



**June 9, 2022**

**To:** Transit Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Approval to Adopt the Mitigated Negative Declaration Finding for the Orange County Maintenance Facility Project

### **Overview**

On July 21, 2020, the Orange County Transportation Authority, in cooperation with the Southern California Regional Rail Authority, entered into a Cooperative Agreement which defined roles, responsibilities, and funding for the preliminary engineering and environmental phase of the Metrolink Orange County Maintenance Facility. The Orange County Transportation Authority has been the lead agency for the preliminary engineering and environmental documentation. Board of Directors' adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is required for the project to advance to the next phase.

### **Recommendation**

Approve Resolution No. 2022-025 to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act, for the Metrolink Orange County Maintenance Facility.

### **Discussion**

The proposed Metrolink Orange County Maintenance Facility (OCMF) project is part of the Metrolink Southern California Optimized Rail Expansion Capital Program, which is primarily funded by the State of California's Transit and Intercity Rail Capital Program. The OCMF project (Project) is also included in the Federal Transportation Improvement Program (FTIP) as ORA210601.

The Project will construct a rail maintenance facility that will allow for locomotive and railcar servicing and storage facilities for Metrolink trains. The construction of the OCMF will improve Metrolink's operational efficiency and overall system performance. Metrolink currently operates three maintenance facilities across its

service area: Central Maintenance Facility (CMF) in Los Angeles, Eastern Maintenance Facility (EMF) in San Bernadino County, and the North County Transit District's Stuart Mesa Facility in northern San Diego County. These existing facilities are near or at near capacity. A facility located in Orange County will increase the capacity at CMF and EMF and allow for more efficient train movement.

The Project site is a 21.3-acre parcel of land purchased by the Orange County Transportation Authority (OCTA) from the City of Irvine (City) on March 9, 2015, for the express purpose of a commuter rail maintenance facility. The site is located within the railroad corridor between Milepost (MP) 183.3 and MP 184.5. The Project will include the construction of a new rail yard, a new rail bridge over the Bee Canyon Channel, lead tracks and yard tracks, storage, operations and maintenance buildings, train wash, ancillary structures, landscape improvements, and safety and security features (Attachment A). The Project also includes the construction of street and traffic signal improvements to the extension of existing Ridge Valley south of Marine Way to allow access to the Project site.

The Project requires federal and state environmental clearance. OCTA is the California Environmental Quality Act (CEQA) lead agency, and the Federal Transit Administration (FTA) is the National Environmental Policy Act lead agency.

Due to the Project location within Planning Area 51 of the updated City General Plan, adopted in June 2015, the proposed use is conditionally allowable under the existing zone subject to the approval of a Conditional Use Permit (CUP) per the City's zoning ordinance. The City is currently processing the CUP approval for the Project, which will include public hearings at the City's Transportation Commission and Planning Commission. The City would act in the capacity of a CEQA-responsible agency as defined by CEQA Guideline §15381, and in accordance with the process for a responsible agency as provided in CEQA guidelines, the City would adopt the final CEQA documentation as part of the City's consideration for approval of the CUP.

Preliminary plans have been completed to 30 percent design, and the site-specific analysis was done to address detailed environmental impacts associated with the Project. The findings support the conclusion that the Project will not have a significant impact on the environment with the implementation of mitigation measures during construction of the Project. The final Mitigated Negative Declaration (MND) comprises the environmental analysis and findings, and a discussion on public outreach efforts for the Project (Attachment B). The MND appendices include technical data and reports in support of the findings

therein, responses to public comments during the public circulation period, and the Mitigation Monitoring and Reporting Program (MMRP).

The discussion below summarizes the findings in the MND supporting the conclusion that the proposed Project will not result in significant effects on the environment with the implementation of mitigation measures.

In accordance with CEQA guidelines, the proposed Project was evaluated for its effect on 21 environmental factors. The results of this evaluation showed that the Project would have no impact, or less than significant impact on 13 of 21 environmental factors, including aesthetics, hydrology/water quality, recreation, utilities/services systems, agriculture and forestry resources, greenhouse gas emissions, land use/planning, population/housing, transportation, wildfire, energy, mineral resources, and public services.

The environmental evaluation anticipates the Project to have potentially significant temporary effect on the remaining eight environmental factors related to construction including air quality, biological resources, cultural resources, geology/soils (paleontological resources), hazards and hazardous materials, noise, tribal cultural resources, and mandatory findings of significance (quality of the environment and substantial adverse effects on humans and human beings). However, technical studies on these resource areas determined that the implementation of mitigation measures during Project construction would be sufficient to avoid potentially significant effects and reduce all impacts to less than significant.

Staff has prepared a MMRP in compliance with Public Resources Code 21081.6 and CEQA Guideline 15097 to ensure compliance with the mitigation measures identified in the final MND during project construction. It should be noted that the MMRP was made available for review as Appendix K of the MND. The MMRP includes construction mitigation measures to address environmental impacts prior to and during construction. In addition, some of the measures will require further coordination with regulatory agencies that are further detailed in the MND. These measures would reduce the level of impacts to less than significant for the Project.

A public notice of intent for the MND was released on February 28, 2022 through March 29, 2022, to allow the public, affected and interested parties, and agencies an opportunity to provide input on the MND during the public review period. OCTA's process for public outreach during preliminary design and environmental review included the following efforts:

- A virtual public meeting was held on October 5, 2021, via zoom to inform the public about the Project. The public was notified of the meeting via a

postcard distributed to all properties within 500-feet of the Project property. This 500-foot area included two residences within the Travata community, a 55 and older community, which is the closest residential community to the Project. It was decided that the while only two residents were within the 500-foot area, the whole Travata community would be included in the notification. Five members of the public attended. A recording of this meeting was made available on the Project website and sent to the Travata property manager for distribution to residents.

- On Thursday, Nov. 4, 2021, a member of the OCTA outreach team went to the Travata community to provide information on the Project to those that may have missed the virtual meeting. The invitation was coordinated through the Travata property manager, as this is a gated private community, who sent the invitation in an email to residents. There were approximately 15 people in attendance.
- On Wednesday, January 12, 2022, the OCTA outreach team and a member of the technical team went back to the Travata community to answer questions and provide detail about the environmental process. The invitation was again coordinated through the property manager. There were approximately 25 people in attendance.
- On Monday, March 14, 2022, the OCTA outreach team and members of the technical team went back to Travata to go into further detail about the information in the draft Initial Study (IS)/MND and answer any questions, and to reiterate the comment process. Comment cards were handed out at the meeting if people wanted to submit an official comment the same day. City staff were also present at the meeting. The invitation was also coordinated through the property manager. There were approximately 60 people in attendance.
- The draft IS/MND and notices were posted on the OCTA web page, sent to the Travata property manager for distribution to residents via emails, and officially noticed in the Orange County Register newspaper.
- A special email address link was implemented on the web page to facilitate interested parties to comment on the draft IS/MND.
- The MND was sent to the State Clearinghouse and 16 public agencies during the public review period, including the City, and was available for review at OCTA's administrative office. A hard copy was delivered to the Travata Community for review in their club house.

During the MND 30-day public review period, OCTA received approximately 90 written comments, mostly from the Travata Community, as well as a petition signed by 288 people against the Project. The comments were primarily focused on concerns of noise, pollution, traffic, and lighting. All these concerns have been studied and found to be less than significant. The following is a summary from the IS/MND of these issues:

Section 3.3 of the IS/MND states impacts related to air quality would be less than significant with mitigation measures incorporated, and the criteria air pollutant emissions associated with the proposed Project would not expose sensitive receptors to substantial criteria pollutant concentrations.

As detailed in Table 3.3-15, Summary of Excess Cancer Risks, of the MND, and shown in Figure 10.2-2 (Contour Map of 30-Year Residential Cancer Risk) of Appendix B of the MND, the maximum excess cancer risk for an individual is less than the South Coast Air Quality Management District threshold of ten in a million. Therefore, the Project would not expose the surrounding residents to significant air quality impacts.

Section 3.13 of the IS/MND states impacts related to noise would be less than significant with mitigation measures, and the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project above the standards established in the local general plan or noise ordinance, or applicable standards of other agencies would be less than significant. Additionally, total Project sound levels would not meet or exceed the FTA thresholds for both on-site operational noise sources associated with the rail shops and yard, as well as automobile and truck traffic moving in and out of the Project site.

Section 3.17 of the IS/MND states impacts related to vehicle miles traveled would be less than significant. The estimated daily trip volumes would not exceed local or regional thresholds and meets the requirements of the Congestion Management Program Highway System.

Section 3.1 of the IS/MND states sensitive receptors (the Great Park and residences) would be too far from the Project site to experience spillover lighting from security lighting. Additionally, the nighttime lighting fixtures would be installed to direct the majority of the light adjacent to the OCMF, and away from sensitive areas to the maximum extent feasible. Therefore, impacts would be less than significant. This section also states views from the residences located to the northwest of the Project site would be blocked by existing mature trees on their properties, as well as the concrete wall that surrounds the residential complex. The view would also be blocked by fencing that would surround the Project site during construction and a six-foot concrete wall with landscaping during operations. The Project would not substantially alter the visual character for residential viewers primarily due to the distance of the Project buildings from the

residential viewers, and because the residences are surrounded by an existing tall concrete wall and large trees within their property. Additionally, no aesthetically significant view or landmark would be altered or blocked. Therefore, impacts would be less than significant.

The final MND is presented to the Board of Directors (Board) for adoption as the final environmental document (Attachment C). If the Board approves the MND, a Notice of Determination will be filed with and posted at the Orange County Clerk's office and the State Clearinghouse. In addition, staff will continue working with the City in their assessment and consideration of the CUP approval.

### ***Summary***

The MND for the OCMF indicates the Project would not have a significant effect on the environment with incorporation of the mitigation monitoring and reporting measures. The MND was circulated to allow the public, affected and interested parties, and agencies an opportunity to provide input on the MND during the public review process. The responses to questions/comments submitted is not part of the CEQA requirements but have been incorporated into the appendices of the MND. Staff recommends the Board approve Resolution No. 2022-025 to adopt the MND and MMRP, pursuant to the CEQA guidelines, for the OCMF.

***Attachments***

- A. Metrolink Orange County Maintenance Facility - Project Location
- B. Metrolink Orange County Maintenance Facility Project, Initial Study/Mitigated Negative Declaration Appendices, Dated June 2022
- C. Resolution No. 2022-025

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