DRAFT
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
ENVIRONMENTAL IMPACT REPORT

Anaheim Regional Transportation Intermodal Center
Anaheim, California

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1.0 INTRODUCTION AND SUMMARY

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the Lead Agency (City of Anaheim) in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering the project acceptable.

1.1 FINDINGS OF FACT

Under CEQA the Lead Agency (City of Anaheim) is required to make written findings concerning each alternative and each significant environmental impact identified in the Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR). It is the Lead Agency's responsibility to review a project's public benefit and impacts and ultimately decide whether the project meets the spirit and intent of CEQA, as well as if it is legally adequate pursuant to CEQA requirements. Specifically regarding findings, Section 15091 of the CEQA Guidelines provides:

(a) 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:

1. 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 FEIR.

2. 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.

3. 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 FEIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, and/or other project specific requirements.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

1.2 ENVIRONMENTAL REVIEW PROCESS – GENERAL FINDINGS

In conformance with CEQA Guidelines, the City of Anaheim conducted an environmental review of the proposed project. The environmental review process has included the following:

- Completion of a Notice of Preparation (NOP), which was released for a 30-day public review period from February 4, 2010 to March 8, 2010.
- Completion of a scoping process in which the public and public agencies were invited by the City of Anaheim to participate. The scoping meeting for the DEIR was held on February 24, 2010.
- Preparation of a DEIR by the City of Anaheim that was made available for a 45-day public review period (July 19, 2010 to September 3, 2010). The DEIR consisted of the text of the DEIR and attached appendices. Appendices include the NOP and responses to the NOP, and analysis of the following subjects: traffic, air quality, noise, geotechnical feasibility, hazardous materials, cultural resources, and biological resources. Notice of availability (NOA) of the DEIR was posted on the ARTIC website; advertised in the Orange County Register, Anaheim Bulletin, and Orange City News; posted at City Hall and the Sunkist Library; and sent via electronic mail to a list of interested persons and organizations.
- Preparation of a FEIR, including the Comments and Responses to Comments on the DEIR. The FEIR/Response to Comments contains the following:
    - Introduction and Summary;
    - Corrections and Additions;
    - Response to Comments;
    - Mitigation Monitoring Plan; and
    - Modifications to the DEIR.

1.3 RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The FEIR for the proposed project which consists of the DEIR, the technical appendices, and the Response to Comments;
- The DEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring Plan (MMP);
- The documents, reports and technical memoranda included or referenced in the technical appendices of the FEIR or the DEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR;
- The Ordinances and Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations and policy documents;
- Written correspondence submitted to the City in connection with the project;
- All documents, City Staff Reports, City studies, and all written or oral testimony provided to the City in connection with the project;
- Any documents expressly cited in these Findings;
- The City's General Plan and Zoning Ordinance;
- All testimony and deliberations received or held in connection with the Project; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials), including materials submitted to the City by the applicant.

1.4 CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at 200 S. Anaheim Boulevard and the DEIR may be accessed on the County's website at http://www.anaheim.net/planning/. The City Clerk is the custodian of the record of proceedings for the Project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the office of the City Clerk. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guideline section 15091(e).

1.5 GENERAL FINDINGS

The City hereby finds as follows:

- The City is the "Lead Agency" for the proposed project evaluated in the FEIR;
- The DEIR and the FEIR were prepared in compliance with CEQA and the Guidelines;
- The City has independently reviewed and analyzed the DEIR and the FEIR, and these documents reflect the independent judgment of the City acting under its independent judgment without any bias or influence;
- A MMP has been prepared requiring mitigation measures and/or the changes to the proposed project, which the County has adopted and made a condition of approval of the proposed project. The MMP is incorporated herein by reference and is considered part of the record of proceedings for the proposed Project;
- The MMP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the MMP Coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the proposed project have fully been analyzed to the extent feasible at the time of certification of the FEIR;
- The City reviewed the comments received on the DEIR, and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the DEIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR;
- The responses to the comments on the DEIR which are contained in the FEIR, clarify and amplify the analysis in the DEIR;
- Having reviewed the information contained in the DEIR, FEIR and the record of proceedings, as well as the requirements of CEQA and the Guidelines regarding recirculation of DEIRs, and having analyzed the changes in the DEIR which have occurred since the close of their respective

public review periods, the City finds that there is no new significant information in the FEIR and finds that recirculation is not required.

- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification on the FEIR, nor has the City previously committed to a definite course of action with respect to the proposed project;

- The City has independently analyzed the Project and the EIR prepared for the project, and has independently considered the imposition of mitigation measures and all other matters related thereto; and

- Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City, custodian or record for such documents or other materials;

Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed Project as set forth in the Conditions of Approval and MMP and finds as stated in these Findings of Fact.

1.6 PROJECT SUMMARY

The City of Anaheim, in partnership with the Orange County Transportation Authority (OCTA), is proposing to relocate the existing Anaheim Metrolink/Amtrak Station that is located south of Katella Avenue and adjacent to The Grove of Anaheim. The new location will be approximately one quarter (0.25) mile east along the existing OCTA railroad right-of-way (ROW). The OCTA railroad ROW is part of the Los Angeles to San Diego (LOSSAN) Corridor.

The total project site is approximately 19 acres, comprised of 16 acres for the facilities, two acres of OCTA and City of Anaheim roads and ROW, and less than one acre of Caltrans ROW. Approximately 18 of the 19 total acres are owned by OCTA and the City of Anaheim. The 405 parking spaces at the existing Anaheim Metrolink/Amtrak Station are not a part of the project construction site as no improvements are anticipated but will continue to be utilized as parking for the project. ARTIC is envisioned to include the development of an Intermodal Terminal, Public Plaza/Drop Off Area, the Stadium Pavilion, the Tracks/Platforms, Douglass Road Improvements, Katella Avenue improvements, and Surface Parking/Access. In addition to the surface access points, improvements envisioned for ARTIC include a pedestrian bridge to be constructed over Katella Avenue connecting the project site and the Honda Center, and a trail easement, adjacent to the Santa Ana River Trail along the east side of ARTIC between the railroad ROW and Katella Avenue. The ARTIC Intermodal Terminal is envisioned to include space up to 310,000 square feet, Platforms up to 86,000 square feet, and a Stadium Pavilion up to 12,000 square feet. For the purpose of the DEIR these are the maximum sizes and the impacts are the maximum impacts anticipated. The construction analysis is based on the shortest construction schedule scenario of a 26-month construction period. The size and timing of construction will depend on available funding.

1.7 DOCUMENT FORMAT

This document summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This document is divided into the following sections:

Section 1.0: Introduction and Summary provides the CEQA requirements for the Findings of Fact, the environmental review process undertaken to date, a summary description of the proposed project and a description of the contents of this document.

Section 2.0: Findings on Potentially Significant Impacts presents significant impacts of the proposed project that were identified in the Draft/Final EIR, the mitigation measures identified in the Draft/Final EIR, the findings for the impacts, and the rationales for the findings.

Section 3.0: Findings on the Project Alternatives presents alternatives to the project considered in the DEIR and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of the specific economic, social, or other considerations.

Section 4.0: Statement of Overriding Considerations provides a description of the each of the project's significant and unavoidable adverse impacts and justification to adopt a statement of overriding considerations.

Section 5.0: References

2.0 FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS

This section identifies the findings on impact categories analyzed in the Draft and Final EIR and determined to be potentially significant.

2.1 TRANSPORTATION AND TRAFFIC

2.1.1 Impacts

The Traffic Impact Analysis and DEIR have identified the following impacts that will occur with the implementation of ARTIC:

2013 With ARTIC

Caltrans Ramp Intersections Improvements

The results of the Year 2013 With ARTIC traffic conditions level of service analysis indicate that the ARTIC will significantly impact one of the of the four key study ramp intersections. The improvements listed below have been identified to mitigate the traffic impacts at the ramp intersection significantly impacted by the Year 2013 With ARTIC traffic:

- Manchester Avenue/I-5 Southbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to construct a pedestrian refuge island on the west leg of intersection with pedestrian buttons. Re-stripe the northbound approach to have one left-turn lane and two right-turn lanes. Modify the existing traffic signal and install a northbound right-turn overlap phase on the I-5 Southbound Ramp and an eastbound right-turn overlap phase on Katella Avenue.

Caltrans Ramp Locations Improvements (Weaving Analysis)

The results of the Year 2013 With ARTIC traffic conditions level of service analysis indicate that ARTIC will significantly impact three of the of the four key study Caltrans ramp locations based on the weaving analysis. The improvements listed below have been identified to mitigate the traffic impacts at the Caltrans ramp locations significantly impacted by the Year 2013 With ARTIC traffic:

- SR-57 Southbound between Katella Avenue On-Ramp and Orangewood Avenue Off-Ramp: Add a 6th lane on this segment of SR-57 Southbound freeway.

- SR-57 Northbound between Katella Avenue On-Ramp and Ball Road Off-Ramp: Add a 5th lane on this segment of SR-57 Northbound freeway. This improvement is funded by Measure M and is estimated to be completed by Year 2015.

- SR-57 Southbound between Ball Road On-Ramp and Katella Avenue Off-Ramp: Add a 5th lane on this segment of SR-57 Southbound freeway.

Caltrans Freeway Segments Improvements

The results of the Year 2013 With ARTIC traffic conditions level of service analysis indicate that ARTIC will significantly impact two of the of the four key study Caltrans freeway segments. The improvements listed below have been identified to mitigate the traffic impacts at the Caltrans freeway segments significantly impacted by the Year 2013 With ARTIC traffic:

- SR-57 Northbound from Katella Avenue to Ball Road: Add a 5th lane on this segment of SR-57 Northbound freeway. This improvement is funded by Measure M and is estimated to be completed by Year 2015.

- SR-57 Southbound from Ball Road to Katella Avenue: Add a 5th lane on this segment of SR-57 Southbound freeway.

2030 With ARTIC (Cumulative Impacts)

City of Anaheim Intersections Improvements

The results of the Year 2030 With ARTIC traffic conditions level of service analysis indicate that the ARTIC will significantly impact two of the of the twelve key study intersections. While certain project-specific mitigation measures are required to be implemented for ARTIC related significant impacts, ARTIC will also contribute fair share costs for cumulative impacts under buildout conditions. The improvements listed below have been identified to mitigate the traffic impacts at the intersections significantly impacted by the Year 2030 With ARTIC traffic:

- Anaheim Way/I-5 Northbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 5th westbound through lane. Modify existing traffic signal.

- Douglass Road at Katella Avenue: Widen and/or re-stripe Douglass Road to provide two left turn lanes, two through lanes, and one right turn lane in both the northbound and southbound directions. Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 4th westbound through lane. Modify existing traffic signal.

City of Anaheim Roadway Segments Improvements

The results of the Year 2030 With ARTIC traffic conditions level of service analysis indicates that one roadway segment will be significantly impacted based on the LOS impact criteria outlined in this report. The improvements listed below have been identified to mitigate the traffic impacts at this roadway segment significantly impacted by the Year 2030 With ARTIC traffic:

- Katella Avenue between Manchester Avenue to Anaheim Way: Widen Katella Avenue from six (6) to eight (8) lanes between Manchester Avenue and Anaheim Way.

Caltrans Ramp Intersections Improvements

The results of the Year 2030 With ARTIC traffic conditions level of service analysis indicate that the proposed Project will significantly impact two of the four key study Caltrans ramp intersections. The improvements listed below have been identified to mitigate the traffic impacts at the Caltrans ramp intersections significantly impacted by the Year 2030 With ARTIC traffic:

- Manchester Avenue/I-5 Southbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to construct a pedestrian refuge island on the west leg of intersection with pedestrian buttons. Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 4th westbound through lane. Modify the existing traffic signal and install eastbound right-turn overlap phase on Katella Avenue.

- Anaheim Way/I-5 Northbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 5th westbound through lane. Modify existing traffic signal.

It should be noted that the additional eastbound and westbound through lanes for both intersections are included as part of the roadway segment improvement to widen Katella Avenue between Manchester Avenue and Anaheim Way.

Caltrans Ramp Locations Improvements (Weaving Analysis)

The results of the Year 2030 With ARTIC traffic conditions level of service analysis indicate that the ARTIC will significantly impact two of the of the four key study Caltrans ramp locations based on the weaving analysis. The improvements listed below have been identified to mitigate the traffic impacts at the Caltrans ramp locations significantly impacted by the Year 2030 With ARTIC traffic:

- SR-57 Southbound between Katella Avenue On-Ramp and Orangewood Avenue Off-Ramp: Add a 6th lane on this segment of SR-57 Southbound freeway.

- SR-57 Southbound between Ball Road On-Ramp and Katella Avenue Off-Ramp: Add a 5th lane on this segment of SR-57 Southbound freeway.

Caltrans Freeway Segments Improvements

The results of the Year 2030 With ARTIC traffic conditions level of service analysis indicate that the proposed Project will significantly impact one of the of the four key study Caltrans freeway segments. The improvements listed below have been identified to mitigate the traffic impacts at the Caltrans freeway segments significantly impacted by the Year 2030 With ARTIC traffic:

- SR-57 Southbound from Ball Road to Katella Avenue: Add a 5th lane on this segment of SR-57 Southbound freeway.

2.1.2 Mitigation Measures

City facilities that are significantly impacted at the 2013 With ARTIC and 2030 With ARTIC timeframe will be mitigated to less than significant levels through payment of City Traffic Impact Fees and/or implementation of the City's CFD.

The traffic impact analysis has also identified impacts to state facilities at the 2013 and 2030 time horizons.

Consistent with the applicable programmatic City documents in effect or currently under review by the City, the following Mitigation Measures shall apply to the Project:

- TT-1: Prior to the issuance of grading permits, the City shall transmit the project's applicable traffic impact fee into the City's Traffic Impact Fee Account and pay for the project's fair share of City improvements related to ARTIC. City shall ensure that such improvements will be constructed pursuant to the fee program at that point in time necessary to avoid identified significant impacts on traffic.

- TT-2: City shall participate in a multi-jurisdictional effort with Caltrans to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and state funding sources necessary to implement feasible traffic improvements to State Facilities as identified in this EIR. The study shall include fair share contributions related to private and/or public development based on nexus requirements contained in the Mitigation Fee Act (Government Code section 66000, et seq.) and 14 CCR. section 15126.4(a)(4) and, to this end, the study shall recognize the state wide and regional contributions to impact State Facilities that are not attributable to local development such that local private and public development are not paying in excess of such developments' fair share obligations. The fee study shall be compliant with Government Code section 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for the implementation of the recommendations contained within the study to the extent Caltrans and other agencies agree to participate in the fee study program.

- TT-3: This DEIR has concluded that a number of identified State Facilities will operate at deficient levels of service with the Project at the 2013 and 2030 timelines. The Project's contributions to traffic in these facilities will contribute to cumulative congestion on these identified State Facilities. Improvements to these facilities would mitigate the Project's impacts to less than significant levels. Prior to the issuance of the first grading permit the City shall transfer the agreed to amount into the City's Traffic Impact Fee Account and hold the amount in trust and apply such amount following the implementation of any traffic fee program.

The following improvements have been identified as potential improvements that would mitigate the proposed project's impacts to Caltrans facilities. These improvements are outside the jurisdiction of the City will be mitigated as part of the Fair Share Agreement for ARTIC (TT-3):

Year 2013 + ARTIC

Caltrans Facilities – Weaving Improvements

- SR-57 Southbound between Katella Avenue On-Ramp and Orangewood Avenue Off-Ramp: Add a 6th lane on this segment of SR-57 Southbound freeway.

- SR-57 Northbound between Katella Avenue On-Ramp and Ball Road Off-Ramp: Add a 5th lane on this segment of SR-57 Northbound freeway. This improvement is funded by Measure M and is estimated to be completed by Year 2015.

- SR-57 Southbound between Ball Road On-Ramp and Katella Avenue Off-Ramp: Add a 5th lane on this segment of SR-57 Southbound freeway.

Caltrans Facilities – Segment Improvements

- SR-57 Northbound from Katella Avenue to Ball Road: Add a 5th lane on this segment of SR-57 Northbound freeway. This improvement is funded by Measure M and is estimated to be completed by Year 2015.

- SR-57 Southbound from Ball Road to Katella Avenue: Add a 5th lane on this segment of SR-57 Southbound freeway.

Year 2030 + ARTIC

Caltrans Facilities – Intersection Improvements

- Manchester Avenue/I-5 Southbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to construct a pedestrian refuge island on the west leg of intersection with pedestrian buttons. Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 4th westbound through lane. Modify the existing traffic signal and install eastbound right-turn overlap phase on Katella Avenue.

- Anaheim Way/I-5 Northbound Ramps at Katella Avenue: Widen and/or re-stripe Katella Avenue to provide a 4th eastbound through lane and a 5th westbound through lane. Modify existing traffic signal.

Caltrans Facilities – Weaving Improvements

- SR-57 Southbound between Katella Avenue On-Ramp and Orangewood Avenue Off-Ramp: Add a 6th lane on this segment of SR-57 Southbound freeway.

- SR-57 Northbound between Katella Avenue On-Ramp and Ball Road Off-Ramp: Add a 6th lane on this segment of SR-57 Northbound freeway.

- SR-57 Southbound between Ball Road On-Ramp and Katella Avenue Off-Ramp: Add a 5th lane on this segment of SR-57 Southbound freeway.

Caltrans Facilities – Segment Improvements

- SR-57 Southbound from Ball Road to Katella Avenue: Add a 5th lane on this segment of SR-57 Southbound freeway.

One improvement identified for 2013 is a fully funded improvement to widen northbound State Route (SR) 57 between Katella Avenue and Lincoln Avenue. As a fully funded project, improvements here would not be considered mitigation measure, and the project is not contributing fair share contributions to the widening project. At this time, it is expected that this widening project will be completed prior to the completion of ARTIC, and if the project stays on schedule, there will be no project impacts in 2013 along this segment of SR 57. If the roadway widening is not completed upon the full opening of ARTIC, the impact would remain significant until the freeway widening is complete.

Finding: The mitigation measures for impacts to City facilities are feasible and avoid or substantially lessen potentially significant transportation and traffic impacts to less than significant levels for the reasons set forth in the DEIR and FEIR. The mitigation measures for impacts to Caltrans facilities are not feasible since the City does not have jurisdiction over State facilities and cannot implement the mitigation measures and ensure the impacts have been mitigated to a less than significant level (CEQA guidelines Section 15091(a)(2)). A Statement of Overriding Considerations (SOC) is required for impacts to Caltrans facilities.

Citation: For City Traffic Improvements: Pages 3.2-77; 3.2-80; 3.2-83, and 3.2-86, and Appendix B in the DEIR. For impacts to State facilities: Pages 3.2-86 through 88 in the DEIR.

2.2 AIR QUALITY

2.2.1 Impacts

The Air Quality Impact Assessment and DEIR have identified that NO_x is the only pollutant emitted that exceeds the significance thresholds for construction that will occur with the implementation of ARTIC. Maximum unmitigated NO_x emissions from all construction sequences were estimated at 151 lbs/day, which potentially exceeds the significance threshold of 100 lbs/day.

2.2.2 Mitigation

- AQ-1: The sequencing of grading/excavation activities shall be noted on the grading plans submitted to the Anaheim Public Works Department for review and approval and in the contractor's specifications. Excavation of the soil for the Intermodal Terminal shall precede excavation of Douglass Road under the bridge, and both activities shall occur in sequence.

- AQ-2: An export plan showing quantities and identified haul route shall be shown on grading plans submitted to the Anaheim Public Works Department for review and approval and in the contractor's specifications. Exporting of soil during excavation shall be limited to 25 on-road truck trips per day during excavation and grading.

- AQ-3: Street improvement plans submitted to the Anaheim Public Works Department for review and approval shall indicate sequencing of the street improvements. Road widening and sidewalk improvement projects shall occur following the completion of the excavating activities.

- AQ-4: A complete list of construction equipment to be used at the project site shall be submitted by the contractor to confirm compliance with USEPA Tier 2 standards. Construction off-road equipment with engines greater than or equal to 150 brake horsepower shall meet or exceed USEPA Tier 2 engine standards and shall be required to have diesel oxidation catalysts installed that meet or exceed 20 percent reduction in NO_x.

- AQ-5: Diesel or gasoline power generators shall be limited to less than two hours of use per day. This restriction shall be clearly noted on the grading/excavation and building plans submitted to the Anaheim Public Works Department and Building Division for review and approval. This information shall also be included in the contractor's specification.

Finding: The mitigation measures are feasible and avoid or substantially lessen potentially significant air quality impacts to less than significant levels for the reasons set forth in the DEIR.

Citation: Pages 3.3-17 and 3.3-18, and Appendix C in the DEIR.

2.3 NOISE

2.3.1 Impacts

The Noise Impact Assessment and DEIR have identified the following impacts that will occur with the implementation of ARTIC:

Construction activities, which will include demolition, site preparation, grading, and building construction, are expected to cause a temporary increase in ambient noise levels in the project vicinity

above existing levels. Construction that will occur between the hours of 7 AM and 7 PM will be in compliance with Chapter 6.70 of the Anaheim Municipal Code.

Constructing the stub-end track along the LOSSAN corridor will require intermittent nighttime construction of the rail bridge over Douglass Avenue in order to maintain operation of the Amtrak/Metrolink rail services. These construction activities may expose noise sensitive receivers, such as the Avalon Anaheim Stadium Apartments and the Ayres Hotel, to significant levels of temporary noise exposure.

2.3.2 Mitigation

During grading, demolition, and construction, the City shall be responsible for requiring contractors to implement mitigation measures to limit construction-related noise.

- N-1: Noise generated by construction shall be limited to 60 dBA along Douglass Road, Katella Avenue, and the tracks before 7 AM and after 7 PM, as governed by Chapter 6.70, Sound Pressure Levels, of the Anaheim Municipal Code. If 60 dBA is exceeded during these hours, noise attenuation features (i.e. temporary noise barriers, sound curtains, etc.) shall be installed to reduce noise levels to below 60 dBA at the exterior of the affected building. These noise attenuation features may be removed if a qualified noise specialist determines that noise levels are not significantly impacted by nighttime construction;

- N-2: When excessive noise during construction is anticipated before 7 AM and after 7 PM the contractor shall request an exception to the requirements of Chapter 6.70 of the Anaheim Municipal Code. The request shall be submitted in accordance with the provisions contained in Chapter 6.70 and shall include a construction schedule and a list of equipment to be used during that time frame. This information shall be provided to the Director of Public Works or Chief Building Official for consideration; and

- N-3: Construction equipment and supplies shall be located in staging areas that shall create the greatest distance possible between construction-related noise sources and noise sensitive receivers nearest the project area. This information shall be specified on all grading, excavation and construction plans.

Finding: The mitigation measures are feasible and avoid or substantially lessen potentially significant construction noise impacts to less than significant levels for the reasons set forth in the DEIR.

Citation: Pages 3.4-27 and 3.4-28, and Appendix D in the DEIR.

2.4 HAZARDS AND HAZARDOUS MATERIALS

2.4.1 Impacts

The Phase I and Phase II Environmental Site Assessments and DEIR have identified the following impacts that will occur with the implementation of ARTIC:

ARTIC is located on or adjacent to eight sites of potential environmental concern that have the potential to create a significant hazard to the public or the environment. The five adjacent properties are not considered a concern to ARTIC based on current proposed construction activities and because of their distance from where soil excavation is planned. However, should proposed construction activities change

from their current scope, these properties should be reevaluated. The three properties within ARTIC project boundaries are identified as sites of potential environmental concern.

2.4.2 Mitigation

- HHM-1: In areas that have been identified as potential soil contaminated, appropriate sampling is required prior to disposal of excavated soil. Contaminated soil will be properly disposed at an off-site facility.

Finding: The mitigation measure is feasible and avoids or substantially lessens potentially significant impacts associated with hazardous materials to less than significant levels for the reasons set forth in the DEIR.

Citation: Page 3.7-12 in the DEIR and Appendices G and H.

2.5 HYDROLOGY AND WATER QUALITY

2.5.1 Impacts

Section 3.8 of the DEIR and Page III-29 in the FEIR identified that mitigation measures will be included so that implementation of the BMPs will be implemented and tracked.

2.5.2 Mitigation

- WQ-1: Prior to the approval of the grading plan, the City will verify that the project WQMP, which meets the requirements of the DAMP, is complete.

- WQ-2: Prior to Final Building and Zoning Inspection, the City will verify that the project BMPs are properly installed as indicated in the WQMP.

- WQ-3: During operations, the City will inspect the BMPs and verify that the BMPs are properly maintained and functioning as per the WQMP.

Finding: The mitigation measures are feasible and avoid or substantially lessen potentially significant impacts associated with hydrology and water quality to less than significant levels for the reasons set forth in the DEIR.

Citation: Page 3.8-12 in the DEIR and Page III-29 in the FEIR.

2.6 CULTURAL RESOURCES

2.6.1 Impacts

The Archaeological Resources Survey Report and DEIR have identified the following impact that will occur with the implementation of ARTIC:

There is a potential for buried cultural and paleontological resource deposits to exist beneath previously disturbed and developed land surfaces, and ground disturbing activities as a result of ARTIC construction could unearth these resources.

2.6.2 Mitigation

- CR-1: A letter shall be submitted by the contractor to the Public Works Department, identifying the certified archaeologist that has been hired to ensure that the following actions are implemented:

  a) The archaeologist shall be present at the pregrading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant, the archaeological observer shall determine appropriate actions in cooperation with the City for exploration and/or salvage;

  b) Specimens that are collected prior to or during the grading process shall be donated to an appropriate educational or research institution;

  c) Any archaeological work at ARTIC shall be conducted under the direction of the certified archaeologist. If any artifacts are discovered during grading operations when the archaeological observer is not present, grading shall be diverted around the area until the observer can survey the area; and

  d) A final report detailing the findings and disposition of the specimens shall be submitted to the City Engineer. Upon completion of the grading, the archaeologist shall notify the City as to when the final report will be submitted.

- CR-2: A letter shall be submitted by the contractor to the Public Works Department, identifying the certified paleontologist that has been hired to ensure that the following actions are implemented:

  a) The paleontologist shall be present at the pregrading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification and evaluation of fossils if potentially significant paleontological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage;

  b) Specimens that are collected prior to or during the grading process shall be donated to an appropriate educational or research institution;

  c) Any paleontological work at the site shall be conducted under the direction of the certified paleontologist. If any fossils are discovered during grading operations when the paleontological observer is not present, grading shall be diverted around the area until the monitor can survey the area; and

  d) A final report detailing the findings and disposition of the specimens shall be submitted. Upon the completion of the grading, the paleontologist shall notify the City as to when the final report will be submitted.

- CR-3: In the unlikely event of the accidental discovery of human remains during project construction, the procedures outlined in §15064.5(e) of the CEQA Guidelines, §7050.5(b) and (c) of the State Health and Safety Code, and §5097.94(k) and (i) of the PRC shall be strictly followed. These procedures specify that, upon discovery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains can occur.

The county coroner shall be contacted to determine if the remains are Native American. If the remains are determined to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the Most Likely Descendent (MLD). The MLD shall make recommendations for the appropriate treatment and disposition of the remains and any associated grave goods in accordance with PRC §5097.98.

Finding: The mitigation measures are feasible and avoid or substantially lessen potentially significant impacts associated with cultural resources to less than significant levels for the reasons set forth in the DEIR.

Citation: Pages 3.10.12 through 3.10.14, and Appendix E in the DEIR.

2.7 BIOLOGICAL RESOURCES

2.7.1 Impacts

The Biological Resources Technical Report and DEIR have identified the following impacts that will occur with the implementation of ARTIC:

Bridges, buildings and mature trees and shrubs in the existing ornamental landscaping within ARTIC may provide nesting habitat for native bird and raptor species. ARTIC will result in the removal of existing structures and landscaping for redevelopment, which could result in impacts to breeding and nesting birds protected by the federal MBTA and the CDFG Codes.

2.7.2 Mitigation

- BR-1: A letter shall be submitted to the Public Works Department attesting that no more than one week prior to demolition and vegetation clearing, a qualified biologist shall conduct a breeding and nesting bird survey within ARTIC construction footprint and within a 500-foot buffer around the site. The purpose of the survey is to ensure that no active nests are located within or adjacent to the project area. Nesting season for raptors begins February 15 and the traditional breeding season for native and migratory birds begins March 15. If clearing starts after October and before the nesting season, there is no need for nesting bird surveys. If an active nest is detected, a suitable buffer around the nest shall be established dependent on the type of species detected and location of the nest as determined by a qualified biologist and in accordance with the requirements of the CDFG Code. The nest avoidance area shall be flagged and shall be avoided until after the young have fledged and the nest is no longer in use. Documentation showing that this mitigation measure has been completed shall be sent to the City by the contractor. This documentation shall include a description of the survey results and whether any subsequent actions were required prior to commencement of demolition and vegetation clearing. The CDFG may authorize the relocation of the nest but consultation is required to ensure that no direct or indirect impacts result from this action and compliance with the MBTA and CDFG Codes.

Finding: The mitigation measure is feasible and avoids or substantially lessens potentially significant impacts associated with biological resources to less than significant levels for the reasons set forth in the DEIR

Citation: Pages 3.11-10 and 3.11-11, and Appendix F in the DEIR.

2.8 ISSUE AREAS WITH NO SIGNIFICANT IMPACTS

As identified in the Draft and Final EIR, ARTIC is anticipated to have no significant impacts in association with the following issue areas:

- Land Use and Planning, Section 3.1 of the DEIR
- Geology and Soils, Section 3.5 of the DEIR
- Utilities and Service Systems, Section 3.6 of the DEIR
- Aesthetics, Section 3.9 of the DEIR
- Greenhouse Gases, Section 3.12 of the DEIR
- Agricultural and Forest Resources, Section 4.1 of the DEIR
- Mineral Resources, Section 4.2 of the DEIR
- Recreation, Section 4.3 of the DEIR
- Public Services, Section 4.4 of the DEIR
- Population and Housing, Section 4.5 of the DEIR

3.0 FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. The following discussion is intended to provide a summary of the alternatives considered and rejected in the ARTIC DEIR and FEIR, including the No Project Alternative, the Reduced Building Size Alternative, the Reduced Site Size Alternative, and the Irvine Station Alternative.

3.1 ALTERNATIVES SELECTED FOR ANALYSIS

The CEQA Guidelines indicate that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" [Guidelines Sec. 15126.6(a)]. Three alternative sites were considered and rejected, as presented in the DEIR. The alternatives analyzed include the Reduced Building Size alternative and the No Project alternative. The FEIR analyzed one additional alternative and further analyzed one of the sites that was considered and rejected in the DEIR.

3.1.1 Reduced Building Size Alternative

The Reduced Building Size alternative assumes that an intermodal center would be developed at the proposed project site and would provide expanded capacity compared to the existing Anaheim Metrolink/Amtrak Station. The Reduced Building Size alternative would include a transit center that is approximately 66,000 gross square feet, a 30,000 square-foot civic space for passenger and community use, 23,000 square feet of retail space, and a below-grade Bus Transit Center. The Reduced Building Size alternative would have the same amount of parking as the proposed project. It would also include the envisioned pedestrian bridge to be constructed over Katella Avenue and the trail easement adjacent to the Santa Ana River Trail. The Reduced Building Size alternative would provide the same intermodal transit services as the proposed project. Passenger waiting areas, public space and other program space will be smaller for the Reduced Building Size alternative than the proposed project.

Finding: The City finds that, with incorporating mitigation measures identified in the DEIR, this alternative would be feasible and would avoid or substantially lessen potentially significant impacts to less than significant levels.

Facts in Support of Finding:

- The Reduced Building Size alternative would reduce construction impacts associated with noise and air quality due to the shorter construction schedule and reduced grading and excavation activities. Operational impacts as a result of this alternative would be comparable to the proposed project.

- This alternative would meet all objectives.

Citation: Page 5-6 through 5-9 in the DEIR.

3.1.2 No Project Alternative

The No Project alternative assumes that the Proposed Project would not be constructed and that transportation services would be accommodated at the existing Anaheim Metrolink/Amtrak Station. The

envisioned pedestrian bridge and trail easement would not be constructed. Approximately 405 parking spaces would be provided.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the No Project alternative infeasible (Public Resources Code § 21081(a)(3), Guidelines §15091(a)(3)).

Facts in Support of Finding:

- The No Project alternative would avoid or reduce impacts associated with land use, noise, geology and soils, utilities and service systems, hazards and hazardous materials, hydrology and water quality, aesthetics, cultural resources, biological resources, agricultural and forest resources, mineral resources, recreation, public services, and population and housing.

- This alternative would have significant impacts associated with traffic, air quality, and greenhouse gases if it were to accommodate the future intermodal needs of the region.

- This alternative would not achieve several project objectives identified in Section 2.3 of the DEIR, including providing a regional intermodal center that can combine multiple transportation modes at a central location and accommodating projected increases in mass transit ridership.

Citation: Pages 5-5, 5-6, and 5-9 through 5-11 in the DEIR.

3.1.3 Alternatives Further Analyzed in the Response to Comments

Reduced Site Size Alternative

The Reduced Site Size alternative assumes that an intermodal center would be developed at the Proposed Project site and would provide expanded capacity compared to the existing Anaheim Metrolink/Amtrak Station. The Reduced Site Size alternative would:

- include a transit center that is identical to the Proposed Project;

- have the same amount of parking as the Proposed Project;

- include the envisioned pedestrian bridge to be constructed over Katella Avenue and the trail easement adjacent to the Santa Ana River Trail; and

- provide the same intermodal transit services as the Proposed Project.

The development of the Reduced Site Size alternative would require a project site that is approximately 16.15 acres, without the 405 parking spaces at existing Anaheim Station (18.71 acres total) (see Table 1). The reduction of the project site comes from the elimination of the widening of the Douglass Road at the Katella Avenue intersection, which would remain at its current four lane configuration and would not require the General Plan Amendment to change the roadway classification.

Table 1

ARTIC Site Calculations	
	ACRE
Parking - North	2.23
Parking - South	1.90
Building	2.85
Internal roads/walkways	3.74
Landscaping	2.56
Douglass Rd. Widening	(-3.08)
Rail/Platforms	2.87
Existing Stadium Parking Area	2.56
Total Acres	18.71

Evaluation

Land Use and Planning

This alternative would not require a General Plan Amendment (GPA2010-00480), but would still require an amendment to The Platinum Triangle Master Land Use Plan (MIS2010-00437), and a CUP (CUP2010-05492). Impacts would be comparable to the Proposed Project.

The development of a transit center meeting the project objectives would require approximately 18.71 acres in order to provide enough room for development the transit center and an adequate parking supply to support the transit services that are planned to be located at ARTIC as identified in the Needs Assessment (Cordoba, 2009) prepared for the Proposed Project. The construction of a parking structure, which was evaluated early in the project planning stage and would reduce the acreage requirement, would be cost prohibitive as well as increase the construction schedule. The Reduced Site Size alternative, in combination with the existing station parking lot, would provide enough room for up to 960 surface parking spaces, which includes the 405 parking spaces at the existing Anaheim Station, approximately 323 parking spaces north of the transit building and 232 parking spaces south of the railroad tracks (Cordoba, 2009). The development of the proposed transit building and surface parking spaces are located on land owned by the City and OCTA and do not encroach upon private land owners. The only component of the project that requires additional property is the widening of Douglass Road at the Katella Avenue intersection in order to provide improvements that do not result in an unacceptable LOS.

Transportation and Traffic

The Reduced Site Size alternative would not widen Douglass Road from its current configuration of four lanes to eight lanes. However, the TIA prepared for the Proposed Project determined that the minimum number of lanes needed for the Douglass Road/Katella Avenue intersection at the 2013 opening day condition was six lanes in order to accommodate the re-distribution of traffic from the existing Anaheim Station to proposed ARTIC location (Notably, the ROW required for six lanes would be the same as would be required in the Proposed Project (approximately 20,000 square feet) since constructing six lanes would partially encroach into the retail buildings. A partial encroachment would require the acquisition of that building). Thus, this alternative would result in a significant impact at the PM Peak Hour to the Douglass Road/Katella intersection LOS as shown in Table 2 below. Since this condition is only projected to the 2013 scenario, it would only continue to degrade as cumulative projects begin to contribute to traffic, i.e. Platinum Triangle buildout.

Table 2 – Douglass Road/Katella Avenue Traffic Impact

Key Intersection	Time Period	Year 2013 Cumulative							
		Without Project Traffic Conditions (Existing Lanes)		With Project Traffic Conditions (Existing Lanes)		Significant Impacts		With Project Traffic Conditions With Improvements	
		ICU	LOS	ICU	LOS	ICU Increase	Yes/No	ICU	LOS
Douglass Rd at Katella Ave	AM	0.449	A	0.509	A	0.060	No	0.467	A
	PM	0.524	A	0.716	C	**0.192**	Yes	0.585	A

The project would create a significant impact in the PM peak hour without widening Douglass Road. Even though the LOS is acceptable, the decrease in LOS causes a significant impact. Per City standards, in order to mitigate to an acceptable LOS, the intersection must be improved up to the buildout configuration of the General Plan Circulation Element. The Anaheim Circulation Element Technical Report (Appendix H of EIR No. 330 prepared for the 2004 General Plan Update) calls for a six lane supplemental lane cross section on Douglass Road south of Katella Avenue: two lanes southbound, 2 northbound left turn lanes, one through lane, and one right turn lane. Based on this requirement, the City would require the widening of Douglass Road as a mitigation measure under this alternative.

Air Quality

The Reduced Site Size alternative would result in potentially significant impacts to air quality in the form of an increase in traffic delays at the Douglass Road/Katella Avenue intersection. An increase in traffic delays would result in an increase in automotive idling, which would contribute to a CO Hot Spot at the Douglass Road/Katella Avenue intersection.

Operations for this alternative would not exceed significance thresholds or result in violations of ambient air quality standards with the use of BMPs. Construction activities for the Reduced Site Size alternative would yield criteria pollutant emissions that would be less than the significance thresholds, with the exception of NO_x. NO_x would require mitigation measures to reduce it to below the threshold level. Fewer construction related mitigation measures would be required for this alternative because of the shorter construction period and reduced grading and excavation activities.

Noise

Operations for this alternative would not significantly impact noise-sensitive receivers. Noise from construction activities could intermittently dominate the noise environment in the immediate area of construction. Noise from project construction will be regulated through the Anaheim Municipal Code. Construction activities at night would require mitigation measures. Mitigation measures similar to the Proposed Project would be implemented under this alternative. Impacts would be comparable to the Proposed Project.

Geology and Soils

The project construction area would remain the same and impacts associated with geology and soils would be equivalent to those identified for the Proposed Project because the area required for the transit

center would be the same. This alternative would have equivalent impacts as the Proposed Project and the same existing regulations and mitigation measures identified for the Proposed Project would be applicable to this alternative. Impacts would be comparable to the Proposed Project.

Utilities and Service Systems

This alternative would be smaller than the Proposed Project and consumption of utilities would be reduced. This reduction in utilities consumption would be minimal. This alternative would be similar to the Proposed Project in that it would not significantly impact utilities and service systems and no mitigation measures are required. Impacts would be comparable to the Proposed Project.

Hazards and Hazardous Materials

The project area would remain the same under this alternative and impacts associated with hazards and hazardous materials would be equivalent to those associated with the Proposed Project because the area required for the transit center would be the same. Implementation of the mitigation measures identified for the Proposed Project would be applicable under this alternative. Impacts would be comparable to the Proposed Project.

Hydrology and Water Quality

The project area and the amount of impervious surfaces would be comparable to the Proposed Project because the area required for the transit center would be the same. The project area is largely already developed, implementation of this alternative would not result in substantial increases in the amount of impervious surface, and water quality impacts would not increase. Runoff volumes would be generally the same as compared to the Proposed Project. Impacts would be comparable to the Proposed Project.

Aesthetics

The project would remain the same under this alternative as the building design would not change. Impacts would be comparable to the Proposed Project.

Cultural Resources

The project construction area would remain the same under this alternative and potential impacts to cultural resources would be equivalent to those associated with the Proposed Project. Implementation of the mitigation measures identified for the Proposed Project would be applicable under this alternative.

Biological Resources

The project construction area would remain the same under this alternative and potential impacts to biological resources would be equivalent to those associated with the Proposed Project. Implementation of the mitigation measures identified for the Proposed Project would be applicable under this alternative. Impacts would be comparable to the Proposed Project.

Public Services

This alternative would be similar to the Proposed Project in that it would not include a residential component. The demand for public services would be similar to the Proposed Project and as such, would not result in an adverse impact to public services. Impacts would be comparable to the Proposed Project.

Greenhouse Gases

This alternative would not significantly impact GHG and impacts to this issue area are not anticipated as a result of the Proposed Project. Impacts from the Reduced Building Size alternative would be comparable or less than the Proposed Project during construction.

Agriculture

The site is currently fully urbanized and project implementation will not impact any agricultural resource. The project area would remain the same under this alternative and impacts would be comparable to the Proposed Project.

Mineral Resources

This alternative would not impact mineral resources and impacts to this issue area are not anticipated as a result of the Proposed Project. Impacts would be comparable to the Proposed Project.

Recreation

This alternative would not impact recreation and impacts to this issue area are not anticipated as a result of the Proposed Project. Impacts would be comparable to the Proposed Project.

Population and Housing

This alternative would not impact population and housing as it would not divide an established community or displace any housing. Impacts would be comparable to the Proposed Project.

Conclusion

The Reduced Site Size alternative would develop a transit facility identical to the Proposed Project but would result in significant and unavoidable impacts to Transportation and Traffic and potentially significant impacts to Air Quality, as noted above, as a result of the decreased project site acreage. The Proposed Project requires approximately 18.71 acres in order to provide enough room for development of the transit center and an adequate parking supply to support the transit services that are planned to be located at ARTIC. The construction of a parking structure, which was evaluated early in the project planning stage and would reduce the acreage requirement, would be cost prohibitive. The proposed site would provide enough room for up to 960 surface parking spaces, which includes the 405 parking spaces at the existing Anaheim Station, approximately 323 parking spaces north of the transit building and 232 parking spaces south of the railroad tracks (Cordoba, 2009). The development of the proposed transit building and surface parking spaces are located on land owned by the City and OCTA and do not encroach upon private land owners. The only component of the project that requires additional property is the widening of Douglass Road at the Katella Avenue intersection in order to provide improvements that do not result in an unacceptable LOS.

The acquisition of ROW for widening Douglass Road requires the relocation of one active business and two vacant commercial spaces within the Arena Plaza Commercial Center. The City has entered into a Lost Rent Agreement with the Arena Plaza Commercial Center to ensure the business does not suffer a hardship as a result of the Proposed Project. The Lost Rent Agreement allows the vacant commercial spaces to remain vacant while allowing the Area Plaza Commercial Center to collect rent as if it were

occupied. Prior to the commencement of construction, a deal will be required between the City and Arena Plaza Commercial Center for permanent acquisition of the required ROW.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the Reduced Site Size alternative infeasible (Public Resources Code § 21081(a)(3), Guidelines §15091(a)(3)).

Facts in Support of Finding:

- Impacts as a result of the Reduced Site Size alternative associated with land use, noise, geology and soils, utilities and service systems, hazards and hazardous materials, hydrology and water quality, aesthetics, cultural resources, biological resources, agricultural and forest resources, mineral resources, recreation, public services, and population and housing would be comparable to the Proposed Project.

- This alternative would have significant impacts associated with traffic, air quality, and greenhouse gases as a result of the decreased project site acreage.

Citation: Pages III-41 through III-47 in the FEIR.

Irvine Station Alternative

The Irvine Station located at 15215 Barranca Parkway encompasses approximately 12 acres and currently offers Amtrak, Metrolink, OCTA bus system, taxis, and shuttle services (OCTA, 2009).

Land to the north and west of the Irvine Station is developed. Land to the south and southeast is zoned for Transit Oriented Development and is currently vacant (City of Irvine, 2006). There would be the potential for the station to expand to provide additional parking and/or transit oriented development. Environmental impacts such as traffic, air quality, and noise would be similar to the Proposed Project impacts. Important objectives of the project are to provide (i) improved and safe pedestrian access to two major professional sports facilities (Angels Stadium and the Honda Center) and entertainment centers within the City (Disneyland Resort), and (ii) facilities to meet the anticipated increased rail passenger and intermodal connection demand in the City. Locating the project in Irvine would not meet those important project objectives. However, the Irvine location would be in proximity to one destination within the region, the Orange County Great Park, which will be located at the former Marine Corps Air Station.

Evaluation

Land Use and Planning

This alternative would be consistent with the existing land use of the site since it is zoned for Transit Oriented Development.

Transportation and Traffic

This alternative would require a traffic impact analysis to determine specific intersection and roadway LOS for the access roads to the site. Based on the traffic volumes included in the Proposed Project's TIA, the project could result in potentially significant impacts to Barranca Parkway, Ada, Alton Parkway, and I-5. It is anticipated that the magnitude of traffic impacts would be similar to the Proposed Project, would require similar mitigation measures, and potentially a Statement of Overriding Considerations for impacts to Caltrans facilities such as with the Proposed Project.

Air Quality

Operations for this alternative would not exceed significance thresholds or result in violations of ambient air quality standards with the use of BMPs. Construction activities for this alternative would yield criteria pollutant emissions that would be less than the significance thresholds, with the exception of NOx, NOx would require mitigation measures to reduce it to below the threshold level. Fewer construction related mitigation measures would be required for this alternative because of the shorter construction period and reduced grading and excavation activities since a majority of the site is already a paved parking lot.

Noise

Operations for this alternative would not significantly impact noise-sensitive receivers since there are no residences in the immediate vicinity of the site. Noise from construction activities could intermittently dominate the noise environment in the immediate area of construction. Noise from project construction would be regulated through the Irvine Municipal Code.

Construction activities at night would require mitigation measures. Mitigation measures similar to the Proposed Project would be needed under this alternative. Operation of the facility would be similar to the existing operations of the Irvine Station.

Geology and Soils

This alternative would have similar impacts as the Proposed Project and the same existing regulations and mitigation measures identified for the Proposed Project would be applicable to this alternative. Impacts would be comparable to the Proposed Project.

Utilities and Service Systems

This alternative would be similar to the Proposed Project and consumption of utilities would be similar. This alternative would be similar to the Proposed Project in that it would not significantly impact utilities and service systems and no mitigation measures are required. Impacts would be comparable to the Proposed Project.

Hazards and Hazardous Materials

The project area would remain the same under this alternative and impacts associated with hazards and hazardous materials would be equivalent to those associated with the Proposed Project because the site is already a developed transit center. Implementation of the mitigation measures identified for the Proposed Project would be applicable under this alternative.

Hydrology and Water Quality

The project area and the amount of impervious surfaces would be comparable to the existing condition because the alternative site is primarily developed, Project implementation would not result in substantial increases in the amount of impervious surface, and water quality impacts would not increase. Runoff volumes would be generally the same as compared to the Proposed Project.

Aesthetics

The area surrounding this alternative location is primarily dominated by commercial development and does not contain any sensitive views to obstruct. Impacts would be comparable to the Proposed Project.

Cultural Resources

This alternative site is primarily developed; however, there is a vacant field located adjacent to the east of the surface parking lot that could contain unidentified cultural resources. Implementation of the mitigation measures identified for the Proposed Project would be applicable under this alternative.

Biological Resources

This alternative has the potential to result in impacts to biological resources. There is a vegetated drainage facility present along the east edge of the Irvine Station surface parking lot. Depending on how the site was designed, the drainage could be impacted. Impacts to the drainage could result in impacts to migratory birds nesting with the vegetation and would require permits from the US Army Corps of Engineers, California Department of Fish and Game, and RWQCB.

Public Services

This alternative would be similar to the Proposed Project. The demand for public services would be similar to the Proposed Project and as such, would not result in an adverse impact to public services.

Greenhouse Gases

This alternative would not significantly impact GHG as impacts to this issue area are not anticipated as a result of the Proposed Project. Impacts from this alternative would be comparable or to the Proposed Project during construction.

Agriculture

The site is currently developed but is adjacent to vacant ground. Project implementation will not impact any agricultural resource.

Mineral Resources

This alternative would not impact mineral resources since the project would not involve the extraction of mineral resources. The site is already developed as a transit center.

Recreation

This alternative would not impact recreation since there are no recreational resources on the site.

Population and Housing

This alternative would not impact population and housing as it would not divide an established community or displace any housing.

Conclusion

The Irvine Station alternative would result in similar or additional environmental impacts as the Proposed Project, as noted above, but precludes the opportunity for anticipated future transportation services to enter the facility because the CAHSR and CNSST projects are not planned to terminate at the Irvine Station. This alternative is located in south Orange County and would not serve as a centralized transit center within close proximity to major tourist destinations and entertainment venues. This alternative was eliminated from further evaluation since it would not achieve the project objectives of providing (i) improved and safe pedestrian access to two major professional sports facilities (Angels Stadium and the Honda Center) and entertainment centers within the City (Disneyland Resort), and (ii) facilities to meet the anticipated increased rail passenger and intermodal connection demand in the City.

Finding: The City finds that specific economic, legal, social, technological, or other considerations make the No Project alternative infeasible (Public Resources Code § 21081(a)(3), Guidelines §15091(a)(3)).

Facts in Support of Finding:

- The No Project alternative would result in similar or additional impacts associated with land use, noise, geology and soils, utilities and service systems, hazards and hazardous materials, hydrology and water quality, aesthetics, cultural resources, biological resources, agricultural and forest resources, mineral resources, recreation, public services, and population and housing.

- This alternative would not achieve several project objectives identified in Section 2.3 of the DEIR, including providing a regional intermodal center that can combine multiple transportation modes at a central location and accommodating projected increases in mass transit ridership.

Citation: Pages III-47 through III-51 in the FEIR.

3.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the Reduced Building Size alternative. Operational environmental impacts as a result of the Reduced Building Size alternative would be similar to the Proposed Project. Construction impacts would be reduced due to the shorter construction schedule. With mitigation both alternatives are would have similar impacts. The Reduced Building Sized alternative would cost less to build and maintain.

The quality of the current transit service under the No Project alternative will deteriorate because the Anaheim Metrolink/Amtrak Station is operating near capacity and cannot accommodate the anticipated increased transportation demand. The parking spaces are generally utilized to full capacity (95 percent or more) daily. Assuming that no additional parking will be made available, passengers estimated under the future growth would have to park off-site and use alternate modes of transportation to the site. Pedestrian circulation would not be improved. This alternative does not meet the Proposed Project objectives.

Citation: Page 5-13 in the DEIR, and Pages III-41 through III-51 and III-147 through III-157 in the FEIR.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-maker to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093 [b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a description of the each of the project's significant and unavoidable adverse impacts and justification to adopt a statement of overriding considerations.

4.1 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

As indicated in the DEIR, FEIR and the findings discussed previously in Section 3.0 of this document, the mitigation measures for impacts to Caltrans facilities are not feasible because the City does not have jurisdiction over State facilities and cannot implement the mitigation measures and ensure the impacts have been mitigated to a less than significant level. Therefore, pursuant to CEQA Guidelines Section 15091(a)(2), ARTIC's traffic impact to Caltrans facilities would remain Significant and Unavoidable.

4.2 CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The following section describes the benefits of the project that outweigh the project's unavoidable adverse effects and provides specific reasons for considering the project acceptable even though the FEIR has indicated that there will be significant project impacts that the City does not have jurisdiction to mitigate.

4.2.1 Provision of Needed Multi-Modal Transportation Centers

The Long-Range Transportation Plan for the County of Orange projects that population in the County of Orange will grow by 24 percent over the next 30 years (OCTA, 2006). Employment is projected to increase by 22 percent between 2007 and 2030 (Center for Demographic Research, 2009). As a result, the miles traveled by vehicles is anticipated to grow by nearly 40 percent, and approximately three million additional person trips per year will be added to the transportation system by 2030.

Currently, the freeway and roadway networks in the County of Orange are nearing build-out and the carpool lane network is nearing capacity during peak hours. Without improvements to the existing transportation system, by 2030 traffic during the morning commute will be operating at speeds of less than 25 mph (OCTA, 2006). Since the Long-Range Transportation Plan states that the County of Orange residents and visitors need the ability to travel an integrated and seamless transportation network within the County of Orange, improving mobility is the cornerstone of the Plan (OCTA, 2006). The main objectives for this goal are to offer safe and reliable transportation choices and develop an accessible, integrated transportation network. These can be accomplished, in part, by "expanding transit centers that serve multiple modes of transportation" (OCTA, 2006).

ARTIC will provide a necessary component for the transportation network within Anaheim and will serve as the gateway to the southern California region. ARTIC will enhance the County of Orange's overall transportation system by accommodating additional bus transit options, additional alternatives to road based travel, and improved services for the transit-dependent.

4.2.2 Improvement of City's Existing Station

The Platinum Triangle Master Land Use Plan calls for maintaining and enhancing connectivity between major entertainment centers throughout the City, including Angel Stadium, the Honda Center, The Anaheim Resort, and Disneyland Resort (City of Anaheim, 2008). The existing Anaheim Metrolink/Amtrak Station will not be able to meet the future demand for services because of physical and contractual constraints (Cordoba Corporation, 2009). In addition, the existing Anaheim Metrolink/Amtrak Station has restricted access and does not facilitate a seamless transfer of travelers from one mode of transit service to another at a regional center.

ARTIC will be an efficient multi-modal transportation network that will meet the future mobility needs of residents and businesses in the County of Orange. ARTIC will provide improved and safe pedestrian access to multiple major sports and entertainment centers within the City, as well as opportunities for transit oriented development as identified within the Platinum Triangle Master Land Use Plan.

4.2.3 Creation of Jobs

As of July 2010, unemployment in the City stood at approximately 12.5 percent and unemployment in Orange County stood at 9.8 percent (Employment Development Department, 2010). California and the United States have faced the most severe recession since the great depression. The construction sector was particularly affected. For example, construction work in Orange County saw a 12.6 percent decrease in revenue during the past year, totaling approximately $6.4 billion (Orange County Business Journal, 2010). Construction of ARTIC will provide needed construction jobs. ARTIC is expected to create approximately 5,000 estimated jobs based upon project costs of $184 million. It is a social and legal prerogative of the City to provided employment opportunities for highly skilled workers.

4.2.4 Implements the Objectives Established for the Project

ARTIC implements the various objectives established for the project, including the following

- Providing a regional intermodal center that can combine multiple transportation modes at a central location near theme parks and sports attractions and jobs and housing;
- Accommodating projected increases in mass transit ridership;
- Providing a transit oriented building that can accommodate future transportation modes;
- Facilitating pedestrian and bicycle access to multimodal transit options;
- Providing improved access and availability of mass transit resources;
- Encouraging the reduction of vehicle miles traveled on freeways and local arterial streets; and
- Providing improved access to activity centers and destinations within the region.

It is a social and legal prerogative of the City to provide an intermodal transportation center that can meet these project objectives.

4.2.5 Conclusion

For the foregoing reasons, the implementation of ARTIC and the associated project actions will provide a necessary component for the transportation network within Anaheim and will serve as the gateway to the southern California region, which will outweigh the unavoidable environmental impacts.

5.0 REFERENCES

Center for Demographic Research, 2009. Orange County Facts and Figures. Cal State Fullerton, June 2009.

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Orange County Transportation Authority (OCTA), 2006. New Directions: Chartering the course for Orange County's future transportation system. 2006 Long-Range Transportation Plan, July 24, 2006.

VERIFICATION

I am a consultant for the City of Anaheim, applicant herein, and am authorized by the City of Anaheim and the Orange County Transportation Authority to make this verification on their behalf. The statements in the foregoing document are true to the best of my knowledge, except as to the matters that are herein stated on information and belief, and to those matters I believe them to be true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 26th day of January, 2012, at Orange, California.

George R. Hale

George R. Hale
License No. C 25221 Exp. Date 12/31/11