

2.0 INTRODUCTION

This Draft Environmental Impact Report (EIR) has been prepared to evaluate specific environmental impacts associated with the proposed La Pata Avenue Gap Closure and Camino Del Rio Extension Project (the proposed project) in the County of Orange (County) and City of San Clemente (City).

The County of Orange is the Lead Agency with authority to prepare this Draft EIR and, after completion of the public comment/response process, is the Certifying Agency for the Final EIR. This Draft EIR is intended to serve as an informational document to be considered by the County of Orange and the Responsible Agencies during deliberations on the proposed project. The project approvals associated with the proposed project are described in Chapter 3.0, Project Description.

2.1 PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

This Draft EIR has been distributed to affected public agencies and interested parties. Additionally, in accordance with California Environmental Quality Act (CEQA) Public Resources Code (PRC) Section 21092(b)(3), the Draft EIR has been provided to all parties who have previously requested copies. A Notice of Completion and Availability of the Draft EIR has been distributed as required by CEQA. During the 45-day public review period, the Draft EIR and technical appendices are available for review at the following locations:

- County of Orange
Department of Public Works
300 North Flower Street, Room 622
Santa Ana, CA 92703
- County of Orange project website: www.ocpublicworks.com
- San Juan Capistrano Regional Library
31495 El Camino Real
San Juan Capistrano, CA 92675
- San Clemente Library
242 Avenida Del Mar
San Clemente, CA 92672
- City of San Juan Capistrano
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
- City of San Clemente
100 Avenida Presidio
San Clemente, CA 92673

The Notice of Preparation (NOP) prepared by the County of Orange indicated that the proposed project may have a significant effect on the environment and that an EIR would be required to more fully evaluate potential adverse environmental impacts that may result from development of the project. As a result, this Draft EIR has been prepared in accordance with CEQA, as amended (CEQA PRC Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). This Draft EIR also complies with the procedures established by the County of Orange for implementation of CEQA.

Questions regarding the preparation of this document and County review of the project should be referred to the following person:

Harry Persaud, Project Manager
Orange County Department of Public Works
300 North Flower Street
Santa Ana, CA 92703

Comments may also be emailed to: Lapataproject@ocpw.ocgov.com.

After the 45-day public review period, written responses to all significant environmental issues raised will be prepared. The Final EIR, which includes the Draft EIR, the public comments, and responses to the Draft EIR, will be included as part of the environmental record for consideration by the decision-makers.

2.2 HISTORY OF THE PROPOSED PROJECT

The proposed project has been the subject of earlier planning efforts. La Pata Avenue has been included on the Orange County Master Plan of Arterial Highways (MPAH) in various alignments since 1963 and in its current alignment since 1981. The proposed Camino Del Rio extension is also on the MPAH. The existing La Pata Avenue segment located in the County of Orange was built in the 1970s and consists of a three-lane, "dead-end" landfill access road. Avenida La Pata and Camino Del Rio have been shown on the City of San Clemente General Plan since 1982 and are reflected in the Specific Plans for the adjacent communities, Talega and Forster Ranch.

An earlier NOP was issued by the County for the proposed project on May 24, 2005, and a public scoping meeting was held on June 16, 2005. The proposed project alignment and a build alternative under consideration at that time were based on the results of *Phase I La Pata Avenue Gap Closure and Del Rio Extension Project Feasibility Study Report* (Huit-Zollars, April 2005). The then-proposed alignment crossed the utility transmission corridor at a location just north of the Talega development, and the alternative alignment crossed the utility transmission corridor at a location at the entrance to the Prima Deshecha Landfill, and then paralleled the utility corridor on the west side of the utility easement. The 2005 effort was postponed and a Draft EIR was never circulated for public review. Both of the alignments under review at that time were ultimately considered but rejected by the County and City because of unacceptable impacts to the Talega community and the Southern California Edison (SCE) and San Diego Gas and Electric (SDG&E) utility transmission corridors. Figure 5.1 in the Alternatives chapter of this EIR shows the alignments considered but rejected.

The proposed project alignment developed and studied in this project report is generally located between the two alignments developed and studied in the 2005 Feasibility Study Report. The proposed project alignment is developed based on an objective to increase the distance (compared to the original alignments) between Talega residents and the roadway while at the same time crossing the utility corridor without impacting SCE facilities.

2.3 PURPOSE AND TYPE OF EIR/INTENDED USES OF EIR

The purpose of this Draft EIR is to inform decision-makers and the general public of any significant adverse environmental effects associated with the proposed actions and to identify appropriate and feasible mitigation measures and alternatives that may be adopted to minimize or eliminate any significant project or cumulative effects. This Draft EIR also includes an evaluation of reasonable alternatives to the proposed project, including: (1) No Project/No Build Alternative, (2) Westerly Alignment Alternative, (3) Easterly Alignment Alternative, and (4) Project Variation Alternative. A No Project/Existing General Plan Alternative is not included, because all of the build alternatives implement the adopted General Plans, as described in Chapter 3.0, Project Description, and Section 4.1, Land Use. The proposed project implements a long-established component of the Orange County MPAH and City of San Clemente General Plan; therefore, there is no effective difference between the No Project/Existing General Plan Alternative and the proposed project. The No Project/Existing General Plan Alternative is not pursued further because it is the equivalent of the proposed project. Similarly, an off-site alternative is not analyzed because the location of the proposed project is dictated by the termini of the existing streets to be extended.

This Draft EIR has been prepared according to CEQA requirements to evaluate the potential environmental impacts associated with the construction and operation/use of the proposed project. The Draft EIR also examines various alternatives to the proposed project and describes potential impacts relating to a variety of environmental issues and methods by which these impacts can be mitigated or avoided. The Draft EIR includes mitigation measures that would offset, minimize, or otherwise avoid significant environmental impacts. This EIR has been prepared in accordance with CEQA PRC Section 21000 et seq.; the CEQA Guidelines (CCR, Title 14, Chapter 3); and the rules, regulations, and procedures for implementing CEQA as adopted by the County of Orange and City of San Clemente.

The objective of the Draft EIR is to inform decision-makers, the public, and other interested parties of the potential environmental consequences that may be associated with the approval and implementation of the proposed project. According to CEQA Guidelines CCR Section 15002, the basic purposes of CEQA are to:

- Inform government decision-makers and the public about the potential significant environmental effects of proposed activities;
- Identify ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes to projects through the use of alternatives or mitigation measures when the governing agency finds the changes to be feasible; and

- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

This Draft EIR will be circulated for public comment for a period of 45 days.

2.3.1 Intended Use of This EIR

This Draft EIR is intended to serve as an informational document to be used by the County in assessing the environmental effects of the proposed project and mitigation measures recommended to avoid or minimize identified significant impacts. This document is also a public disclosure document available to agencies and the public for review and comment prior to consideration of the discretionary actions required for project approval.

The County, as the Lead Agency, has the responsibility for preparing the Draft EIR for the proposed project, as well as for reviewing and considering the associated project-related actions. The information and conclusions in this Draft EIR represent the County's independent judgment and analysis. This Draft EIR has been prepared utilizing information from County planning and environmental documents, project-specific technical studies, and other publicly available data. The Draft EIR is intended to provide decision-makers, other public agencies, and the general public with relevant environmental information to use in considering approval of the proposed project by the County and is intended to apply to all listed project approvals necessary or desirable to implement the proposed project.

2.3.2 Appendices and Technical Reports

Various technical reports have been prepared to assess specific issues that may result from the construction and operation of the proposed project. Relevant information from these technical reports has been incorporated into the Draft EIR. The technical reports and other information included as appendices to this EIR include:

- Appendix A: Notice of Preparation
 - NOP
 - Mailing List
 - Scoping Meeting Summary
 - Comments in Response to the NOP
- Appendix B: Traffic Studies
- Appendix C: Air Quality Assessment
- Appendix D: Noise Study Analysis
- Appendix E: Visual Cross Sections
- Appendix F: Biological Resources Assessment
- Appendix G: Cultural Resources Assessment
- Appendix H: Paleontological Resources Assessment
- Appendix I: Draft Geotechnical Design Reports

- Appendix J: Phase I Initial Site Assessment
- Appendix K: Conceptual Drainage Study
- Appendix L: Water Quality Management Plan
- Appendix M: Utility Report
- Appendix N: General Plan Consistency Summary
- Appendix O: Project Report

2.4 NOTICE OF PREPARATION AND AREAS OF CONTROVERSY

On November 11, 2009, the County of Orange formally initiated the environmental process for the La Pata Avenue Gap Closure and Camino Del Rio Extension Project EIR with circulation of an NOP, which was sent to reviewing agencies and interested individuals. In accordance with CEQA Guidelines CCR Section 15082, the NOP was circulated to the agencies and individuals listed in Appendix A for a period of 30 days, during which time written comments were solicited pertaining to environmental issues/topics that the Draft EIR should evaluate. The State of California Clearinghouse (SCH) issued a project number for the Draft EIR (SCH No. 2005061051).

The County of Orange held a public scoping meeting on December 2, 2009, to present the proposed project and to solicit input from interested individuals regarding environmental issues that should be addressed in this Draft EIR. This meeting was held at 7:00 p.m. at the San Clemente Community Center, located at 100 North Calle Seville in San Clemente, California. Notices of the meeting were sent to 110 agencies, organizations, and individuals. As a result of comments received at the meeting, an additional 365 copies of the NOP were mailed to residents within 0.25 mile of the project limits. Press releases regarding the NOP and scoping meeting were issued to the *Orange County Register*, the *San Clemente Times*, the *Capistrano Dispatch*, and to local jurisdictions. Articles and website postings that resulted from the press releases are attached. Issues and concerns raised at the scoping meeting included:

- Increased traffic and refuse truck trips within the project area as a result of the proposed project
- Traffic and air quality impacts as a result of the potential construction of the State Route 241 (SR-241) Foothill Transportation Corridor-South (FTC-S) project
- Requests for additional public outreach, in the form of additional NOP mailings to residents living in the neighboring community of Talega
- SCE/SDG&E impacts as a result of the proposed project
- Timing of the proposed project and the potential temporary traffic impacts as a result of other projects (such as the State Route 74 [SR-74] widening) in the vicinity that could be constructed around the same time
- Concern that the project will not be sufficiently funded by the time construction is anticipated
- Noise impacts associated with increased traffic through the project area
- Overall aesthetic character of the area after completion of the proposed project
- The need for traffic control at the intersection of Camino De Los Mares and Camino Del Rio

In addition, it was requested that the County consider another alternative with an alignment that would be located farther from the Talega community. This Project Variation Alternative was added to the alternatives to be evaluated in the EIR.

The County also received 29 written comments to the NOP. These comments included 12 comment letters from the following public agencies:

- California Department of Transportation (Caltrans) District 12
- California Integrated Waste Management Board (CIWMB)¹
- Department of Toxic Substances Control (DTSC)
- Juaneño Band of Mission Indians – Acjachemen Nation
- City of Mission Viejo
- Native American Heritage Commission (NAHC)
- Orange County Health Care Agency (OCHCA)
- South Coast Air Quality Management District (SCAQMD)
- Transportation Corridor Agencies (TCA)
- City of Rancho Mission Viejo
- City of Rancho Santa Margarita
- City of San Juan Capistrano

The letters are included in Appendix A of this EIR. The comments regarding the scope of the EIR include:

- Ensure that standard requirements and appropriate mitigation measures be applied to the project.
- Address short-term construction and long-term operational impacts.
- Consider traffic impacts with and without the planned extension of SR-241 (FTC-S)

The remaining 18 comment letters were received from the general public, most of whom are residents of the City of San Clemente. The majority of the public comment letters either supported or conditionally supported the project, if an opinion was stated. Eleven comment letters were clearly not in support of or in opposition to the project. Key issues raised in the NOP comment letters were:

- Consideration of options for the Camino Del Rio extension, including eliminating the extension, substituting trailhead access and a nature center for the extension, and constructing as a two-lane rather than four-lane roadway
- Consideration of alternatives, including ecological benefits of the proposed alignment and easterly alignment and property acquisition requirement costs associated with the Build Alternatives

¹ California Integrated Waste Management Board (CIWMB) has been replaced by CalRecycle.

- Potential environmental impacts of the project, including noise, lighting, aesthetics/views, and traffic, including refuse trucks associated with the landfill
- Consideration of the proposed Project Variation, which may benefit residents in the community of Talega
- Extension of Camino Del Rio, resulting in the elimination of parking spaces at the current terminus of Camino Del Rio
- Project benefits, including emergency access and evacuation benefits of an additional north-south route, congestion relief, and reduced trip length to schools and other destinations

Also, prior to the issuance of the NOP, the County received letters of support for the project from the Cities of San Clemente and San Juan Capistrano, the TCA, and the Capistrano Unified School District (see Appendix A).

2.5 EIR MITIGATION MONITORING

A Mitigation Monitoring and Reporting Program (MMRP) will be prepared to comply with the requirements of State law (CEQA PRC Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the program. An MMRP will be adopted by the Board of Supervisors concurrent with certification of the Final EIR for the proposed project.

2.6 FORMAT OF THE EIR

Pursuant to CEQA Guidelines CCR Section 15120(c), this Draft EIR contains the information and analysis required by CEQA Guidelines CCR Sections 15122 through 15131. Each of the required elements is covered in one of the chapters described below.

2.6.1 Chapter 1.0, Executive Summary

Chapter 1.0 contains the Executive Summary of the Draft EIR document, listing all significant project impacts, mitigation measures that have been recommended to reduce any significant impacts of the proposed project, and the level of significance of each impact following mitigation. The summary is presented in a matrix (tabular) format.

2.6.2 Chapter 2.0, Introduction

Chapter 2.0 contains a discussion of the purpose and intended use of the Draft EIR, background on project initiation and the NOP, and areas of controversy known to the Lead Agency, including issues raised by the public.

2.6.3 Chapter 3.0, Project Description

Chapter 3.0 includes discussion of the project's geographical setting and the project's goals, objectives, characteristics, components, and phasing.

2.6.4 Chapter 4.0, Existing Setting, Impacts, and Mitigation Measures

Chapter 4.0 includes an analysis of the project's environmental impacts. It is organized into topical sections including Aesthetics, Air Quality, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Global Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Population and Housing, Land Use, Mineral Resources, Noise, Public Services and Utilities, Recreation, and Traffic. The environmental setting discussions describe the "existing conditions" of the environment on the project site and in the vicinity of the site as they pertain to the environmental issues being analyzed (CEQA Guidelines CCR Section 15125).

The project impact discussions identify and focus on the significant environmental effects of the proposed project. The direct and indirect significant effects of the project on the environment are identified and described, giving due consideration to both the short-term and long-term effects, as necessary (CEQA Guidelines CCR Section 15126.2(a)).

Cumulative impacts are based on the build out of the project and the surrounding area, including all other known proposed projects in the surrounding area.

The discussions of mitigation measures identify and describe feasible measures that could minimize or lessen significant adverse impacts for each significant environmental effect identified in the Draft EIR (of the CEQA Guidelines CCR Section 15126(c)). The level of significance after mitigation is reported in each section. Unavoidable adverse effects are identified where mitigation is not expected to reduce the effects to insignificant levels.

2.6.5 Chapter 5.0, Alternatives

In accordance with CEQA, the alternatives discussion in Chapter 5.0 describes a reasonable range of alternatives that could feasibly attain the basic objectives of the project and that are capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance. Alternatives analyzed in Chapter 5.0 include: No Project/No Build Alternative, Westerly Alignment Alternative, Easterly Alignment Alternative, and Project Variation.

2.6.6 Chapter 6.0, Long-Term Implications of the Proposed Project

Chapter 6.0 includes CEQA-mandated discussions required by CEQA Guidelines CCR Section 15126: (a) of the relationship between local short-term uses of the environment, (b) significant irreversible environmental changes that would result from implementation of the proposed project, and (c) growth-inducing impacts of the proposed project.

2.6.7 Chapter 7.0, Mitigation Monitoring and Reporting Program

Chapter 7.0 provides a list of all proposed project mitigation measures, defines the party responsible for implementation, and identifies the timing for implementation of each control measure.

2.6.8 Chapters 8.0, 9.0, 10.0, and 11.0

Chapters 8.0, 9.0, 10.0, and 11.0, respectively, provide the persons contacted during preparation of the Draft EIR, the Draft EIR preparers, references to the technical reports prepared for the Draft EIR, and a list of acronyms used in the Draft EIR.

2.7 INCORPORATION BY REFERENCE

As permitted in CEQA Guidelines CCR Section 15150, this Draft EIR incorporates by reference several prior environmental documents that address the proposed project. Information from these earlier EIRs has been briefly summarized in the appropriate section(s) of this Draft EIR along with a description of how the public may obtain and review these documents.

- Supplemental Environmental Impact Report No. 597 (SCH No. 1999041035), Second Amendment to the 2001 Prima Deshecha General Development Plan (GDP). Orange County Integrated Waste Management Department, Santa Ana, California, June 2007.
- Prima Deshecha Landslide B Headscarp Remediation Addendum 192-1 to Final EIR No. 575 (SCG 99041035) and Addendum 381-2 to Final ND No. 381 (SCH 2001121010), County of Orange, Integrated Waste Management Department (now Orange County Waste and Recycling), November 2004.
- Orange County Southern Subregion Habitat Conservation Plan (HCP) Environmental Impact Statement (EIS), United States Fish and Wildlife Service (USFWS), 2007.

This EIR for the La Pata Avenue Gap Closure and Camino Del Rio Extension Project relies upon the tiering procedure specified in CEQA (CEQA PRC Section 21094(a)–(b)(2); CEQA Guidelines CCR Section 15152 (a)–(h)), particularly for the biological resources effects of the proposed improvements that were previously disclosed and evaluated in the above-mentioned environmental documents.

Other documents and other sources that have been used in the preparation of this Draft EIR are identified in Chapter 10.0, References.