



Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

**PLANNING AND PROGRAMMING COMMITTEE
JANUARY 14, 2009**

**SUBJECT: CANOGA TRANSPORTATION CORRIDOR FINAL ENVIRONMENTAL
IMPACT REPORT (FEIR) – METRO ORANGE LINE EXTENSION**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

- A. Certify that the Canoga Transportation Corridor, Final Environmental Impact Report (FEIR) is in compliance with the California Environmental Quality Act (CEQA), and reflects our independent judgment and analysis. The FEIR is available upon request;
- B. Adopt the:
 - 1. Findings and Statement of Overriding Considerations (Attachment A) in accordance with CEQA; and
 - 2. Mitigation Monitoring and Reporting Program (Attachment B); and
- C. Authorize the Chief Executive Officer (CEO) to File the Notice of Determination with the Los Angeles County Clerk and State of California Clearinghouse (Attachment C).

ISSUE

At the June 26, 2008 meeting, the Board received and filed the Draft EIR for the Canoga Transportation Corridor and adopted the Locally Preferred Alternative (LPA) (Attachment D). The adopted LPA extends the Metro Orange Line (MOL) north four miles from its current western busway terminus at Canoga Avenue and Victory Boulevard, to the Chatsworth Metrolink Station (MOL Extension). The LPA includes four new stations that would be located at Sherman Way (site of an approximate 200 space park-and-ride), Roscoe, Nordhoff, and a new platform at the Chatsworth Metrolink station. In addition, the project would have two grade separations, the first over the Los Angeles River just north of Vanowen, and the second over active railroad tracks at Lassen Street, descending into the Chatsworth Metrolink Station's southern parking lot. The project will include landscaping and a bicycle/pedestrian path similar to the MOL. Attachment E illustrates a typical cross section.

Since the Board's approval of the LPA, work has been completed on the FEIR and Preliminary Engineering (PE). The FEIR is now ready to be certified by the Board and, in accordance with Section 21081 of the California Public Resources Code (PRC) and Section 15091 of the CEQA Guidelines, in conjunction with certifying the FEIR, the Board must approve a Statement of Overriding Considerations explaining why we are willing to accept any residual significant impacts that result from the project. The Statement of Overriding Considerations describes the social, economic, and other benefits of the project that override the significant environmental impacts. Further, in compliance with PRC Section 21081.6, we are required to adopt a Mitigation Monitoring and Reporting Program (MMRP). The MMRP's purpose is to ensure that the mitigation measures identified in the FEIR are properly implemented. Lastly, and in compliance with PRC Section 21167 and Section 15112 of the CEQA guidelines, a Notice of Determination is filed with the County Clerk and State Clearinghouse within five days of action being taken on the project. Once filed, a 30-day statute of limitations commences for CEQA related litigation.

POLICY IMPLICATION

The Canoga Transportation Corridor/MOL Extension project is a baseline project in the Draft Long Range Transportation Plan (LRTP) with a FY 2013 Revenue Operations Date (ROD). Through prior actions, the Board has programmed \$223.1 million to the project primarily consisting of Proposition 1B and Proposition C 25% funds. To enable the project to move forward, the certification of the FEIR, adoption of the Findings and Statement of Overriding Considerations and the MMRP, and the filing of a Notice of Determination must be completed. Otherwise, we would not be in compliance with CEQA and therefore, unable to continue with the next phase of the project, design and construction.

OPTIONS

The Board could decide to not approve the FEIR, not adopt the Findings and Statement of Overriding Considerations or the MMRP and/or not authorize the filing of a Notice of Determination. These actions are not recommended as it would delay the project's ROD and could result in higher project costs.

FINANCIAL IMPACT

The funding of \$6.2 million is included in the FY 09 budget in Project #405513 with \$3 million in Cost Center 4370 and \$3.2 million in Cost Center 8510. These monies were budgeted to complete the environmental, planning, and preliminary engineering phases of the Project.

The current conceptual engineering cost for construction of the MOL Extension is \$215.6 million for the life-of-project budget. Separate Board reports are being presented to complete the project's engineering, approve the use of design-build delivery and approve the life-of-project budget.

DISCUSSION

On March 3, 2008, the completed DEIR was released to the public for the CEQA required 45-day public review and comment period, which concluded on April 16, 2008. The DEIR was published on our website and delivered to libraries and the offices of elected officials. The availability of the DEIR and notification of two community meetings were announced on our website, in the Daily News and La Opinion newspapers and through the distribution of 45,000 mailers. During this period, two public hearings were held. In response, approximately 150 public comments were received. Of the comments received, many expressed concern pertaining to noise and the placement of soundwalls/privacy walls, but also strong support for the Busway alternative on our rail right-of-way. The comments received during the public review period have been responded to in the FEIR and where appropriate, the document has been modified in response to comments.

FEIR Findings and Mitigations

The project's environmental analysis found that traffic, visual, noise and air quality to name a few would be impacted as a result of the project. Except for noise and air quality during construction, all the other significant impacts could be mitigated to less than significant levels through the provision of signalization and intersection redesign, soundwalls/privacy walls, etc. With regard to noise and air quality, these are short term impacts which would occur during construction and as such, it was determined that the long term benefits of the project outweighed the short term impacts. The FEIR and Attachment A, the project's Findings and Facts, and Statement of Overriding Considerations contains the full list of impacts and mitigation measures.

Bicycle/Pedestrian Path

As part of the project, adjacent to the busway a dedicated bicycle/pedestrian path would be constructed. This bicycle/pedestrian path would be an extension of the existing MOL path.

Ridership

By the year 2030, the MOL Extension is expected to generate 9,000 new average weekday daily boardings. This number will contribute to a projected 45,000 average weekday daily boardings for the full alignment from North Hollywood to Warner Center to Chatsworth. Operations is reviewing options to accommodate the anticipated additional riders, which may include strategies such as platooning buses, adding tripper buses, and providing limited stop trips.

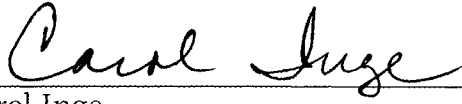
NEXT STEPS

The project will be transferred to our Construction Department for the preparation of the Design-Build package. Construction staff is working to identify ways to expedite the project's delivery including the option of bidding and constructing selected elements of the project separately. Meetings will continue with Union Pacific (UP) and the Southern California Regional Rail Authority (SCRRA) where required to obtain their approval of the project's design. Additionally, our Real Estate Department will notify our tenants of the termination of their leases and the terms under which they will be required to vacate the property. The Construction Department will return to the Board with periodic updates including any changes, if appropriate, in the project budget.

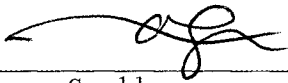
ATTACHMENTS

- A. Findings and Statement of Overriding Considerations
- B. Mitigation Monitoring and Reporting Program
- C. Notice of Determination Form
- D. Locally Preferred Alternative - Project Map
- E. Typical Cross Section

Prepared by: Walt Davis, Transportation Planning Manager
Brian Lin, Director San Fernando Valley/North County Planning Team
Renee Berlin, Executive Officer Transportation Development and
Implementation



Carol Inge
Chief Planning Officer



Roger Snoble
Chief Executive Officer

FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS

ATTACHMENT A

Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines
and Section 21081 of the Public Resources Code

FINAL ENVIRONMENTAL IMPACT REPORT
CANOGA TRANSPORTATION CORRIDOR PROJECT



Los Angeles County Metropolitan
Transportation Authority

December 2008

The Final Environmental Impact Report (Final EIR) for the Canoga Transportation Corridor Project identified the Locally Preferred Alternative (LPA). Implementation of the proposed project will result in certain significant environmental impacts. However, the Los Angeles County Metropolitan Transportation Authority Board (Metro Board) finds that the inclusion of certain mitigation measures as part of project approval will reduce most of those potential significant effects to a less-than-significant level. Those impacts that are not reduced to a less-than-significant level are identified and overridden due to specific economic, legal, social, technological, or other feasibility considerations. As required by the California Environmental Quality Act (CEQA), the Metro Board, in adopting these Findings of Fact and Statement of Overriding Considerations (“findings”), also adopts a Mitigation Monitoring & Reporting Plan for the LPA. The Metro Board finds that the Mitigation Monitoring & Reporting Plan, which is incorporated by reference and made a part of these findings as Attachment B, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures to mitigate potentially significant effects of the LPA.

In accordance with CEQA and the CEQA Guidelines, the Metro Board adopts these findings as part of the certification of the Final EIR for the LPA. Pursuant to Public Resources Code Section 21082.1(c)(3), the Metro Board also finds that the Final EIR reflects the Metro Board’s independent judgment as the lead agency for the Canoga Transportation Corridor Project LPA.

ORGANIZATION OF FINDINGS/ATTACHMENT A

- Section 1.0: Presents a glossary of terms that are relevant to this document.
- Section 2.0: Contains the statutory requirements of the findings and a record of proceedings.
- Section 3.0: Contains the project description, goals, and objectives.
- Section 4.0: Identifies the potentially significant effects of the LPA, which were determined to be mitigated to a less-than-significant level.
- Section 5.0: Identifies the significant impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the LPA.
- Section 6.0: Identifies the LPA's potential environmental effects that were determined not to be significant or less than significant, and, therefore, no mitigation is required.
- Section 7.0: Discusses Cumulative impacts regarding the LPA.
- Section 8.0: Describes the alternatives analyzed in the evaluation of the project, as well as findings on mitigation measures.
- Section 9.0: Includes the Metro Board's Statement of Overriding Considerations.

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1.0 GLOSSARY OF TERMS

BRT

This is an abbreviation for Bus Rapid Transit.

Draft EIR

This is an abbreviation for the Draft Environmental Impact Report.

Final EIR

This is an abbreviation for the Final Environmental Impact Report.

LPA

This is an abbreviation for Locally Preferred Alternative.

Metro

Term is an abbreviation for the Los Angeles County Metropolitan Transportation Authority.

Metro ROW

This is an abbreviation for the Metro-owned railroad right-of-way.

MOL

This is an abbreviation for the Metro Orange Line. The MOL is a dedicated bus transitway operated by Metro, which began its operation on October 29, 2005. It travels fourteen miles between Warner Center and the North Hollywood Metro Red Line subway station in the San Fernando Valley.

TSM

This is an abbreviation for Transportation Systems Management. A TSM Alternative was one of four alternatives evaluated in the Draft Environmental Impact Report. It consists of the addition of local bus service on Canoga Avenue and headway improvements to several existing Metro bus routes.

The proposed project/project

These are other names for the Canoga Transportation Corridor Project.

Canoga Busway/Busway (Alternative 1)

This Project Alternative was selected as the LPA. The Canoga Busway Alternative consists of a fixed busway extending BRT service north from the existing MOL Canoga Station along the Metro-owned railroad ROW paralleling Canoga Avenue, to the Chatsworth Metrolink Station.

Elevated Grade Separation of Railroad Tracks and Lassen Street (Option 5)

This option was selected as the LPA to connect the Canoga Busway Alternative to the Chatsworth Metrolink Station. The busway extends along the west side of the railroad tracks and is elevated over the railroad tracks and Lassen Street on a grade separation, then descends into the parking lot of the Chatsworth Metrolink Station. The multi-use path would remain at-grade adjacent to the west side of the grade-separated busway and end at Lassen Street.

2.0 INTRODUCTION

STATUTORY REQUIREMENTS FOR FINDINGS

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21081), and particularly the CEQA Guidelines (the Guidelines) (14 Cal. Code Regulations, Section 15091) require that:

“No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency. (CEQA Guidelines, Section 15091 (a), (b)).

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (see, Pub. Res. Code Section 21081(b)). The Guidelines state in Section 15093 that:

“If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth herein, the record of proceedings for the Metro Board’s decision on the BRT Build Alternative consists of: (a) matters of common knowledge to the Metro Board, including, but not limited to, federal, state and local laws and regulations and (b) the following documents which are in the custody of the Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Records Management, MS 99-PL-5, Los Angeles, CA 90012:

- Notice of Preparation and other public notices issued by the Project Applicant in conjunction with the proposed project (Appendix A of the Draft EIR);
- The Draft EIR, dated March 3, 2008;
- All testimony, documentary evidence, and all correspondence submitted in response to the notice of preparation or the notice of intent or during scoping or by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments (Final EIR);
- The Final EIR dated December 2008 including all appendices thereto and those documents that were incorporated therein by reference;
- The Mitigation Monitoring & Reporting Program (Section 7.0 of the Final);
- All findings, statements of overriding consideration, and resolutions adopted by the Metro Board in connection with the proposed project, and all documents cited or referred to therein;
- All final technical reports and addenda, studies, memoranda, maps, correspondence, and all planning documents prepared by the Metro Board, Project Applicant, or the consultants to each, relating to the project;
- All documents submitted to the Metro Board by agencies or members of the public in connection with development of the proposed project; and
- All actions of the Metro Board with respect to the Canoga Transportation Corridor.