post-construction							
PHYSICAL ENVIRONMENT									
Water Quality and Storm Water Runoff									
<i>Project Features</i>									
PF-WQ-1: California Department of Transportation (Caltrans) Standard Specification Section 13-1: The project will comply with the provisions of the <i>National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003</i> and any subsequent permits in effect at the time of construction.	Construction Contractor	During construction							
PF-WQ-2: California Department of Transportation (Caltrans) Standard Specification Section 13-3: The project will comply with the provisions of the <i>NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ, NPDES No. CAS000002</i> and any subsequent permits in effect at the time of construction.	Construction Contractor	During construction							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
PF-WQ-3: California Department of Transportation (Caltrans) Standard Specification Section 13-3: The project will comply with the Construction General Permit by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) to address all construction-related activities, equipment, and materials that have the potential impact water quality for the appropriate Risk Level. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-storm water BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the <i>Storm Water Quality Handbooks: Construction Site Best Management Practices Manual</i> to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed. These include, but are not limited to temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-storm water BMPs.	Construction Contractor	During construction							
PF-WQ-4: Design Pollution Prevention Best Management Practices (BMPs) will be implemented such as preservation of existing vegetation, slope/ surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes and swales, overside drains, flared end sections, and outlet protection/ velocity dissipation devices.	Construction Contractor	During construction							
PF-WQ-5: Caltrans approved treatment Best Management Practices (BMPs) will be implemented consistent with the requirements of National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the State of California, Department of Transportation, Order No. 2012-0011-DWQ, NPDES No. CAS00003 and any subsequent permits in effect at the time of construction. Treatment BMPs may include Design Pollution Prevention (DPP) Infiltration Areas, Infiltration Devices, Biofiltration Strips and Swales, Detention Devices, Media Filters, Multi-Chamber Treatment Train (MCTT), Wet Basin and Open Graded Friction Course.	Construction Contractor	During construction							
PF-WQ-6: California Department of Transportation (Caltrans) Standard Specification Section 13-4: If dewatering is required, Construction site dewatering must comply with the <i>General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013, NPDES No. CAG919003)</i> and any subsequent updates to the permit at the time of construction. This Permit addresses temporary dewatering operations during construction. Dewatering BMPs must be used to control sediment and pollutants, and the discharges must comply with the WDRs issued by the San Diego RWQCB.	Construction Contractor	During construction							
<i>Avoidance, Minimization, and Mitigation Measures</i>									
None required.									
Geology									
<i>Project Features</i>									
PF-GEO-1: Caltrans Standard Specifications 7-1.02.K(6) Occupational Safety and Health Standards. All improvements would be constructed and operated in accordance with all applicable safety standards, such as the California Occupational Safety and Health Administration (Cal/OSHA) standards related to worker safety during construction and operation, provided in Title 8 Chapter 3.2, California Safety and Health Regulations, California Code of Regulations, and the National Fire Protection Association (NFPA) Safety Codes and Standards.	Construction Contractor	During construction							
PF-GEO-2: Caltrans Standard Specifications 48-2.02. B and	Caltrans, Geotechnical	During design							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
<p>Section 19 Earthwork General. The project will comply with the current Caltrans procedures and design criteria regarding seismic design to mitigate any adverse effects related to seismic ground shaking. Earthwork will be performed in accordance with Caltrans Standard Specifications, Section 19, which requires standardized measures related to compacted fill, over-excavation and recompaction, and retaining walls, among other requirements. Moreover, the Caltrans Highway Design Manual (HDM) Topic 113, Geotechnical Design Report, would require that a site-specific, geotechnical field investigation be performed for the proposed project during the design phase. The findings and recommendations from the investigation would be incorporated into the final design.</p>	Engineer	phase							
<p>See PF-WQ-2 and PF-WQ-3</p>	Construction Contractor	During construction							
<p><i>Avoidance, Minimization, and Mitigation Measures</i></p>									
<p>GEO-1: Design Phase Geotechnical Work. During design phase, a detailed Geotechnical Investigation will be conducted by qualified geotechnical personnel to assess the geotechnical conditions at the project area. This assessment will be conducted in order to evaluate the geotechnical concerns identified in the Preliminary Geotechnical Report and to identify appropriate measures to address deficiencies. The geotechnical investigation will include exploratory borings to investigate site-specific soils and conditions and to collect samples of subsurface soils for laboratory testing. Those soil samples will be tested to determine liquefaction potential, collapsibility potential, slope stability, and corrosion potential. The ascending bedrock slopes on the northside of SR-74 will also be evaluated for adverse bedding conditions. The project-specific findings and recommendations of the Geotechnical Investigation will be summarized in Structure Foundation Reports (SFRs) and a Geotechnical Design Report (GDR) to be submitted to the California Department of Transportation (Caltrans) for review and approval. Those findings and recommendations will be incorporated during final design.</p>	Construction Contractor	Prior to construction							
<p>Paleontology</p>									
<p><i>Project Features</i></p>									
<p>PF-PAL-1: California Department of Transportation (Caltrans) Standard Specification 14-7.03: Discovery of Unanticipated Paleontological Resources. If unanticipated paleontological resources are discovered, all work within 60 feet of the discovery must cease and the construction Resident Engineer will be notified. Work cannot continue near the discovery until authorized.</p>	Resident Engineer Caltrans Archaeologist Construction Contractor	During construction							
<p><i>Avoidance, Minimization, and Mitigation Measures</i></p>									
<p>PAL-1: Paleontological Mitigation Plan. A qualified paleontologist shall prepare a Paleontological Mitigation Plan (PMP) following the guidelines in the California Department of Transportation (Caltrans) Standard Environmental Reference (SER), Environmental Handbook, Volume 1, Chapter 8 – Paleontology (November 2017) and guidelines developed by the Society of Vertebrate Paleontology (2010). The PMP shall be prepared concurrently with final design plans during the Plans, Specifications, and Estimates (PS&E) phase. The PMP shall include sections describing project activities, the geologic units within the project limits and their paleontological sensitivities, the work plan for mitigating project impacts to paleontological resources, estimates of monitoring schedules and costs, decision thresholds for monitoring levels and fossil collections, a recommended repository for recovered fossils, any necessary permits, and the contents of the Paleontological Mitigation Report that is required at the end of the monitoring program regardless of whether any paleontological resources are</p>	Project Engineer, District Archaeologist, Resident Engineer, Construction Contractor	During design phase, construction and post-construction	No						

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
recovered.									
Hazardous Waste/Materials									
<i>Project Features</i>									
<p>PF-HAZ-1: California Department of Transportation (Caltrans) Standard Specification Section 14-11.12. Residue from the removal of painted or thermoplastic traffic stripes and pavement markings contains lead from the paint or thermoplastic. The average lead concentrations contain less than 1,000 milligrams per kilogram (mg/kg) of total lead and 5 milligrams per liter (mg/L) of soluble lead. This residue:</p> <ul style="list-style-type: none"> • Is a non-hazardous waste • Does not contain heavy metals in concentrations exceeding the thresholds established by the California Health and Safety Code and 22 California Code of Regulations • Is not regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 United States Code § 6901 et seq. <p>Management of this material exposes workers to health hazards that must be addressed in the project's lead compliance plan.</p>	Caltrans	During construction							
<p>PF-HAZ-2: Caltrans' Standard Specification Section 13-4.03E (2) and Unknown Hazards Procedures of the Caltrans' Construction Manual (July 2017). During construction, the construction contractor will monitor soil excavation for visible soil staining, odor, and the possible presence of unknown hazardous material sources. If hazardous material contamination or sources are suspected or identified during project construction activities, the construction contractor will be required to cease work in the area and to have an environmental professional evaluate the soils and materials to determine the appropriate course of action required, consistent with the Unknown Hazards Procedures in Chapter 7 of the Caltrans' <i>Construction Manual</i> (July 2017).</p>	Construction Contractor	During construction							
<i>Avoidance, Minimization, and Mitigation Measures</i>									
<p>HAZ-1: High Pressure Petroleum Pipelines. Any high pressure petroleum pipeline within the project limits should be addressed as a physical hazard, with safety precautions considered a priority during construction.</p>	Construction Contractor	During construction							
Air Quality									
<i>Project Features</i>									
<p>PF-AQ-1: California Department of Transportation (Caltrans) Standard Specifications Section 14-9. The contractor will adhere to the Caltrans Standard Specifications for Construction, Section 14-9 to minimize impacts to air quality including Sections 14.9-02 (Air Pollution Control) and 14.9-03 (Air Monitoring). Section 14.9-02 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.</p> <p>During clearing, grading, earthmoving, or excavation operations, excessive fugitive dust emissions will be controlled by regular watering or other dust preventive measures using the following procedures, as specified in the South Coast Air Quality Management District (SCAQMD) Rule 403:</p> <ul style="list-style-type: none"> • All material excavated or graded will be sufficiently watered to prevent excessive amounts of dust. • Watering will occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. 	Construction Contractor	During construction							

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
<ul style="list-style-type: none"> All material transported on site or off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized to prevent excessive amounts of dust. Fugitive dust emissions will be controlled by applying waste or dust palliative to disturbed soils and unpaved areas. A Dust Control Plan will be prepared by the contractor in coordination with Caltrans and will be followed during construction to control fugitive dust emissions. <p>These control techniques will be indicated in project specifications. Visible dust beyond the property line emanating from the project will be prevented to the maximum extent feasible.</p> <ul style="list-style-type: none"> Project grading plans will show the duration of construction. Ozone precursor emissions from construction equipment vehicles will be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications. All trucks that are to haul excavated or graded material on site will comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4), as amended, regarding the prevention of such material spilling onto public streets and roads. Should the project geologist determine that asbestos-containing materials (ACMs) are present at within the limits of construction during a final inspection prior to construction, the appropriate methods will be implemented to remove ACMs. All construction vehicles both on and off site shall be prohibited from idling in excess of 5 minutes. 									
Avoidance, Minimization, and Mitigation Measures									
None required.									
Noise									
<i>Project Features</i>									
PF-N-1: California Department of Transportation (Caltrans) Standard Specifications Section 14.8-02: The Construction Contractor will control and monitor noise resulting from work activities. The nighttime noise level from the Construction Contractor's operations, between the hours of 9:00 p.m. and 6:00 a.m., shall not exceed the 86 A-weighted decibel (dBA) maximum instantaneous sound level (Lmax) at a distance of 50 feet from the activities creating the noise.	Construction Contractor	During construction							
NB No. 2: A 712 ft long, maximum 16 ft high noise barrier on the south side of SR-74 from Via Cordova to Via Cristal.	Construction Contractor	During construction							
NB No. 3: A 1,215 ft long, maximum 16 ft high noise barrier on the south side of SR-74 from Via Cristal to Via Errecarte.	Construction Contractor	During construction							
NB No. 6: A 41 ft long barrier within the private property line on the westbound side of SR-74, analyzed to shield Receptor R-120. ¹	Construction Contractor	During construction							

¹ The recommended NB No. 6 is located where interior noise mitigation N-1 (e.g., double-paned windows and mechanical heating and cooling) was recommended in the certified Final EIR.

Task and Brief Description	Responsible Branch, Staff	Timing / Phase	NSSP Req.	Action Taken to Comply with Task	Task Completed		Remarks	Environmental Compliance	
					Initials	Date		Initials	Date
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
N-1 (2009 Final EIR): To reduce permanent significant noise impacts to Receptor 31 K5 to below a level of significance, the Department shall offer interior noise mitigation measures such as installation of double-paned windows and a mechanical heating and cooling system (air conditioning).	Construction Contractor	During construction							
BIOLOGICAL ENVIRONMENT									
Wetlands and Other Waters									
<i>Project Features</i>									
None required.									
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
BIO-1: San Juan Creek. In the unlikely event that San Juan Creek is impacted by the project's activities, the California Department of Transportation (Caltrans) Biologist will need to coordinate with the United States Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the Santa Ana Regional Water Quality Control Board (SARWQCB) prior to construction. These permits may require compensatory mitigation, which will be implemented during project design and construction.	Caltrans Biologist	Prior to construction							
Invasive Species									
<i>Project Features</i>									
None required.									
<i>Avoidance, Minimization, and/or Mitigation Measures</i>									
BIO-2: Vegetation Removal. To avoid the spread of invasive plant species, all vegetation being removed should be disposed of properly. If vegetation is planted on site, the Caltrans Biologist and the Landscape Architect will coordinate and approve the proposed vegetation to be planted.	Caltrans Biologist	Prior to construction							

Appendix E List of Acronyms

AADT	Average Annual Daily Traffic
AB	Assembly Bill
AC	asphalt concrete
ACHP	Advisory Council on Historic Preservation
ACS	American Community Survey
ADA	Americans with Disabilities Act
ADL	Aerially Deposited Lead
AGR	Agriculture Supply
AMR	American Medical Response
ANSI	American National Standards Institute
APE	Area of Potential Effects
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act
ASR	Archaeological Survey Report
BAU	business-as-usual
BACM	best available control measures
BMPs	Best Management Practices
BSA	biological study area
Cal/EPA	California Environmental Protection Agency
California Register	California Register of Historical Resources
Cal-IPC	California Invasive Plant Council
Cal/OSHA	California Division of Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CCAA	California Clean Air Act
CDFW	California Department of Fish and Wildlife
CDOC	California Department of Conservation
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980
CERFA	Community Environmental Response Facilitation Act of 1992

CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGS	(Department of Conservation) California Geological Survey
CH ₄	methane
CHP	California Highway Patrol
City	City of San Juan Capistrano
CMP	corrugated metal pipe
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CO-CAT	Coastal and Ocean Working Group of the California Climate Action Team
County	County of Orange
COZEEP	Construction Zone Enhanced Enforcement Program
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSS	coastal sage scrub
CTP	California Transportation Plan
CU	Compliance Unit
CWA	Clean Water Act
dba	A-weighted decibels
DP	(Caltrans) Director's Policy
DPM	diesel particulate matter
DSA	Disturbed Soil Area
DTSC	California Department of Toxic Substances Control
EB	eastbound
EO	Executive Order
EPA	United States Environmental Protection Agency
ESA	Environmentally Sensitive Area
FCAA	Federal Clean Air Act
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act

FSTIP	Federal Statewide Transportation Improvement Program
ft	foot/feet
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
g	Gravitational acceleration
GDR	Geotechnical Design Report
GHG	greenhouse gas
GIS	geographic information system
Guidelines	Section 404(b)(1) Guidelines
GWP	Global Warming Potential
H:V	horizontal to vertical (ratio)
H ₂ S	hydrogen sulfide
HA	Hydrologic Area
H&SC	Health and Safety Code
HDM	(Caltrans) <i>Highway Design Manual</i>
HFST	high friction surface treatment
HPSR	Historic Property Survey Report
HU	Hydrologic Unit
I-15	Interstate 15
I-5	Interstate 5
IPCC	Intergovernmental Panel on Climate Change
IRIS	Integrated Risk Information System
ISA	Initial Site Assessment
ISA	International Society of Arboriculture
IS/EA	Initial Study/Environmental Assessment
JSA	Jurisdictional Study Area
LACM	Natural History Museum of Los Angeles County
lbs/day	pounds per day
LCFS	low carbon fuel standard
LEDPA	least environmentally damaging practicable alternative
L _{eq} (h)	one-hour A-weighted equivalent continuous noise level
LID	Low Impact Development
L _{max}	maximum instantaneous sound level
LOP	Letter of Permission

L RTP	Long Range Transportation Plan
mg/L	milligrams per liter
MOU	Memorandum of Understanding
MOVES	Motor Vehicle Emission Simulator
MPAH	Master Plan of Arterial Highways
MPO	Metropolitan Planning Organization
MRZ	Mineral Resource Zone
MS4	municipal separate storm sewer systems
MSAT	Mobile Source Air Toxics
MTC	Metropolitan Transportation Commission
MTIP	Metropolitan Transportation Improvement Program
MUN	Municipal and Domestic Supply
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAC	noise abatement criteria
NAHC	Native American Heritage Commission
NATA	National Air Toxics Assessment
National Register	National Register of Historic Places
NB	northbound
NEPA	National Environmental Policy Act
NEPA Assignment MOU	Memorandum of Understanding pursuant to 23 USC 327
NES	Natural Environment Study
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act (of 1966)
NHTSA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NOAA Fisheries Service	National Oceanic and Atmospheric Administration's National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTUs	Nephelometric Turbidity Units
NWPs	Nationwide Permit
O ₃	ozone
OC Parks	Orange County Parks

OCFA	Orange County Fire Authority
OCHCAEH	Orange County Health Care Agency Environmental Health (Division)
OCSD	Orange County Sanitation District
OCTA	Orange County Transportation Authority
OGAC	open graded asphalt concrete
OHWM	ordinary high water mark
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Act
OSTP	Office of Science and Technology Policy
PA	(Advisory Council on Historic Preservation) Section 106 Programmatic Agreement
PAC	Public Awareness Campaign
Pb	lead
PDT	Project Development Team
PF	Project Feature
PGA	Peak ground acceleration
PM	Post Mile
PM _{2.5}	particles of 2.5 micrometers and smaller
PM ₁₀	particles of 10 micrometers or smaller
PMP	Paleontological Mitigation Plan
POAQC	Project of Localized Air Quality Concern
POM	polycyclic organic matter
Porter-Cologne Act	(State of California) Porter-Cologne Water Quality Control Act
PPM	parts per million
PQT	Project Quality Team
PRC	California Public Resources Code
PS&E	Plans, Specifications, and Estimates
RCB	reinforced concrete box
RCRA	Resource Conservation and Recovery Act of 1976.
REC-1	Water Contact Recreation
REC-2	Non-Contact Water Recreation
RoadMod	Roadway Construction Emission Model
ROG	reactive organic gases
ROWs	rights-of-way

RSA	Resource Study Area
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SAMP	Special Area Management Plan
SB	Senate Bill
SB	southbound
SCAG	Southern California Association of Governments
SCCIC	South Central Coastal Information Center
SDC	(Caltrans) Seismic Design Criteria
SDG&E	San Diego Gas and Electric
SDNHM	San Diego Natural History Museum
SER	(Caltrans) Standard Environmental Reference
SFRs	Structure Foundation Reports
SO ₂	sulfur dioxide
SoCalGas	Southern California Gas
SF ₆	sulfur hexafluoride
SHOPP	State Highway Operation and Protection Program
SHPO	California State Historic Preservation Officer
SIP	State Implementation Plan
SR-55	State Route 55
SR-74	State Route 74
SR-76	State Route 76
SR-79	State Route 79
SR-91	State Route 91
SSD	stopping sight distance
SVP	Society of Vertebrate Paleontology
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TASAS	(Caltrans) Traffic Accident Surveillance and Analysis System
TCEs	temporary construction easements
TDM	Transportation Demand Management
TMDLs	Total Maximum Daily Loads
TMP	Transportation Management Plan

TNW	traditionally navigable water
Traffic Noise Analysis Protocol	(Caltrans) <i>Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects</i>
TSCA	Toxic Substances Control Act
TSM	Transportation System Management
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
U.S.	United States
USACE	United States Army Corps of Engineers
USC	United States Code
U.S. Census Bureau	United States Census Bureau
USDOT	United States Department of Transportation
U.S. EPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
V:H	vertical to horizontal (ratio)
VIA	Visual Impact Analysis
VOCs	volatile organic compounds
waters of the U.S.	waters of the United States
WB	westbound
WDRs	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program
WPCP	Water Pollution Control Program

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Appendix F List of Technical Studies

The following technical studies are referenced throughout this EA:

- *Air Quality Report* (AQR) (LSA, April 2019)
- *Archaeological Survey Report* (ASR) (confidential report) (LSA, May 2019)
- *Community Impact Assessment* (CIA) (Caltrans, May 2019)
- *District Preliminary Geotechnical Report for State Route 74 Widening, Orange County, California* (Caltrans, October 2018)
- *Draft Relocation Impact Memorandum* (DRIM) (Caltrans, April 2019)
- *Finding of No Adverse Effect* (FNAE) (LSA, May 2019)
- *Geotechnical Design and Materials Report* (GMU Geotechnical, Inc., July 2007)
- *Historic Property Survey Report* (HPSR) (LSA, May 2019)
- *Historical Resource Evaluation Report* (HRER) (LSA, May 2019)
- *Initial Site Assessment* (ISA) (Geocon Consultants Inc., August 2018)
- *Location Hydraulic Study* (LHS) (Caltrans, July 2018)
- *Natural Environment Study (Minimal Impacts)* (NES-MI) (Caltrans, August 2018)
- *Noise Abatement Decision Report* (NADR) (LSA, April 2019)
- *Noise Study Report* (NSR) (LSA, December 2018)
- *Paleontological Identification Report/Paleontological Evaluation Report* (PIR/PER) (LSA, April 2019)
- *Traffic Study Report* (TSR) (LSA, December 2018)
- *Utility Conflict Matrix* (Caltrans, April 2019)
- *Visual Impact Assessment* (VIA) (Michael Baker International, May 2019)
- *Water Quality Assessment Report* (WQAR) (Caltrans, April 2019)

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Appendix G References

California Department of Conservation, California Geological Survey (CGS). Surface Mining and Reclamation Act Mineral Lands Classification (MLC) data portal. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>.

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Appendix H 2019 Federal Transportation
Improvement Program and 2012
Regional
Transportation/Sustainable
Community Strategy Listings

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2019 Federal Transportation Improvement Program

Orange County
State Highway
Including Amendment 1-5
(In \$000's)

ProjectID	County	Air Basin	Model	RTP ID	Program	Route	Begin	End	Signage Begin	Signage End	System	Conformity Category	Amendment
10254	Orange	SCAB		10254	CAN69	73	9.6	25.45	25.45		S	TCM Committed	0
Description: SAN JOAQUIN HILLS TRANSPORTATION CORRIDOR (SJHTC - SR 73). 15 MI TOLL RD BETWEEN 1-5 IN SAN JUAN CAPISTRANO & RTE 73 IN IRVINE, CONSISTENT WITH SCAG/TCA MOU 4/5/01. EXISTING 3 M/F EA DIR. 1 ADDITIONAL M/F EA DIR, PLUS CLIMBING & AUX LANES BY 2020.													
Fund	ENG				CON		Total						
PRIVATE FUNDS	4,290				346,898		351,188	143,100	143,100				351,188
10254 Total	4,290				346,898		351,188	143,100	143,100				351,188
ORA190102	Orange	SCAB		ORA120507	PLN40	74	1	2.1	2.1		S	EXEMPT - 93.126 CALTRANS	1
Description: Widen Route 74 from 2 to 4 lanes - City Segment (In San Juan Capistrano from Calle Entradero to City/County line from 2 lanes to 4 lanes) P&ED only													
Fund	ENG				CON		Total						
PRIVATE FUNDS	4,290				346,898		351,188	143,100	143,100				351,188
10254 Total	4,290				346,898		351,188	143,100	143,100				351,188
ORA150110	Orange	SCAB		2M0736	PLN40	91	4.2	11	11		S	EXEMPT/MODELED	0
Description: SR-91 (SR-57 to SR-55) - ADD 1 MF LANE EB FROM 55 TO 57; ADD 1 MF LANE WB FROM GLASSELL TO STATE COLLEGE; IMPROVE INTERCHANGES AND MERGING FROM LAKEVIEW TO RAYMOND(P&ED Phase). AUXILIARY LANES WILL BE ADDED IN CERTAIN SEGMENTS (P&ED PHASE).													
Fund	ENG				CON		Total						
STP LOCAL - REGIONAL	7,000						7,000						7,000
AGENCY	50						50						50
ORANGE M2 - FREEWAY	2,000						2,000						2,000
ORA150110 Total	9,050						9,050						9,050
ORA150110	Orange	SCAB		ORA051	CAN69	241	13.8	26.5	26.5		S	TCM Committed	0
Description: FOOTHILL TRANSPORTATION CORRIDOR-NORTH (FTC-N - SR 241). 12.7 MI TOLL ROAD BETWEEN OSO PKWY AND ETC, CONSISTENT WITH SCAG/TCA MOU 4/05/01. EXISTING 2 M/F IN EA DIR. 2 ADDITIONAL M/F, PLS CLIMBING & AUX LANES BY 2020.													
Fund	ENG				R/W		Total						
PRIVATE FUNDS	4,453				264,592		269,045	50,556	50,556				269,045
ORA051 Total	4,453				264,592		269,045	50,556	50,556				269,045

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PROJECT COST (\$1,000'S)	DESCRIPTION	ROUTE	RTP ID	SYS-TEM*
	ORANGE COUNTY RTP PROJECTS			
\$469,525	HIOV CONNECTORS ON 22/405 BTWN SEAL BEACH BLVD & VALLEY VIEW & ON 405/605 BTWN KATELLA AVE & SEAL BEACH BLVD WITH 2ND HOV LNE IN EACH DIRECTION ON 405 BTWN CONNECTORS EA 071631	22	ORA000193	S
\$546,587	ON SR-22 (1-405 TO SR55) ADD 2 HOV LANES/1 EA DIR (FRM 0 - 2) & 2 AUX LANES/1 EA DIR (FRM 0- 2) (1-5 TO BEACH) & OPERATING IMPROVMENTS (SEE COMMENTS) TCRP PAYBACK WHEN AVAILABLE	22	ORA000195	S
\$13,520	REPLACE SR22 INTERCHANGES, CONSTRUCT HOV LANES AND LENGTHEN BRIDGES IN GARDEN GROVE	22	ORA100510	S
\$4,794	RECONSTRUCT HARBOR BLVD INTERCHANGE, 4 LANES EACH DIRECTION (1/4 MILE BEFORE AND AFTER SR-22 RAMP) 2 HOV LNES(1 E/B & 1 W/B) AND PROPOSED SR-22 HOV LANES.	22	ORA981104	S
\$76,988	ALTON AVE IN SANTA ANA CONSTRUCT A NEW 4-LANE (2E/B AND 2W/B) OVERCROSSING & HOV ACCESS RAMPS @SR-55 -	55	550	S
\$154,041	MEATS AVE @ SR55 INTERCHANGE. CONSTRUCT ON-RAMP/OFF-RAMPS. PART OF SR-55 ENHANCEMENT PROJECTS.(0 TO 2 LANES)	55	ORA000146	S
\$900	BAKER STREET AND SR-55; N/B & S/B FRONTAGE ROAD IMPROVEMENTS. S/B FREE RIGHT TURN, N/B LEFT-TURN AND 2ND E/B LEFT-TURN-LANE.	55	ORA015	S
\$505	PAULARINO AVE (SR-55 @ PAULARINO AVE) IN COSTA MESA INTERSECTION IMPROVEMENT. ADDING A N/B RAMP AND W/B RIGHT-TURN-LANE.	55	ORA016	S
\$270	PAULARINO AVE IN COSTA MESA. INTERSECTION IMPROVEMENT ADD S/B RIGHT-TURN LANE.	55	ORA017	S
\$34,617	CONSTRUCT 1 AUX LANE ON S/B SR-55 BETWEEN E EDINGER AVE OFF RAMP AND DYER RD ON RAMP	55	ORA030603	S
\$2,619	ADD SOUTHBOUND AUXILIARY LANE FROM DYER TO MACARTHUR	55	ORA030610	S
\$4,985	AT LAMBERT IN CITY OF BREA. FMY/ARTERIAL (FROM 2 TO 3 LANES) ON RAMP	57	ORA000107	S
\$35,000	SR-57/LAMBERT RD INTERCHANGE IMPROVEMENTS - RECONFIG EXISTING DIAMOND INTERCHANGE TO LOOP RAMP, ADD SB LN ON OFFRAMP	57	ORA120320	S
\$181,730	ADD ONE MF LANE ON N/B SR-57 FROM 0.4 MI N/O SR-91 TO 0.1 MI N/O LAMBERT RD (5.1 MILES)	57	ORA120332	S
\$41,086	EXIST 4 MF N/B; WIDEN TO 5 MF LANES N/B FROM 0.3 MI S/O KATELLA TO 0.3 MI N/O LINCOLN (2.92 MILES) -- OF0400	57	ORA120333	S
\$343,000	SJHTC, 15 MI TOLL RD BETWEEN I-5 IN SAN JUAN CAPISTRANO AND RTE 73 IN IRVINE, EXISTING 3 MF EA. DIR. 1 ADD'L MF EA. DIR., PLUS CLIMBING AND AUX LNS AS REQ. BY 2015 PER SCAG/TCA MOU 4/5/01. TCM. (INTERIM PHASES INCLUDED IN PROJECT. SEE MODEL LIST FOR FURTHER DETAIL)	73	10254	S
\$2,550	ORTEGA HWY (RANCHO VIEJO RD TO JUST EAST OF I-5/SR-74 INTERCHANGE) RDWAY WIDEN ADD RT TRN LNE TO CAPAC & REDUCE QUE ON WB SR-74 TO NB I-5 TRN. N/B FRM 2T03 & S/B 2T03 .	74	ORA000152	S
\$54,071	ORANGE COUNTY - ORTEGA HWY (SAN CLEMENTE) - WIDEN FRM 2 TO 4 LNS; CALLE ENTRADERO TO ANTONIO PKWY	74	ORA120507	S

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Appendix I Preliminary Layout Sheets

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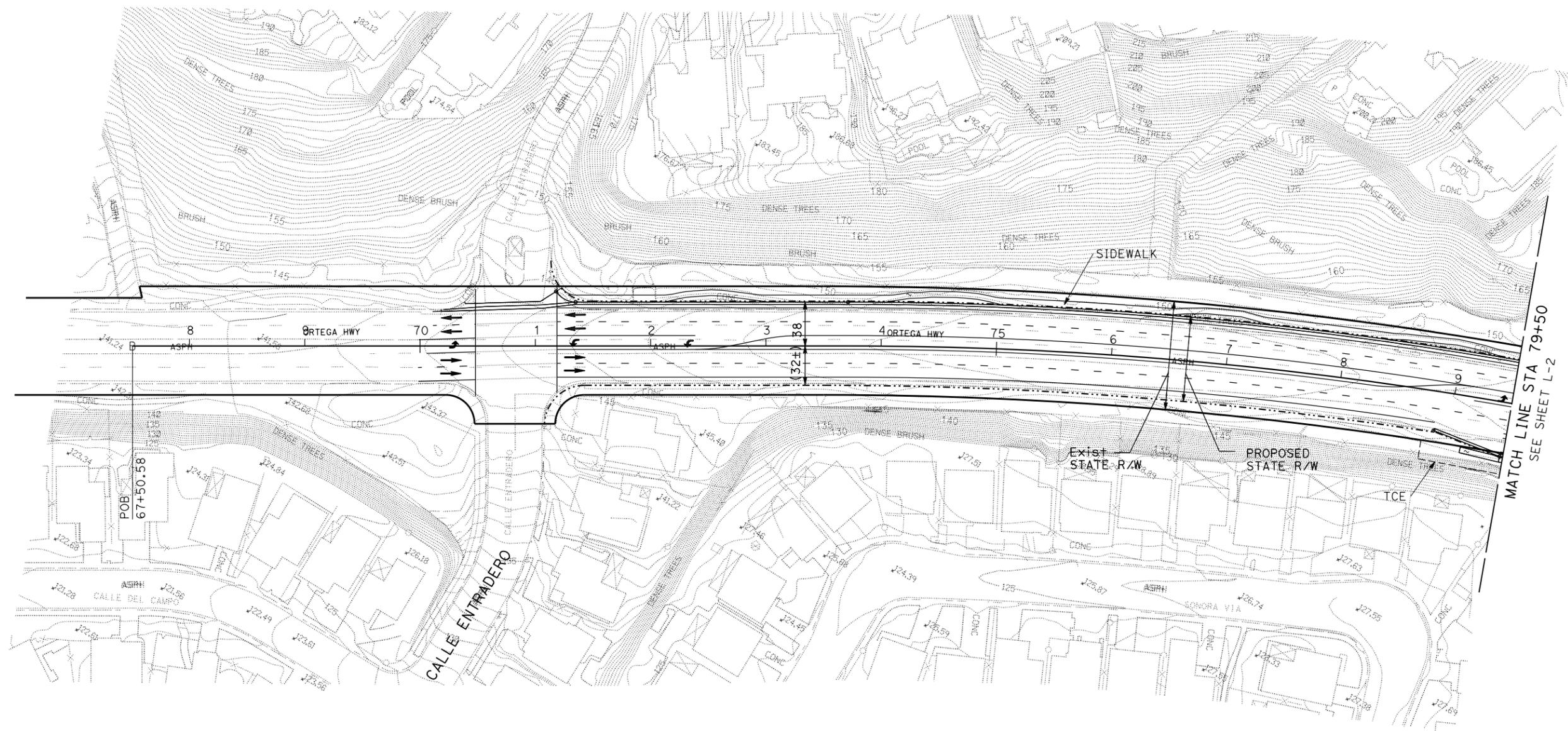
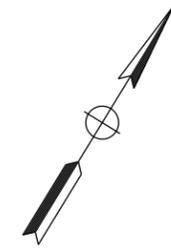
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Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
12	Ora	74	1.0/2.1		

REGISTERED CIVIL ENGINEER DATE _____

PLANS APPROVAL DATE _____

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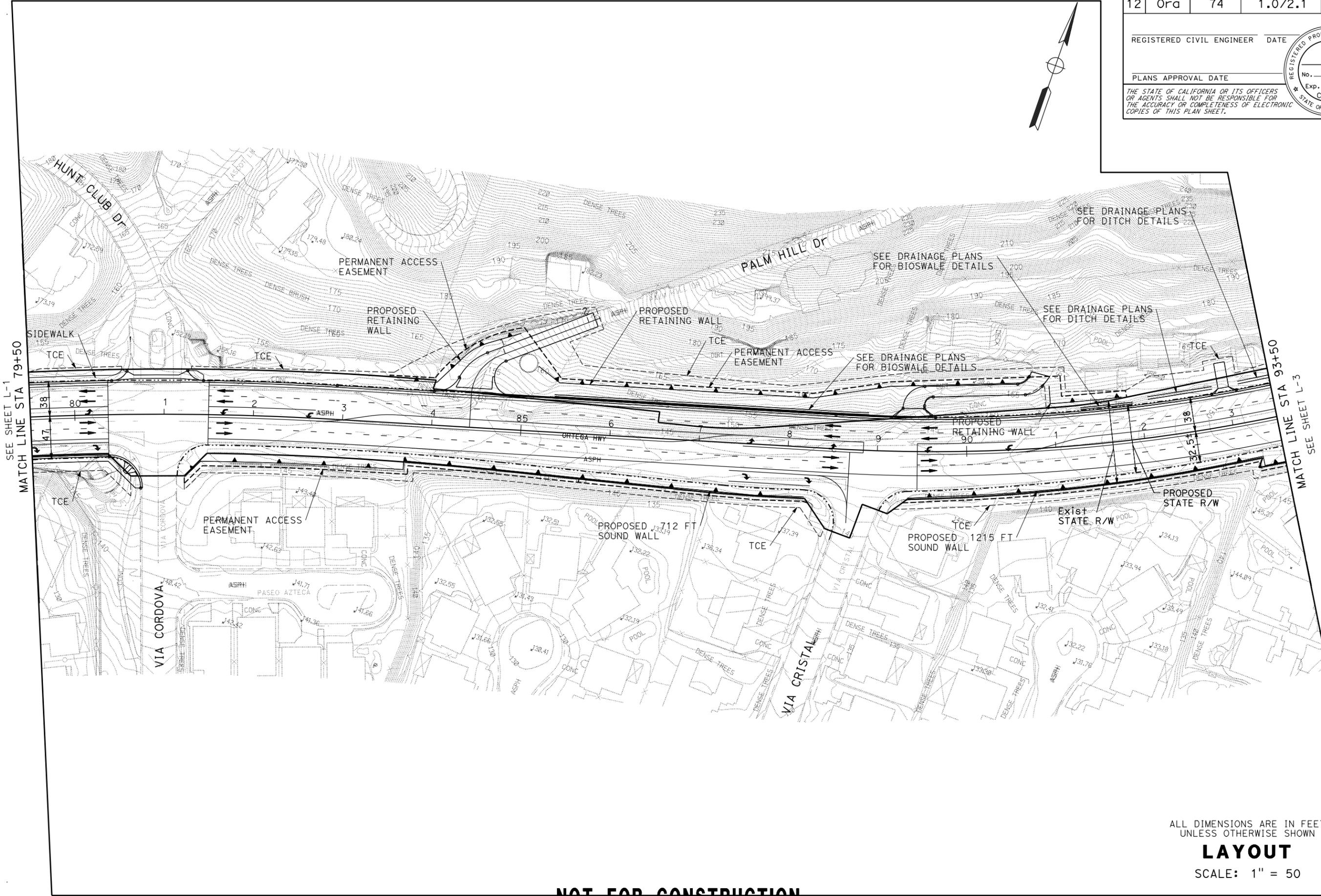
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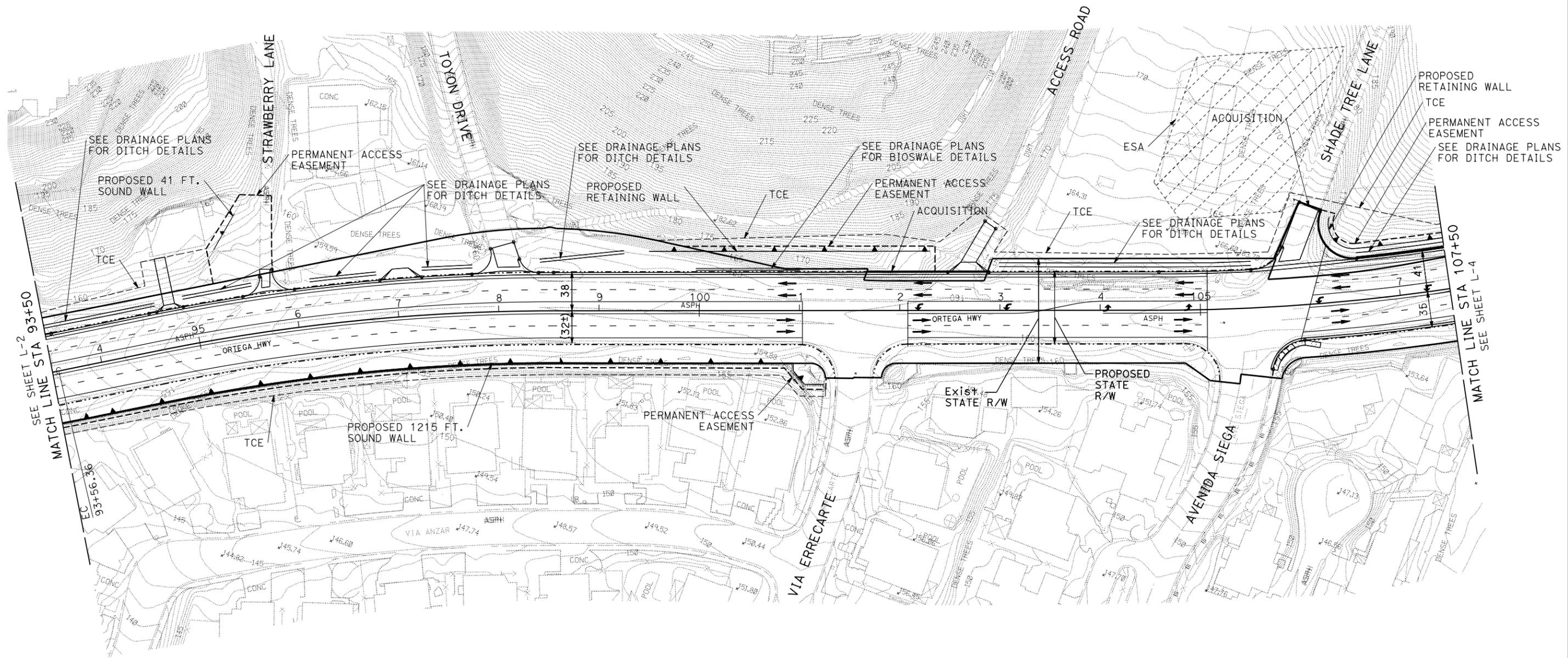
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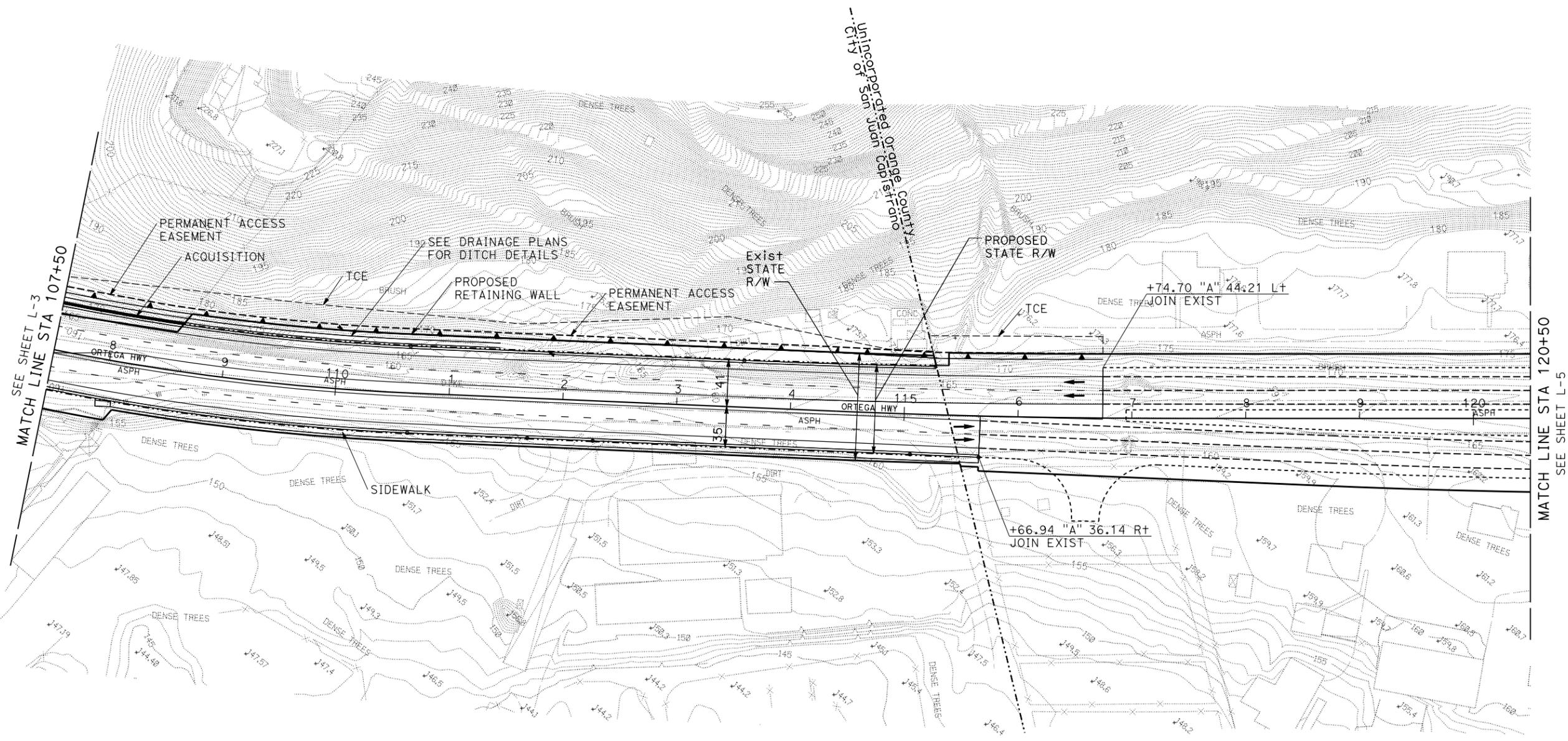
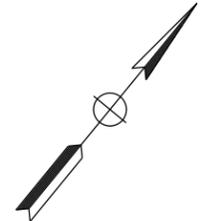
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NOTES:

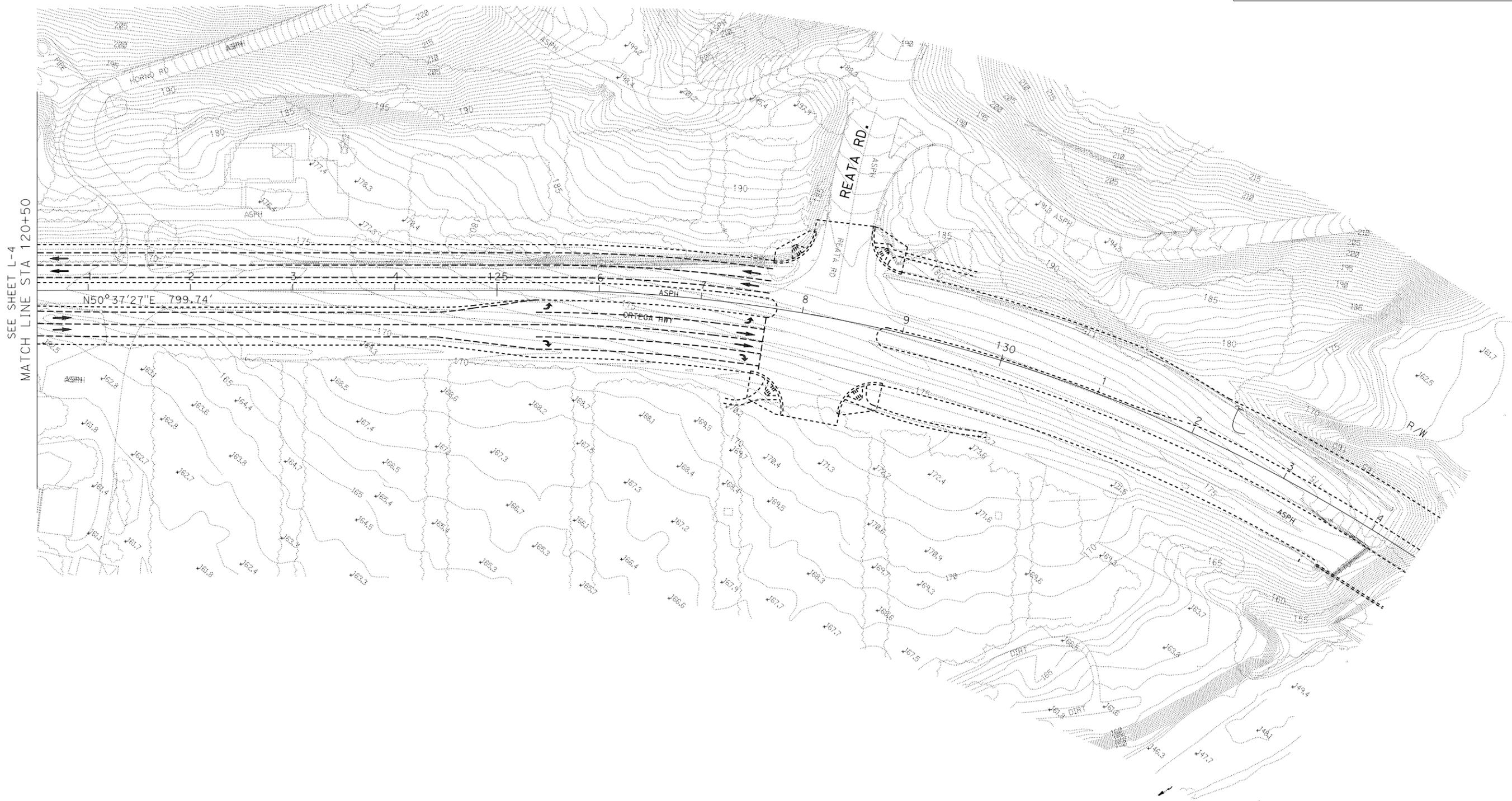
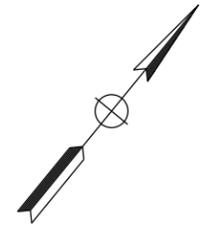
1. FOR COMPLETE RIGHT-OF-WAY AND ACCURATE ACCESS DATA,
 SEE RIGHT-OF-WAY RECORD MAPS AT DISTRICT OFFICE

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Appendix J Settlement Agreement

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is made and entered into as of July 14, 2011 (the "Execution Date") by and between THE HUNT CLUB COMMUNITY ASSOCIATION, a non-profit mutual benefit corporation organized and existing under the laws of the State of California ("Hunt Club"), the City of San Juan Capistrano ("City") and the STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, a governmental department with the State of California ("Caltrans"). This Agreement shall become effective upon its approval by the Orange County Superior Court, and its incorporation in the judgment in the hereinafter described Lawsuit, in accordance with Section Four below.

RECITALS

A. On November 30, 2009, Caltrans certified its final "Environmental Impact Report for State Route 74-Lower Ortega Highway Widening Project, State Clearing House Number 2007071038 (the "FEIR"), and approved the "State Route 74-Lower Ortega Highway Widening Project" as described in the FEIR (the "Project"). The widening proposed by the Project is intended to increase the number of lanes on State Route 74 ("Ortega Highway") from two lanes to four lanes from Calle Entradero (Post Mile 1.0) to the easterly boundary of the City of San Juan Capistrano ("City") and the western boundary of the County of Orange. (For purposes of enforcement of this Agreement, the lanes closest to the center median of Ortega Highway within the boundaries of the Project shall be deemed to be the lanes added by the Project, and are hereinafter referred to as the "Project Lanes.") The Hunt Club, the City and other parties had previously filed comments with Caltrans, objecting to the draft EIR.

B. On December 17, 2009, the Hunt Club filed the proceeding entitled "*The Hunt Club Community Association v. State of California Department of Transportation*," Orange County Superior Court Action No. 30-2009-00328947 (the "Lawsuit"), challenging the sufficiency of the FEIR and the validity of Caltrans' approval of the Project under the California Environmental Quality Act, Public Resources Code Section 21000, *et seq* ("CEQA"). The Hunt Club's Lawsuit challenges to the adequacy of the FEIR relate principally to the traffic safety, noise and aesthetic impacts to residents and guests of the Hunt Club community resulting from implementation of the Project.

C. On or about December 29, 2009, the City filed a petition for writ of mandate against Caltrans, challenging the adequacy of the FEIR and the approval of the Project under CEQA, as Orange County Superior Court No. 30-2009-00333448 (the "City Action"). On April 1, 2010, the Court in the Lawsuit entered an order consolidating the City CEQA action with the Lawsuit.

D. On or about November 16, 2010, Caltrans executed an addendum to the FEIR, dated November 15, 2010, to incorporate into the Project additional project mitigation elements including a traffic signal at the intersection of Ortega Highway and Via Cordova/Hunt Club Drive; the use of rubberized asphalt/concrete; the reconstruction of the meandering sidewalk on the north side of Ortega Highway near the western limits of the Project; a prohibition against nighttime Project construction activities; and the development of an aesthetic and landscaping

plan/committee to include participation by the City (the "Addendum"). (The FEIR, as supplemented by the Addendum, is hereinafter referred to as the "Project CEQA Clearance.")

E. Through this Agreement, the Hunt Club, the City and Caltrans desire to resolve the Lawsuit and allow the Project to proceed on condition that Caltrans incorporate those mitigation elements identified in the Final EIR and Addendum, including but not limited to traffic, safety, aesthetic and noise abatement measures into the Project as described herein.

F. It is understood between the parties that depending on funding source and other factors, Caltrans may or may not be the entity responsible for actually implementing/constructing the Project, but that as the CEQA Lead Agency, Caltrans may use its discretion to provide additional mitigation elements to the Project as part of the CEQA process. This decision making may be reflected in one or more Addenda consistent with CEQA. Caltrans shall ensure that the entity responsible for implementing and/or constructing the Project complies with the terms of this agreement.

EXECUTORY AGREEMENTS

NOW, THEREFORE, in consideration of the facts recited above and the mutual covenants and promises of the Hunt Club, the City and Caltrans as hereinafter contained, and to avoid unnecessary litigation, the parties to this Agreement agree as follows:

Section One: Additional Project Mitigation Features.

The Project shall be constructed as described in the Project CEQA Clearance (including all mitigation measures set forth therein), and additionally shall incorporate into the Project the Project features set forth in this Section One to address traffic, aesthetic and noise concerns raised by the Hunt Club and the City:

1.1 Traffic Control Signal at Hunt Club Drive.

(a) As mitigation for potential pedestrian and traffic delay impacts, the Project shall include a four-way traffic control signal in accordance with the design, construction and operation standards set forth in the then current version of Part 4 (Highway Traffic Signals) of the California Manual on Uniform Traffic Control Devices (the "Traffic Signal Improvements") to control vehicular traffic movements at the intersection of Ortega Highway/Hunt Club Drive/Via Cordova in the City (the "Intersection"). Caltrans and/or the entity responsible for actually implementing/constructing the Project, shall be responsible for the design and installation costs associated with the Traffic Signal Improvements. The Traffic Signal Improvements shall be designed in accordance with sound engineering principles, and shall generally conform to the geometric features identified in the attached Exhibit "A" which is incorporated by reference.

(b) During the Aesthetics Committee process described below, and prior to the commencement of construction/installation of the Traffic Signal Improvements, Caltrans (or the Caltrans designee, if applicable) shall provide to the City and the Hunt Club a copy of the proposed design. The City and the Hunt Club shall provide any comments regarding the Traffic Signal Improvements to Caltrans (or the Caltrans designee) within twenty (20)

business days following the date of their receipt by the City and the Hunt Club. In the event any party disputes whether the design of the Traffic Signal Improvements comply with the requirements of this Agreement, the parties shall participate in informal dispute resolution in accordance with Paragraph 7.5 below.

(c) The Traffic Signal Improvements shall include the following general features:

(1) Vehicle detectors and signalization for actuated protected vehicular operations from Hunt Club Drive onto Ortega Highway;

(2) Vehicle detectors and signalization for actuated protected vehicular left-turn movements from Ortega Highway into Hunt Club Drive; and

(3) Pedestrian control features for protected crossings of Ortega Highway by pedestrians at Hunt Club Drive.

(d) Caltrans, or the agency responsible for construction contract administration for the Project, shall not accept the Project contract as being complete or substantially complete, nor shall it file a Notice of Completion pursuant to California Civil Code section 3093, until the Traffic Signal Improvements are installed, activated and operational.

(e) Caltrans and the City agree to share post-construction and maintenance costs for the traffic signal on an equal (50%-50%) basis. Caltrans and the City further agree to amend an existing Cost Sharing Agreement to document this agreement.

1.2 Guardhouse Relocation. As part of the Project, the Hunt Club's existing guardhouse and/or gate at Hunt Club Drive immediately north of the Intersection, including all structures, fixtures, utility connections and landscaping ("Guardhouse") shall be relocated to avoid, mitigate or otherwise address the potential hazard of vehicles stopped at the Guardhouse from queuing onto State Route 74. Following construction of the Traffic Signal Improvements, the relocated Guardhouse shall accommodate at least as much distance for queued vehicles between the guard gate and the roadway as were accommodated by the original location of the Guardhouse prior to the installation of the Traffic Signal Improvements. The Guardhouse relocation shall be substantially completed prior to final acceptance of the Project construction and shall be completed prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.3 Sidewalk Replacement. In the event that the Project requires the removal of a portion of the existing parkway, sidewalk and landscape from the land immediately to the north of Ortega Highway and between the Intersection and Calle Entradero, Caltrans shall ensure that the parkway, sidewalk and landscaping are reconstructed to resemble, to the greatest extent reasonably possible in light of the reduced area, the parkway, sidewalk and landscaping in existence prior to the construction of the Project (collectively, the "Sidewalk Replacement"). The parties acknowledge that the existing sidewalk on the northerly side of Ortega Highway between the Intersection and Calle Entradero is constructed as a curved and meandering (rather than linear) sidewalk, and the Sidewalk Replacement shall replicate the curved and meandering alignment and appearance of the existing sidewalk to the greatest extent reasonably possible

based upon the area available for sidewalk construction. The sidewalk replacement shall be substantially completed in accordance with this Agreement prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.4 Aesthetic Mitigation.

1.4.1 Landscape Enhancements. In order to further mitigate aesthetic impacts, the Project shall include additional landscaping, and additional trees where feasible, than the landscaping and trees described as Project features or Project mitigation in the Project CEQA Clearance (collectively, the "Landscape Enhancements").

(a) Landscape Enhancements shall be installed on the north side of the Intersection adjacent to the entrance into the Hunt Club community, as well as on the north side of Ortega Highway from the Intersection to the west side of the Calle Entradero entrance off of Ortega Highway, in the City (the "Landscape Enhancement Area").

(b) Prior to the installation of the Landscape Enhancements, the agency constructing the Project shall prepare a Landscaping Plan depicting the Landscape Enhancements proposed to be installed in accordance with this Agreement. The agency constructing the Project shall provide a copy of that plan prior to awarding the construction contract to the Hunt Club for its review, and shall meet and confer with the Hunt Club's representatives and consider in good faith any recommendations or suggestions made by the Hunt Club's representatives.

(c) The parties anticipate that the value of the Landscape Enhancements shall be approximately Fifty Thousand Dollars (\$50,000.00); provided, however, that the entity constructing the Project shall have no obligation to expend in excess of Fifty Thousand Dollars (\$50,000.00) for the Landscape Enhancements.

(d) Separate from the Landscape Enhancements, all trees that are removed as part of the Project shall be replaced by Caltrans or the agency constructing the project at a minimum ratio of three replacement trees for each removed tree (3:1). Replacement trees for trees removed from the Landscape Enhancement Area shall be planted on the slopes or within the existing landscaped portion of the Landscape Enhancement Area. No trees are anticipated to be planted between the Sidewalk Replacement and the back of the relocated curb on the north side of Ortega Highway.

(e) The Landscape Enhancements shall be substantially completed prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.4.2 Aesthetics Committee.

An aesthetics and landscape plan committee shall be established to provide guidance on the aesthetic design of retaining walls and sound walls included in the Project, and the landscape plan for the Project. Representatives from the City and the Hunt Club shall be included in the aesthetic and landscape plan committee. The City Council and Hunt Club Board shall each appoint two members to the committee and each shall notify Caltrans in writing of the

appointees. As part of the design phase of the Project, Caltrans and the aesthetics and landscape plan committee shall analyze the feasibility and consider the inclusion of terraced retaining walls.

1.4.3 Transparent Material for Sound Walls.

(a) Sound walls constructed as part of the Project on the south side of Ortega Highway, east of Via Cordova, shall include transparent sound attenuating material for the upper approximately five feet of the wall. The transparent attenuating material used for the sound walls shall be a durable, long lasting material.

(b) Caltrans, or the agency implementing the Project, agrees to enter into a Contribution Agreement with the City to transfer to the City an amount representing the costs of obtaining a replacement set of transparent panels for the sound walls. This agreement would be finalized prior to the "Ready to List" stage of project delivery.

(c) The City agrees to accept responsibility for maintenance (but not initial installation) of the sound walls if the sound walls are located on City property.

Section Two: Noise Mitigation.

2.1 Supplemental Noise Measurements. Prior to the commencement of Project design, Caltrans shall at its sole cost conduct actual (not modeled) noise measurements within the Hunt Club community areas northerly of Ortega Highway from Hunt Club Drive to Calle Entradero in the City (the "Noise Measurements") to confirm assumptions used in the noise analysis included in the CEQA process. Caltrans shall provide written notice to Hunt Club prior to the commencement of the Noise Measurements. The Noise Measurements shall be conducted or supervised by a qualified engineer employed by, or under contract to Caltrans, using noise measuring devices and standards approved by the United States Department of Transportation's Federal Highway Administration, and Caltrans. Upon their completion, Caltrans shall furnish copies of the noise measurements to the Hunt Club.

2.2 Noise Mitigation. In the event the additional measurements indicate the noise impacts of the Project requires additional attenuation, Caltrans shall analyze the impacts consistent with the CEQA process.

2.3 Prohibition on Nighttime Construction. Nighttime construction activities shall be generally prohibited for the Project. Nighttime construction activities shall only be allowed in emergency situations, for the installation of traffic signals, or if Caltrans or the entity responsible for construction the Project has received prior approval from the City for non-emergency nighttime construction activities.

2.4 Rubberized Asphalt Concrete. The Project shall include the use of rubberized asphalt concrete along the Project's roadway footprint.

Section Three: Restriction on Widening North Side of Ortega Highway.

The parties acknowledge that the Hunt Club strongly opposes any loss or reduction of landscape, turf or parkway on the northern side of Ortega Highway between the Intersection and Calle Entradero, as well as any widening or expansion of the paved surface along the north side of Ortega Highway between the Intersection and Calle Entradero. Notwithstanding language to the contrary in the Project CEQA Clearance, Caltrans shall not expand or widen the roadbed on the north side of Ortega Highway between the Intersection and Calle Entradero by more than from 6.2 to 7.6 linear feet, as measured from the northern curb of Ortega Highway between the Intersection and Calle Entradero existing as of the date of this Agreement, as shown on the site plans attached hereto as Exhibits B-1 and B-2 and incorporated herein by this reference.

Section Four: Entry of Judgment and Effectiveness of Agreement.

4.1 The Hunt Club, the City and Caltrans mutually acknowledge that this Agreement shall not be effective unless and until this Agreement, and all of its terms and conditions, are approved by the Court in the Lawsuit and incorporated into a final judgment entered by the Court in the Lawsuit.

4.2 Within 30 days following the Execution Date, the Hunt Club, the City and Caltrans shall jointly apply for or file a motion requesting that the Court in the Lawsuit approve this Agreement, enter judgment in the Lawsuit incorporating this Agreement and all of its terms and conditions, and reserve continuing jurisdiction over the Lawsuit for the limited purpose of enforcing the terms and conditions of this Agreement. The judgment entered by the Court in the Lawsuit further shall allow Caltrans or the appropriate agency to proceed with the implementation of the Project, on condition that Caltrans or the agency implementing the project, comply with each and all of the requirements, obligations and restrictions imposed upon Caltrans by this Agreement.

4.3 The judgment entered by the Court in this Lawsuit shall provide that any party may enforce any of the terms of this Agreement by filing a noticed motion with the Court in this Lawsuit after complying with informal dispute resolution process set forth in Paragraph 8.5 below, and that the prevailing party in such motion shall be entitled to its court costs and reasonable attorneys' fees.

4.4 The date of entry of the judgment in this Lawsuit shall be the Effective Date for purposes of this Agreement.

4.5 The Hunt Club and Caltrans each waives any and all right that it may have to appeal or otherwise seek reconsideration or appellate review of the judgment entered in the Lawsuit.

Section Five: Release of Claims and Covenant Not to Sue or Challenge Project.

5.1 The Hunt Club, on behalf of itself and its officers, directors, employees, successors and assigns, past, present and future, hereby fully and forever waives, releases, discharges, and covenants not to sue Caltrans and its officers, employees, successors or assigns with respect to any and all claims, demands, costs, expenses, damages, judgments, orders, and

liabilities of whatever kind or nature, in law, equity or otherwise, including but not limited to claims for attorneys' fees and/or costs, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that are based upon or arise out of any of the claims, causes of action or defenses asserted by the Hunt Club in the Lawsuit (collectively, the "Released Claims").

The City, on behalf of itself and its officers, directors, employees, successors and assigns, past, present and future, hereby fully and forever waives, releases, discharges, and covenants not to sue Caltrans and its officers, employees, successors or assigns with respect to any and all claims, demands, costs, expenses, damages, judgments, orders, and liabilities of whatever kind or nature, in law, equity or otherwise, including but not limited to claims for attorneys' fees and/or costs, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that are based upon or arise out of any of the claims, causes of action or defenses asserted by the City in the Lawsuit (collectively, the "Released Claims").

5.2 The release set forth in this Section Five is not intended to, and shall not, extend to or otherwise release or discharge any rights, privileges, benefits, duties, obligations, agreements, promises or representations of either the Hunt Club, the City or Caltrans existing by reason of, or otherwise arising out of, this Agreement. Specifically, but without limiting the foregoing, the parties expressly acknowledge that the Released Claims exclude any claims, demands, costs, expenses, damages, judgments, orders or liabilities relating to Caltrans' performance of any component of the Work and any other requirement, obligation or restriction imposed upon Caltrans under this Agreement.

5.3 The release set forth in this Section Five is not intended to be, and shall not, constitute a general release. However, to the extent applicable to the matters released herein, the Hunt Club and the City hereby expressly waives any and all rights, defenses and benefits the Hunt Club might otherwise have under the provisions of section 1542 of the California Civil Code, which reads in full as follows:

A general release does not extend to claims which the creditor does not know of suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The Hunt Club and the City expressly acknowledge that, notwithstanding section 1542 of the California Civil Code, or any other statute or rule of law of similar import, this release shall be given full force and effect according to each and all of its express terms and provisions.

5.4 The Hunt Club, for itself, its officers, directors, employees, successors and assigns, agrees not to challenge or oppose the implementation of the Project, or seek judicial relief against the Project under the Lawsuit, so long as the Project is constructed in accordance with the Project CEQA Clearance and this Agreement, and Caltrans complies with all of the requirements, obligations and restrictions imposed on it by this Agreement and ensures the entity responsible for implementing/constructing the Project complies with all of the requirements, obligations and restrictions included in this Agreement. Notwithstanding the foregoing, the Hunt

Club does not waive its rights to receive just compensation for any property that Caltrans may determine to acquire in order to implement the Project.

5.5 The City, for itself, its officers, councilmembers, employees, successors and assigns, agrees not to challenge or oppose the implementation of the Project, or seek judicial relief against the Project under the Lawsuit, so long as the Project is constructed in accordance with the Project CEQA Clearance and this Agreement, and Caltrans complies with all of the requirements, obligations and restrictions imposed on it by this Agreement and ensures the entity responsible for implementing/constructing the Project complies with all of the requirements, obligations and restrictions included in this Agreement. Notwithstanding the foregoing, the City does not waive its rights to receive just compensation for any property that Caltrans may determine to acquire in order to implement the Project.

Section Six: Warranties.

6.1 Each person whose signature is affixed to this Agreement in a representative capacity represents and warrants that he or she is fully authorized to execute this Agreement on behalf of, and to bind, the party on whose behalf his or her signature is affixed, and that no other approvals or consents are necessary in connection therewith.

6.2 The Hunt Club, the City and Caltrans each represents and warrants that it has carefully read this Agreement and knows and understands its contents. Each party hereto is represented by legal counsel and has had the opportunity to consult with its counsel to fully understand the terms of this Agreement.

6.3 The Hunt Club, the City and Caltrans each represents and warrants that it enters into this Agreement of its own free will, and not under the influence of duress, coercion or threat from any source.

6.4 The Hunt Club and the City warrant that they have made no assignment, and will make no assignment, of any claim, cause of action, right of action, or any right of any kind whatsoever that comprises or is included in any of Released Claims.

Section Seven: Miscellaneous Provisions.

7.1 No admission of liability. It is understood and agreed that in making this Agreement, the Hunt Club, the City and Caltrans each acknowledge that the compromise reached herein shall not be construed as an admission of liability or an admission of the sufficiency of any of the claims, defenses, counterclaims or allegations in the Lawsuit; rather this Agreement is a compromise of a dispute between the Hunt Club, the City and Caltrans.

7.2 Costs and Attorneys' Fees. Except as specifically provided herein, the Hunt Club, the City and Caltrans shall each bear its own costs, expenses and attorneys' fees related to the Lawsuit, the preparation and processing of this Agreement, and the application for and processing of a judgment incorporating this Agreement as set forth in Section Five above.

7.3 Integrated Agreement. This Agreement, and the judgment into which it will be incorporated, constitutes a single integrated written instrument expressing the entire

agreement of the Hunt Club, the City and Caltrans concerning the subject matter hereof. No covenants, agreements, representations or warranties of any kind whatsoever have been made by either the Hunt Club, the City or Caltrans, except as specifically set forth in this Agreement and in the judgment into which this Agreement is incorporated. All prior and contemporaneous discussions and negotiations with respect to the subject matter of this Agreement have been and are merged and integrated into, and are superseded by, this Agreement and the judgment into which it is incorporated.

7.4 Cooperation. The Hunt Club, the City and Caltrans each agree to timely execute and deliver any and all documents and instruments necessary to effectuate the terms and conditions of this Agreement.

7.5 Disputes. Should any dispute arise regarding the interpretation or performance of any of the terms of this Agreement, or whether any term or condition of this Agreement has been breached, the aggrieved party shall provide written notice to the other party setting forth the nature of the dispute (the "Dispute Notice"). Within thirty (30) days of the date of the Dispute Notice, the party receiving it shall provide a written response to the aggrieved party; and, within fifteen (15) days after the date of the written response, the Hunt Club, the City and Caltrans shall meet and confer in good faith to resolve the dispute. No party shall file a motion or other pleading with the Court to enforce the terms of this Agreement or the judgment incorporating this Agreement until the process set forth in this Paragraph 7.5 is completed.

7.6 Construction, Interpretation and Precedence. This Agreement shall be interpreted under the laws of the State of California. The language of this Agreement shall be construed as a whole, according to its fair meaning and intent, regardless of which party was principally responsible for drafting any specific term or condition. It is acknowledged that counsel for the Hunt Club, the City and Caltrans have all participated in the drafting of this Agreement. The Agreement shall be deemed to have been drafted by the Hunt Club, the City and Caltrans, and no party shall argue otherwise. In the event of a conflict between any provision of this Agreement and any provision of the Project CEQA Clearance, the provisions of this Agreement shall prevail.

7.7 Successors and Assigns. This Agreement shall bind and inure to the benefit of the Hunt Club, the City and Caltrans, and their respective successor and assigns.

7.8 Headings. All headings are for convenience of reference only, and shall be disregarded when interpreting this Agreement.

7.9 Notices. Any payment, notice, request, demand, instruction or other communication to be given to either party under this Agreement shall be in writing and personally delivered by reputable overnight delivery service, or sent by first class United States mail, postage prepaid and addressed as follows:

If to the Hunt Club: The Hunt Club Community Association
 c/o Common Interests, Inc.
 3551 Camino Mira Costa, Suite N
 San Clemente, CA. 92672

With a copy to: Joel D. Kuperberg
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

If to Caltrans: Department of Transportation District 12
3347 Michelson Drive, Ste. 100
Irvine, CA. 9261
Attn: District Director

With a copy to: Glenn B. Mueller
Department of Transportation
Legal Division,
4050 Taylor Street, M.S.-130
San Diego, CA 92110

If to the City: City Manager
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

With a copy to: Amy Minter
Chatten-Brown and Carstens
2601 Ocean Park Blvd., Ste 205
Santa Monica, CA 90405

The addresses and contact persons for the purposes of this Paragraph 7.9 may be changed by giving written notice of such change in the manner provided in this paragraph; provided that such new address or contact person shall not become effective until first acknowledged by the other party.

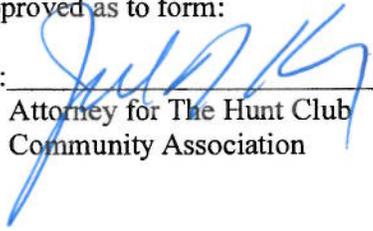
7.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[signatures on following page]

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

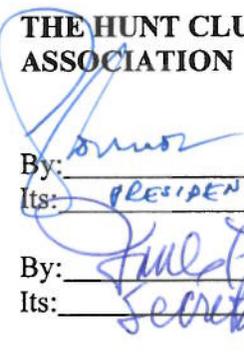
By: _____
Attorney for The Hunt Club
Community Association



**THE HUNT CLUB COMMUNITY
ASSOCIATION**

By: _____
Its: PRESIDENT

By: _____
Its: Secretary



Approved as to form:

By: _____
Attorney for The City of San
Juan Capistrano

THE CITY OF SAN JUAN CAPISTRANO

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

By: _____
Attorney for State of California
Department Of Transportation

**STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

By: _____
Its: _____

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

THE HUNT CLUB COMMUNITY ASSOCIATION

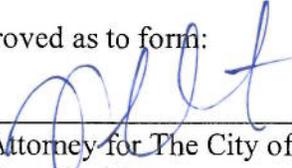
By: _____
Attorney for The Hunt Club
Community Association

By: _____
Its: _____

By: _____
Its: _____

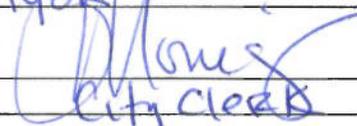
Approved as to form:

THE CITY OF SAN JUAN CAPISTRANO

By:  _____
Attorney for The City of San
Juan Capistrano

By:  _____
Its: MAYOR

Attest

By:  _____
Its: City Clerk

Approved as to form:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

By: _____
Attorney for State of California
Department Of Transportation

By: _____
Its: _____

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

THE HUNT CLUB COMMUNITY ASSOCIATION

By: _____
Attorney for The Hunt Club
Community Association

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

THE CITY OF SAN JUAN CAPISTRANO

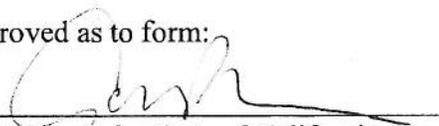
By: _____
Attorney for The City of San
Juan Capistrano

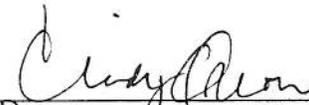
By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

By:  _____
Attorney for State of California
Department Of Transportation

By:  _____ 7-12-11
Its: District 12 District Director

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is made and entered into as of July 14, 2011 (the "Execution Date") by and between THE HUNT CLUB COMMUNITY ASSOCIATION, a non-profit mutual benefit corporation organized and existing under the laws of the State of California ("Hunt Club"), the City of San Juan Capistrano ("City") and the STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, a governmental department with the State of California ("Caltrans"). This Agreement shall become effective upon its approval by the Orange County Superior Court, and its incorporation in the judgment in the hereinafter described Lawsuit, in accordance with Section Four below.

RECITALS

A. On November 30, 2009, Caltrans certified its final "Environmental Impact Report for State Route 74-Lower Ortega Highway Widening Project, State Clearing House Number 2007071038 (the "FEIR"), and approved the "State Route 74-Lower Ortega Highway Widening Project" as described in the FEIR (the "Project"). The widening proposed by the Project is intended to increase the number of lanes on State Route 74 ("Ortega Highway") from two lanes to four lanes from Calle Entradero (Post Mile 1.0) to the easterly boundary of the City of San Juan Capistrano ("City") and the western boundary of the County of Orange. (For purposes of enforcement of this Agreement, the lanes closest to the center median of Ortega Highway within the boundaries of the Project shall be deemed to be the lanes added by the Project, and are hereinafter referred to as the "Project Lanes.") The Hunt Club, the City and other parties had previously filed comments with Caltrans, objecting to the draft EIR.

B. On December 17, 2009, the Hunt Club filed the proceeding entitled "*The Hunt Club Community Association v. State of California Department of Transportation*," Orange County Superior Court Action No. 30-2009-00328947 (the "Lawsuit"), challenging the sufficiency of the FEIR and the validity of Caltrans' approval of the Project under the California Environmental Quality Act, Public Resources Code Section 21000, *et seq* ("CEQA"). The Hunt Club's Lawsuit challenges to the adequacy of the FEIR relate principally to the traffic safety, noise and aesthetic impacts to residents and guests of the Hunt Club community resulting from implementation of the Project.

C. On or about December 29, 2009, the City filed a petition for writ of mandate against Caltrans, challenging the adequacy of the FEIR and the approval of the Project under CEQA, as Orange County Superior Court No. 30-2009-00333448 (the "City Action"). On April 1, 2010, the Court in the Lawsuit entered an order consolidating the City CEQA action with the Lawsuit.

D. On or about November 16, 2010, Caltrans executed an addendum to the FEIR, dated November 15, 2010, to incorporate into the Project additional project mitigation elements including a traffic signal at the intersection of Ortega Highway and Via Cordova/Hunt Club Drive; the use of rubberized asphalt/concrete; the reconstruction of the meandering sidewalk on the north side of Ortega Highway near the western limits of the Project; a prohibition against nighttime Project construction activities; and the development of an aesthetic and landscaping

plan/committee to include participation by the City (the "Addendum"). (The FEIR, as supplemented by the Addendum, is hereinafter referred to as the "Project CEQA Clearance.")

E. Through this Agreement, the Hunt Club, the City and Caltrans desire to resolve the Lawsuit and allow the Project to proceed on condition that Caltrans incorporate those mitigation elements identified in the Final EIR and Addendum, including but not limited to traffic, safety, aesthetic and noise abatement measures into the Project as described herein.

F. It is understood between the parties that depending on funding source and other factors, Caltrans may or may not be the entity responsible for actually implementing/constructing the Project, but that as the CEQA Lead Agency, Caltrans may use its discretion to provide additional mitigation elements to the Project as part of the CEQA process. This decision making may be reflected in one or more Addenda consistent with CEQA. Caltrans shall ensure that the entity responsible for implementing and/or constructing the Project complies with the terms of this agreement.

EXECUTORY AGREEMENTS

NOW, THEREFORE, in consideration of the facts recited above and the mutual covenants and promises of the Hunt Club, the City and Caltrans as hereinafter contained, and to avoid unnecessary litigation, the parties to this Agreement agree as follows:

Section One: Additional Project Mitigation Features.

The Project shall be constructed as described in the Project CEQA Clearance (including all mitigation measures set forth therein), and additionally shall incorporate into the Project the Project features set forth in this Section One to address traffic, aesthetic and noise concerns raised by the Hunt Club and the City:

1.1 Traffic Control Signal at Hunt Club Drive.

(a) As mitigation for potential pedestrian and traffic delay impacts, the Project shall include a four-way traffic control signal in accordance with the design, construction and operation standards set forth in the then current version of Part 4 (Highway Traffic Signals) of the California Manual on Uniform Traffic Control Devices (the "Traffic Signal Improvements") to control vehicular traffic movements at the intersection of Ortega Highway/Hunt Club Drive/Via Cordova in the City (the "Intersection"). Caltrans and/or the entity responsible for actually implementing/constructing the Project, shall be responsible for the design and installation costs associated with the Traffic Signal Improvements. The Traffic Signal Improvements shall be designed in accordance with sound engineering principles, and shall generally conform to the geometric features identified in the attached Exhibit "A" which is incorporated by reference.

(b) During the Aesthetics Committee process described below, and prior to the commencement of construction/installation of the Traffic Signal Improvements, Caltrans (or the Caltrans designee, if applicable) shall provide to the City and the Hunt Club a copy of the proposed design. The City and the Hunt Club shall provide any comments regarding the Traffic Signal Improvements to Caltrans (or the Caltrans designee) within twenty (20)

business days following the date of their receipt by the City and the Hunt Club. In the event any party disputes whether the design of the Traffic Signal Improvements comply with the requirements of this Agreement, the parties shall participate in informal dispute resolution in accordance with Paragraph 7.5 below.

(c) The Traffic Signal Improvements shall include the following general features:

(1) Vehicle detectors and signalization for actuated protected vehicular operations from Hunt Club Drive onto Ortega Highway;

(2) Vehicle detectors and signalization for actuated protected vehicular left-turn movements from Ortega Highway into Hunt Club Drive; and

(3) Pedestrian control features for protected crossings of Ortega Highway by pedestrians at Hunt Club Drive.

(d) Caltrans, or the agency responsible for construction contract administration for the Project, shall not accept the Project contract as being complete or substantially complete, nor shall it file a Notice of Completion pursuant to California Civil Code section 3093, until the Traffic Signal Improvements are installed, activated and operational.

(e) Caltrans and the City agree to share post-construction and maintenance costs for the traffic signal on an equal (50%-50%) basis. Caltrans and the City further agree to amend an existing Cost Sharing Agreement to document this agreement.

1.2 Guardhouse Relocation. As part of the Project, the Hunt Club's existing guardhouse and/or gate at Hunt Club Drive immediately north of the Intersection, including all structures, fixtures, utility connections and landscaping ("Guardhouse") shall be relocated to avoid, mitigate or otherwise address the potential hazard of vehicles stopped at the Guardhouse from queuing onto State Route 74. Following construction of the Traffic Signal Improvements, the relocated Guardhouse shall accommodate at least as much distance for queued vehicles between the guard gate and the roadway as were accommodated by the original location of the Guardhouse prior to the installation of the Traffic Signal Improvements. The Guardhouse relocation shall be substantially completed prior to final acceptance of the Project construction and shall be completed prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.3 Sidewalk Replacement. In the event that the Project requires the removal of a portion of the existing parkway, sidewalk and landscape from the land immediately to the north of Ortega Highway and between the Intersection and Calle Entradero, Caltrans shall ensure that the parkway, sidewalk and landscaping are reconstructed to resemble, to the greatest extent reasonably possible in light of the reduced area, the parkway, sidewalk and landscaping in existence prior to the construction of the Project (collectively, the "Sidewalk Replacement"). The parties acknowledge that the existing sidewalk on the northerly side of Ortega Highway between the Intersection and Calle Entradero is constructed as a curved and meandering (rather than linear) sidewalk, and the Sidewalk Replacement shall replicate the curved and meandering alignment and appearance of the existing sidewalk to the greatest extent reasonably possible

based upon the area available for sidewalk construction. The sidewalk replacement shall be substantially completed in accordance with this Agreement prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.4 Aesthetic Mitigation.

1.4.1 Landscape Enhancements. In order to further mitigate aesthetic impacts, the Project shall include additional landscaping, and additional trees where feasible, than the landscaping and trees described as Project features or Project mitigation in the Project CEQA Clearance (collectively, the "Landscape Enhancements").

(a) Landscape Enhancements shall be installed on the north side of the Intersection adjacent to the entrance into the Hunt Club community, as well as on the north side of Ortega Highway from the Intersection to the west side of the Calle Entradero entrance off of Ortega Highway, in the City (the "Landscape Enhancement Area").

(b) Prior to the installation of the Landscape Enhancements, the agency constructing the Project shall prepare a Landscaping Plan depicting the Landscape Enhancements proposed to be installed in accordance with this Agreement. The agency constructing the Project shall provide a copy of that plan prior to awarding the construction contract to the Hunt Club for its review, and shall meet and confer with the Hunt Club's representatives and consider in good faith any recommendations or suggestions made by the Hunt Club's representatives.

(c) The parties anticipate that the value of the Landscape Enhancements shall be approximately Fifty Thousand Dollars (\$50,000.00); provided, however, that the entity constructing the Project shall have no obligation to expend in excess of Fifty Thousand Dollars (\$50,000.00) for the Landscape Enhancements.

(d) Separate from the Landscape Enhancements, all trees that are removed as part of the Project shall be replaced by Caltrans or the agency constructing the project at a minimum ratio of three replacement trees for each removed tree (3:1). Replacement trees for trees removed from the Landscape Enhancement Area shall be planted on the slopes or within the existing landscaped portion of the Landscape Enhancement Area. No trees are anticipated to be planted between the Sidewalk Replacement and the back of the relocated curb on the north side of Ortega Highway.

(e) The Landscape Enhancements shall be substantially completed prior to the recordation of a Notice of Completion pursuant to California Civil Code section 3093.

1.4.2 Aesthetics Committee.

An aesthetics and landscape plan committee shall be established to provide guidance on the aesthetic design of retaining walls and sound walls included in the Project, and the landscape plan for the Project. Representatives from the City and the Hunt Club shall be included in the aesthetic and landscape plan committee. The City Council and Hunt Club Board shall each appoint two members to the committee and each shall notify Caltrans in writing of the

appointees. As part of the design phase of the Project, Caltrans and the aesthetics and landscape plan committee shall analyze the feasibility and consider the inclusion of terraced retaining walls.

1.4.3 Transparent Material for Sound Walls.

(a) Sound walls constructed as part of the Project on the south side of Ortega Highway, east of Via Cordova, shall include transparent sound attenuating material for the upper approximately five feet of the wall. The transparent attenuating material used for the sound walls shall be a durable, long lasting material.

(b) Caltrans, or the agency implementing the Project, agrees to enter into a Contribution Agreement with the City to transfer to the City an amount representing the costs of obtaining a replacement set of transparent panels for the sound walls. This agreement would be finalized prior to the "Ready to List" stage of project delivery.

(c) The City agrees to accept responsibility for maintenance (but not initial installation) of the sound walls if the sound walls are located on City property.

Section Two: Noise Mitigation.

2.1 Supplemental Noise Measurements. Prior to the commencement of Project design, Caltrans shall at its sole cost conduct actual (not modeled) noise measurements within the Hunt Club community areas northerly of Ortega Highway from Hunt Club Drive to Calle Entradero in the City (the "Noise Measurements") to confirm assumptions used in the noise analysis included in the CEQA process. Caltrans shall provide written notice to Hunt Club prior to the commencement of the Noise Measurements. The Noise Measurements shall be conducted or supervised by a qualified engineer employed by, or under contract to Caltrans, using noise measuring devices and standards approved by the United States Department of Transportation's Federal Highway Administration, and Caltrans. Upon their completion, Caltrans shall furnish copies of the noise measurements to the Hunt Club.

2.2 Noise Mitigation. In the event the additional measurements indicate the noise impacts of the Project requires additional attenuation, Caltrans shall analyze the impacts consistent with the CEQA process.

2.3 Prohibition on Nighttime Construction. Nighttime construction activities shall be generally prohibited for the Project. Nighttime construction activities shall only be allowed in emergency situations, for the installation of traffic signals, or if Caltrans or the entity responsible for construction the Project has received prior approval from the City for non-emergency nighttime construction activities.

2.4 Rubberized Asphalt Concrete. The Project shall include the use of rubberized asphalt concrete along the Project's roadway footprint.

Section Three: Restriction on Widening North Side of Ortega Highway.

The parties acknowledge that the Hunt Club strongly opposes any loss or reduction of landscape, turf or parkway on the northern side of Ortega Highway between the Intersection and Calle Entradero, as well as any widening or expansion of the paved surface along the north side of Ortega Highway between the Intersection and Calle Entradero. Notwithstanding language to the contrary in the Project CEQA Clearance, Caltrans shall not expand or widen the roadbed on the north side of Ortega Highway between the Intersection and Calle Entradero by more than from 6.2 to 7.6 linear feet, as measured from the northern curb of Ortega Highway between the Intersection and Calle Entradero existing as of the date of this Agreement, as shown on the site plans attached hereto as Exhibits B-1 and B-2 and incorporated herein by this reference.

Section Four: Entry of Judgment and Effectiveness of Agreement.

4.1 The Hunt Club, the City and Caltrans mutually acknowledge that this Agreement shall not be effective unless and until this Agreement, and all of its terms and conditions, are approved by the Court in the Lawsuit and incorporated into a final judgment entered by the Court in the Lawsuit.

4.2 Within 30 days following the Execution Date, the Hunt Club, the City and Caltrans shall jointly apply for or file a motion requesting that the Court in the Lawsuit approve this Agreement, enter judgment in the Lawsuit incorporating this Agreement and all of its terms and conditions, and reserve continuing jurisdiction over the Lawsuit for the limited purpose of enforcing the terms and conditions of this Agreement. The judgment entered by the Court in the Lawsuit further shall allow Caltrans or the appropriate agency to proceed with the implementation of the Project, on condition that Caltrans or the agency implementing the project, comply with each and all of the requirements, obligations and restrictions imposed upon Caltrans by this Agreement.

4.3 The judgment entered by the Court in this Lawsuit shall provide that any party may enforce any of the terms of this Agreement by filing a noticed motion with the Court in this Lawsuit after complying with informal dispute resolution process set forth in Paragraph 8.5 below, and that the prevailing party in such motion shall be entitled to its court costs and reasonable attorneys' fees.

4.4 The date of entry of the judgment in this Lawsuit shall be the Effective Date for purposes of this Agreement.

4.5 The Hunt Club and Caltrans each waives any and all right that it may have to appeal or otherwise seek reconsideration or appellate review of the judgment entered in the Lawsuit.

Section Five: Release of Claims and Covenant Not to Sue or Challenge Project.

5.1 The Hunt Club, on behalf of itself and its officers, directors, employees, successors and assigns, past, present and future, hereby fully and forever waives, releases, discharges, and covenants not to sue Caltrans and its officers, employees, successors or assigns with respect to any and all claims, demands, costs, expenses, damages, judgments, orders, and

liabilities of whatever kind or nature, in law, equity or otherwise, including but not limited to claims for attorneys' fees and/or costs, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that are based upon or arise out of any of the claims, causes of action or defenses asserted by the Hunt Club in the Lawsuit (collectively, the "Released Claims").

The City, on behalf of itself and its officers, directors, employees, successors and assigns, past, present and future, hereby fully and forever waives, releases, discharges, and covenants not to sue Caltrans and its officers, employees, successors or assigns with respect to any and all claims, demands, costs, expenses, damages, judgments, orders, and liabilities of whatever kind or nature, in law, equity or otherwise, including but not limited to claims for attorneys' fees and/or costs, whether now known or unknown, vested or contingent, suspected or unsuspected, and whether or not concealed or hidden, that are based upon or arise out of any of the claims, causes of action or defenses asserted by the City in the Lawsuit (collectively, the "Released Claims").

5.2 The release set forth in this Section Five is not intended to, and shall not, extend to or otherwise release or discharge any rights, privileges, benefits, duties, obligations, agreements, promises or representations of either the Hunt Club, the City or Caltrans existing by reason of, or otherwise arising out of, this Agreement. Specifically, but without limiting the foregoing, the parties expressly acknowledge that the Released Claims exclude any claims, demands, costs, expenses, damages, judgments, orders or liabilities relating to Caltrans' performance of any component of the Work and any other requirement, obligation or restriction imposed upon Caltrans under this Agreement.

5.3 The release set forth in this Section Five is not intended to be, and shall not, constitute a general release. However, to the extent applicable to the matters released herein, the Hunt Club and the City hereby expressly waives any and all rights, defenses and benefits the Hunt Club might otherwise have under the provisions of section 1542 of the California Civil Code, which reads in full as follows:

A general release does not extend to claims which the creditor does not know of suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The Hunt Club and the City expressly acknowledge that, notwithstanding section 1542 of the California Civil Code, or any other statute or rule of law of similar import, this release shall be given full force and effect according to each and all of its express terms and provisions.

5.4 The Hunt Club, for itself, its officers, directors, employees, successors and assigns, agrees not to challenge or oppose the implementation of the Project, or seek judicial relief against the Project under the Lawsuit, so long as the Project is constructed in accordance with the Project CEQA Clearance and this Agreement, and Caltrans complies with all of the requirements, obligations and restrictions imposed on it by this Agreement and ensures the entity responsible for implementing/constructing the Project complies with all of the requirements, obligations and restrictions included in this Agreement. Notwithstanding the foregoing, the Hunt

Club does not waive its rights to receive just compensation for any property that Caltrans may determine to acquire in order to implement the Project.

5.5 The City, for itself, its officers, councilmembers, employees, successors and assigns, agrees not to challenge or oppose the implementation of the Project, or seek judicial relief against the Project under the Lawsuit, so long as the Project is constructed in accordance with the Project CEQA Clearance and this Agreement, and Caltrans complies with all of the requirements, obligations and restrictions imposed on it by this Agreement and ensures the entity responsible for implementing/constructing the Project complies with all of the requirements, obligations and restrictions included in this Agreement. Notwithstanding the foregoing, the City does not waive its rights to receive just compensation for any property that Caltrans may determine to acquire in order to implement the Project.

Section Six: Warranties.

6.1 Each person whose signature is affixed to this Agreement in a representative capacity represents and warrants that he or she is fully authorized to execute this Agreement on behalf of, and to bind, the party on whose behalf his or her signature is affixed, and that no other approvals or consents are necessary in connection therewith.

6.2 The Hunt Club, the City and Caltrans each represents and warrants that it has carefully read this Agreement and knows and understands its contents. Each party hereto is represented by legal counsel and has had the opportunity to consult with its counsel to fully understand the terms of this Agreement.

6.3 The Hunt Club, the City and Caltrans each represents and warrants that it enters into this Agreement of its own free will, and not under the influence of duress, coercion or threat from any source.

6.4 The Hunt Club and the City warrant that they have made no assignment, and will make no assignment, of any claim, cause of action, right of action, or any right of any kind whatsoever that comprises or is included in any of Released Claims.

Section Seven: Miscellaneous Provisions.

7.1 No admission of liability. It is understood and agreed that in making this Agreement, the Hunt Club, the City and Caltrans each acknowledge that the compromise reached herein shall not be construed as an admission of liability or an admission of the sufficiency of any of the claims, defenses, counterclaims or allegations in the Lawsuit; rather this Agreement is a compromise of a dispute between the Hunt Club, the City and Caltrans.

7.2 Costs and Attorneys' Fees. Except as specifically provided herein, the Hunt Club, the City and Caltrans shall each bear its own costs, expenses and attorneys' fees related to the Lawsuit, the preparation and processing of this Agreement, and the application for and processing of a judgment incorporating this Agreement as set forth in Section Five above.

7.3 Integrated Agreement. This Agreement, and the judgment into which it will be incorporated, constitutes a single integrated written instrument expressing the entire

agreement of the Hunt Club, the City and Caltrans concerning the subject matter hereof. No covenants, agreements, representations or warranties of any kind whatsoever have been made by either the Hunt Club, the City or Caltrans, except as specifically set forth in this Agreement and in the judgment into which this Agreement is incorporated. All prior and contemporaneous discussions and negotiations with respect to the subject matter of this Agreement have been and are merged and integrated into, and are superseded by, this Agreement and the judgment into which it is incorporated.

7.4 Cooperation. The Hunt Club, the City and Caltrans each agree to timely execute and deliver any and all documents and instruments necessary to effectuate the terms and conditions of this Agreement.

7.5 Disputes. Should any dispute arise regarding the interpretation or performance of any of the terms of this Agreement, or whether any term or condition of this Agreement has been breached, the aggrieved party shall provide written notice to the other party setting forth the nature of the dispute (the "Dispute Notice"). Within thirty (30) days of the date of the Dispute Notice, the party receiving it shall provide a written response to the aggrieved party; and, within fifteen (15) days after the date of the written response, the Hunt Club, the City and Caltrans shall meet and confer in good faith to resolve the dispute. No party shall file a motion or other pleading with the Court to enforce the terms of this Agreement or the judgment incorporating this Agreement until the process set forth in this Paragraph 7.5 is completed.

7.6 Construction, Interpretation and Precedence. This Agreement shall be interpreted under the laws of the State of California. The language of this Agreement shall be construed as a whole, according to its fair meaning and intent, regardless of which party was principally responsible for drafting any specific term or condition. It is acknowledged that counsel for the Hunt Club, the City and Caltrans have all participated in the drafting of this Agreement. The Agreement shall be deemed to have been drafted by the Hunt Club, the City and Caltrans, and no party shall argue otherwise. In the event of a conflict between any provision of this Agreement and any provision of the Project CEQA Clearance, the provisions of this Agreement shall prevail.

7.7 Successors and Assigns. This Agreement shall bind and inure to the benefit of the Hunt Club, the City and Caltrans, and their respective successor and assigns.

7.8 Headings. All headings are for convenience of reference only, and shall be disregarded when interpreting this Agreement.

7.9 Notices. Any payment, notice, request, demand, instruction or other communication to be given to either party under this Agreement shall be in writing and personally delivered by reputable overnight delivery service, or sent by first class United States mail, postage prepaid and addressed as follows:

If to the Hunt Club: The Hunt Club Community Association
 c/o Common Interests, Inc.
 3551 Camino Mira Costa, Suite N
 San Clemente, CA. 92672

With a copy to: Joel D. Kuperberg
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

If to Caltrans: Department of Transportation District 12
3347 Michelson Drive, Ste. 100
Irvine, CA. 9261
Attn: District Director

With a copy to: Glenn B. Mueller
Department of Transportation
Legal Division,
4050 Taylor Street, M.S.-130
San Diego, CA 92110

If to the City: City Manager
City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

With a copy to: Amy Minter
Chatten-Brown and Carstens
2601 Ocean Park Blvd., Ste 205
Santa Monica, CA 90405

The addresses and contact persons for the purposes of this Paragraph 7.9 may be changed by giving written notice of such change in the manner provided in this paragraph; provided that such new address or contact person shall not become effective until first acknowledged by the other party.

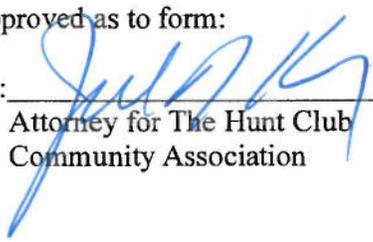
7.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[signatures on following page]

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

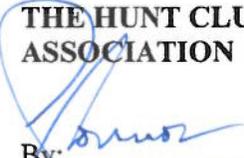
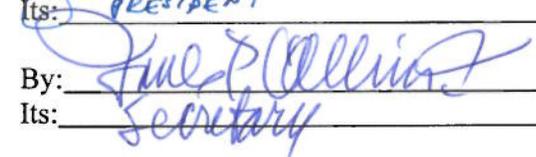
By: _____
Attorney for The Hunt Club
Community Association



**THE HUNT CLUB COMMUNITY
ASSOCIATION**

By: _____
Its: PRESIDENT

By: _____
Its: Secretary

Approved as to form:

By: _____
Attorney for The City of San
Juan Capistrano

THE CITY OF SAN JUAN CAPISTRANO

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

By: _____
Attorney for State of California
Department Of Transportation

**STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

By: _____
Its: _____

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

THE HUNT CLUB COMMUNITY ASSOCIATION

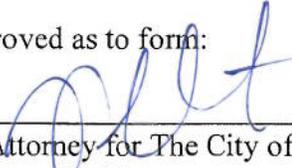
By: _____
Attorney for The Hunt Club
Community Association

By: _____
Its: _____

By: _____
Its: _____

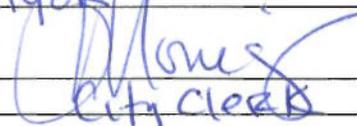
Approved as to form:

THE CITY OF SAN JUAN CAPISTRANO

By:  _____
Attorney for The City of San
Juan Capistrano

By:  _____
Its: MAYOR

Attest

By:  _____
Its: City Clerk

Approved as to form:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

By: _____
Attorney for State of California
Department Of Transportation

By: _____
Its: _____

IN WITNESS WHEREOF, the parties to this Agreement have executed this Agreement as of the Execution Date, and this Agreement becomes effective as of the Effective Date.

Approved as to form:

THE HUNT CLUB COMMUNITY ASSOCIATION

By: _____
Attorney for The Hunt Club
Community Association

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

THE CITY OF SAN JUAN CAPISTRANO

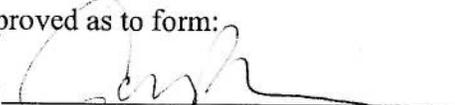
By: _____
Attorney for The City of San
Juan Capistrano

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

By:  _____
Attorney for State of California
Department Of Transportation

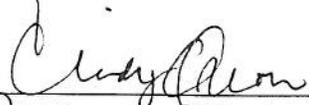
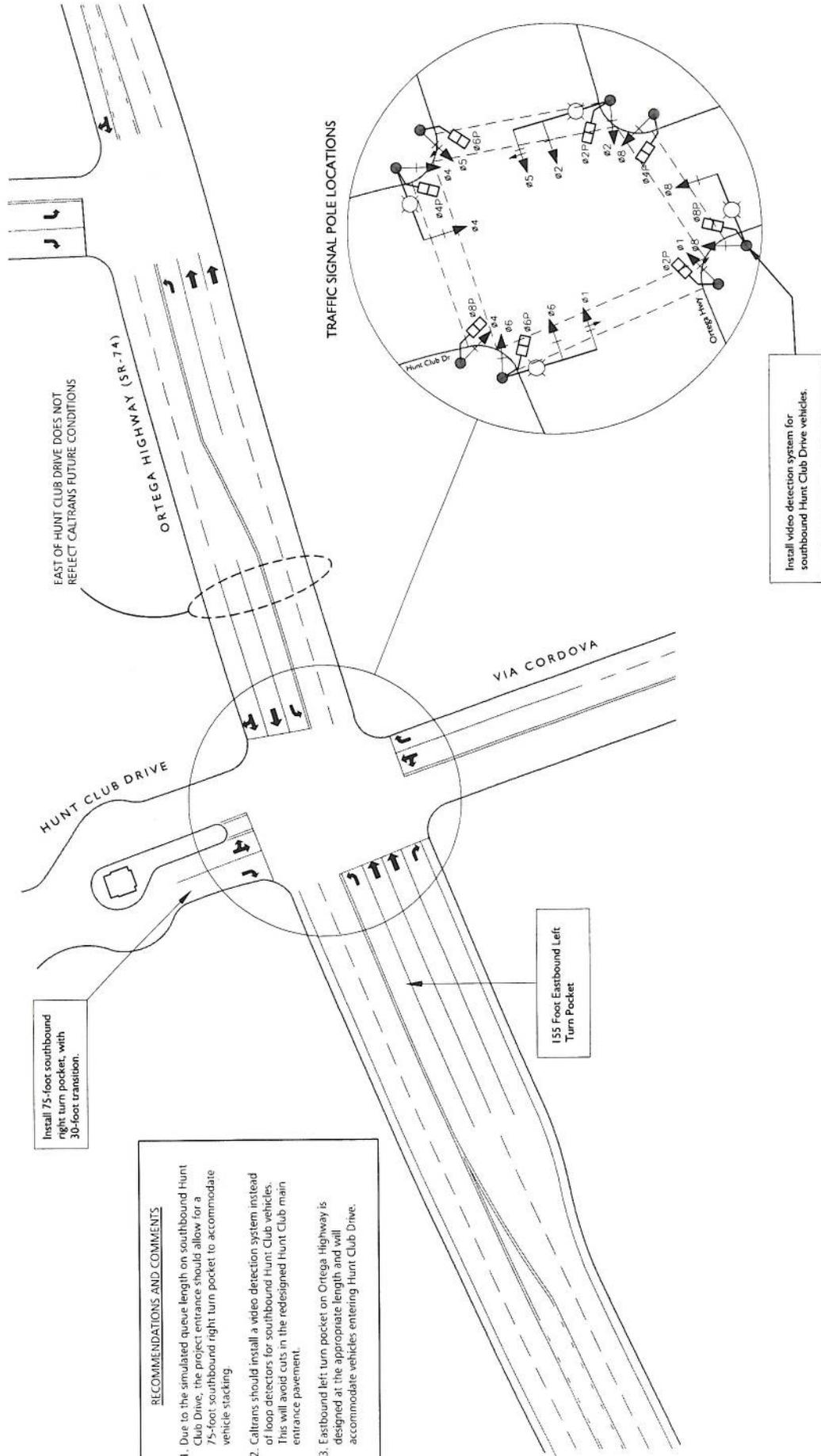
By:  _____ 7-12-11
Its: District 12 District Director

Exhibit E
Conceptual Layout With The Future Lane Widening and Future Traffic Signal



RECOMMENDATIONS AND COMMENTS

1. Due to the simulated queue length on southbound Hunt Club Drive, the project entrance should allow for a 75-foot southbound right turn pocket to accommodate vehicle stacking.
2. Caltrans should install a video detection system instead of loop detectors for southbound Hunt Club vehicles. This will avoid cuts in the redesigned Hunt Club main entrance pavement.
3. Eastbound left turn pocket on Ortega Highway is designed at the appropriate length and will accommodate vehicles entering Hunt Club Drive.

Install video detection system for southbound Hunt Club Drive vehicles.

(Conceptual Only, Not Drawn to Scale)



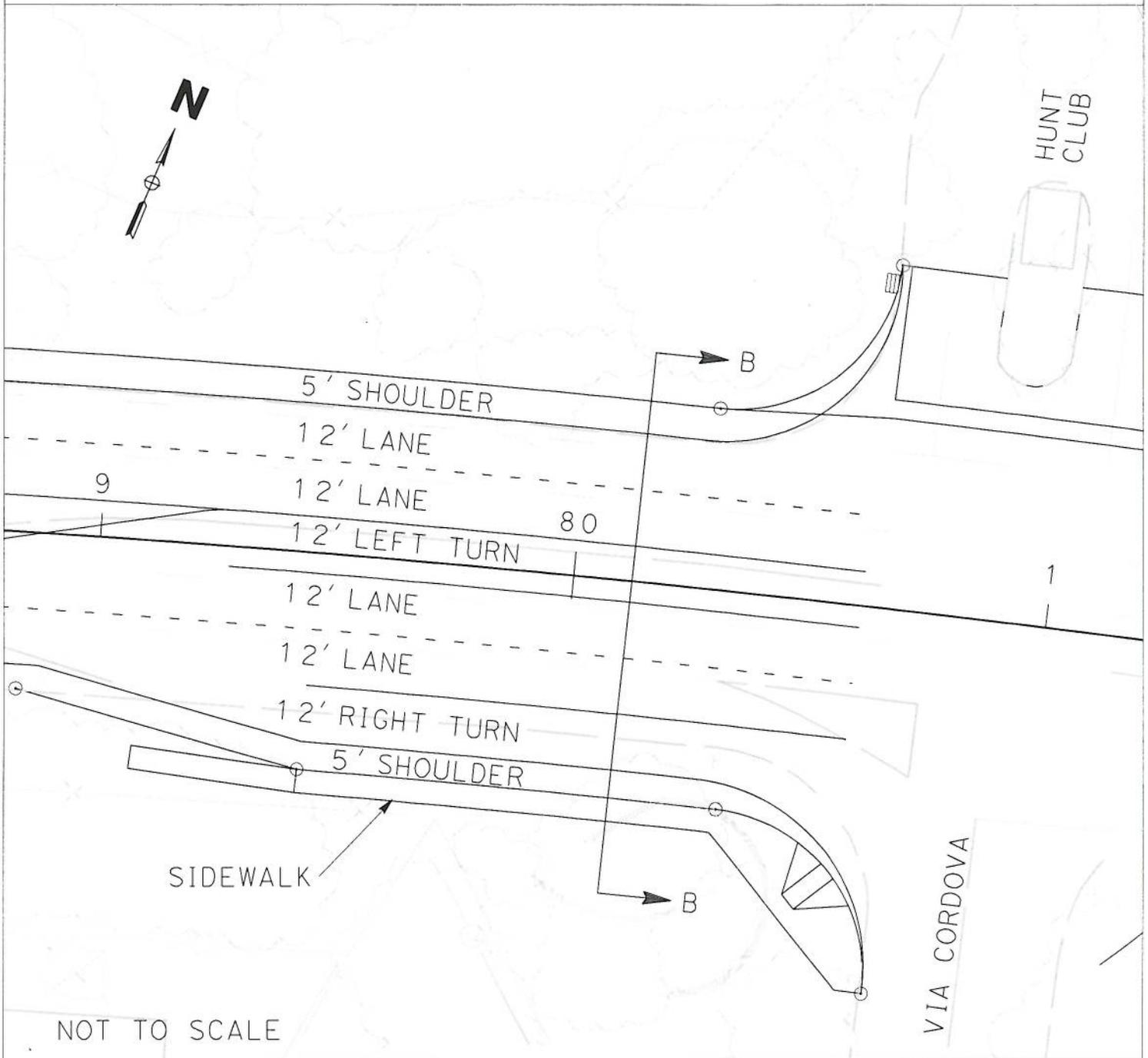
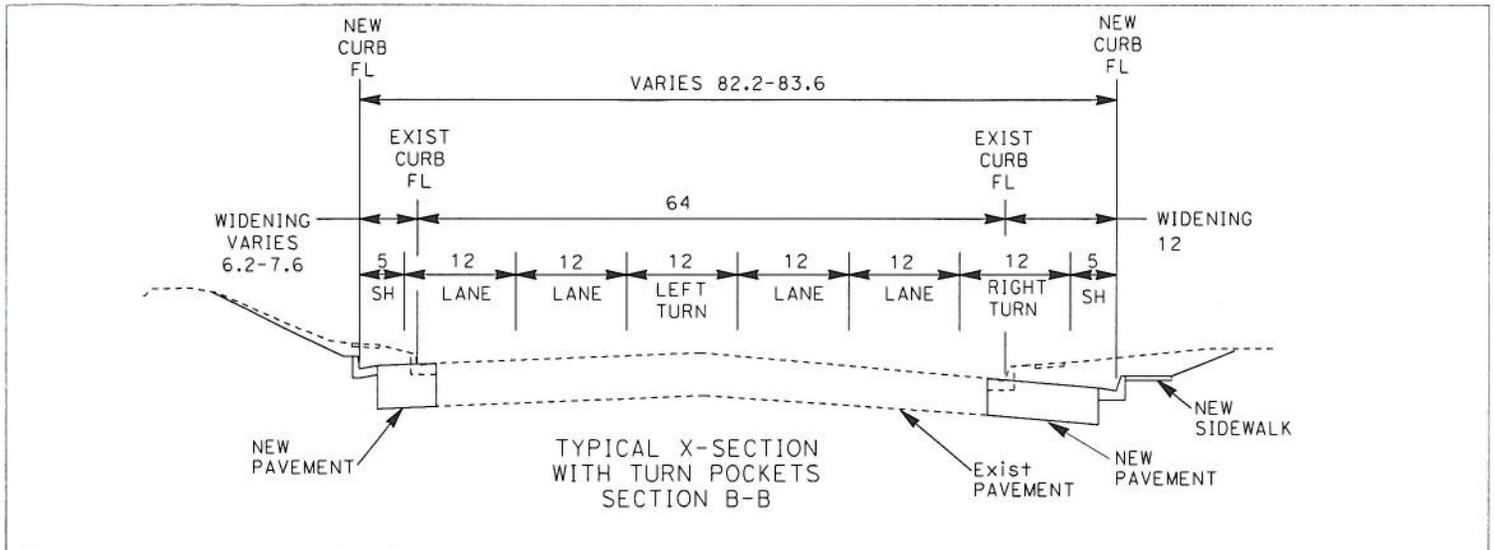
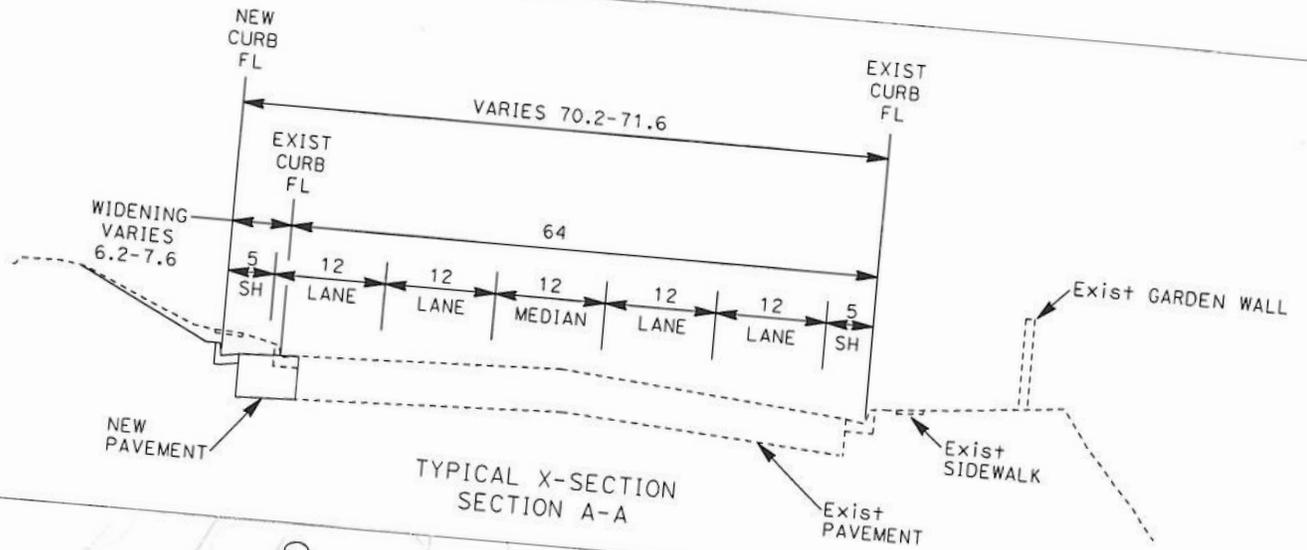
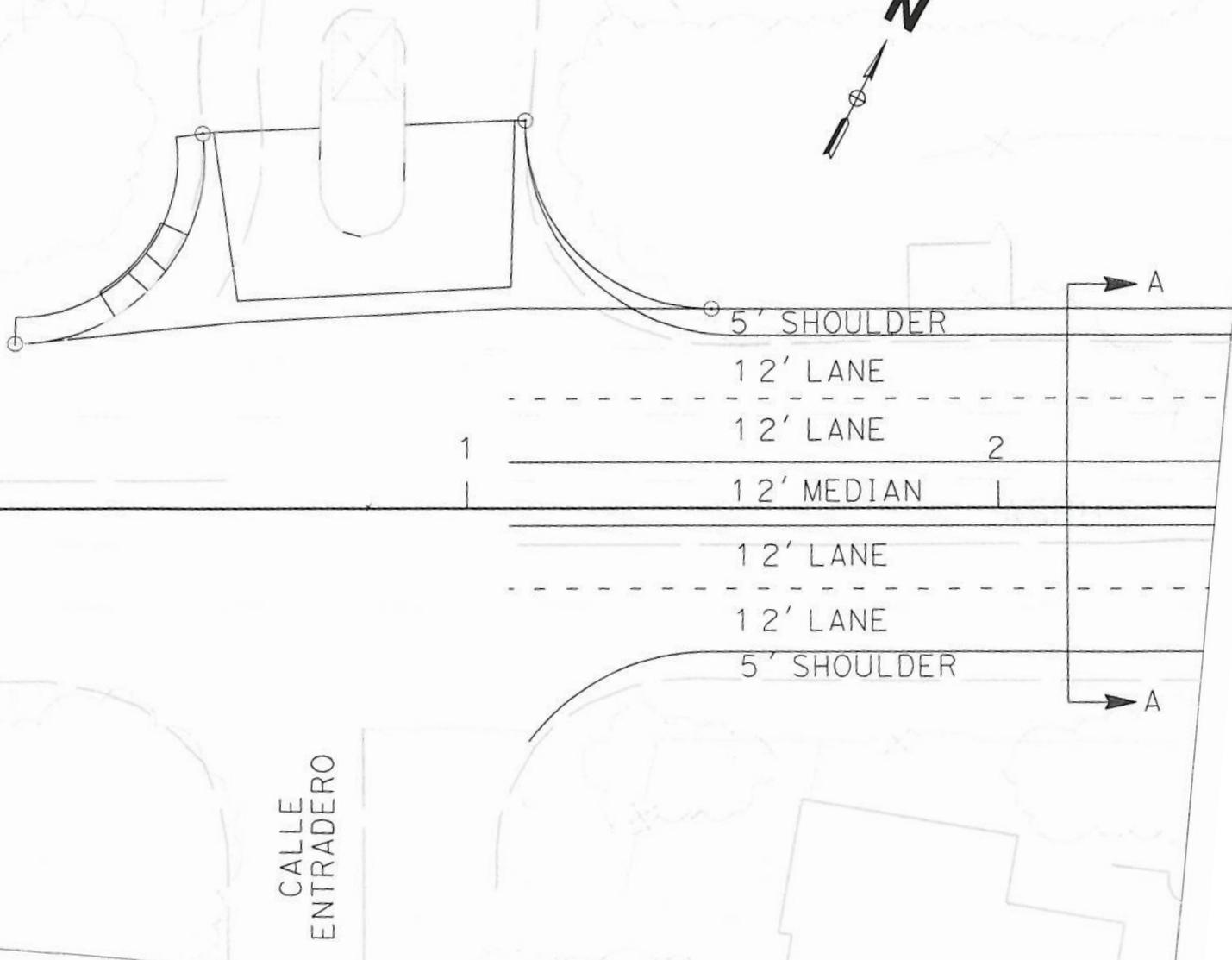


EXHIBIT B-1



CALLE ENTRADERO



CALLE ENTRADERO

NOT TO SCALE

EXHIBIT B-2

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Appendix K Preliminary Traffic Management Plan Data

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TMP BUDGET

Draft Estimate

Date: 11/20/2018

Project Name:	Lower SR-74 Widening	EA# 086920 Project ID# 1200000051
Location:	Ortega Hwy (SR-74)	
P. M.	PM 1.0 to PM 2.1	
Schedule:		

TMP ELEMENTS		COST BREAKDOWN	AMOUNT	COMMENTS
TMP ELEMENTS				
Item Code				
120090	Construction Area Signs:		\$20,000	
128650	Portable CMS:		\$120,000	8x @15K (partial closure)
120100	Traffic Control System		\$500,000	\$2K per event x 250 events

Public Awareness Campaign:				
Item Code				
	Public Information	200,000		from city of MV to Lake Elsenor
66063	Traffic Management Plan	\$100,000		TMT/TMC/DTM
	Total (Public Information & Traffic Management Plan)		\$300,000	

Supplemental Work				
Item Code				
066070	Maintain Traffic (Flag Op.+ Detour)		\$150,000	based on 250 Working Days /2=125 Fagging Operation 8 hr x 3 people x 50\$=1,200 /2=600
066062	CHP / COZEEP		\$500,000	125 events x 2 units x \$2000= \$500K

Local Assistance / Others				
	Local Assistance (Cities)		\$20,000	
	CITY		\$10,000	SJC
	POLICE OVER-TIME		\$10,000	
	FSP &/Tow Truck Service		\$0	
	Total		\$1,640,000	

* Based on 250 working days (8 hr shift)

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