



**CITY OF LAGUNA HILLS
CITY COUNCIL/PLANNING AGENCY
REGULAR MEETING AGENDA
SEPTEMBER 24, 2013
Closed Session at 6:00 PM (*when scheduled*)
General Business Session at 7:00 PM**

Barbara D. Kogerman, Mayor

**Andrew Blount, Mayor Pro Tempore
Randal Bressette, Council Member**

**Melody Carruth, Council Member
Dore J. Gilbert, M.D., Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

Any person wishing to address the City Council/Planning Agency on any matter, whether or not it appears on this Agenda, is asked to complete a pink "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council/Planning Agency. Completion of the form is voluntary. All persons may attend the meeting regardless of whether this form is completed.

Members of the public wishing to address the City Council can do so during the Public Comments portion of the Agenda with a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes for Public Comments. If you are commenting on an Agenda item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on an item not listed on the Agenda, the City Council is prohibited by law from discussing or taking any action on that item.

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER BRESSETTE

ROLL CALL OF CITY COUNCIL MEMBERS

CLOSED SESSION REPORT

There was no Closed Session scheduled.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

RECOMMENDATION: THAT THE CITY COUNCIL RECEIVE AN ORAL PRESENTATION FROM LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON KERSTYN GONZALES.

1.2 PROCLAMATION, FIRE PREVENTION WEEK, OCTOBER 6, 2013 - OCTOBER 12, 2013

RECOMMENDATION: THAT MAYOR KOGERMAN PRESENT A PROCLAMATION TO BATTALION CHIEF ART NEVAREZ FROM THE ORANGE COUNTY FIRE AUTHORITY, PROCLAIMING OCTOBER 6, 2013, THROUGH OCTOBER 12, 2013, AS FIRE PREVENTION WEEK.

2. PUBLIC COMMENTS

This is the time to address the City Council on any matter not listed on this Agenda that is within the subject matter jurisdiction of the City Council. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

3. MINUTES

3.1 REGULAR MEETING, SEPTEMBER 10, 2013

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE MINUTES OF THE SEPTEMBER 10, 2013, REGULAR MEETING.

4. CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the City Council or Staff request specific items be removed from the Consent Calendar.

4.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

RECOMMENDATION: THAT THE CITY COUNCIL WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA AND DECLARE THAT SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED SEPTEMBER 24, 2013

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$771,237.09.

4.3 CLAIM AGAINST THE CITY, RONALD MILFS

RECOMMENDATION: THAT THE CITY COUNCIL REJECT THE CLAIM AND DIRECT THE CITY CLERK TO SEND A CLAIM REJECTION LETTER.

4.4 REJECTION OF BID PROTESTS, WAIVER OF MINOR BID IRREGULARITIES, AND AWARD OF CONTRACT FOR THE LA PAZ OPEN SPACE IMPROVEMENTS, CIP NO. 615A

RECOMMENDATION: THAT THE CITY COUNCIL REJECT ALL BID PROTESTS, WAIVE MINOR BID IRREGULARITIES OF THE APPARENT LOW BIDDER, AND AWARD THE CONTRACT FOR THE LA PAZ OPEN SPACE IMPROVEMENTS, CIP NO. 615A, TO THE APPARENT LOW BIDDER, ENVIRONMENTAL CONSTRUCTION, INC., IN THE LOW BID AMOUNT OF \$1,073,627.85, AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT DOCUMENTS.

4.5 BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDING APPLICATION

RECOMMENDATION: THAT THE CITY COUNCIL: (1) APPROVE THE GRANT APPLICATION FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE LA PAZ OPEN SPACE CLASS 1 BIKEWAY PROJECT."

ITEMS REMOVED FROM THE CONSENT CALENDAR**5. PLANNING AGENCY****5.1 ROLL CALL OF PLANNING AGENCY MEMBERS****5.2 PUBLIC COMMENTS**

This is the time to address the Planning Agency on any matter not listed on this Agenda that is within the subject matter jurisdiction of the Planning Agency. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

5.3 MINUTES**5.3.1 REGULAR MEETING, SEPTEMBER 10, 2013**

RECOMMENDATION: THAT THE PLANNING AGENCY APPROVE THE MINUTES OF THE SEPTEMBER 10, 2013, REGULAR MEETING.

5.4 ADMINISTRATIVE REPORTS

5.5 PLANNING AGENCY PUBLIC HEARINGS

- 5.5.1 CONDITIONAL USE PERMIT (CUP), PARKING USE PERMIT (PUP), AND SITE DEVELOPMENT PERMIT (SDP) NO. 01-12-2174, A REQUEST TO MAKE COURTYARD RENOVATIONS AND TO CONSTRUCT A POOL AND FITNESS CENTER AT THE HILLS HOTEL, 25205 LA PAZ ROAD, IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY TABLE THIS ITEM FOR CONDITIONAL USE PERMIT, PARKING USE PERMIT, AND SITE DEVELOPMENT PERMIT NO. 01-12-2174.

PLANNING AGENCY ADJOURNMENT

6. CITY COUNCIL PUBLIC HEARINGS

- 6.1 ZONE CHANGE AND ZONING TEXT AMENDMENT NO. 06-13-2608, AN AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE (ZONING AND SUBDIVISIONS) TO ESTABLISH A HOSPITALITY OVERLAY ZONE.

RECOMMENDATION: THAT THE CITY COUNCIL TABLE THIS ITEM FOR ZONE CHANGE AND ZONING TEXT AMENDMENT NO. 06-13-2608.

7. ADMINISTRATIVE REPORTS

- 7.1 City Manager

- 7.2 Public Services Director/City Engineer

- 7.2.1 PUBLIC COMMENT ON THE INITIAL STUDY WITH PROPOSED MITIGATED NEGATIVE DECLARATION / ENVIRONMENTAL ASSESSMENT FOR THE I-5 WIDENING PROJECT FROM STATE ROUTE 73 TO EL TORO ROAD

RECOMMENDATION: THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE AND SUBMIT WRITTEN COMMENTS ON THE INITIAL STUDY WITH PROPOSED MITIGATED NEGATIVE DECLARATION / ENVIRONMENTAL ASSESSMENT FOR THE I-5 WIDENING PROJECT FROM STATE ROUTE 73 TO EL TORO ROAD, AND ENCOURAGE PUBLIC PARTICIPATION IN THE SEPTEMBER 25, 2013, PUBLIC HEARING TO BE

HELD AT THE NORMAN P. MURRAY COMMUNITY AND SENIOR CENTER,
MISSION VIEJO, CALIFORNIA.

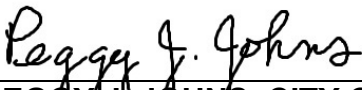
8. **MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS
AND MAYOR**
9. **CITY COUNCIL MEMBER COMMENTS**

ADJOURNMENT

The next Regular Meeting of the City Council will be October 08, 2013, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by September 20, 2013, at 5:00 PM.



PEGGY J. JOHNS, CITY CLERK

September 20, 2013

DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

City Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

**FROM: PEGGY J. JOHNS
CITY CLERK**

**ISSUE: PROCLAMATION, FIRE PREVENTION WEEK, OCTOBER 6, 2013 -
OCTOBER 12, 2013**

**RECOMMENDATION: THAT MAYOR KOGERMAN PRESENT A PROCLAMATION
TO BATTALION CHIEF ART NEVAREZ FROM THE ORANGE COUNTY FIRE
AUTHORITY, PROCLAIMING OCTOBER 6, 2013, THROUGH OCTOBER 12, 2013, AS
FIRE PREVENTION WEEK.**

SUMMARY:

The Orange County Fire Authority (OCFA) would greatly appreciate the support of the City of Laguna Hills in proclaiming October 6 – 12, 2013, as “Fire Prevention Week.” This year’s theme focuses on public attention that cooking fires are the leading cause of home fires in the United States where fire departments responded to more than 156,000 annually between 2007 and 2011.

An Open House will be held at OCFA Fire Station 22 on October 5, 2013, from 9 AM to 2 PM to kick off Fire Prevention Week. To wrap up the week, their Regional Fire Operations & Training Center (RFOTC) will also host an Open House on October 12, 2013, from 10 AM to 3 PM, which is located at 1 Fire Authority Road, in the City of Irvine.

Battalion Chief Art Nevarez from the Orange County Fire Authority will be present at the meeting to receive the Proclamation.

PROCLAMATION
FIRE PREVENTION WEEK
OCTOBER 6, 2013, THROUGH OCTOBER 12, 2013

WHEREAS, the Orange County Fire Authority is committed to ensuring the safety and security of all those living in and visiting our jurisdiction; and

WHEREAS, fire is a serious public safety concern both locally and nationally and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,500 people in the United States in 2011, according to the latest research from the nonprofit National Fire Protection Association, and fire departments in the United States responded to more than 370,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 156,000 annually between 2007 and 2011; and

WHEREAS, two of every five home fires start in the kitchen, and unattended equipment was a factor in one-third of the reported cooking fires; and

WHEREAS, 57% of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Laguna Hills residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2013 Fire Prevention Week theme, "Prevent Kitchen Fires!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, I, Barbara D. Kogerman, Mayor, on behalf of the City Council of the City of Laguna Hills, California, do hereby proclaim the week of October 6, 2013, through October 12, 2013, as "Fire Prevention Week" throughout the City and urge everyone to check their kitchens for fire hazards, use safe cooking practices, and to support the many public safety activities and efforts of the Orange County Fire Authority's fire and emergency services.

Dated this 24th day of September 2013.

BARBARA D. KOGERMAN, MAYOR

**CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
SEPTEMBER 10, 2013**

GENERAL BUSINESS - CONVENING AT 7:00 PM

CALL TO ORDER

Mayor Kogerman called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:04 PM in the Laguna Hills City Council Chamber, 24305 El Toro Road, Laguna Hills, California.

PLEDGE OF ALLEGIANCE: Council Member Gilbert

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Mayor Kogerman, Mayor Pro Tempore Blount, Council Member Bressette, Council Member Carruth, and Council Member Gilbert.

CLOSED SESSION REPORT

There was no Closed Session Scheduled.

1. PRESENTATIONS AND PROCLAMATIONS

- 1.1 CERTIFICATE OF RECOGNITION FOR ARNEL CORPORATION AND MANAGEMENT STAFF FROM THE ALICIA APARTMENT COMMUNITIES FOR DROWNING AWARENESS AND FIRE PREVENTION

THE ORANGE COUNTY FIRE AUTHORITY PRESENTED A CERTIFICATE OF RECOGNITION AND PLAQUE TO ARNEL CORPORATION AND MANAGEMENT STAFF FROM THE ALICIA APARTMENT COMMUNITIES FOR THEIR ASSISTANCE TOWARD DROWNING AWARENESS AND FIRE PREVENTION. MAYOR KOGERMAN ALSO PRESENTED A CERTIFICATE OF RECOGNITION FROM THE CITY COUNCIL TO ARNEL CORPORATION STAFF.

- 1.2 LETTER OF SUPPORT FOR THE PROPOSED RENOVATION OF THE SADDLEBACK COLLEGE ATHLETIC STADIUM

THE CITY COUNCIL DIRECTED STAFF TO DRAFT A LETTER OF SUPPORT TO DR. TOD A. BURNETT, SADDLEBACK COLLEGE PRESIDENT, AND NANCY PADBERG, PRESIDENT, SOCCCD BOARD OF TRUSTEES, TO INCLUDE A FINANCIAL DISCLAIMER STATING THAT THE CITY WOULD NOT BE IN FAVOR OF A BOND INITIATIVE FOR THE PROPOSED RENOVATION OF THE SADDLEBACK COLLEGE ATHLETIC STADIUM, BY M/COUNCIL MEMBER GILBERT, S/MAYOR PRO TEMPORE BLOUNT.

APPROVED BY A VOTE OF 3-2 (COUNCIL MEMBERS BRESSETTE AND CARRUTH VOTING NO).

1.3 APPOINTMENT OF LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON
KERSTYN GONZALES FOR THE 2013 FALL SEMESTER

MAYOR KOGERMAN PRESENTED THE CERTIFICATE OF
APPOINTMENT TO LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON
KERSTYN GONZALES.

1.4 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON

THE CITY COUNCIL RECEIVED AN ORAL REPORT FROM LAGUNA
HILLS HIGH SCHOOL STUDENT LIAISON KERSTYN GONZALES.

2. PUBLIC COMMENTS

ACQUIRING PUBLIC PROPERTY

Glenn Schmitt, Laguna Hills, inquired on the requirements and process of purchasing public property located adjacent to his residence. Mayor Kogerman recommended that Mr. Schmitt work with Public Services Director Rosenfield on pursuing this issue.

3. MINUTES

3.1 REGULAR MEETING, AUGUST 27, 2013

**MOTION TO APPROVE THE MINUTES OF THE AUGUST 27, 2013, REGULAR
MEETING, BY M/COUNCIL MEMBER GILBERT, S/COUNCIL MEMBER
CARRUTH.**

APPROVED BY A VOTE OF 5-0.

4. CONSENT CALENDAR

**MOTION TO APPROVE THE CONSENT CALENDAR, BY M/COUNCIL MEMBER
BRESSETTE, S/COUNCIL MEMBER CARRUTH.**

APPROVED BY A VOTE OF 5-0.

4.1 WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS
ON THE AGENDA

THE CITY COUNCIL WAIVED READING IN FULL OF ALL ORDINANCES
AND RESOLUTIONS ON THE AGENDA AND DECLARED THAT SAID
TITLES WHICH APPEARED ON THE PUBLIC AGENDA SHALL BE
DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING
WAIVED.

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
SEPTEMBER 10, 2013

THE CITY COUNCIL APPROVED THE WARRANT REGISTER IN THE
AMOUNT OF \$220,045.78.

4.3 TWO YEAR EVENT MANAGEMENT AGREEMENT WITH RENEGADE RACING FOR THE 2014 AND 2015 RACE EVENTS

THE CITY COUNCIL APPROVED THE EVENT MANAGEMENT PROFESSIONAL SERVICES AGREEMENT BETWEEN MAKE-U-FIT PRODUCTIONS, LLC, DBA RENEGADE RACING, AND THE CITY OF LAGUNA HILLS FOR EVENT MANAGEMENT SERVICES FOR THE 2014 AND 2015 MEMORIAL DAY RACE EVENTS, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

4.4 PROPOSED AMENDMENT NO. 2 TO CONTRACT BETWEEN COUNTY OF ORANGE AND CITY OF LAGUNA HILLS FOR HOUSING REHABILITATION PROJECT (CDBG - CFDA NO. 14.218) (CONTRACT NO. 12-613031) AUTHORIZING A ONE YEAR CONTRACT TERM EXTENSION FOR FISCAL YEAR 2013-14 AND APPROVING AND AUTHORIZING AN ADDITIONAL \$80,000 ALLOCATION IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE ALISO MEADOWS REHABILITATION PROJECT.

THE CITY COUNCIL APPROVED THE PROPOSED SECOND AMENDMENT TO CONTRACT BETWEEN COUNTY OF ORANGE AND CITY OF LAGUNA HILLS FOR HOUSING REHABILITATION ALISO MEADOWS REHABILITATION PROJECT (CDBG-CFDA NO. 14.218) (CONTRACT NO. 12-613031), AUTHORIZING A ONE YEAR CONTRACT TERM EXTENSION FOR FISCAL YEAR 2013-14 AND APPROVING AND AUTHORIZING AN ADDITIONAL \$80,000 ALLOCATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE ALISO MEADOWS REHABILITATION PROJECT, AND AUTHORIZED THE MAYOR AND CITY MANAGER TO EXECUTE THE SECOND AMENDMENT.

5. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:47 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Blount, Agency Member Bressette, Agency Member Carruth, and Agency Member Gilbert.

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, AUGUST 27, 2013

MOTION TO APPROVE THE MINUTES OF THE AUGUST 27, 2013, REGULAR MEETING, BY M/AGENCY MEMBER GILBERT, S/AGENCY MEMBER CARRUTH.

APPROVED BY A VOTE OF 5-0.

5.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

5.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Planning Agency Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council Meeting at 7:48 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

7.1.1 EMPLOYMENT CLASSIFICATIONS, SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY

The City Manager reported that he would voluntarily start contributing to CalPers as was applicable to all other management employees.

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2013-09-10-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, REGARDING EMPLOYMENT AND ESTABLISHING SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL, AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY AND RESCINDING RESOLUTION NO. 2011-07-12-2, AS AMENDED TO:

(1) ADD THE FOLLOWING PARAGRAPH AT THE BOTTOM OF PAGE 1: "EFFECTIVE JULY 1, 2014, THE SALARY RANGES FOR ALL FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES SHALL BE INCREASED BY NOT LESS THAN 3.5% AND NOT MORE THAN 5%. ANY INCREASE IN AN INDIVIDUAL SALARY RANGE THAT IS GREATER THAN 3.5% EFFECTIVE JULY 1, 2014, WILL BE REPORTED TO THE CITY COUNCIL BY THE CITY MANAGER AND SUPPORTED WITH A MARKET SALARY SURVEY OF

ORANGE COUNTY CITIES FOR PURPOSES OF MAKING SAID DETERMINATION AND ENSURING THAT SAID EMPLOYEE'S SALARY RANGE REMAINS AT LEAST 5% ABOVE THE ORANGE COUNTY CITIES' AVERAGE FOR THE COMPARABLE POSITION;

(2) UNDER SECTION I. RETIREMENT, PARAGRAPH A.1 ADD THE SENTENCE: "THIS AMOUNT WILL INCREASE TO 1.5% ON JULY 1, 2014"; AND

(3) UNDER SECTION II. INSURANCE, PARAGRAPH A, REVISE THE LAST SENTENCE TO READ AS FOLLOWS: "BEGINNING JANUARY 1, 2014, COST INCREASES IN MEDICAL INSURANCE PREMIUMS WILL BE SHARED 50-50 BETWEEN THE CITY AND FULL-TIME EMPLOYEES, INCLUDING ELECTED MEMBERS, UP TO A MAXIMUM OF 4% ANNUALLY FOR FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING ELECTED MEMBERS, BY M/MAYOR PRO TEMPORE BLOUNT, S/COUNCIL MEMBER GILBERT.

APPROVED BY A VOTE OF 4-0-1 (COUNCIL MEMBER BRESSETTE ABSTAINING).

7.2 Assistant City Manager

7.2.1 PRESENTATION OF MOBILE APPLICATION

Len Herman, Laguna Hills, commended staff on the City of Laguna Hills Mobile Application.

**THE CITY COUNCIL RECEIVED AND FILED THE REPORT, BY M/MAYOR PRO TEMPORE BLOUNT, S/COUNCIL MEMBER CARRUTH.
APPROVED BY A VOTE OF 5-0.**

7.3 Public Services Director/City Engineer

7.3.1 HIGHWOOD CIRCLE STREET LIGHTING

Patric Barry, Laguna Hills, spoke on Highwood Circle Street Lighting.

**THE CITY COUNCIL RECEIVED AND FILED THE REPORT, BY M/COUNCIL MEMBER CARRUTH, S/COUNCIL MEMBER BRESSETTE.
APPROVED BY A VOTE OF 5-0.**

7.3.2 REQUEST FOR STREET TREE REMOVAL AT 25252 MAWSON DRIVE

BECAUSE THE RESIDENT WAS NOT PRESENT AT THE MEETING, IT WAS THE CONSENSUS OF THE CITY COUNCIL TO POSTPONE THE ISSUE TO A FUTURE COUNCIL MEETING.

8. MATTERS AGENDIZED AND PRESENTED BY CITY COUNCIL MEMBERS AND MAYOR

There were no Matters Agendized and Presented by City Council Members.

9. CITY COUNCIL MEMBER COMMENTS

COUNCIL MEMBER CARRUTH

Council Member Carruth spoke about new features of the FastTrak toll road transponders.

COUNCIL MEMBER BRESSETTE

Council Member Bressette reported that he was recently elected Vice Chair of the Orange County Fire Authority Budget and Finance Committee. Council Member Bressette spoke on challenges that the Orange County Fire Authority would be facing over the next two years.

Council Member Bressette indicated on Saturday, September 7, 2013, he witnessed a traffic accident at the intersection of Moulton Parkway and La Paz Road. Council Member Bressette had concerns with the response time it took for the Orange County Sheriff to arrive at the scene. Council Member Bressette inquired if it was possible for the Sheriff to obtain the Opticom systems in their vehicles.

City Manager Channing indicated that Sheriff vehicles did not have the Opticom system primarily due to a cost factor. Mr. Channing stated Orange County Fire Authority had provided funding to purchase the Opticom system in fire vehicles, but the City did not receive any funding to cover Sheriff vehicles.

THERE WAS CONSENSUS BY THE CITY COUNCIL TO DIRECT STAFF TO BRING BACK A REPORT ON THIS ITEM.

MAYOR PRO TEMPORE BLOUNT

Mayor Pro Tempore Blount indicated that his son was in the audience earning his "civic" badge for Boy Scouts.

Mayor Pro Tempore Blount inquired if there was a way to clean the City's stop signs. Public Services Director Rosenfield indicated that this could be addressed as a graffiti issue and the City's graffiti contractor could clean stop signs.

Mr. Rosenfield reported that stop signs had federal reflectivity requirements. Mr. Rosenfield indicated that it was the City's practice to conduct night checks of stop signs for reflectivity and when they did not show proper reflectivity, stop signs were replaced.

MAYOR KOGERMAN

Mayor Kogerman indicated that at the City Council Meeting of August 27, 2013, the City Council had questions regarding the payments to the Orange County Animal Shelter and asked for a report be brought back to a future meeting. Mayor Kogerman indicated instead of receiving a formal report at a Council meeting, Assistant City Manager White would distribute a memo to the City Council on the issue.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Kogerman declared the meeting adjourned at 8:59 PM.

PEGGY J. JOHNS, CITY CLERK

ATTEST:

BARBARA D. KOGERMAN, MAYOR

APPROVED AT MEETING OF _____.



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013
TO: MAYOR AND COUNCIL MEMBERS
FROM: DONALD J. WHITE, ASSISTANT CITY MANAGER
ISSUE: APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED
SEPTEMBER 24, 2013.

RECOMMENDATION: THAT THE CITY COUNCIL APPROVE THE WARRANT REGISTER IN THE AMOUNT OF \$771,237.09.

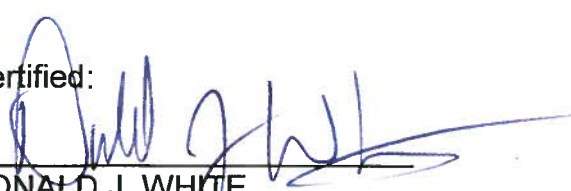
SUMMARY:

In accordance with Government Code Section 37202, the attached Warrant Register reflects the disbursements of the City of Laguna Hills for the period reported thereon. The Assistant City Manager certifies and attests to its accuracy and the availability of funds for the payment thereof. These warrants are hereby submitted to the City Council for approval of payment.

Prepared by:

JANICE MATEO REYES
Finance Manager

Certified:


DONALD J. WHITE
Assistant City Manager

9-17-13
DATE

FISCAL IMPACT:

The warrant register total is \$771,237.09.

ATTACHMENTS:

1. Warrant Register

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 24, 2013

9/24/2013 ITEM NO. 4.2

VENDOR		DESCRIPTION	CHECK NO.	AMOUNT
PREPAID WARRANTS:				
ANDERSON, PAOLA		Refund, CUP Fees, CR# 46626	8806003	\$ 3,212.50
BANK OF AMERICA		Departmental Operating Expenditures, Aug '13	8806017	18,035.51
COMPLETE OFFICE OF CALIFORNIA		Office Supplies, Community Center, Jun '13	8806026	399.72
COSTCO/CAPITAL ONE COMMERCIAL		Program Supplies, Community Services, Aug '13	8806023	220.13
COX COMMUNICATION		Wi-Fi Service, Community Center, Sep '13	8806027	130.00
HOME DEPOT		Program Supplies, Build-A-Fort, Community Services, Jul - Aug '13	8806004	2,632.99
JAVED, HUMZA		Mileage Reimbursement, Public Works, Aug '13	8806032	35.60
LAGUNA HILLS TEAM DARK HORSE		Community Assistance, Team Dark Horse 3/5 Support Committee	8806005	9,456.00
MEEHAN, DANIEL		Petty Cash Replenishment, Community Services, Jul - Aug '13	8806034	285.15
MH CUSTOM CARPET		Facility Supplies, Community Center, Aug '13	8806006	172.80
MOULTON NIGUEL WATER DISTRICT		Water Usage Parks and Community Center, Jul - Aug '13	8806037	40,666.27
OROS CONSULTING SERVICES, LLC		Professional Services, Computer Consulting Services, Aug '13	8806007	5,508.75
RALPHS GROCERY COMPANY		Program Supplies, Community Services, Jul - Aug '13	8806008	155.68
REFUND, FACILITY RENTAL DEPOSIT		S. Alarcon, V# 2002905.002	8806009	500.00
REFUND, FACILITY RENTAL DEPOSIT		J. Lee-French, V# 2002882.002	8806041	30.00
REFUND, FACILITY RENTAL DEPOSIT		S. Hernandez, V# 2002911.002	8806042	132.50
REFUND, FACILITY RENTAL DEPOSIT		Niguel Children's Foundation, V# 2002901.002	8806043	250.00
ROSENFELD, KEN		Travel Reimbursement, Public Works, Aug '13	8806010	1,464.95
SAN DIEGO GAS & ELECTRIC		Electric Usage, Street Lights, Aug '13	8806045	12,451.13
SMART & FINAL		Program Supplies, Community Services and Office Supplies, City Hall, Jul - Aug '13	8806046	294.43
SOCAL OFFICE TECHNOLOGIES-LEAS		Lease - Copier, Community Services, Sep '13	8806047	798.14
SOUTHERN CALIFORNIA EDISON		Electric Usage, Street Lights and Traffic Control, Aug '13	8806011	922.09
SOUTHERN CALIFORNIA EDISON		Electric Usage, Street Lights and Traffic Control, Aug '13	8806049	8,750.62
SPARKLETT'S		Operating Supplies, Community Services, Aug '13	8806050	62.03
TARGET STORES		Program Supplies, Community Services, Jul - Aug '13	8806012	186.35

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 24, 2013

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
US BANK VOYAGER FLEET SYS	Vehicle Fuel, Aug '13	8806053	2,681.35
VERIZON WIRELESS	Communication Expense, Aug '13	8806054	713.35
WELLS FARGO FINANCIAL LEASING	Lease - Copier, Community Center, Oct '13	8806013	572.92
WHITE, DONALD	Travel Advance, Administrative Services, Sep '13	8806014	225.00
	Total Prepaid Warrants:	\$	110,945.96
REGULAR WARRANTS:			
A. C. LANDSCAPE, INC.	Water Management Services, Irrigation Repairs, Aug - Sep '13	8806016	\$ 1,842.50
BEE MAN, THE	Bee Removal, Parks, Aug '13	8806018	500.00
BUILD A FORT VOLUNTEEN	J. Eck, Community Services, Aug '13	8806019	75.00
C&D ELECTRIC, INC.	Lighting Repairs, Parks, Aug '13	8806020	195.00
C2 REPROGRAPHICS	Printing Expense, Engineering, Aug '13	8806021	158.11
CALIFORNIA YELLOW CAB	Dial-a-Taxi Senior Transportation Program, Aug '13	8806022	1,087.50
CDW GOVERNMENT, INC.	Computer Software, Administrative Services, Aug '13	8806024	2,892.98
COMPLETE OFFICE OF CALIFORNIA	Office Supplies, Community Center, Aug '13	8806025	634.29
DUNBAR ARMORED, INC.	Courier Fee, Armored Transport, Sep '13	8806028	101.12
ECONOLITE CONTROL PRODUCTS, INC.	Signal Control Devices, Traffic Signal Improvement Coordination CIP # 168	8806029	15,593.95
GREEN MART, INC.	Operating Supplies, Parks, Sep '13	8806030	1,026.00
JAMEY CLARK, INC.	Graffiti Removal Park, Aug '13	8806031	260.00
MERCURY DISPOSAL SYSTEM, INC.	Recycling Program Services, Batteries and Bulbs, Aug '13	8806035	323.12
MOSS, LEVY & HARTZHEIM LLP	Professional Services, FY 12/13 Financial Audit Services, Partial Payment	8806036	9,500.00
NIEVES LANDSCAPE, INC.	Monthly Maintenance Landscape Services, Sep '13	8806038	74,238.05
OFFICE SOLUTIONS	Office and Operating Supplies, Aug - Sep '13	8806039	275.42
ORANGE COUNTY TREASURER	Law Enforcement Services, Sep '13	8806033	504,632.25
QUIKSILVER COURIER	Delivery Service, Aug '13	8806040	59.28
RPW SERVICES, INC.	Rodent Control, Parks, Jun '13	8806015	1,560.00

CITY OF LAGUNA HILLS
WARRANT REGISTER
September 24, 2013

VENDOR	DESCRIPTION	CHECK NO.	AMOUNT
RPW SERVICES, INC.	Rodent Control, Parks, Jul '13	8806044	1,560.00
SOUTH COAST WATERS	Facility Maintenance, Water Feature, Community Center, Sep '13	8806048	475.00
SUNSET PROPERTY SERVICES	Street Sweeping, Aug '13	8806051	10,930.85
U-HAUL	Program Expense, Community Services, Aug '13	8806052	28.46
WEST COAST ARBORISTS, INC.	Tree Trimming, Jul - Aug '13	8806055	26,973.00
WILLDAN	Professional Services, Ridge Route Pavement Rehabilitation CIP # 172 and El Toro Rd Pavement Rehabilitation CIP # 179	8806056	4,970.00
XEROX CORPORATION	Usage - Copier, City Hall, Aug '13	8806057	399.25
Total Regular Warrants:			\$ 660,291.13
			**WARRANT REGISTER TOTAL **
			\$ 771,237.09



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

**FROM: PEGGY J. JOHNS
CITY CLERK**

ISSUE: CLAIM AGAINST THE CITY, RONALD MILFS

**RECOMMENDATION: THAT THE CITY COUNCIL REJECT THE CLAIM AND
DIRECT THE CITY CLERK TO SEND A CLAIM REJECTION LETTER.**

SUMMARY:

On May 14, 2013, the City received a claim in the amount of \$175,000 filed by Ronald Milfs. The claim was filed due to an automobile accident which occurred on November 19, 2012, at the intersection of Moulton Parkway and Nellie Gail Road in the City of Laguna Hills. The accident resulted in injuries to Ronald Milfs, who was a passenger in one of the two vehicles involved in the accident.

On September 6, 2013, the City Clerk received notification from its Claim Administrator to reject the claim. The City Manager has the authority to reject claims in amounts less than \$50,000. Because of the amount involved with this claim, it is recommended that the City Council reject the claim.

ATTACHMENTS:

- Claim

C-1303

JAMES R. TRAUT
BAR#84839
ERIC V. TRAUT
BAR#146644
TRAUT FIRM

LGHCC MAY14'13 AM11:25

5 HUTTON CENTRE SUITE 700
SANTA ANA CALIFORNIA 92701

(714) 835-7000
FAX (714) 835-5900

REPRESENTING CLAIMANT

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

RONALD MILFS,

Claimant,

vs.

STATE OF CALIFORNIA,
DEPARTMENT OF TRANSPORTATION,
CITY OF LAGUNA HILLS,

Respondents,

CLAIM FOR PERSONAL INJURIES

(Government Code Section 910)

TO: STATE OF CALIFORNIA and CITY OF LAGUNA HILLS:

YOU ARE HEREBY NOTIFIED that RONALD MILFS whose address is 26922 Rocking Horse Lane, Laguna Hills, CA, 92653 claims damages from STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, and CITY OF LAGUNA HILLS in the amount of, computed as of the date of presentation of this claim, \$175,000.

This claim is based upon the serious bodily injuries of RONALD MILFS, due to a two vehicle incident on November 19, 2012, at the intersection of Moulton Pkwy and Nellie Gail in the city of Laguna Hills. The overpass of the toll road owned and maintained by the STATE OF CALIFORNIA is adjacent to the intersection. The specific area involved is more particularly described is Orange County Sheriff's Department Traffic Collision Report No: 12-205146 relating

1 to the accident in question. The report is attached hereto as Exhibit 1 and made a part hereof.

2 At the time and place, AUDREY MILFS was driving a 2006 Mercedes occupied by
3 RONALD MILFS that was westbound on Nellie Gail stopped for a red light at the intersection with
4 Moulton. Bonnie Tayson was driving a 2004 Hyundai northbound on Moulton approaching the
5 same intersection. As Ms. Tayson approached the intersection the light just prior to the intersection
6 was apparently green for northbound traffic. She believed the signal at intersection with Moulton
7 was also green. However, it was not, and she proceeded into the intersection against the red signal
8 and slammed into the left front of the Milfs vehicle who was proceeding left onto Moulton on a
9 green signal.

10 Respondent government entity owned, controlled, maintained, managed, inspected, operated,
11 repaired and/or designed the highway area in question. Said highway are and/or it's design,
12 constituted a dangerous and unsafe condition of public property due to confusing signals for
13 northbound traffic approaching the Moulton intersection. It creates the false perception for the driver
14 that a green signal on the approach traffic signal means the signal at the intersection with Moulton
15 is also green.

16 The dangerous condition was created by the negligent and/or wrongful act or omission of an
17 agent or agents, or an employee or employees, of the Respondent government entities and each of
18 them, while acting within the course and scope of said agency and/or employment. Said
19 government entities, and each of them, either created the dangerous condition and/or had actual or
20 constructive notice of said dangerous condition a sufficient time prior to the incident so that
21 measures could have been taken to protect against said dangerous condition.

22 Said negligence and/or said conditions caused/contributed to the happening of the accident
23 and injuries of RONALD MILFS, including appurtenant damages and expenses. Said negligence
24 and/or said conditions caused/contributed to the happening of the accident and serious injuries to
25 68 year old RONALD MILFS, which serious injuries included, but are not limited to, neck, back and
26 a serious right calf injury that all required medical care.

27 The names of the public employees causing the claimed damages are unknown to Claimants
28 at his time.

1 The complete nature and extent of the damages sustained by Claimants as the date of
2 presentation of this claim are not fully known. Claimants will amend this claim, if necessary, to state
3 the extent of said damages when fully ascertained.

4 The amount claimed, as of the date of presentation of this claim, is computed as follows:

5 RONALD MILES

6 Special Damages: \$75,000

7 General Damages: \$100,000

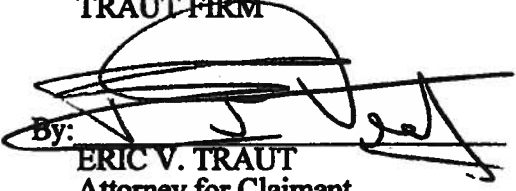
8 **TOTAL DAMAGES TO DATE: \$175,000**

9 Jurisdiction over the claimants rests in Superior Court.

10 All notices or other communications with regard to this claim should be sent to Claimants,
11 care of ERIC V. TRAUT, ESQ., Traut Firm, 5 Hutton Centre, Suite 700, Santa Ana, CA 92707.

12
13
14
15 Dated: May 7, 2013

TRAUT FIRM

16
17 By: 

ERIC V. TRAUT
Attorney for Claimant

1
2
3
4 **PROOF OF SERVICE BY CERTIFIED MAIL**

5 STATE OF CALIFORNIA)
6 COUNTY OF ORANGE)ss

7 I am employed in the county of Orange, State of California, I am over the age of 18
8 and not a party to the within action; my business address is: 5 Hutton Centre, Suite 700, Santa
9 Ana, California 92707.

10 On May 10, 2013, I served the foregoing document described as as CLAIM FOR
11 PERSONAL INJURIES (Government Code Section 910), \$25 CHECK PAYABLE TO
12 "STATE OF CALIFORNIA", on all interested parties in this action by certified mail and
13 by placing a true copy thereof in a sealed envelope addressed as follows:
14

15
16 California Victim Compensation and Government Claims Board
17 Government Claim Unit
18 P.O. Box 3035
Sacramento, CA 95812-3035

19 CITY OF LAGUNA HILLS
20 CITY CLERK - PEGGY JOHNS
21 24035 El Toro Road
Laguna Hills, CA 92653

22
23 I caused such envelope to be sent by mail, at Santa Ana, California.

24 Executed on May 10, 2013, at Santa Ana, California.

25 I declare under penalty of perjury under the laws of the State of California that the
26 above is true and correct.
27

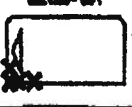
28

EVELIA SANCHEZ

ORIGINAL

PAGE 1 OF 7

5

SPECIAL CONDITIONS		REPORTING OFFICER 1	IS A RAIL COLLISION ☐	CITY LAGUNA HILLS	JUDICIAL DISTRICT HJC	LOCAL REPORT NUMBER 12-205146	
		REPORTING OFFICER 0	IS A RAIL COLLISION ☐	COUNTY ORANGE	REPORTING DISTRICT 921:H6	BEAT 745	DAY OF WEEK MONDAY
LOCATION	COLLISION OCCURRED ON MOULTON PARKWAY			MO 11/19/2012	DAY 1325	YEAR 2004	TIME (MMSS) 3000
	REPORT INFORMATION			OFFERED LO. 3602		PHOTOGRAPHS BY ☒ NONE	
	GPS COORDINATES LATITUDE _____ LONGITUDE _____			STATE HWY REL. ☐ YES ☒ NO			
	☒ AT INTERSECTION WITH ON NELLIE GAIL						
PARTY 1	DRIVER'S LICENSE NUMBER	STATE CA	CLASS C	AIR BAG L	SAFETY SEAT G	VEH. YEAR 2004	MAKE / MODEL / COLOR HYUN SEL
	NAME (FIRST, MIDDLE, LAST) BONNIE JEAN TAYSON	OWNER'S NAME ☒ SAME AS DRIVER		LICENSE NUMBER 5K6X588		STATE CA	
	STREET ADDRESS 16631 VIEWPOINT LN	OWNER'S ADDRESS ☒ SAME AS DRIVER		DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER			
	CITY / STATE / ZIP HUNTINGTON BEACH CA 92647	SEA COUNTRY - (949) 770-3617		PRIOR MECHANICAL DEFECTS ☒ NONE APP. ☐ REFER TO NARRATIVE			
	SEX F RACE BLN EYES HZL HEIGHT 5-05 WEIGHT 145 BIRTHDATE 11/28/1944 YEAR W	VEHICLE IDENTIFICATION NUMBER		VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE ☐ UNK ☐ MOD ☒ MAJOR ☐ ROLL-OVER	
	HOME PHONE (714) 454-9589	BUSINESS PHONE NONE		VEHICLE TYPE 01		SHAPE IN DAMAGED AREA 	
	INSURANCE CARRIER AAA	POLICY NUMBER CAAD61191590		CA _____ DOT _____			
	DIR OF TRAVEL N ON STREET OR HIGHWAY MOULTON PARKWAY	SPEED LIMIT 45		CAL-T _____ TOPF60 _____			
PARTY 2	DRIVER'S LICENSE NUMBER	STATE CA	CLASS C	AIR BAG L	SAFETY SEAT G	VEH. YEAR 2006	MAKE / MODEL / COLOR MERZ 8400 BLK
	NAME (FIRST, MIDDLE, LAST) AUDREY LEE MILFS	OWNER'S NAME ☒ SAME AS DRIVER		LICENSE NUMBER 5NCH824		STATE CA	
	STREET ADDRESS 24923 ROCKING HORSE LN	OWNER'S ADDRESS ☒ SAME AS DRIVER		DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER			
	CITY / STATE / ZIP LAGUNA HILLS CA 92653	SEA COUNTRY - (949) 457-9927		PRIOR MECHANICAL DEFECTS ☒ NONE APP. ☐ REFER TO NARRATIVE			
	SEX F RACE BRN EYES BLU HEIGHT 5-03 WEIGHT 160 BIRTHDATE 11/11/1945 YEAR W	VEHICLE IDENTIFICATION NUMBER		VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE ☐ UNK ☐ MOD ☒ MAJOR ☐ ROLL-OVER	
	HOME PHONE (949) 831-1790	BUSINESS PHONE NONE		VEHICLE TYPE 01		SHAPE IN DAMAGED AREA 	
	INSURANCE CARRIER FARMERS	POLICY NUMBER 97-176500481		CA _____ DOT _____			
	DIR OF TRAVEL W ON STREET OR HIGHWAY NELLIE GAIL	SPEED LIMIT 25		CAL-T _____ TOPF60 _____			
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY SEAT	VEH. YEAR	MAKE / MODEL / COLOR
	NAME (FIRST, MIDDLE, LAST)	OWNER'S NAME		LICENSE NUMBER		STATE	
	STREET ADDRESS	OWNER'S ADDRESS		DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER			
	CITY / STATE / ZIP	PRIOR MECHANICAL DEFECTS ☐ NONE APP. ☐ REFER TO NARRATIVE		VEHICLE IDENTIFICATION NUMBER			
	SEX _____ RACE _____ EYES _____ HEIGHT _____ WEIGHT _____ BIRTHDATE _____ YEAR _____	VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE ☐ UNK ☐ MOD ☐ MAJOR ☐ ROLL-OVER		SHAPE IN DAMAGED AREA	
	HOME PHONE	BUSINESS PHONE		VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE ☐ UNK ☐ MOD ☐ MAJOR ☐ ROLL-OVER	
	INSURANCE CARRIER	POLICY NUMBER		CA _____ DOT _____			
	DIR OF TRAVEL _____ ON STREET OR HIGHWAY	SPEED LIMIT		CAL-T _____ TOPF60 _____			
PREPARED BY NAME M FOUSTE 3602		DISPATCH NOTIFIED ☐ YES ☐ NO ☐ NA		REPORTING NAME DEP. R. REYES #3329		DATE REVISED DEC 18 2012	

STATE OF CALIFORNIA
TRAFFIC COLLISION CODING
 CHP 555 CARS PAGE2 (REV. 11-08) CFI 085

PAGE 2 OF 7

DATE OF COLLISION (MO. DAY YEAR) 11/19/2012	TIMESTAMP 1325	NOISE # 3090	OFFICER I.D. 3602	NUMBER 12-205146
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PROPERTY DAMAGE	OWNER	OWNER ADDRESS	NOTIFIED ☐ YES ☐ NO
DESCRIPTION OF DAMAGE			

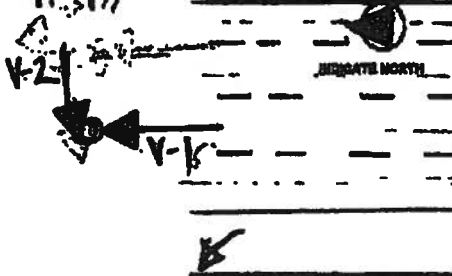
SEATING POSITION 	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	SAFETY EQUIPMENT L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE VEHICLE - HELMET DRIVER: V - NO, W - YES PASSENGER: X - NO, Y - YES EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSPRKE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
-----------------------------	--	---	---

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER 05 OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	3	SPECIAL INFORMATION	1	2	3	MOVEMENT PRECEDING COLLISION
1 A VIOLATION VIOLATED: CITED ☐ YES ☒ NO 21402(A)	A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE				B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSCURED				C CELL PHONE HANDSPRKE IN USE				C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT / FACTOR*				D CELL PHONE NOT IN USE				D MAKING RIGHT TURN
	TYPE OF COLLISION				E SCHOOL BUS RELATED				E MAKING LEFT TURN
	A HEAD-ON				F 75 FT MOTORTRUCK COMBO				F MAKING U-TURN
	B SIDE SWIPE				G 32 FT TRAILER COMBO				G BACKING
	C REAR END				H				H SLOWING / STOPPING
WEATHER (MARK 1 TO 2 ITEMS)	D BROADCAST				I				I PASSING OTHER VEHICLE
X A CLEAR	E HIT OBJECT				J				J CHANGING LANES
B CLOUDY	F OVERTURNED				K				K PARALLEL MANEUVER
C RAINING	G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC
D SNOWING	H OTHER*				M				M OTHER UNSAFE TURNING
E Fog/visibility FT.					N				N RING INTO OPPOSING LANE
F OTHER*	MOTOR VEHICLE INVOLVED WITH				O				O PARKED
G WIND	A NON - COLLISION				P				P MERGING
	B PEDESTRIAN				Q				Q TRAVELING WRONG WAY
LIGHTING	C OTHER MOTOR VEHICLE				OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				R OTHER*
X A DAYLIGHT	D MOTOR VEHICLE ON OTHER ROADWAY				A VIOLATION VIOLATED: CITED ☐ YES ☒ NO				
B DUSK - DAWN	E PARKED MOTOR VEHICLE				B VIOLATION VIOLATED: CITED ☐ YES ☒ NO				
C DARK - STREET LIGHTS	F TRAIN				C VIOLATION VIOLATED: CITED ☐ YES ☒ NO				
D DARK - NO STREET LIGHTS	G BICYCLE				D				
E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL				E VISION OBSCUREMENT				
ROADWAY SURFACE	I FIXED OBJECT				F INATTENTION*				
X A DRY	J OTHER OBJECT				G STOP & GO TRAFFIC				
B WET					H ENTERING / LEAVING RAMP				
C SNOWY - ICE	PEDESTRIAN'S ACTIONS				I PREVIOUS COLLISION				
D SLIPPERY (GLUDDY, GRAY, ETC.)	A NO PEDESTRIANS INVOLVED				J UNFAMILIAR WITH ROAD				
ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)	B CROSSING IN CROSSWALK AT INTERSECTION				K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☒ NO				
A HOLES, DEEP RUT*	C CROSSING IN CROSSWALK - NOT AT INTERSECTION				L UNINVOLVED VEHICLE				
B LOOSE MATERIAL ON ROADWAY*	D CROSSING - NOT IN CROSSWALK				M OTHER*				
C OBSTRUCTION ON ROADWAY*	E IN ROAD - INCLUDES SHOULDER				N NONE APPARENT				
D OBSTRUCTION - REPAIR ZONE	F NOT IN ROAD				O RUNAWAY VEHICLE				
E REDUCED ROADWAY WIDTH	G APPROACHING / LEAVING SCHOOL BUS								
F FLOODED*									
G OTHER*									
X H NO UNUSUAL CONDITIONS									

SKETCH

MADISON



MISCELLANEOUS

STATE OF CALIFORNIA
INJURED / WITNESSES / PASSENGERS
CHP 555 CARD PAGE 2 (REV 11-06) OPI 885

PAGE 3 OF 7

DATE OF COLLISION (MO. DAY YEAR) 11/19/2012				TIME(2400) 1325		MOIS # 3000		OFFICER I.D. 3602				NUMBER 12-305146									
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY SEUP.	EJECTED				
				FATAL INJURY	SEVERE INJURY	OTHER VEHICLE INJURY	COMPLAINT OF PAIN	DRIVER	PASSE.	PED.	BICYCLIST	OTHER									
☐ #	☐	68	M	☐	☐	☐	☒	☐	☒	☐	☐	☐	2	3	L	G	0				
NAME / D.O.B. / ADDRESS RONALD C MILPS (08/31/1944) 26922 ROCKING HORSE LN LAGUNA HILLS CA 92653												TELEPHONE (949)831-1790									
(INJURED ONLY) TRANSPORTED BY: DOCTORS												TAKEN TO: SADDLEBACK HOSPITAL									
DESCRIBE INJURED: COMPLAIN OF BACK AND NECK PAIN																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
☒ # 1	☐	58	F	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
NAME / D.O.B. / ADDRESS NORY STELLA GUTIERREZ (08/31/1954) 27751 HOMESTEAD RD LAGUNA NIGUEL CA 92677												TELEPHONE (949)973-0109									
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:									
DESCRIBE INJURED:																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
NAME / D.O.B. / ADDRESS												TELEPHONE									
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:									
DESCRIBE INJURED:																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
NAME / D.O.B. / ADDRESS												TELEPHONE									
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:									
DESCRIBE INJURED:																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
NAME / D.O.B. / ADDRESS												TELEPHONE									
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:									
DESCRIBE INJURED:																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				
NAME / D.O.B. / ADDRESS												TELEPHONE									
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:									
DESCRIBE INJURED:																					
☐ VICTIM OF VIOLENT CRIME NOTIFIED																					
PREPARED BY'S NAME M FOUSTE												I.D. NUMBER 3602		MO. DAY YEAR 11/19/2012		REVIEWER'S NAME DEP. R. REYES #3329				MO. DAY YEAR DEC 18 2012	

NARRATIVE/SUPPLEMENTAL

PAGE 5 OF 7

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/19/2012	1326	3000	3602	12-205148

FACTUAL DIAGRAM LEGEND**V-1 (Hyundai)**

LFT 1 Ft 10 inches W/WCL of Moulton Parkway

59 Ft 10 inches N/NCL of Nellie Gail

LRT 6 Ft. 5 inches E/WCL of Moulton Parkway

56 Ft. 11 inches N/NCL of Nellie Gail

V-2 (Mercedes)

LFT 68 Ft. 10 inches E/WCL of Moulton Parkway

3 Ft. 5 inches N/NCL of Nellie Gail

LRT 72 Ft. 2 inches E/WCL of Moulton Parkway

5 Ft. 7 inches S/NCL of Nellie Gail

FACTS**NOTIFICATION:**

On 11-19-12 at approximately 1330 hours I was dispatched to this injury collision. Responding from the area of Paseo De Valencia and Los Alisos I arrived on scene and approximately 1340 hours. All times, speeds and distances are approximate. Measurements were taken by Deputy Watson with a rolatape.

SCENE DESCRIPTION:

In this area Moulton Parkway is a north and south bound roadway with three lanes running in each direction. The roadway is divided by a raised concrete planter and bordered by raised concrete curbs. There is designated left turn lane for both North and South bound lanes. Nellie Gail is a residential roadway running east and west bound and intersects with Moulton Parkway. The west bound Nellie Gail has one

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M FOUSTE	3602	11/19/2012	DEP. R. REYES #3329	DEC 18 2012

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
11/19/2012	1325	3000	3602 12-205146

1 right turn lane and one lane designated for straight thru and left turn traffic. All traffic signals were in good
2 working order. The roadway is composed of asphalt.

3

4 **PARTIES:**

5 D-1 (Tayson) was located at the scene standing on the north/west curb of Moulton Parkway. She was
6 identified as the driver of V-1 (Hyundia) by her California driver's license and her and witness statements.
7 D-1 did not sustain any injuries.

8 V-1 (Hyundai) was located at the scene at its point of rest. V-1 sustained major damage to the hood,
9 windshield, front bumper, head lights and left and right fenders.

10

11 D-2 (Milfs) was located at the scene standing on the north/west curb of Moulton Parkway. She was
12 identified by her California driver's license and her and witness statements. D-2 did not sustain any injuries.

13

14 V-2 (Mercedes) was located at the scene at its point of rest. V-2 sustained major damage to the windshield,
15 hood, bumper, left fender and driver door.

16

17 **STATEMENTS:**

18 D-1 (Tayson) was located at the scene and the following is a summary of her statement. D-1 stated she was
19 traveling north bound in the #2 lane of Moulton Parkway. She was worried about getting into the #1 lane
20 and did not see the color of the light until she was in the intersection and noticed V-2 (Mercedes) directly in
21 front of her and realized the light was red.

22

23 D-2 (Milfs) was located at the scene and the following is a summary of her statement. D-2 stated she was
24 stopped at a red light west bound Nellie Gail. When the light turned green she waited a few seconds and
25 looked both ways before entering the intersection. As she approached the intersection she saw V-1
26 (Hyundia) north bound Moulton and was not stopping and was struck by V-1.

27 Passenger (Milfs) was located at the scene being treated by paramedics. D-2 did not have any visible
28 injuries but complained of pain to his chest and was transported to Saddleback Hospital.

29

30 Wit #1 (Gutierrez) was located at the scene and the following is a summary of her statement. Gutierrez
31 stated she was stopped south bound Moulton in the left turn lane at a red light. She saw the light was green
32 for west bound Nellie Gail traffic. V-2 was making a left turn onto Moulton and was hit by V-1 (Hyundai)
33 traveling north bound on Moulton Parkway.

34

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M FOUSTE	3602	11/19/2012	DEP. R. REYES #3329	DEC 18 2012

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/19/2012	1325	3000	3602	12-205146

1

2

OPINIONS AND CONCLUSIONS:**3 SUMMARY:**

4 V-1 (Hyundai) was traveling north bound in the #2 lane of Moulton Parkway on a red light and collided
5 with V-2 (Mercedes) who had a green light and was in the intersection making a left turn.

6

7 AREA OF IMPACT ESTIMATED TO BE:

8 27 Ft. 6 inches S/NCL of Nellie Gail

9 78 Ft. 1 inch E/WCL of Moulton

10

11 CAUSE:

12 D-1 (Tayson) caused this collision by being in violation of CVC 21453(a), failure to stop at a red light.

13

14 RECOMMENDATIONS:

15

16

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
M FOUSTE	3602	11/19/2012	DEP. R. REYES #3329	DEC 18 2012



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

**FROM: KENNETH H. ROSENFELD
DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER**

**ISSUE: REJECTION OF BID PROTESTS, WAIVER OF MINOR BID
IRREGULARITIES, AND AWARD OF CONTRACT FOR THE LA PAZ OPEN
SPACE IMPROVEMENTS, CIP NO. 615A**

**RECOMMENDATION: THAT THE CITY COUNCIL REJECT ALL BID PROTESTS,
WAIVE MINOR BID IRREGULARITIES OF THE APPARENT LOW BIDDER, AND
AWARD THE CONTRACT FOR THE LA PAZ OPEN SPACE IMPROVEMENTS, CIP
NO. 615A, TO THE APPARENT LOW BIDDER, ENVIRONMENTAL CONSTRUCTION,
INC., IN THE LOW BID AMOUNT OF \$1,073,627.85, AND AUTHORIZE THE MAYOR
TO SIGN THE CONTRACT DOCUMENTS.**

SUMMARY:

In accordance with City Council authorization, twelve bids for the subject project were received on August 15, 2013. The apparent low bidder, Environmental Construction, Inc., (ECI) meets the contract requirements, is currently licensed, and provides satisfactory references. The City received three separate bid protests following the bid opening; two from Bidders and one from a Subcontractor. Staff reviewed in detail the content of the Bid Protest issues and determined the protests were without merit. While there were minor bid irregularities in the bid submission by the apparent low bidder, as well as by other bidders, staff has determined that these conditions were of no significance and did not provide the apparent low bidder with any bidding advantage. Accordingly, rejection of the bid protests, waiver of the minor bid irregularities of the apparent low bidder, and the award of contract in the low bid amount to Environmental Construction, Inc., is recommended.

BACKGROUND:

On August 15, 2013, the City received twelve bids for the La Paz Open Space Improvements, CIP No. 615A. The Engineer's Estimate for the project was \$1,100,000.

The following bids were received:

<u>COMPANY</u>	<u>BID</u>
Environmental Construction, Inc.	\$1,073,627.85*
STL Landscape	\$1,094,000.00
Micon Construction, Inc.	\$1,098,002.35
KASA Construction	\$1,138,834.00
Griffith Company	\$1,143,637.80
Pima Corporation	\$1,151,635.50
Yakar	\$1,164,012.70
GMC Engineering	\$1,197,000.10
Ted Enterprises, Inc.	\$1,208,653.22
Big Ben Incorporated	\$1,311,347.00
Future DB International	\$1,320,466.75
Adams/Mallory Construction Co., Inc.	\$1,381,724.00

*Adjusted total for \$0.25 addition error.

The lowest responsive and responsible bidder, Environmental Construction, Inc., meets the contract requirements, is currently licensed, and provides satisfactory references.

Following receipt of the bids, the City received three written Bid Protests, two from Bidders and one from a potential Subcontractor, as is shown in the attached Exhibit 1. Staff fully evaluated the Bid Protests and advised those that submitted the protests that they were without merit and would be rejected as is shown in the attached Exhibit 2. The summary of the Bid Protests and their analysis is as follows:

The protests all allege that ECI's bid should be rejected because ECI does not possess a Class C-10 (Electrical) and Class C-13 (Fencing) license and, in the alternative, failed to list subcontractors with said licenses. The protests assume that ECI cannot legally complete the required work with a Class A - General Engineering license without also possessing various Class C specialty licenses. The California State Contractor License Board (CSLB) is the body that is tasked with issuing contractor licenses in the State of California and also with enforcing contractor operations pursuant to California Business and Professions Code. The CSLB has addressed this very circumstance in readily available information and clearly opined that a Class A Contractor's License is appropriate for performing the type of work contemplated in the La Paz Open Space Improvements project without the need for additional classes of contractor licenses.

The protests also raise issues of whether ECI provided all information required by the "Instructions For Bidders" (IFB). Specifically, they allege that ECI failed to include an email address, the original date that its contractor license was issued, phone numbers of

corporate officers and all current and former DBA aliases. The protests allege that the failure to include this information renders ECI's bid non-responsive and that the City cannot waive these irregularities. However, under California law, a bid which substantially conforms to an IFB, though it may not be strictly responsive, can be accepted if the variance cannot have given the bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. In the present case, the failure of ECI to the described information did not result in an unfair advantage to the other bidders. This information did not affect ECI's bid price and is information that is easily obtainable by the City. Accordingly, the irregularities in ECI's bid are inconsequential and the City may waive them at its discretion.

The La Paz Open Space Improvements project is anticipated to begin construction in November 2013, and be completed by the estimated completion date of the adjacent private improvements at the Village at Nellie Gail Shopping Center in April 2014.

FISCAL IMPACT:

The project is funded in the Fiscal Year 2013-2014 Capital Improvement Program Budget in the amount of \$1,200,000.

ATTACHMENTS:

- Exhibit 1 – Bid Protests
- Exhibit 2 – Response to Bid Protests

Exhibit 1

Bid Protests



License # 927544

August 19, 2013

City of Laguna Hills
24035 El Toro Rd.
Laguna Hills, CA 92653

Subject: La Paz Open Space Improvements. – CIP. 615A – BID PROTEST
Bid Date: August 15, 2013 at 2:00 pm

This letter is in regards to the validity of the proposal and the capacity of the Apparent Low (Environmental Construction and Apparent Second Bidder, (STL Landscape) to perform the work. I received the proposal today and after careful review, discovered a few discrepancies and omissions which in turn, would deem the apparent low bidders, non-responsive.

Public Contract Code section 4104 Specification in Bid of Information about Subcontractors, requires a general contractor when listing a subcontractor to list the Name and the Location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor. STL listed one subcontractor, JFL for the Electrical and Environmental Construction did not list any subs.

We checked STL's listed electrical sub JFL Electric on CSLB and found out that STL also owns JFL Electric or vice versa. Public Contract Code section 4105 Circumvention of Requirement that Subcontractor Be Listed. Circumvention by a general contractor who bids as a prime contractor of the requirement under Section 4104 for him or her to list his or her subcontractors, by the device of listing another contractor who will in turn sublet portions consisting the majority of the work covered by the prime contract, shall be considered a violation of this chapter and shall subject that prime contractor to the penalties set forth in sections 4110 and 4111. On sheet IB-2 of the specs Disqualification of Bidders states, In the event that any bidder acting as a prime contractor has an interest in more than one proposal, all such proposals will be rejected, and the bidder will be disqualified. This alone should deem STL non-responsive. These types of shady practices are very suspicious and try to circumvent public contract code requirements. The City should be weary of this practice.

Public Contract Code section 4106 Noncompliance with Subcontractor Specification Requirement. If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself. If after award of the contract, the prime contractor subcontracts, any such portion of the work, the prime contractor

316 N. Corona Ave., Ontario, CA 91764
Phone: 909.457.8260 / Fax: 909.457.8261

KASA CONSTRUCTION

License # 927544

shall be subject to penalties named in section 4111. STL did not list any subcontractor for the concrete, fence or tree removal. Therefore STL will be performing these scopes of work with their own forces. Which in turn ask the question, are they qualified to perform these scopes of work?

Also on sheet P-10 of the proposal bid schedule number 1 Mobilization, it is unclear and ambiguous, the price STL provided. It looks like it might be \$25,000 or \$21,000. This discrepancy should be taken into consideration

Environmental Construction has No subs listed. Therefore Environmental will be performing all the scopes within this project in house. Environmental only carries the A, B, and C-27 classification on their CSLB license. So apparently Environmental will be performing the Electrical work in-house. But without a C-10 classification they will not allowed per the Department of Industrial Relations and the CSLB.

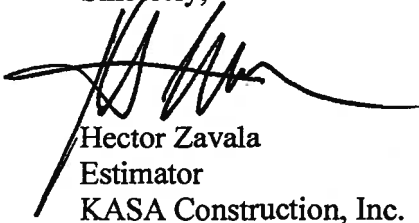
Environmental also has unclear and ambiguous prices on their bid schedule. On bid item #30 1 Gallon Groundcover it looks like their bid unit item price is \$51 which in turn makes the bid item total to \$206,754. On bid item #40 the price is so indistinguishable that it might be \$259,225 or \$239,225. Per Contract Code this discrepancy has grounds for disqualification.

Also Environmental Construction has many omissions on their proposal such as Email address, original date issued of CSLB, addresses, phone numbers of corporate officers and current dba's.

The apparent low bidders may claim that it is a minor irregularity but this would definitely not be acceptable nor ethical. A minor irregularity is a deviation from the solicitation requirements that can be waived by the Agency because it does affect price, quality, or time, and does not afford the bidder a competitive advantage.

KASA Construction respectfully requests that the City of Laguna Hills considers the above findings and makes a fair determination in making Environmental Construction and STL Landscape non-responsive. If there is any additional information needed, please do not hesitate to call me at the number below.

Sincerely,



Hector Zavala
Estimator
KASA Construction, Inc.

316 N. Corona Ave., Ontario, CA 91764
Phone: 909.457.8260 / Fax: 909.457.8261

9/24/2013 ITEM NO. 4.4

MICON CONSTRUCTION

GENERAL BUILDING CONTRACTORS

License #744198 CA # 154926 AZ

August 19, 2013

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

VIA EMAIL & FAX: krosenfield@ci.laguna-hill.ca.us 949.707.2633
ATTN: Kenneth Rosenfield, City Engineer
RE: La Paz Open Space Improvements, CIP NO. 615A
SUBJ: BID PROTEST Environmental Construction, Inc. AND STL Landscape, Inc.

Dear Mr. Rosenfield:

We bid on many of the park/playground/school projects that come out for public bid. We followed the instructions, plans and specifications as provided by bidding entities. All bidders are provided a level playing field to calculate and submit competitive bids. We expect the City to insure all bidders follow instruction set forth in your own bid documents and spec book.

Upon inspection of each of the aforementioned bidders bid documents, we have found inconsistencies in each of their bids. I will outline each, set forth below:

Environmental Construction, Inc.

- 1) Bid Form, sheet P-3; several items have not been filled in: email address, original date issued, current & prior DBA's etc. Non-responsive.
- 2) Bid Form; sheet P-4; List of Subcontractors. They did not even acknowledge this sheet with N/A or NONE, but more importantly, they did not list any subcontractors of any kind. They do not have any of the specialty licenses necessary to complete the scope of work ie: electrical, fencing. Per your specifications all work done by forces other than general contractor in excess of 1/2 of 1% must be listed. Hence, with no specialty licenses and no listed subcontractors, at least 20% of the scope of work is in question of what qualified party will perform the work. Non-responsive.
- 3) Per spec book, page SP-30, Section 209-1.8, Item 2d,
"Final Acceptance Tests: At the time of the Final Acceptance Inspection, Contractor shall have a qualified electrician at the job site to make all tests." Without a listed electrical subcontractor or valid specialty license, who is the qualified electrical contractor?

While the City has the right to waive minor irregularities, the above is more than a case of minor irregularities, it is a case of omissions.

We respectfully request that Environment Construction, Inc., be deemed non-responsive on this bid.

STL Landscape, Inc.

- 1) Bid Form, sheet P-4; List of Subcontractors: Address of subcontractor incomplete.
- 2) Bid Form, sheet P-6; incomplete address of the corporation. Is this in California?
- 3) Bid Form, sheet P-12; Total Bid in Figures incomplete, not filled in.
- 4) Bid Form, sheet P-12; Total Bid in Words; bidder numerically wrote in 1,094,000 cents?
- 5) Only an electrical subcontractor was listed in subcontractor section, there are no other specialty trade subcontractors listed.

Clearly, the two apparent low bidders for this project have not complied with the specifications provided by the City and should be deemed non-responsive.

We can all continue to bid on public works projects for various entities with rules set out by the entities themselves, but YOU, the entity in this case, set out rules and instructions to get a responsive bidder. All we ask is you respect your own rules, instructions and requirements in the bidding process. **WORDS HAVE MEANING!**

We would appreciate your due diligence and response.
Should you have any questions, please feel free to call me.

Sincerely,
MICON CONSTRUCTION

Ruth Lepke
Project Manager

Cc: Peggy J. Johns, City Clerk pjohns@ci.laguna-hills.ca.us
Sandy Mogan, Deputy City Clerk smogan@ci.laguna-hills.ca.us

1616 Sierra Madre Circle / Placentia, CA 92870-6631 / 714.666.0604 / FAX 714.666.1007

19420 Kennedy Drive Mayer, AZ 86333
800.949.0203

Valley Cities/Gonzales Fence Co. Inc.
1338 Sixth St. Norco, Ca. 92860
Phone# (951)735-1145 Fax# (951)735-9683
License # 575325

August 19, 2013

City of Laguna Hills
24035 El Toro Road
Laguna Hills, CA 92653

VIA FAX: (949) 707-2633
Attn: Kenneth Rosenfield, City Engineer
RE: LA Paz Open Space Improvements, CIP NO. 615A **BID PROTEST**

Dear Mr. Rosenfield,

We are a fencing subcontractor that bid on the above named project. After further inspection into the apparent low bidder Environmental Construction Inc and the apparent 2nd low bidder STL Landscape, Inc, neither of said bidders listed a fencing subcontractor. Upon further investigation, neither of these bidders have the specialty contractor license to perform this specialty trade, a C13.

I am asking that the City of Laguna Hills to adhere to their own bid specifications that state,
"bidders are required to list in their proposal the name and location of place of business of each subcontractor who will perform work or labor or render services in or about the construction of the work or improvement or a subcontractor who SPECIFICALLY FABRICATES and INSTALLS a portion of the work or improvement according to detailed drawings contained in the plans and specification in excess of 1/2 of 1% of this prime Contractors total bid or \$10,000, whichever is great."

Considering neither of these two bidders has the proper license classification to perform this specialty trade portion of the scope of work, I am asking for both of their bids be thrown out and deemed non-responsive.

It is not acceptable for this type of bidding practice to be tolerated or accepted. Subcontractors, myself included spend an enormous amount of money to maintain insurance, workers compensation, bonding and training to be in this specialty trade in order to provide sub-prices to prime contractors. For them to not list a subcontractor and either try to perform the work themselves or subcontract it out after the project awards is neither ethical nor legal.

In order to continue to bid in the public section, city agencies must adhere and abide by their own rules and specifications or they themselves, open themselves up to unfair and illegal bidding practices.

If you have any questions, please feel free to contact me.

Sincerely,

Dave Gonzales
President

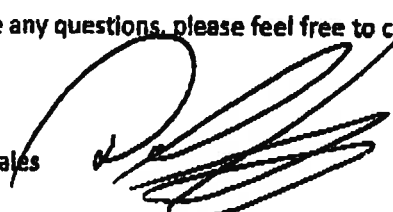


Exhibit 2

Response to Bid Protests



CITY OF LAGUNA HILLS

September 11, 2013

Kasa Construction, Inc.
316 N. Corona Avenue
Ontario, CA 91764

Subject: City Response to Bid Protest, La Paz Open Space Improvements, CIP No. 615A

Dear Sirs;

The City of Laguna Hills ("City") is in receipt of your bid protest letter dated August 19, 2013 for the CIP No. 615A La Paz Open Space Improvements Project. The City is also in receipt of other protest letters for the same procurement. City staff has reviewed and considered all protests received and will be recommending that the City Council reject all protests and award the subject contract to the lowest responsible bidder, Environmental Construction, Inc., (ECI).

All protests received by the City have raised similar issues and this letter will serve as the City's response to all protests received. The protests all allege that ECI's bid should be rejected because ECI does not possess a Class C-10 (Electrical) and Class C-13 (Fencing) license and, in the alternative, failed to list subcontractors with said licenses. The protests assume that ECI cannot legally complete that required work with a Class A - General Engineering license without also possessing various Class C specialty licenses. This assumption is incorrect.

The California State Contractor License Board (CSLB) is the body that is tasked with issuing contractor licenses in the State of California and also with enforcing contractor operations pursuant to California Business and Professions Code. The CSLB has addressed the very circumstance that is the basis for this protest over contractor licensing. Specifically, can a contractor that possesses a Class A - General Engineering license perform specialty work that would normally require a Class C license if that work is an integral part of the scope of work for a general engineering contractor? For example, a Class A - General Engineering contractor can build a freeway, which can include pouring concrete, installing electrical conduits and putting up fences. The CSLB has responded to this question in the FAQ section of its website by stating that a Class A - General Engineering contractor,

...can contract to perform all or any part of a project that falls under the "A" classification. California Code of Regulations section 834(a) states "... a

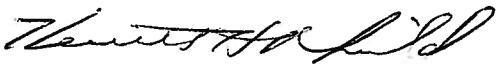
general engineering contractor shall operate only within those areas defined in Section 7056 of the [B&P] Code." Therefore an "A" contractor could take a contract to build a fence or pour concrete if the work was originally or currently part of the type of projects listed in B&P Code section 7056 (airports, roads and similar "fixed works").

The current Project falls within the type of projects listed in section 7056 as it would be classified as a park or open space project. Accordingly, ECI can perform all work required by the Project, including electrical and fencing specialty work, with its Class A – General Engineering license.

The protests also raise issues of whether ECI provided all information required by the Instructions For Bidders (IFB). Specifically, that ECI failed to include an email address, the original date that its contractor license was issued, phone numbers of corporate officers and all current and former DBA aliases. The protests allege that the failure to include this information renders ECI's bid non-responsive and that the City cannot waive these irregularities. However, under California law, a bid which substantially conforms to an IFB, though it may not be strictly responsive, can be accepted if the variance cannot have given the bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. Whether a variance is inconsequential is a question of fact as to whether the variance resulted in an unfair competitive advantage in the bidding process. In the present case, the failure of ECI to include its email address, the date its license was issued, phone numbers of corporate officers and current and former DBA aliases did not result in an unfair advantage to the other bidders. This information did not affect ECI's bid price and is information that is easily obtainable by the City. Accordingly, the variances in ECI's bid are inconsequential and the City may waive them at its discretion.

Based on the information above, City staff will recommend that the City Council reject all bid protests received and award to the Project to the lowest responsible bidder, ECI, at the next City Council meeting on September 24, 2013.

Sincerely,



Kenneth H. Rosenfield, P.E.
Director of Public Services



CITY OF LAGUNA HILLS

September 11, 2013

Micon Construction, Inc.
1616 Sierra Madre Circle
Placentia, CA 92870-6631

Subject: City Response to Bid Protest, La Paz Open Space Improvements, CIP No. 615A

Dear Sirs;

The City of Laguna Hills ("City") is in receipt of your bid protest letter dated August 19, 2013 for the CIP No. 615A La Paz Open Space Improvements Project. The City is also in receipt of other protest letters for the same procurement. City staff has reviewed and considered all protests received and will be recommending that the City Council reject all protests and award the subject contract to the lowest responsible bidder, Environmental Construction, Inc., (ECI).

All protests received by the City have raised similar issues and this letter will serve as the City's response to all protests received. The protests all allege that ECI's bid should be rejected because ECI does not possess a Class C-10 (Electrical) and Class C-13 (Fencing) license and, in the alternative, failed to list subcontractors with said licenses. The protests assume that ECI cannot legally complete that required work with a Class A - General Engineering license without also possessing various Class C specialty licenses. This assumption is incorrect.

The California State Contractor License Board (CSLB) is the body that is tasked with issuing contractor licenses in the State of California and also with enforcing contractor operations pursuant to California Business and Professions Code. The CSLB has addressed the very circumstance that is the basis for this protest over contractor licensing. Specifically, can a contractor that possesses a Class A - General Engineering license perform specialty work that would normally require a Class C license if that work is an integral part of the scope of work for a general engineering contractor? For example, a Class A - General Engineering contractor can build a freeway, which can include pouring concrete, installing electrical conduits and putting up fences. The CSLB has responded to this question in the FAQ section of its website by stating that a Class A – General Engineering contractor,

...can contract to perform all or any part of a project that falls under the "A" classification. California Code of Regulations section 834(a) states "... a

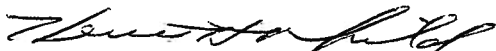
general engineering contractor shall operate only within those areas defined in Section 7056 of the [B&P] Code." Therefore an "A" contractor could take a contract to build a fence or pour concrete if the work was originally or currently part of the type of projects listed in B&P Code section 7056 (airports, roads and similar "fixed works").

The current Project falls within the type of projects listed in section 7056 as it would be classified as a park or open space project. Accordingly, ECI can perform all work required by the Project, including electrical and fencing specialty work, with its Class A – General Engineering license.

The protests also raise issues of whether ECI provided all information required by the Instructions For Bidders (IFB). Specifically, that ECI failed to include an email address, the original date that its contractor license was issued, phone numbers of corporate officers and all current and former DBA aliases. The protests allege that the failure to include this information renders ECI's bid non-responsive and that the City cannot waive these irregularities. However, under California law, a bid which substantially conforms to an IFB, though it may not be strictly responsive, can be accepted if the variance cannot have given the bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. Whether a variance is inconsequential is a question of fact as to whether the variance resulted in an unfair competitive advantage in the bidding process. In the present case, the failure of ECI to include its email address, the date its license was issued, phone numbers of corporate officers and current and former DBA aliases did not result in an unfair advantage to the other bidders. This information did not affect ECI's bid price and is information that is easily obtainable by the City. Accordingly, the variances in ECI's bid are inconsequential and the City may waive them at its discretion.

Based on the information above, City staff will recommend that the City Council reject all bid protests received and award to the Project to the lowest responsible bidder, ECI, at the next City Council meeting on September 24, 2013.

Sincerely,



Kenneth H. Rosenfield, P.E.
Director of Public Services



CITY OF LAGUNA HILLS

September 11, 2013

Valley Cities/Gonzalez Fence Company, Inc.
1338 Sixth Street
Norco, CA 92860

Subject: City Response to Bid Protest, La Paz Open Space Improvements, CIP No. 615A

Dear Sirs;

The City of Laguna Hills ("City") is in receipt of your bid protest letter dated August 19, 2013 for the CIP No. 615A La Paz Open Space Improvements Project. The City is also in receipt of other protest letters for the same procurement. City staff has reviewed and considered all protests received and will be recommending that the City Council reject all protests and award the subject contract to the lowest responsible bidder, Environmental Construction, Inc., (ECI).

All protests received by the City have raised similar issues and this letter will serve as the City's response to all protests received. The protests all allege that ECI's bid should be rejected because ECI does not possess a Class C-10 (Electrical) and Class C-13 (Fencing) license and, in the alternative, failed to list subcontractors with said licenses. The protests assume that ECI cannot legally complete that required work with a Class A - General Engineering license without also possessing various Class C specialty licenses. This assumption is incorrect.

The California State Contractor License Board (CSLB) is the body that is tasked with issuing contractor licenses in the State of California and also with enforcing contractor operations pursuant to California Business and Professions Code. The CSLB has addressed the very circumstance that is the basis for this protest over contractor licensing. Specifically, can a contractor that possesses a Class A - General Engineering license perform specialty work that would normally require a Class C license if that work is an integral part of the scope of work for a general engineering contractor? For example, a Class A - General Engineering contractor can build a freeway, which can include pouring concrete, installing electrical conduits and putting up fences. The CSLB has responded to this question in the FAQ section of its website by stating that a Class A – General Engineering contractor,

. . . can contract to perform all or any part of a project that falls under the "A" classification. California Code of Regulations section 834(a) states ". . . a

general engineering contractor shall operate only within those areas defined in Section 7056 of the [B&P] Code." Therefore an "A" contractor could take a contract to build a fence or pour concrete if the work was originally or currently part of the type of projects listed in B&P Code section 7056 (airports, roads and similar "fixed works").

The current Project falls within the type of projects listed in section 7056 as it would be classified as a park or open space project. Accordingly, ECI can perform all work required by the Project, including electrical and fencing specialty work, with its Class A – General Engineering license.

The protests also raise issues of whether ECI provided all information required by the Instructions For Bidders (IFB). Specifically, that ECI failed to include an email address, the original date that its contractor license was issued, phone numbers of corporate officers and all current and former DBA aliases. The protests allege that the failure to include this information renders ECI's bid non-responsive and that the City cannot waive these irregularities. However, under California law, a bid which substantially conforms to an IFB, though it may not be strictly responsive, can be accepted if the variance cannot have given the bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. Whether a variance is inconsequential is a question of fact as to whether the variance resulted in an unfair competitive advantage in the bidding process. In the present case, the failure of ECI to include its email address, the date its license was issued, phone numbers of corporate officers and current and former DBA aliases did not result in an unfair advantage to the other bidders. This information did not affect ECI's bid price and is information that is easily obtainable by the City. Accordingly, the variances in ECI's bid are inconsequential and the City may waive them at its discretion.

Based on the information above, City staff will recommend that the City Council reject all bid protests received and award to the Project to the lowest responsible bidder, ECI, at the next City Council meeting on September 24, 2013.

Sincerely,



Kenneth H. Rosenfield, P.E.
Director of Public Services



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: KENNETH H. ROSENFELD
DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER

ISSUE: BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDING APPLICATION

RECOMMENDATION: THAT THE CITY COUNCIL: (1) APPROVE THE GRANT APPLICATION FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM; AND (2) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE LA PAZ OPEN SPACE CLASS 1 BIKEWAY PROJECT."

SUMMARY:

The Orange County Transportation Authority (OCTA) has announced the 2014 Call for the Bicycle Corridor Improvement Program (BCIP). This program is funded through federal Congestion Mitigation and Air Quality (CMAQ) funds. The CMAQ program provides funding for transportation related projects that reduce congestion and improve air quality. Staff proposes to submit an application for a Class 1 Bikeway within the La Paz Open Space from Alameda Avenue to Aliso Hills Drive as a part of this call for projects. It is recommended that the City Council approve of the submission of the funding application and adopt the required Resolution.

BACKGROUND:

CMAQ program funding is made available through the federal transportation funding program known as Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 provides a funding source for transportation projects in furtherance of the goals and requirements of the federal Clean Air Act. The total funding allocated to OCTA for the 2014 BCIP project call is \$4.3 million and this funding is available to all Orange County

cities on a competitive basis. There is a 12% minimum local match but staff is recommending a 20% match to improve the likelihood of funding.

Staff has completed an application for a Class 1 Bikeway within the La Paz Open Space from Alameda Avenue to Aliso Hills Drive in accordance with the City's Master Plan for Bicycle and Pedestrian Facilities. Please see the attached Location Map. The proposed project would be a continuation of the La Paz Open Space Class 1 Bike Trail improvements currently being constructed between Moulton Parkway and Alameda Avenue. This project would, however, only construct the bicycle related facilities and will not include any landscaping work that is contemplated in the overall open space improvement plans as this work is not eligible for grant funding.

FISCAL IMPACT:

The project cost is estimated at \$777,000. A 20% percent match requirement of \$155,400 will be required from the General Fund if the project were to be granted funding. This project is budgeted in the future category of Capital Improvement Program Project No. 615.

CEQA FINDINGS:

CEQA and NEPA to be completed prior to project funding.

ATTACHMENTS:

- Resolution
- Location Map

RESOLUTION NO. 2013-09-24-X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE LA PAZ OPEN SPACE CLASS 1 BIKEWAY PROJECT

The City Council of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, the United State Congress enacted the Moving Ahead for Progress in the 21st Century (MAP-21) Federal Transportation Act on July 6, 2012, which makes Congestion Mitigation and Air Quality (CMAQ) funds available to the Orange County Transportation Authority (OCTA); and

WHEREAS, OCTA has the authority to use Transportation Alternatives Program funds, or similar fund source, in place of CMAQ for awarded funds through the Bicycle Corridor Improvement Program (BCIP) Call for Projects; and

WHEREAS, OCTA has established the procedures and criteria for reviewing proposals; and

WHEREAS, the City of Laguna Hills possesses the authority to nominate bicycle projects for funding using the CMAQ funding and to finance, acquire, and construct the proposed project; and

WHEREAS, by formal action the City Council hereby authorizes the nomination of the La Paz Open Space Class 1 Bikeway Project, including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the City of Laguna Hills to act in connection with the nomination and to provide such additional information as may be required; and

WHEREAS, the City of Laguna Hills will maintain and operate the property acquired, developed, rehabilitated, or restored for the life of the resultant facility(ies) or activity; and

WHEREAS, with the approval of the California Department of Transportation (Caltrans) and/or OCTA, the City of Laguna Hills or its successors in interest in the property may transfer the responsibility to maintain and operate the property; and

WHEREAS, the City of Laguna Hills will give Caltrans and/or OCTA's representatives access to and the right to examine all records, books, papers or documents related to the bicycle project; and

WHEREAS, the City of Laguna Hills will cause project work to commence within six months following notification from the State or OCTA that funds have been authorized to proceed by the Federal Highway Administration or Federal Transit Administration and that the project will be carried to completion with reasonable diligence; and

WHEREAS, the City of Laguna Hills commits \$155,400 of the General Fund and will provide 20% of the total project cost as match to the requested \$621,600 in OCTA CMAQ funds for a total project cost estimated to be \$777,000; and

WHEREAS, the City of Laguna Hills will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the American with Disabilities Act, Federal Title VI, Buy America provision, and any other federal, state, and/or local laws, rules and/or regulations; and

WHEREAS, the City Council of the City of Laguna Hills authorize the execution of any necessary cooperative agreements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Laguna Hills hereby authorizes Bruce E. Channing as the official representative of the City of Laguna Hills to apply for the Congestion Mitigation and Air Quality funding under the Moving Ahead for Progress in the 21st Century Federal Transportation Act for the La Paz Open Space Class 1 Bikeway Project.

SECTION 2. The City Council of the City of Laguna Hills agrees to fund its share of the project costs and any additional costs over the identified programmed amount.

PASSED, APPROVED, AND ADOPTED this 24th day of September 2013.

BARBARA D. KOGERMAN, MAYOR

ATTEST:

PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No.
2013-09-24-X adopted by the City Council of the City of Laguna Hills, California, at a
Regular Meeting thereof held on the 24th day of September 2013, by the following vote:

AYES:

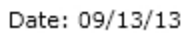
NOES:

ABSENT:

ABSTAIN:

(SEAL)

PEGGY J. JOHNS, CITY CLERK



4.3 TWO YEAR EVENT MANAGEMENT AGREEMENT WITH RENEGADE RACING FOR THE 2014 AND 2015 RACE EVENTS

THE CITY COUNCIL APPROVED THE EVENT MANAGEMENT PROFESSIONAL SERVICES AGREEMENT BETWEEN MAKE-U-FIT PRODUCTIONS, LLC, DBA RENEGADE RACING, AND THE CITY OF LAGUNA HILLS FOR EVENT MANAGEMENT SERVICES FOR THE 2014 AND 2015 MEMORIAL DAY RACE EVENTS, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT.

4.4 PROPOSED AMENDMENT NO. 2 TO CONTRACT BETWEEN COUNTY OF ORANGE AND CITY OF LAGUNA HILLS FOR HOUSING REHABILITATION PROJECT (CDBG - CFDA NO. 14.218) (CONTRACT NO. 12-613031) AUTHORIZING A ONE YEAR CONTRACT TERM EXTENSION FOR FISCAL YEAR 2013-14 AND APPROVING AND AUTHORIZING AN ADDITIONAL \$80,000 ALLOCATION IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE ALISO MEADOWS REHABILITATION PROJECT.

THE CITY COUNCIL APPROVED THE PROPOSED SECOND AMENDMENT TO CONTRACT BETWEEN COUNTY OF ORANGE AND CITY OF LAGUNA HILLS FOR HOUSING REHABILITATION ALISO MEADOWS REHABILITATION PROJECT (CDBG-CFDA NO. 14.218) (CONTRACT NO. 12-613031), AUTHORIZING A ONE YEAR CONTRACT TERM EXTENSION FOR FISCAL YEAR 2013-14 AND APPROVING AND AUTHORIZING AN ADDITIONAL \$80,000 ALLOCATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE ALISO MEADOWS REHABILITATION PROJECT, AND AUTHORIZED THE MAYOR AND CITY MANAGER TO EXECUTE THE SECOND AMENDMENT.

5. PLANNING AGENCY

Mayor Kogerman recessed the City Council meeting and acting in the capacity of Chair, called the regular meeting of the Planning Agency of the City of Laguna Hills, California, to order at 7:47 PM.

5.1 ROLL CALL OF PLANNING AGENCY MEMBERS

Present: Chair Kogerman, Vice Chair Blount, Agency Member Bressette, Agency Member Carruth, and Agency Member Gilbert.

5.2 PUBLIC COMMENTS

There were no Public Comments.

5.3 MINUTES

5.3.1 REGULAR MEETING, AUGUST 27, 2013

MOTION TO APPROVE THE MINUTES OF THE AUGUST 27, 2013, REGULAR MEETING, BY M/AGENCY MEMBER GILBERT, S/AGENCY MEMBER CARRUTH.

APPROVED BY A VOTE OF 5-0.

5.4 ADMINISTRATIVE REPORTS

There were no Administrative Reports.

5.5 PLANNING AGENCY PUBLIC HEARINGS

There were no Planning Agency Public Hearings.

PLANNING AGENCY ADJOURNMENT

Mayor Kogerman reconvened the City Council Meeting at 7:48 PM. All Council Members were present.

6. CITY COUNCIL PUBLIC HEARINGS

There were no City Council Public Hearings.

7. ADMINISTRATIVE REPORTS

7.1 City Manager

7.1.1 EMPLOYMENT CLASSIFICATIONS, SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY

The City Manager reported that he would voluntarily start contributing to CalPers as was applicable to all other management employees.

THE CITY COUNCIL ADOPTED RESOLUTION NO. 2013-09-10-1, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, REGARDING EMPLOYMENT AND ESTABLISHING SALARY RANGES AND BENEFITS FOR MANAGEMENT, CONFIDENTIAL, AND PART-TIME CLASSES OF EMPLOYMENT WITH THE CITY AND RESCINDING RESOLUTION NO. 2011-07-12-2, AS AMENDED TO:

**(1) ADD THE FOLLOWING PARAGRAPH AT THE BOTTOM OF PAGE 1:
"EFFECTIVE JULY 1, 2014, THE SALARY RANGES FOR ALL FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES SHALL BE INCREASED BY NOT LESS THAN 3.5% AND NOT MORE THAN 5%. ANY INCREASE IN AN INDIVIDUAL SALARY RANGE THAT IS GREATER THAN 3.5% EFFECTIVE JULY 1, 2014, WILL BE REPORTED TO THE CITY COUNCIL BY THE CITY MANAGER AND SUPPORTED WITH A MARKET SALARY SURVEY OF**



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013

TO: CHAIR AND AGENCY MEMBERS

**FROM: DAVID CHANTARANGSU, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT**

ISSUE: CONDITIONAL USE PERMIT (CUP), PARKING USE PERMIT (PUP), AND SITE DEVELOPMENT PERMIT (SDP) NO. 01-12-2174, A REQUEST TO MAKE COURTYARD RENOVATIONS AND TO CONSTRUCT A POOL AND FITNESS CENTER AT THE HILLS HOTEL, 25205 LA PAZ ROAD, IN THE (FC) FREEWAY COMMERCIAL ZONING DISTRICT

RECOMMENDATION: THAT THE PLANNING AGENCY TABLE THIS ITEM FOR CONDITIONAL USE PERMIT, PARKING USE PERMIT, AND SITE DEVELOPMENT PERMIT NO. 01-12-2174.

DISCUSSION:

Staff recommends that the Planning Agency table this item to allow time for preparation of a Conditional Use Permit that will accompany this project. The Conditional Use Permit included in the existing project is strictly to allow for shared parking to occur between the hotel and its accessory uses. After researching the entitlement history of The Hills Hotel, staff has determined that a Conditional Use Permit is also necessary to permit expansion of a legal non-conforming use.

The Hills Hotel was developed under County jurisdiction around 1967 and is considered to be a legal non-conforming use since it does not meet all of the Development Code's current development standards (such as required parking) and because the hotel does not possess a Conditional Use Permit, which is required to operate a hotel in the Freeway Commercial zone. The Development Code allows for the "repair, maintenance, replacement, and aesthetic improvement of structures containing nonconforming uses which do not enlarge or expand the nonconforming uses." Since the proposed project will be adding a new outdoor seating area, fitness center and swimming pool constituting a 1,052 square foot expansion of the legal nonconforming hotel use, a Conditional Use Permit is required.

Staff will work with the applicant to ensure that all necessary entitlements are included in this project, and anticipates returning to the Planning Agency with this item in approximately 45 days. The public hearing notices for this item will be re-circulated for the appropriate public hearing date.



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DAVID CHANTARANGSU, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT**

**ISSUE: ZONE CHANGE AND ZONING TEXT AMENDMENT NO. 06-13-2608, AN
AMENDMENT TO TITLE 9 OF THE LAGUNA HILLS MUNICIPAL CODE
(ZONING AND SUBDIVISIONS) TO ESTABLISH A HOSPITALITY OVERLAY
ZONE**

**RECOMMENDATION: THAT THE CITY COUNCIL TABLE THIS ITEM FOR ZONE
CHANGE AND ZONING TEXT AMENDMENT NO. 06-13-2608.**

DISCUSSION:

Staff recommends that the City Council table this item to allow time for preparation of a General Plan Amendment that will accompany this project. Staff will re-circulate public hearing notices for this item when a public hearing date has been determined.



City of Laguna Hills

City Council Meeting Agenda

Staff Report

DATE: SEPTEMBER 24, 2013

TO: MAYOR AND COUNCIL MEMBERS

**FROM: KENNETH H. ROSENFELD
DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER**

**ISSUE: PUBLIC COMMENT ON THE INITIAL STUDY WITH PROPOSED MITIGATED
NEGATIVE DECLARATION / ENVIRONMENTAL ASSESSMENT FOR THE I-5
WIDENING PROJECT FROM STATE ROUTE 73 TO EL TORO ROAD**

**RECOMMENDATION: THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE
AND SUBMIT WRITTEN COMMENTS ON THE INITIAL STUDY WITH PROPOSED
MITIGATED NEGATIVE DECLARATION / ENVIRONMENTAL ASSESSMENT FOR THE
I-5 WIDENING PROJECT FROM STATE ROUTE 73 TO EL TORO ROAD AND
ENCOURAGE PUBLIC PARTICIPATION IN THE SEPTEMBER 25, 2013, PUBLIC
HEARING TO BE HELD AT THE NORMAN P. MURRAY COMMUNITY AND SENIOR
CENTER, MISSION VIEJO, CALIFORNIA.**

SUMMARY:

The Orange County Transportation Authority (OCTA), in cooperation with Caltrans District 12, has prepared a Project Report and subject Environmental Document to evaluate the impacts of three alternatives to widening Interstate 5 in south Orange County to reduce traffic congestion within this corridor. The environmental document is currently in the public review phase which will close on October 7, 2013. There is a public hearing to review the project and its impacts, in an open house format, which has been advertised to the public, including mass mailings of notices, to be held on September 25, 2013, from 4:30 PM to 7:30 PM at the Norman Murray Center in Mission Viejo. Staff will outline the project and environmental impacts for City Council consideration and comment. While there are short term and long term impacts upon Laguna Hills, the lead agency, Caltrans, has determined that the impacts are not significant. The I-5 widening project, if approved, will likely be in the form of Alternative Two, the addition of one general purpose travel lane in each direction and other improvements, and would be primarily funded through the use of Measure M-2 funds with construction estimated to occur between 2018 and 2022. Staff will prepare and submit written comments as so directed by the City Council on any community concerns that are identified upon the review of the Environmental Document.

BACKGROUND:

For the past several years, as a result of the passage of Measure M-2, OCTA has proceeded to implement its commitment to the public to improve the freeway system throughout Orange County. One of these projects involves the potential widening of Interstate 5 (I-5) from State Route 73 to El Toro Road. OCTA, in cooperation with Caltrans District 12, has evaluated three alternatives to reduce congestion along this corridor. Alternative One is the “no build” alternative which would rely upon localized Caltrans initiated projects over time to reduce some congestion spots, Alternative Two would add one general purpose travel lane in both directions, extend the car pool second lane to Alicia Parkway and make various ramp improvements, and Alternative Three would add two general purpose travel lanes in each direction and all of the improvements described in Alternate Two. A Project Report (a formal State formatted report about the project’s potential design) and the Initial Study with Proposed Mitigated Negative Declaration / Environmental Assessment (Environmental Document) for the project has been prepared. Caltrans is the lead agency for the environmental clearance work. Copies of the above-described documents are available for review in the office of the City Clerk.

A formal public review of the Environmental Document is in process which includes a public hearing to be held on September 25, 2013, from 4:30 PM to 7:30 PM at the Norman Murray Center in Mission Viejo. Attached, as Exhibit 1, is a copy of the Public Notice advertising the public review period for the Environmental Document. OCTA has proceeded with public outreach during the course of the development of this project, has advertised the public hearing, mailed notices to adjacent property owners informing them of the public hearing and has held meetings with Homeowner Associations and others to advise about the project.

Staff, along with staff members of other adjacent cities, has participated in monthly project development team meetings over the past 18 months with Caltrans, OCTA and their Consultants as the Project Report and Environmental Documents were being prepared. In staff’s view, the most likely project to move forward is Alternative Two and all comments in this staff report relate to that alternative.

In summary, the project highlights and public outreach, as they relate to Laguna Hills, are as follows:

La Paz Road

- Reconstruct the La Paz Road interchange, allowing for seven lanes under the structure (three through plus dedicated right turn in the eastbound (EB) direction and two through plus dedicated right turn in the westbound (WB) direction).
- Provide three through lanes on EB La Paz Road from Cabot Road to SB on-ramp.
- Convert the dedicated right turn lane from EB La Paz Road to Cabot Road to shared through/right, provide dual left turn lanes from WB La Paz Road to Cabot Road

- Provide 5 ft shoulders, 7 ft sidewalks in both directions, 4 ft bicycle lanes in both directions.

Los Alisos Boulevard

- Replace the Los Alisos Boulevard overcrossing structure, allowing for six future lanes on the structure (three through lanes in each direction, as shown in the MPAH) with shoulders and median, 17 ft shoulders (to allow for future third lane), and 6 ft sidewalks in both directions.

Avenida de la Carlota

- Realign Avenida de la Carlota and modify the cross-section to accommodate widening of I-5 mainline.

Potential Right-of-Way Acquisitions

- La Paz Road:
 - Partial acquisition and TCE – 76 Gas Station
- Avenida de la Carlota:
 - Partial acquisition and TCE – Laguna Hills Mall

Sound walls found to be reasonable and feasible

- No. 115 – 959 ft long, 8 ft to 16 ft high
- EW-7 – 12 ft high

Freeway Shifts

- In the La Paz Road interchange area, mainline will be shifted easterly to achieve standard vertical clearance and allow all lanes to remain open during construction. New La Paz Road bridge will be two-span structure.
- In the El Toro Road interchange area, I-5 mainline will be shifted westerly to minimize right-of-way impacts.

Public Outreach

- Ascertainments have been conducted with the following:
 - Senator Mimi Walters' Office (4/24/12), City of Laguna Hills Staff (6/18/12), Saddleback Hospital, Laguna Hills (12/5/12), Oakbrook Village (4/4/13), Nellie Gail Ranch HOA (4/17/13), Laguna Hills Mall (7/30/13).
- Presentations to Laguna Hills City Council on January 8, 2013 and July 9, 2013.
- Public informational meetings held in Mission Viejo (February 27, 2013) and Laguna Hills (February 28, 2013).
- Notification for the public hearing has included the following:
 - Newspaper advertisements in OC Register, local weekly papers, and La Opinion.
 - Mailing to 12,000 residents and businesses within the project vicinity.
 - Radio advertisements.

- Social media updates (including e-blast, Facebook, Twitter, and OCTA/Caltrans/City websites).
- Corridor walk on September 18, 2013, to invite business owners to Public Hearing.

The Environmental Document provides a listing of impacts that the project is expected to cause. There are some impacts in Laguna Hills. Attached, as Exhibit 2, is Table 1.8-2 “Summary of Impacts” from the Environmental Document. Staff has highlighted the most likely impacts of interest.

There is limited right of way acquisition anticipated in Alternative Two. Only commercial or City properties are affected by right of way acquisition. There are no full takes or relocations affecting any Laguna Hills properties. The anticipated right of way acquisitions are shown on the attached Exhibit 3, Figure 2.3-2 pages 3, 4 & 5. In addition, the Los Alisos Boulevard Overcrossing will be demolished and reconstructed as a six-lane wide bridge consistent with the Master Plan of Arterial Highways in order to allow for a correction in the geometrics of the mainline freeway alignment to current standards.

The most significant impact from the project is the result of noise. The noise impacts have been modeled and evaluated for mitigation. Some of the noise impacts are being mitigated and some are not being mitigated based upon State and Federal Protocols. The noise impacts and their mitigations are based upon the following Protocols.

1. A noise impact occurs upon a residential property when the noise level approaches or exceeds 67 dbA.
2. For a sound wall to be considered “reasonable,” the wall, at a given height, must reduce the noise level by at least 5 dbA and at least one benefitted receptor must receive a 7 dbA noise reduction.
3. For a sound wall to be considered “feasible,” the cost for the sound wall cannot exceed \$55,000 per benefitted property.

The noise standards are shown on the attached Exhibit 4, consisting of Table 2.14-1: Noise Abatement Criteria, and the reference for noise levels, Table 2.14-2: Noise Levels of Common Activities.

The noise studies are based upon both short term and long term noise measurements taken in the community which are then used to calibrate the sound model. The sound model projects the future noise condition at the selected horizon year and estimated traffic conditions. As a result of this work, one new sound wall was determined to be reasonable and feasible in the residential area along La Suen, Sound Wall #115, one existing sound wall which was considered for additional height and length was not determined to be feasible and will remain as is in the residential area along El Dorado, Sound Wall #121, existing Sound Wall No. 7 in the residential area along Cajon will be reconstructed due to the freeway widening and remain at its current height, and sound walls along Aliso Creek and Christina Court, Sound Wall Nos. 159 & 171, were not found to be reasonable or

feasible. Each of the sound walls described above are shown on the attached Exhibit 5, Figure 2.14.2 pages 14 and 15, and Figure E-1.

In addition to the noise impacts, the next most significant impact that will be apparent to Laguna Hills residents is the traffic impact caused by detours and lane closures. These impacts will mostly be mitigated through a traffic control management program appropriate for the project. Should the design of this project proceed, staff will participate in project and construction planning to identify opportunities to reduce short term impacts on the community. The I-5 widening project, if approved, will likely be in the form of Alternative Two, the addition of one general purpose travel lane in each direction, and would be primarily funded through the use of Measure M-2 funds with construction estimated to occur between 2018 and 2022.

Staff continues to evaluate the Environmental Document and project's impacts, in particular the noise study and its results, and expects to be able to raise questions and concerns about these impacts and submit written comments to Caltrans by October 7, 2013. Community members are encouraged to attend the September 25, 2013, Public Hearing to be held from 4:30 PM to 7:30 PM at the Norman P. Murray Community and Senior Center, 24932 Veterans Way, Mission Viejo, California 92692 to express any concerns they may have about this project.

ATTACHMENTS:

- Exhibit 1 – Public Hearing Notice
- Exhibit 2 – Summary of Impacts
- Exhibit 3 – Right of Way Acquisition
- Exhibit 4 – Noise Abatement Criteria and Common Sounds
- Exhibit 5 – Sound Wall Maps

EXHIBIT 1

Public Notice

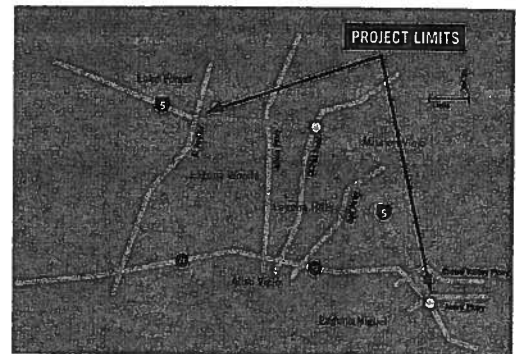


PUBLIC NOTICE

Notice of Intent to Adopt a Mitigated Negative Declaration/Finding of No Significant Impact
Study Results Available

Announcement of Public Hearing (Open House Format)
for the

I-5 Widening Project from SR-73 to El Toro Road



WHAT'S BEING PLANNED?

The California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), the City of Lake Forest, the City of Laguna Hills, the City of Laguna Niguel, the City of Laguna Woods, the City of Mission Viejo, and the City of San Juan Capistrano, is proposing to widen Interstate 5 (I-5) between State Route 73 (SR-73) and El Toro Road. The project limits on I-5 extend from 0.5 mile (mi) south of the SR-73 interchange (Post Mile [PM] 12.4) to 0.2 mi north of the El Toro Road Undercrossing (UC) (PM 18.9).

The project purpose is to increase capacity and operations within the project limits; provide extension of the High Occupancy Vehicle (HOV) network within a portion of the project limits to increase capacity; improve merging/diverging from freeway ramps and improve ramp intersections where needed; and improve existing auxiliary lanes and add auxiliary lanes where needed to improve weaving operations.

The proposed project will add general purpose lanes in each direction on I-5 between Avery Parkway and Alicia Parkway, extend the 2nd HOV lane from Alicia Parkway to El Toro Road, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps.

WHY THIS AD?

Caltrans has studied the effects this project may have on the environment. Our studies show it will not significantly affect the quality of the environment. The report that explains why it is called a Mitigated Negative Declaration (MND)/Finding of No Significant Impact (FONSI) is the Initial Study (IS)/Environmental Assessment (EA). This notice is to tell you of the preparation of the proposed MND/FONSI and IS/EA and of its availability for you to read.

A public hearing (open house format) will be held to give you an opportunity to talk about certain design features of the project with Caltrans staff before the final design is selected. The tentative schedule for the purchase of land for right-of-way and construction will be discussed.

WHAT'S AVAILABLE

Maps for the proposed MND/FONSI and IS/EA and other project information are available for review and copying (for a fee) at the Department District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612 on weekdays from 8:00 a.m. to 5:00 p.m. The proposed MND/FONSI and IS/EA is also available for review during regular business hours at:

- Orange County Public Library – Laguna Niguel, 30341 Crown Valley Parkway, Laguna Niguel, CA 92677
- Orange County Public Library – Mission Viejo, 100 Civic Center, Mission Viejo, CA 92691
- Orange County Public Library – Technology Branch, 25555 Alicia Parkway, Laguna Hills, CA 92653
- Orange County Public Library – Lake Forest, 24672 Raymond Way, Lake Forest, CA 92630
- Orange County Public Library – San Juan Capistrano, 31495 El Camino Real, San Juan Capistrano, CA 92675
- Laguna Woods Mini-Branch Library, 24264 El Toro Road, Laguna Woods, CA 92637

And online at: <http://www.dot.ca.gov/dist12/files/5Widening>

WHERE YOU COME IN

Do you have any comments about processing the project with a MND/FONSI and the IS/EA? Do you disagree with the findings of our study as set forth in the proposed MND/FONSI? Would you care to make any other comments on the project? Please submit your comments in writing no later than October 7, 2013 to Caltrans District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612-8894 (Attn: Gabriela Jauregui) or e-mail to: D12.5Widening@dot.ca.gov. The date we will begin accepting comments is September 6, 2013. If there are no major comments, Caltrans will proceed with the project's design.

WHEN & WHERE?

The public hearing will be held at the following date, time, and location:

Date: **Wednesday, September 25, 2013**
Time: **4:30 pm to 7:30 pm**
Place: **Norman P. Murray Community and Senior Center
24932 Veterans Way, Mission Viejo, CA 92692**

Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Caltrans District 12, Attn: Gabriela Jauregui (949) 724-2701 at least 14 days prior to the scheduled hearing date. TDD users may contact the California Relay Service TTY line at either 711 or (800)735-2929 or voicemail at (800)735-2922.

CONTACT

For more information about this study or any other transportation matter, call Smita Deshpande at Caltrans District 12 at (949) 724-2000.

EXHIBIT 2

Table 1.8-2: Summary of Impacts

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Land Use (Temporary)	This alternative will have no temporary land use impacts.	Section 4(f) Temporary Use Access to existing parkland or recreational facilities may be temporarily affected, especially along a segment of the Aliso Creek Trail under Interstate 5 (I-5) south of Los Alisos Boulevard during construction activities. Build Alternative 2 may result in the temporary closure of Aliso Creek Trail during bridge construction on the section of I-5 over the trail. This closure may be necessary to protect the safety of trail users and construction workers. The length of time in which the trail would be temporarily closed would be minimal (two to three days) and a detour is proposed on Los Alisos Boulevard during this closure. At a minimum, trail users would be detoured during times when being brought to the site when falsework is being constructed to facilitate the widening of the Aliso Creek bridge. This temporary detour would be included in the Transportation Management Plan (TMP) developed during the PS&E phase of the project. Additionally, the project design includes provision of a 15-foot (ft) 0-inch wide falsework opening over the bikeway to facilitate the construction of the bridge superstructure which would allow for a 14 ft 0-inch minimum vertical clearance over the bikeway. This will allow bicycle users to continue using the facility during the majority of construction, during which times, a	Section 4(f) Temporary Use Access to existing parkland or recreational facilities may be temporarily affected, especially along a segment of the Aliso Creek Trail under I-5 south of Los Alisos Boulevard during construction activities. Build Alternative 2 may result in the temporary closure of Aliso Creek Trail during bridge construction on the section of I-5 over the trail. This closure may be necessary to protect the safety of trail users and construction workers. The length of time in which the trail would be temporarily closed would be minimal (two to three days) and a detour is proposed on Los Alisos Boulevard during this closure. At a minimum, trail users would be detoured during times when construction equipment is being brought to the site when falsework is being constructed to facilitate the widening of the Aliso Creek bridge. This temporary detour would be included in the Transportation Management Plan (TMP) developed during the PS&E phase of the project. Additionally, the project design includes provision of a 15-foot (ft) 0-inch wide falsework opening over the bikeway to facilitate the construction of the bridge superstructure which would allow for a 14 ft 0-inch minimum vertical clearance over the bikeway. This will allow bicycle users to continue using the facility during the majority of construction, during	LU-1 Construction Area Trails Management Plan for the Aliso Creek Trail. Prior to issuance of a grading permit, the Orange County Transportation Authority (OCTA) will approve a Construction Area Trails Management Plan. The Plan would be designed by a registered Traffic Engineer and would address potential trail closures, detours, or other disruptions to trail circulation on Aliso Creek Trail. The Plan will identify types and locations of signage to direct trail users during construction and detour routes. OCTA would verify that the Construction Contractor's Agreement requires the construction contractor to implement and comply with the Construction Area Trail Management Plan. LU-2 Development of Temporary Trail Closures and Detours for the Aliso Creek Trail. Prior to any temporary closures or detours of the Aliso Creek Trail, Orange County Transportation Authority (OCTA) will require the project construction contractor to meet with the Director of OC Parks (or designee) to review the location and need for each closure and detour. Detours for the closures would be developed in consultation with OC Parks.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		detour would not be required. After an evaluation of the proposed project's potential effects on the Aliso Creek Trail, Caltrans has made a preliminary determination that the temporary use of land is <i>de minimis</i> within the meaning of Section 4(f). The temporary use of the Aliso Creek Trail would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). Additionally, approximately 0.08 acre (ac) under Alternative 2 would be temporarily disturbed along the western perimeter of Mission Viejo High School (MVHS). This temporary use would not affect the recreational use of this property. At the completion of grading, the areas that were temporarily used during construction would be restored to a condition as good as or better than prior to the project. After an evaluation of the proposed project's potential effects on Mission Viejo High School, Caltrans has made a preliminary determination that the temporary use of land is <i>de minimis</i> within the meaning of Section 4(f). The temporary use of Mission Viejo High School would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). Measures LU-1 through LU-5 avoid and/or minimize the temporary effects	which times, a detour would not be required. After an evaluation of the proposed project's potential effects on the Aliso Creek Trail, Caltrans has made a preliminary determination that the temporary use of land is <i>de minimis</i> within the meaning of Section 4(f). The temporary use of the Aliso Creek Trail would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). Additionally, approximately 0.30 ac under Alternative 3 would be temporarily disturbed along the western perimeter of MVHS. This temporary use would not affect the recreational use of this property. At the completion of grading, the areas that were temporarily used during construction would be restored to a condition as good as or better than prior to the project. After an evaluation of the proposed project's potential effects on Mission Viejo High School, Caltrans has made a preliminary determination that the temporary use of land is <i>de minimis</i> within the meaning of Section 4(f). The temporary use of Mission Viejo High School would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). Measures LU-1 through LU-5 avoid and/or minimize the temporary effects	LU-3 Temporary Signing for Detours for the Aliso Creek Trail. The Orange County Transportation Authority (OCTA) will require the project construction contractor to develop signs directing trail users to the detour routes in consultation with OC Parks. Appropriate directional and informational signage will be provided by the project construction contractor prior to each closure and far enough away from the closure so that trail users will not have to backtrack to get to the detour route. LU-4 Contact Information during Closures and Detours of the Aliso Creek Trail. The Orange County Transportation Authority (OCTA) will require the project construction contractor to provide a contact number for trail users to contact the project construction contractor regarding upcoming or active trail closures. The construction contractor would also be required to provide that information to OC Parks. LU-5 Restoration of Affected Areas on the Aliso Creek Trail. The Orange County Transportation Authority (OCTA) will require the project construction contractor to return trail segments closed temporarily during construction to the OC Parks to their original, or better, condition after completion of construction.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2 of this alternative related to the Aliso Creek Trail.	Build Alternative 3 of this alternative related to the Aliso Creek Trail.	Avoidance, Minimization, and/or Mitigation Measures
Land Use (Permanent)	This alternative would not be consistent with the purpose and need or with goals, policies, or objectives of regional transportation plans, including the Southern California Association of Governments (SCAG) 2012 Regional Transportation Plan (RTP). In addition, the No Build Alternative would not be consistent with applicable goals and policies identified in the General Plans for the County of Orange and the Cities of San Juan Capistrano, Mission Viejo, Laguna Niguel, Laguna Hills, Laguna Woods, and Lake Forest.	Minor General Plan Amendments would be required as a result of the incorporation of nontransportation General Plan-designated land into the I-5 facility to ensure consistency with land uses as designated in the local General Plans. This alternative would require the removal of 0.1 ac undeveloped and unlandscaped portions of the Mission Viejo Golf Course. <i>Section 4(f) Direct Use</i> Approximately 0.12 acre (ac) under Alternative 2 of MVHS property would be permanently acquired. The area to be acquired consists of a slope area outside of the school's fenced area, a dirt area behind the backstop of a baseball field, and an equipment shed. The equipment shed would be relocated prior to construction within the same general area of its existing and would be replaced to a condition as good as or better than prior to the project. Additionally, the use of the baseball field would not be affected. The area acquired is considered minimal and would not impair the existing uses of the recreational facilities at the high school. After an evaluation of the proposed project's potential effects on Mission Viejo High School, Caltrans has made a preliminary determination that the direct use of land is <i>de minimis</i> within	Minor General Plan Amendments would be required as a result of the incorporation of nontransportation General Plan-designated land into the I-5 facility to ensure consistency with land uses as designated in the local General Plans. This alternative would require the removal of 1.12 ac undeveloped and unlandscaped portions of the Mission Viejo Golf Course. <i>Section 4(f) Direct Use</i> Approximately 0.20 ac under Alternative 3 of MVHS property would be permanently acquired. The area to be acquired consists of a slope area outside of the school's fenced area, a dirt area behind the backstop of a baseball field, and an equipment shed. The equipment shed would be relocated prior to construction within the same general area of its existing and would be replaced to a condition as good as or better than prior to the project. Additionally, the use of the baseball field would not be affected. The area acquired is considered minimal and would not impair the existing uses of the recreational facilities at the high school. After an evaluation of the proposed project's potential effects on Mission Viejo High School, Caltrans has made a preliminary determination that the direct use of land is <i>de minimis</i> within	LU-6 If a Build Alternative is selected for implementation, the Orange County Transportation Authority (OCTA) will request the County of Orange and the cities along the alignment of Interstate 5 (I-5) to amend their respective General Plans to reflect the selected Build Alternative and the modification of land use designations for properties that will be acquired for the project that are not currently designated for transportation uses.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		the meaning of Section 4(f). The direct use of Mission Viejo High School qualifies as <i>de minimis</i> under Section 4(f). Measure LU-6 avoids and/or minimizes the permanent effects of this alternative related to land use.	the meaning of Section 4(f). The direct use of Mission Viejo High School qualifies as <i>de minimis</i> under Section 4(f). Measure LU-6 avoids and/or minimizes the permanent effects of this alternative related to land use.	
Growth (Temporary)	This alternative would not have temporary impacts on growth-inducing factors.	This alternative would not have any temporary direct or indirect impacts on growth-inducing factors since temporary construction does not induce growth.	See impact summary for Alternative 2.	None required.
Growth (Permanent)	This alternative is not anticipated to influence the amount, location, and/or distribution of growth or housing and jobs in the local cities and unincorporated areas within the Study Area. Existing congestion would remain within the Study Area and would continue in the future under this alternative and could affect the desirability of these areas for economic development.	This alternative would reduce existing and forecasted traffic congestion and maximize overall performance of the portion of the I-5 freeway within the Study Area. The Build Alternatives would specifically address existing and forecasted congestion within this part of I-5. Additionally, this alternative would address existing operational and capacity deficiencies and would not foster growth in excess of what is projected due to the lack of vacant land in the Study Area.	See impact summary for Alternative 2.	None required.
Community Impacts (Temporary)	This alternative would not have temporary direct or indirect effects to community character or cohesion, result in temporary relocations, or result in temporary effects to environmental justice populations.	Construction activities associated with this alternative would result in temporary indirect effects to community cohesion. Road detours and access restrictions due to construction activities would result in some traffic delays for local residents, businesses, and commuters. Short-term noise effects to some local neighborhoods may occur during construction of the freeway improvements and sound walls. A	Construction activities associated with this alternative would result in temporary indirect effects to community cohesion. Road detours and access restrictions due to construction activities would result in some traffic delays for local residents, businesses, and commuters. Short-term noise effects to some local neighborhoods may occur during construction of the freeway improvements and sound walls. A	None required.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Community Impacts (Permanent)	This alternative would not have permanent direct or indirect effects to community character or cohesion, relocations, or environmental justice communities.	TMP would be prepared to address potential detours and access restrictions. This alternative would result in temporary impacts of 408,290 square feet (sf) for Temporary Construction Easements (TCEs). Effects from TCEs would cease after construction and the existing land use would be restored. Therefore, direct effects from TCEs during construction are considered minimal. This alternative would generate an estimated 3,454 direct jobs and would generate an estimated 6,654 indirect jobs, for a total of 10,108 jobs. These construction jobs would generate temporary employment and revenues for both local and regional economies. The temporary indirect and/or direct effects of this alternative would be the same for all populations within the Study Area regardless of ethnicity, income, or transit dependence; therefore, indirect or direct temporary effects of this alternative would not be disproportionate to any specific minority or low-income populations.	TMP would be prepared to address potential detours and access restrictions. This alternative would result in temporary impacts of 529,115 sf for TCEs. Effects from TCEs would cease after construction and the existing land use would be restored. Therefore, direct effects from TCEs during construction are considered minimal. This alternative would generate an estimated 3,795 direct jobs and would generate an estimated 7,311 indirect jobs, for a total of 11,106 jobs. These construction jobs would generate temporary employment and revenues for both local and regional economies. The temporary indirect and/or direct effects of this alternative would be the same for all populations within the Study Area regardless of ethnicity, income, or transit dependence; therefore, indirect or direct temporary effects of this alternative would not be disproportionate to any specific minority or low-income populations.	CI-1 The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (Uniform Act) (Public Law 910646, 84 Statutes 1894) mandates that certain relocation services and payments be made available to eligible residents, businesses, and nonprofit organizations displaced by its
		The improvements associated with this alternative would reduce existing and projected future traffic congestion along this section of I-5 and at local ramp intersections and would improve mobility within the communities. This alternative would require four nonresidential acquisitions in the Cities of Mission Viejo and Lake	The improvements associated with this alternative would reduce existing and projected future traffic congestion along this section of I-5 and at local ramp intersections and would improve mobility within the communities. This alternative would require four nonresidential acquisitions in the Cities of Mission Viejo and Lake	

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Forest. The businesses to be displaced are within commercial areas that do not demonstrate indicators of high community cohesion; the acquisitions would not divide or fragment an existing, cohesive neighborhood. Therefore, implementation of this alternative would not result in adverse direct or indirect effects to community cohesion. This alternative would also result in the partial acquisition of approximately 83,316 sf of commercial property. Due to the full acquisition of four parcels required by this alternative, an estimated loss of annual property tax revenues would result in 0.0001, 0.00011, and 0.002 percent of annual property tax revenue for the Cities of Laguna Niguel, Mission Viejo, and Lake Forest, respectively. These acquisitions could also result in a loss of State and local jurisdictional sales tax revenues totaling \$246,788. Additionally, this alternative would result in the approximate displacement of 12 to 26 employees. All these displacements would represent lower than approved labor force in the Cities of Laguna Niguel, Mission Viejo, and Lake Forest, which is not substantial. In addition, potential employee displacement effects would be minimized if the displaced businesses are able to relocate within these cities. This alternative would benefit most	Forest. The businesses to be displaced are within commercial areas that do not demonstrate indicators of high community cohesion; the acquisitions would not divide or fragment an existing, cohesive neighborhood. Therefore, implementation of this alternative would not result in adverse direct or indirect effects to community cohesion. This alternative would result in the partial acquisition of approximately 137,422 sf of commercial property. Due to the full acquisition of four parcels required by this alternative, an estimated loss of annual property tax revenues would result in 0.0001, 0.00011, and 0.002 percent of annual property tax revenue for the Cities of Laguna Niguel, Mission Viejo, and Lake Forest, respectively. These acquisitions could also result in a loss of State and local jurisdictional sales tax revenues totaling \$246,788. Additionally, this alternative would result in the approximate displacement of 12 to 26 employees. All these displacements would represent lower than approved labor force in the Cities of Laguna Niguel, Mission Viejo, and Lake Forest, which is not substantial. In addition, potential employee displacement effects would be minimized if the displaced businesses are able to relocate within these cities.	CI-2 Where acquisition and relocation are unavoidable, the provisions of the Uniform Act and the 1987 Amendments, as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs adopted by the United States Department of Transportation (March 2, 1989), would be followed. An independent appraisal of the affected property would be obtained, and an offer for the full appraisal would be made.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Utilities and Emergency Services (Temporary)	This alternative would not have temporary effects to utilities and emergency services.	Study Area residents, including minority and low-income populations (environmental justice communities) by improving mobility and circulation throughout the Study Area. Measures CI-1 and CI-2 avoid and/or minimize the effects of this alternative related to acquisitions. Under this alternative, SCG, Moulton Niguel Water District (MINWD), AT&T, San Diego Gas and Electric (SDG&E), Level 3, Kinder Morgan, Cox Communications, Verizon, Qwest, El Toro Water District (ETWD), and Southern California Edison (SCE) utility facilities would require relocation. Temporary limited closures during construction could affect motorist travel times and the response time of emergency service vehicles. The construction-related traffic impacts would be temporary, and a TMP would be prepared to minimize effects during the construction period. Measures U-1 through U-4 avoid and/or minimize the temporary effects of this alternative related to utilities and emergency services.	This alternative would benefit most Study Area residents, including minority and low-income populations (environmental justice communities), by improving mobility and circulation throughout the Study Area. Measures CI-1 and CI-2 avoid and/or minimize the effects of this alternative related to acquisitions. See impact summary for Alternative 2.	U-1 All public utility lines, pipes, and cables that are disturbed or removed to accommodate the proposed project will be replaced or relocated within the project limits to continue to meet the needs of residents and businesses in the community. During construction, arrangements will be made to avoid disruption in utility services. If interruption in service is unavoidable, notice will be given and proper arrangements will be made with residents and businesses. U-2 In accordance with standard project requirements, a Transportation Management Plan (TMP) will be prepared for the project prior to construction. The TMP will include plans and requirements for the project area that will be implemented during project construction to ensure traffic safety, minimize construction-related traffic congestion, and minimize driver

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				U-3 To ensure that emergency response times are not disrupted, the Orange County Sheriff and Fire Departments will be informed of the project construction schedule, lane closures (if any), and detour plans (if any) well in advance of any detour plan or lane closure being implemented throughout the construction period. U-4 Area residents and owners/managers of businesses and public facilities will be continually informed of the project development and construction plans prior to and during the construction period so that they are aware of the construction timing, traffic detour plans, lane/road closures, and transit detour plans.
Utilities and Emergency Services (Permanent)	The response times of emergency service providers (police, fire, and emergency vehicle services) could be affected by projected freeway congestion associated with the future No Build condition.	All effects to utilities would be temporary and would be rectified when relocations of certain utilities and project construction are complete. As a result, there are no permanent effects to utilities. Implementation of this alternative is anticipated to result in a positive effect to emergency services by improving the freeway levels of service (LOS) within the project limits, thereby potentially reducing emergency response times.	See impact summary for Alternative 2.	None required.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Traffic and Pedestrian and Bicycle Facilities (Temporary)	This alternative would not result in temporary indirect or direct effects to traffic volumes or circulation.	Temporary ramp closures may occur during construction of interchange improvements. However, these closures would be limited to potential weekend closures and would not exceed a period of one week. Temporary traffic detour routes on I-5 would be necessary while falsework is being erected for construction of new bridges. Throughout the duration of construction, the proposed construction sequencing is intended to provide continuous, uninterrupted access to I-5. When needed, the Aliso Creek Trail will be temporarily closed for short durations in the area under I-5, south of Los Alisos Boulevard, to protect the safety of trail users and construction workers. To ensure continuity of the Aliso Creek Trail during the temporary closures at this location, temporary detours around this area would be provided. At the completion of grading, the trail segment at this location would be restored to its original alignments and to a condition as good as or better than prior to the project. The short-term traffic effects during construction would be avoided and/or minimized through the implementation of the TMP outlined in Measure TRA-1.	See impact summary for Alternative 2.	TRA-1 A Transportation Management Plan (TMP) will be completed in consultation with the California Department of Transportation (Caltrans) and included in the Plans, Specifications, and Estimates (PS&E) for implementation by the contractor prior to and during construction of any improvements. The TMP will consist of, but not be limited to, the following elements to avoid and minimize traffic inconvenience caused by construction activities: • Traffic Control: Traffic control elements, such as lane/shoulder closures and temporary signing/stripping on the Interstate 5 (I-5) ramps and the I-5 mainline will be required. All traffic lanes will be kept open during construction, with the exception of overnight closures. Ramp closures will be limited to weekend closures and would not exceed a period of one week. • Construction Zone Enhanced Enforcement Program (COZEEP): Through coordination with Caltrans and the California Highway Patrol (CHP), this program was developed to provide a safer work zone for both construction workers and the motoring public. The program uses two CHP officers who enforce lane closures and also provide a visual deterrent to errant/speeding vehicles. • Public Awareness Campaign (PAC):

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				Vehicles traveling through the construction zone would likely experience longer than normal delays. To reduce these delays and confusion to the motoring public during construction activities, the Orange County Transportation Authority (OCTA), in conjunction with Caltrans, will implement a PAC. The purpose of the PAC is to keep the surrounding community abreast of the project's progress and construction activities that could affect their travel plans. The use of mailers/flyers, local newspapers advertising, local radio information, and public meetings, as appropriate, will be effective tools for disseminating this information. • Signaling: Post information signage on I-5 and the local arterials prior to and during construction to inform motorists of delays, ramp closures, and alternate routes. • Emergency Access: Adequate local emergency access will be provided at all times to adjacent uses. Proper detours and warning signs will be established to ensure public safety. The TMP will be devised so that construction will not interfere with any emergency response or evacuation plans. • Pedestrian Access: Provide a pedestrian and bicycle lane detour plan to accommodate sidewalk and bicycle lane closures.
Traffic and	This alternative would not	This alternative would result in	This alternative would result in	None required.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Transportation/ Pedestrian and Bicycle Facilities (Permanent)	meet the purpose and need to relieve congestion and reduce delay in the opening year (2022) or the future year (2045) and would result in indirect and direct impacts to traffic and transportation.	Improved operating conditions. Year 2022 - Four northbound mainline segments are projected to operate at Level of Service (LOS) F in the a.m. peak hour, and two northbound and three southbound mainline segments will operate at LOS F in the p.m. peak hour. Year 2045 - Seven ramp and six arterial intersections exceed the applicable performance standards. Seven northbound and two southbound mainline segments will operate at LOS F in the a.m. peak hour, and three northbound and five southbound mainline segments will operate at LOS F in the p.m. peak hour. This alternative would improve pedestrian and bicycle access at the Avery Parkway and La Paz Road interchanges, and therefore would not result in any indirect or direct impacts.	Improved operating conditions. Year 2022 - Three northbound mainline segments are projected to operate at LOS F in the a.m. peak hour, and one northbound and three southbound mainline segments will operate at LOS F in the p.m. peak hour. Year 2045 - Seven ramp and six arterial intersections exceed the applicable performance standards. Seven northbound and three southbound mainline segments will operate at LOS F in the a.m. peak hour, and six northbound and four southbound mainline segments will operate at LOS F in the p.m. peak hour. This alternative would improve pedestrian and bicycle access at the Avery Parkway and La Paz Road interchanges, and therefore would not result in any indirect or direct impacts. See impact summary for Alternative 2.	
Visual/Aesthetics (Temporary)	This alternative would not result in temporary visual effects to existing views to and from the adjacent areas.	Construction would expose surfaces, construction debris, equipment, and truck traffic to nearby sensitive viewers. Construction vehicle access and staging of construction materials would be visible from motorists traveling within the Study Area on I-5 as well as residents located in the project vicinity at elevations higher than I-5. These effects would be short term and would cease upon project completion. Previously visible mature trees would	VIS-4 Construction Lighting. Construction lighting types, plans, and placement will be shielded from sensitive areas in order to minimize light and glare effects on surrounding areas.	

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Visual/Aesthetics (Permanent)	Under this alternative, the visual character and quality of the project site and vicinity would remain similar to the existing condition. However, this alternative would also result in more traffic congestion as population growth and the associated number of freeway travelers continue to increase over time, which reduces the visual character and quality of the area. The No Build Alternative does not include construction of additional sources of light and glare and would not introduce new sources of light and glare in the Study Area.	be removed and would result in a temporary visual effect until the replacement trees mature. Measure VIS-4 avoids and/or minimizes temporary visual effects of this alternative. Under this alternative, long-term visual impacts would result from the permanent alteration of the visual environment through the widening of I-5, reconstruction of the Avery Parkway and La Paz Road interchanges, replacement of the Los Alisos Boulevard Orange County (OC) structure, and construction of retaining walls and sound walls. Build Alternative 2 would result in a 12 percent increase of pavement/hardscape within the ROW. As detailed in Chapter 1, Alternative 2 will include three new structures, four widened structures, 30 retaining walls (ranging from six ft to 44 ft high), 17 new sound walls, and four sound walls to be replaced in-kind. However, the overall visual effect of this alternative is considered to be moderate, as the project would not substantially alter the visual character or quality of the project corridor. Implementation of Alternative 2 would introduce additional sources of light and glare associated with vehicle headlights. No additional traffic signals or street lighting would be installed. However, some street lighting and traffic signals would be relocated in the vicinity of the La Paz Road and	Build Alternative 3 would result in a 17 percent increase of pavement/hardscape within the ROW. Although Alternative 3 would result in increased hardscape (approximately five percent) due to an additional travel lane as compared to Alternative 2, both alternatives would result in similar visual effects. Visual changes as a result of the Build Alternatives would occur only in the area between Crown Valley Parkway and Alicia Parkway (represented by Key View 3). Features of the Build Alternatives at Avery Parkway (represented by Key Views 4 and 5) as well as north of Alicia Parkway (represented by Key Views 1 and 2) are the same. As detailed in Chapter 1, Alternative 3 will include three new structures, five widened structures, 38 retaining walls (ranging from six ft to 44 ft high), 17 new sound walls, and four sound walls to be replaced in-kind.	VIS-1 Landscaping. To maintain the context of the project area (color, form, and texture), landscaping will be installed that is compatible with the existing landscape along the portion of Interstate 5 (I-5) in the project vicinity and surrounding area. Landscaping will include specimen sized trees and/or shrub/groundcover mass planting, and landscape treatment along walls to soften the hardscape features and glare and radiant heat from the walls. The landscape concept, plan, and plant palette will be determined in consultation with, and approved by, the California Department of Transportation (Caltrans) District Landscape Architect during the Plans, Specifications, and Estimate (PS&E) phase. The planting plan will be reviewed and approved by the Caltrans Biologist and Caltrans District Landscape Architect to avoid the use of invasive plant species as outlined in Measure BIO-16. Replacement planting implementation will be under a separate contract within a three-year period following the

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Avery Parkway interchanges. Light and glare effects from new sound walls would be introduced along I-5. Viewer groups in the vicinity of the project site would likely experience a slight increase in sources of light and glare, as compared to existing conditions. Measures VIS-1 through VIS-3 avoid and/or minimize permanent visual effects of this alternative.		completion of construction in accordance with Caltrans policies. Trees in the interchanges, in conflict with the roadway improvement design, will be transplanted in the project area in a location in conformance with the Caltrans planting policy requirements. Specimen trees will be transplanted or replaced with a specimen box tree as approved by the Caltrans District Landscape Architect. Erosion control seed species will be determined by the Caltrans District Landscape Architect to ensure that the mix and application strategy is appropriate for the specific soil composition of the area. In areas where sound walls are visible from adjacent residential land uses, vines and landscape will be utilized to screen views to the wall. All vines and landscape proposed will conform with Caltrans planting policy requirements. VIS-2 Architectural Treatments. To minimize visual quality loss and to minimize the visual disruption from the elements of the highway construction, architectural treatments will be provided to the walls in accordance with the <i>Master Plan of Freeway and Transit Corridor Enhancements: Creating a Quality Environment</i>

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Cultural Resources (Temporary)	This alternative would result in no temporary adverse effects related to known cultural resources.	This alternative would require ground disturbance and modification to existing freeway structures. These construction activities could result in impacts to unknown buried cultural materials or human remains. Any direct or indirect impacts to buried resources would be considered permanent; therefore, an analysis of direct or indirect temporary impacts to cultural resources is not applicable.	See impact summary for Alternative 2.	Along Orange County's Transportation Network. All wall aesthetics will be approved by the Caltrans District Landscape Architect. VIS-3 Aesthetic Design Review. The California Department of Transportation District 12 Landscape Architecture Branch, will administer and chair an Aesthetic Design Review Team (ADRT) that includes local agency representatives to ensure the project landscape and structural elements are in compliance with the aesthetic requirements of the <i>Master Plan of Freeway and Transit Corridor Enhancements: Creating a Quality Environment Along Orange County's Transportation Network</i>. None required.
Cultural Resources (Permanent)	This alternative would result in no permanent adverse effects related to known cultural resources.	No built environment resources within the project APE qualify as a "historical resource" pursuant to California Environmental Quality Act (CEQA), nor does any such resource qualify as a historic property per Section 106.	See impact summary for Alternative 2.	CR-1 Within the vicinity of the previously documented historic adobes (Avila, Stein, and Serrano) and associated site location (P-30-000016), ground-disturbing activities will be monitored by a

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Therefore, no historical resources will be impacted, and no historic properties will be affected by this project. This alternative is not anticipated to have an impact on any archaeological resources. Although considered unlikely, there is the potential to encounter unknown buried cultural materials or human remains within the APE during construction of this alternative. Measures CR-1, CR-2, and CR-3 avoid and/or minimize the effects of this alternative related to cultural resources.		qualified archaeologist. An Archaeological Monitoring Area (AMA) will be delineated on the plans during the project's Plans, Specifications, and Estimates (P&S&E) phase and incorporated into the final construction contract. A final Archaeological Monitoring Report will be required after construction is completed. CR-2 If cultural materials are discovered during construction, all earthmoving activity within and around the immediate recovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find. CR-3 If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities will cease in any area or nearby area suspected to overlie remains, and the County Coroner will be contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will also contact the Caltrans District 12 Environmental Branch Chief so that he/she may work with the

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Hydrology and Floodplain (Temporary)	This alternative would not result in temporary impacts related to floodplains.	During construction of this alternative, construction equipment would operate in the floodplain at the I-5 bridge over Aliso Creek, the La Paz Channel at the I-5 Crossing, and the I-5 bridge over Oso Creek. Construction activities have the potential to impact the natural and beneficial floodplain values of Aliso Creek, La Paz Channel, and Oso Creek by impacting water quality. See "Water Quality and Storm Water Runoff" discussion below for more detail. Measures HY-1 and HY-2 avoid and/or minimize the temporary effects of this alternative related to hydrology and floodplains.	See impact summary for Alternative 2.	MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable. HY-1 During construction, the construction contractor will schedule work within Aliso Creek, La Paz Channel, and Oso Creek to occur during the dry season (May to September). HY-2 Prior to construction within Aliso Creek, La Paz Channel, and Oso Creek, the California Department of Transportation (Caltrans) will obtain an encroachment permit from the Orange County Flood Control District. The construction contractor will comply with all requirements specified in the encroachment permit.
Hydrology and Floodplain (Permanent)	This alternative would not result in permanent adverse impacts related to floodplains.	This alternative would permanently encroach into the Aliso Creek, La Paz Channel, and Oso Creek floodplains. The maximum change in water surface elevations compared to existing conditions at those locations would exceed the water surface elevation increase allowed by the National Flood Insurance Program (NFIP). Measure HY-5 requires that the final design at these crossings ensures that the increases are reduced to less than one ft. The longitudinal crossings of La Paz Channel and Oso Creek at I-5 would not encroach on those floodplains. The potential risk to life and property under this alternative would remain	See impact summary for Alternative 2.	HY-3 During final project design, the California Department of Transportation (Caltrans) will process a Conditional Letter of Map Revision (CLOMR) for the Aliso Creek, La Paz Channel, and Oso Creek 100-year floodplains through the Cities of Laguna Hills, Laguna Niguel, and Mission Viejo and the Federal Emergency Management Agency (FEMA). The project improvements within the Aliso Creek, La Paz Channel, and Oso Creek 100-year floodplain will not be constructed until the CLOMR is approved by the Cities of Laguna Hills, Laguna Niguel, Mission Viejo and FEMA.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		unchanged from existing conditions. The Build Alternatives would not result in permanent changes to living resource values in the floodplains; would result in permanent indirect impacts to coastal sage scrub (CSS) similar to existing conditions; would not result in a detrimental effect on cultural resource values; would not adversely reduce the ability of the floodplains to moderate flood flows; and would not affect water quality maintenance and groundwater recharge. The potential risk to natural and beneficial floodplain values as a result of this alternative is minimal. This alternative would not support incompatible floodplain development. The combined assessed level of risk under the Build Alternatives is "low risk." Measure HY-3 avoids and/or minimizes the permanent effect of this alternative related to hydrology and floodplains.		HY-4 Upon completion of construction, the California Department of Transportation (Caltrans) will process a Letter of Map Revision (LOMR) for the Aliso Creek, La Paz Channel, and Oso Creek 100-year floodplains through the Cities of Laguna Hills, Laguna Niguel, Mission Viejo and FEMA. HY-5 During the Project Specifications and Estimates (PS&E) phase, the California Department of Transportation (Caltrans) will ensure that the project engineer prepares a Hydraulic Study based on final design plans. The project engineer will design, implement, and confirm proper function of proposed design refinements at La Paz Channel and Aliso Creek to ensure that the increase in water surface elevation attributable to the project is less than the 1.0 foot, as required by the National Flood Insurance Program (NFIP).
Water Quality and Storm Water Runoff (Temporary)	Under this alternative, no improvements other than routine roadway and bridge maintenance would be made. Therefore, this alternative would result in short-term water quality impacts from construction-related activities.	Construction-related activities that are primarily responsible for sediment releases are related to exposing soils to potential erosion by rainfall/runoff and wind. Nonsediment-related pollutants of concern during construction include waste construction materials, chemicals, liquid products, petroleum products used in construction or the maintenance of heavy equipment, and concrete-related waste streams.	Construction-related activities that are primarily responsible for sediment releases are related to exposing soils to potential erosion by rainfall/runoff and wind. Nonsediment-related pollutants of concern during construction include waste construction materials, chemicals, liquid products, petroleum products used in construction or the maintenance of heavy equipment, and concrete-related waste streams.	WQ-1 The proposed project will comply with the provisions of the California Department of Transportation (Caltrans) Statewide National Pollutant Discharge Elimination System (NPDES) Permit (Order No. 99-06-DWQ, NPDES No. CAS000003) and the newly adopted Caltrans Statewide NPDES Permit (Order No. 2012-0011-DWQ, NPDES No. CAS000003), which was effective

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		During construction, the total disturbed area under this alternative is estimated at 132 ac. If Construction Best Management Practices (BMPs) are properly designed, implemented, and maintained, no adverse water quality impacts would occur during construction of this alternative. Groundwater dewatering may be necessary to construct the bridge structure footings; groundwater may contain constituents, such as nutrients, that could exceed the water quality objectives of downstream water bodies. Measures WQ-1 through WQ-3 would avoid and/or minimize the temporary effects of this alternative related to water quality.	During construction, the total disturbed area under this alternative is estimated at 137 ac. If Construction BMPs are properly designed, implemented, and maintained, no adverse water quality impacts would occur during construction of this alternative. Groundwater dewatering may be necessary to construct the bridge structure footings; groundwater may contain constituents, such as nutrients, that could exceed the water quality objectives of downstream water bodies. Measures WQ-1 through WQ-3 would avoid and/or minimize the temporary effects of this alternative related to water quality.	July 1, 2013; and the NPDES General Permit, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activities (Order Number 2009-0009-DWQ, NPDES Number CAS0000002), or subsequent permit in effect at the time of design and construction. WQ-2 A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential to impact water quality. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include the construction site and include the construction site Best Management Practices (BMPs) to control pollutants, such as sediment control, catch basin inlet protection, construction materials management, and nonstormwater BMPs. In addition, it will be prepared according to the requirements stated in the National Pollutant Discharge Elimination System (NPDES) General Permit, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activities (Construction General Permit, Order Number 2009-0009-DWQ, NPDES Number CAS0000002) or subsequent permit in effect at the time of construction. All

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				construction site BMPs will follow the latest edition of the <i>Storm Water Quality Handbooks: Construction Site Best Management Practices Manual</i> (Caltrans, March 2003) to control and minimize the impacts of construction-related activities, materials, and pollutants on the watershed. These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other nonstormwater BMPs. WQ-3 Construction site dewatering must comply with the Santa Ana Regional Water Quality Control Board's (RWQCB) Order R8-2004-0021, <i>National Pollutant Discharge Elimination System</i> (NPDES) Permit Number CAG998002; or San Diego RWQCB's Order R9-2008-0002, NPDES Permit Number CAG919002, for discharges to surface waters that pose an insignificant (<i>de minimus</i>) threat to water quality. If dewatering occurs during construction of the proposed project, it will comply with these permits, or subsequent permits, including but not limited to, the specific reporting and notification requirements. Applying for coverage includes submitting a completed Notice of Intent Form and a report with the specific additional information noted in the

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Water Quality and Storm Water Runoff (Permanent)	Under this alternative, there would be no direct impacts to water quality because there would be no change in land use. However, under this alternative, there would be an indirect impact to long-term pollutant loading since the existing runoff would continue to remain untreated.	This alternative would permanently increase the impervious surface area by 23 ac compared to the existing freeway facilities. The increase in impervious areas would cause a long-term increase in velocity at outlets and the amounts of pollutants typically generated by operating and maintaining a transportation facility. Pollutants of concern during operation of a transportation facility include sediments, trash, debris, petroleum products, metals, nutrients, solvents, waste paint, herbicides, and pesticides. Increased impervious areas associated with urbanizing development increase the volume of runoff during a storm, which more effectively transports pollutants to receiving waters and may lead to adverse effects on water quality and downstream erosion.	This alternative would permanently increase the impervious surface area by 33 ac compared to the existing freeway facilities. The increase in impervious areas would cause a long-term increase in velocity at outlets and the amounts of pollutants typically generated by operating and maintaining a transportation facility. Pollutants of concern during operation of a transportation facility include sediments, trash, debris, petroleum products, metals, nutrients, solvents, waste paint, herbicides, and pesticides. Increased impervious areas associated with urbanizing development increase the volume of runoff during a storm, which more effectively transports pollutants to receiving waters and may lead to adverse effects on water quality and downstream erosion.	WQ-4 Caltrans approved treatment Best Management Practices (BMPs) will be implemented to the Maximum Extent Practicable (MEP) consistent with the requirements of the <i>National Pollutant Discharge Elimination System (NPDES) Permit, Statewide Stormwater Permit, and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans) Properties, Facilities, and Activities</i> (Order Number 99-06-DWQ, NPDES Number CAS0000003); the newly adopted Caltrans Statewide NPDES Permit (Order No. 2012-0011-DWQ, NPDES No. CAS0000003), which becomes effective July 1, 2013; or subsequent permit. Treatment BMPs may include biofiltration swales, biofiltration strips, infiltration devices, and media filters. WQ-5 Design Pollution Prevention Best Management Practices (BMPs) will be implemented, such as preservation of existing vegetation; slope/surface protection systems (permanent soil stabilization); concentrated flow conveyance systems such as ditches, berms, dikes, and swales; outside drains; flared end sections; and outlet protection/velocity dissipation devices.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Geology/Soils/Seismicity/Topography (Temporary)	This alternative would not result in short-term/ temporary impacts to geological, mineral, or soil resources since no construction is proposed in this alternative. Hazards associated with seismic activity will exist as they do today under this alternative.	and/or minimize the permanent effects of this alternative related to water quality. Construction activities for the project such as grading and cut-and-fill slopes would disturb soil and alter existing landforms. Temporary impacts would include soil compaction and an increased possibility of soil erosion. Exposed soils would be particularly prone to erosion during construction of the project, especially during heavy rains.	avoid and/or minimize the permanent effects of this alternative related to water quality. See impact summary for Alternative 2.	None required.
Geology/Soils/Seismicity/Topography (Permanent)	This alternative does not involve any construction activities and would not alter existing geologic or soil conditions; therefore, it would not result in any adverse impacts to geological, mineral, or soil resources. Hazards associated with seismic activity will exist as they do today under this alternative.	This alternative is expected to have a minimal impact on geologic and topographic conditions. However, design and construction of this alternative could be constrained by seismic shaking, landslides, slope instability, liquefaction, erosion, and corrosion. There is potential for moderate to severe seismic shaking during the life of the improvements in this alternative. The project components would be designed and constructed to accommodate expected ground accelerations, which would minimize the potential for structural damage due to seismic events. Several slopes in the Study Area are in mapped earthquake-induced landslide hazard zones. Subsurface exploration and laboratory testing would be conducted during final design to further evaluate the potential earthquake-induced landslide hazard and to characterize the geotechnical conditions in those areas for use in preparing the final design.	See impact summary for Alternative 2.	GEO-1 Project design and construction of the Build Alternatives will be conducted in accordance with California Department of Transportation (Caltrans) guidelines, current regulations, and the California Building Code. Specifically, structures will be designed to resist the maximum credible earthquake associated with nearby faults. GEO-2 During the Plans, Specifications, and Estimates (PS&E) phase, a detailed geotechnical investigation will be conducted by qualified geotechnical personnel to assess the geotechnical conditions at the project area. The geotechnical investigation will include exploratory borings to investigate site-specific soils and conditions and to collect samples of subsurface soils for laboratory testing. Those soil samples will be tested to determine

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Implementation of measures in the Final Geotechnical Design Report (GDR) and Structure Foundation Reports (SFRs) will ensure that there are no direct or indirect permanent adverse impacts under this alternative due to landslides or slope instability. Part of the project is located in an area that may be subject to liquefaction. Potential impacts due to liquefaction and seismic compaction can be reduced during final design and construction based on implementation of measures recommended in the Final GDR and SFRs, which will ensure that no adverse direct or indirect permanent impacts from liquefaction occur under this alternative. Grading for this alternative would alter existing landforms, which may increase the potential for erosion of those disturbed landforms. Erosion and sedimentation in natural drainages and along natural slopes may also impact the project components. Erosion control minimization measures, including improved drainage control and landscaping, will be included in the construction and operation of this alternative. Soils in the Study Area derived from the Capistrano and Monterey Formations and groundwater that has permeated those formations have the potential to contain high sulfate concentrations, which can be		liquefaction potential, collapsibility potential, stability, and corrosion potential. The project-specific findings and recommendations of the geotechnical investigation will be summarized in Structure Foundation Reports (SFRs) and a Geotechnical Design Report (GDR) to be submitted to the California Department of Transportation (Caltrans) for review and approval. Those findings and recommendations will be incorporated in the final design of the selected Build Alternative.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		corrosive to steel, damaging to concrete, and could affect project components. Avoidance and minimization measures would substantially reduce or avoid short- and long-term geotechnical impacts under this alternative. Measures GEO-1 and GEO-2 avoid and/or minimize the permanent effects of this alternative related to geology, soils, seismicity, and topography.		
Paleontology (Temporary)	Under this alternative, no temporary impacts to paleontological resources would occur.	This alternative would require ground disturbance and modification to existing freeway and local street structures. These construction activities could result in direct or indirect impacts to paleontological resources. The potential impacts to paleontological resources are considered permanent.	See impact summary for Alternative 2.	None required.
Paleontology (Permanent)	Under this alternative, no permanent impacts to paleontological resources would occur.	As discussed above, there are areas of high paleontological sensitivity within the Study Area. With the exception of the Artificial Fill and Young Axial Channel Deposits, all other sediments in the Study Area have the potential to contain significant, unrenewable paleontological resources, and it is likely that paleontological localities would be encountered during project excavation. Measure PAL-1 avoids and/or minimizes this alternative's effects on paleontological resources.	See impact summary for Alternative 2.	PAL-1 Prior to construction activities, the California Department of Transportation (Caltrans) would ensure that a Paleontological Mitigation Plan (PMP) is prepared and adhered to during construction of the project portions that are identified as having high paleontological sensitivity. The PMP would include, but not be limited to, the following: A preconstruction field survey in areas identified as having a high paleontological sensitivity after vegetation and any paving is removed, followed by salvage of any observed

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				surface paleontological resources prior to the beginning of additional grading. - Attendance at the pregrade meeting by a qualified paleontologist or representative. At this meeting, the paleontologist would explain the likelihood for encountering paleontological resources, what resources may be discovered, and the methods of recovery that would be employed. - During construction excavation, a qualified vertebrate paleontological monitor would initially be present on a full-time basis whenever excavation would occur within the sediments that have a high paleontological sensitivity rating and on a spot-check basis for sediments that have a low sensitivity rating. Monitoring may be reduced to a part-time basis if no resources are being discovered in sediments with a high sensitivity rating (monitoring reductions, when they occur, would be determined by the qualified Principal Paleontologist). The monitor would inspect fresh cuts and/or spoils piles to recover paleontological resources. The monitor would

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				be empowered to temporarily divert construction equipment away from the immediate area of the discovery. The monitor would be equipped to rapidly stabilize and remove fossils to avoid prolonged delays to construction schedules. If large mammal fossils or large concentrations of fossils are encountered, the grading contractor would consider using heavy equipment on site to assist in the removal and collection of large materials. - Localized concentrations of small (or micro-) vertebrates may be found in all native sediments. Therefore, it is recommended that these native sediments occasionally be spot-screened on site through one-eighth to one-twentieth-inch mesh screens to determine whether microfossils are present. If microfossils are encountered, sediment samples (up to 3 cubic yards, or 6,000 pounds) would be collected and processed through one-twentieth-inch mesh screens to recover additional fossils. - Recovered specimens would be prepared to the point of identification and permanent preservation. This includes the sorting of any washed mass samples to recover small

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Hazardous Waste/Materials (Temporary)	Under this alternative, no temporary effects related to hazardous waste materials would occur.	Potential concerns during construction of this Build Alternative are related to disturbance of potentially contaminated soil and/or groundwater; relocation of buried asbestos-containing cementitious pipe (transite); asbestos-containing materials (ACMs)	See impact summary for Alternative 2.	invertebrate and vertebrate fossils, the removal of surplus sediment from around larger specimens to reduce the volume and cost of storage for the repository, and the addition of approved chemical hardeners/stabilizers to fragile specimens. - Specimens would be identified to the lowest taxonomic level possible and curated into an institutional repository with retrievable storage. The repository institutions usually charge a one-time fee based on volume, so removing surplus sediment is important. The repository institution may be a local museum or university that has a curator who can retrieve the specimens upon request. A draft curation agreement would be established with an approved curation facility prior to the initiation of any paleontological monitoring. - Preparation and submittal of the Paleontological Mitigation Report (PMR) documenting completion of the PMP. Prior to the completion of the Project Approval and Environmental Documentation (PA&ED), a qualified consultant will conduct a Phase II Site Investigation (SI) for the properties with potential

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		in bridges constructed before 1996; the presence of ACMs, polychlorinated biphenyls (PCBs), mercury, and chlorofluorocarbons (CFCs) in buildings and structures that would be demolished or renovated; presence of PCBs in pad- and pole-mounted electrical transformers; potential for transformers leaking PCBs; presence of aerially deposited lead (ADL) in soils adjacent to roads; potential for elevated concentrations of metals, petroleum hydrocarbons, and volatile organic compounds (VOCs) in soils along the railroad tracks; and the potential for elevated concentrations of metals such as lead in yellow traffic striping and pavement-marking materials that would be removed as part of this alternative. Measures HAZ-1 through HAZ-10 avoid and/or minimize the temporary effects of this alternative related to hazardous waste/materials.		contamination that would be either partially or fully acquired by the proposed project. These properties include: • Arco gasoline station (28662 Camino Capistrano) • Chevron gasoline station (28692 Camino Capistrano) • Shell gasoline station (28681 Marguerite Parkway) • 76 gasoline station/Laguna Hills Auto Spa (25172 Cabot Road) • Arco gasoline station (26001 La Paz Road) • USA gasoline station (23852 El Toro Road) • Orange County Transportation Authority (OCTA)/Southern California Regional Rail Authority (address not available). The SI would identify any Recognized Environmental Concerns (RECs) associated with on- or off-site releases and provide appropriate minimization, avoidance, and mitigation measures to prevent unnecessary exposure to contaminants during construction activities. Depending on the results of the SIs, subsequent sampling to determine the presence and/or absence of

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				contaminated soil and/or groundwater or to characterize the extent of contamination on site may be required. The results of these studies will be used as part of the evaluation of any property to be acquired. HAZ-2 Nine facilities adjacent to or in close proximity to the Study Area have reported releases that may have impacted soil and groundwater underneath the Avery Parkway undercrossing (UC) (Bridge No. 55-0232), La Paz Road UC (Bridge No. 55-0234), and El Toro Road UC (Bridge No. 55-2035). Since groundwater is anticipated to be encountered and dewatering is anticipated to be necessary during construction at these three bridge locations, prior to the completion of the Project Approval and Environmental Documentation (PA&ED), the Orange County Transportation Authority (OCTA) would ensure that a qualified consultant conducts Phase II Site Investigations (SIs) to determine whether the presence of petroleum hydrocarbons; volatile organic compounds (VOCs), including fuel oxygenates; and chlorinated hydrocarbons (at El Toro Road UC only) occur in groundwater near the structures. If contaminated groundwater is

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				encountered, appropriate remediation will be identified and responsibility for clean-up determined. Any remediation required by the proposed project would be included in the PS&E. HAZ-3 Prior to the completion of the Project Approval and Environmental Documentation (PA&ED) phase, the Orange County Transportation Authority (OCTA) would ensure that a certified consultant conducts predemolition asbestos surveys of any bridges that would be renovated or demolished during project construction. This survey would be conducted in accordance with the United States Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 Code of Federal Regulations (CFR), and South Coast Air Quality Management District (SCAQMD) Rule 1403. Additionally, notification of the SCAQMD prior to any structure renovation or demolition is mandatory according to Rule 1403 (d)(1)(B). If asbestos-containing materials (ACMs) need to be handled during construction, PS&E will include measures addressing handling of these materials. Access to parcels that would be

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				acquired as part of the proposed project would not be granted until the right of way (ROW) process is complete; therefore, prior to completion of the Plans, Specifications, and Estimates (PS&E) phase and before any ground disturbance, demolition, or renovation activities, a certified consultant will conduct predemolition surveys for buildings that will be renovated or demolished. These surveys will include asbestos, lead-based paint (LBP), polychlorinated biphenyls (PCB), mercury, and chlorofluorocarbon (CFC) surveys. These surveys would be conducted in conformance with the EPA NESHAP 40 CFR and SCAQMD Rule 1403. Additionally, notification of the SCAQMD prior to any building structure renovation or demolition is mandatory in accordance with Rule 1403 (d)(1)(B). The PS&E will require the contractor to properly dispose of any materials from building structures that exceed California Health and Safety Code criteria for hazardous waste at an appropriate State-certified landfill facility. HAZ-4 Prior to the completion of the Plans, Specifications, and Estimates (PS&E) phase and

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				before any ground disturbance activities, transformer locations will be confirmed and transformers that would be removed or relocated be sampled by Southern California Edison (SCE) and San Diego Gas & Electric Company (SDG&E) for potential polychlorinated biphenyls (PCB). If PCB-containing materials require removal, the PS&E will address appropriate methods for handling and disposal of these materials. HAZ-5 Prior to the completion of Plans Specifications and Estimates (PS&E), soil sampling will be conducted for aerially deposited lead (ADL) in unpaved locations adjacent to the existing roadway right of way (ROW) within the Study Area. If ADL is found, the PS&E will address appropriate methods for handling and disposal of this material. HAZ-6 During the Plans, Specifications, and Estimates (PS&E) phase, any yellow traffic striping and pavement marking materials to be removed will be tested. If contaminated, during construction, the PS&E would require the removal and disposal of any yellow traffic striping and pavement marking materials in

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				accordance with the Caltrans Construction Manual, Chapter 7 106. HAZ-7 Prior to the completion of the Project Approval and Environmental Documentation (PA&ED) phase, the Orange County Transportation Authority (OCTA) will ensure that a Phase II Site Investigation (SI) is conducted to assess the potential effect of the soil adjacent to the railroad tracks that would be disturbed during construction. This soil would be sampled for the presence of elevated concentrations of metals, petroleum hydrocarbons, and volatile organic compounds (VOCs) to determine whether the soils require special handling and disposal during construction. If the SI results indicate that the impacted soil and groundwater need to be handled during construction, OCTA will ensure that an appropriate non-Site Specific Plan (SSP) would be prepared during the Plans, Specifications, and Estimates (PS&E) phase to address the handling of these materials. HAZ-8 If hazardous materials contamination or sources are suspected or identified during project construction activities, an environmental professional would evaluate the course of action

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Hazardous Waste/Materials (Permanent)	This alternative would not change the existing physical environment; therefore, no permanent effects would occur. As currently exists, routine maintenance activities would continue and would be required to follow applicable regulations with respect to handling and disposal of potentially hazardous materials.	Routine maintenance activities during operation of this alternative would be required to follow applicable regulations with respect to the use, storage, handling, transport, and disposal of potentially hazardous materials.	See impact summary for Alternative 2.	required. This course of action will follow the Unknown Hazards Procedures described in Chapter 7 of the California Department of Transportation (Caltrans) Construction Manual (August 2006). None required.
Air Quality (Temporary)	This alternative would not include any construction in the Study Area. Therefore, this alternative would not result in short-term adverse effects related to air quality.	Short-term degradation of air quality during construction of this alternative may occur due to the release of particulate emissions (airborne dust) generated by construction activities and emissions from construction equipment, including carbon monoxide (CO), nitrogen oxides (NO _x), VOCs, directly emitted particulate matter, and toxic air contaminants such as diesel exhaust particulate matter. Measures AQ-1 through AQ-5 would avoid and/or minimize short-term air quality effects during construction of this alternative. Measures AQ-1 through AQ-5 would avoid and/or minimize short-term air quality effects during construction of	See impact summary for Alternative 2.	AQ-1 During clearing, grading, earth moving, or excavation operations, excessive fugitive dust emissions will be controlled by regular watering or other dust preventative measures using the following procedures, as specified in the South Coast Air Quality Management District (SCAQMD) Rule 403 (Section d[2] and Table 1). - All material excavated or graded will be sufficiently watered to prevent excessive amounts of dust. - All material transported on site or off site will be either sufficiently watered or

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2 this alternative.	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Air Quality (Permanent)	Traffic congestion would continue to increase under this alternative. Long-term mobile emissions generated by vehicle trips would be greater under this alternative. Since this	The CO hot-spot analysis concluded that operation of this alternative would alleviate several peak-hour deficiencies, would reduce congestion and overall travel time, and would not increase the number of vehicles operating in cold start mode.	See impact summary for Alternative 2.	securely covered to prevent excessive amounts of dust. - The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust. - These control techniques shall be indicated in project specifications. AQ-2 Project grading plans shall show the duration of construction. Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications. AQ-3 All trucks that are to haul excavated or graded material on site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4), as amended, regarding the prevention of such material spilling onto public streets and roads. None required.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
	alternative would not improve air quality through a reduction in congestion, its air quality impacts are considered adverse.	The qualitative hot-spot analysis determined that this alternative would not result in new violations of the federal particulate matter less than 10 microns in size (PM_{10}) and particulate matter less than 2.5 microns in size ($PM_{2.5}$) air quality standards. The analysis indicated that MSAT emissions would not vary substantially between the future No Build and this alternative, and that while diesel exhaust may pose potential cancer risks, most receptors' short-term exposure would cause only minimal harm, and these risks would also greatly diminish in the future due to planned emission control regulations. The potential for naturally occurring asbestos (NOA) to be present within the Study Area is low. The potential for asbestos to be encountered during demolition under this alternative is also low because the majority of the demolition would be concrete, which does not contain asbestos. This alternative is listed in the SCAG financially constrained 2012–2035 RTP (RTP ID 2M0730), which was found to conform to the State Implementation Plan (SIP) by the Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) on June 5, 2012. This alternative is also included in the SCAG financially constrained 2013		

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Noise (Temporary)	This alternative would not result in the construction of improvements within the Study Area and therefore would not result in temporary noise effects.	FTIP. The 2013 FTIP was also determined to conform by the FHWA/FTA on December 14, 2012. The design concept and scope of this alternative are consistent with the project description in the 2012 RTP, the 2013 FTIP, and the assumptions in SCAG's regional emission analysis. This alternative would not result in adverse effects related to long-term air quality and would not contribute to adverse long-term air quality effects. Short-term construction-related worker commutes and equipment transport noise impacts would be minimal compared to existing traffic volumes on I-5 and other area streets, and the traffic noise effects of those trips would not be substantial. However, noise associated with the use of construction equipment is estimated to be between 79 and 89 A-weighted decibels (dBA) maximum instantaneous noise level (L_{max}) at a distance of 50 ft from the active construction area during grading. The worst-case composite noise level at the nearest residence during grading would be 91 dBA L_{max} at a distance of 50 ft from an active construction area. The closest residences along I-5 are within 50 ft of the construction areas associated with the Build Alternatives. Therefore, these receptors may be subject to short-term noise reaching 91 dBA L_{max} or higher generated by the construction activities associated with this alternative.	See impact analysis for Alternative 2.	N-1 The control of noise from construction activities will conform to the California Department of Transportation (Caltrans) Standard Specifications, Section 14-8.02, "Noise Control." The noise level from the Contractor's operations, between the hours of 9:00 p.m. and 6:00 a.m., will not exceed 86 dBA $L_{eq}(h)$ at a distance of 50 feet. In addition, the Contractor would equip all internal combustion engines with a manufacturer-recommended muffler and will not operate any internal combustion engine on the job site without the appropriate muffler.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Noise (Permanent)	Potential long-term noise effects under the No Build Alternative would be solely from traffic noise. Future No Build noise levels are shown in Table 2.14-9. Of the 356 modeled receiver locations, 52 receivers would or would continue to approach or exceed the Noise Abatement Criteria (NAC) under the future No Build condition.	Measure N-1 would avoid and/or minimize short-term construction noise associated with this alternative. Measure N-1 would avoid and/or minimize short-term construction noise associated with this alternative. Future noise levels under this alternative would approach or exceed the NAC at a number of receptors, as shown in Table 2.14-9. Of the 357 modeled receptors, 69 would approach or exceed the NAC Activity Categories B, C, or E under this alternative. However, with implementation of noise abatement, this impact is not considered to be adverse. No receptors would experience a substantial increase of 12 dBA or more over their corresponding modeled existing noise levels for this alternative. Measure N-2 abates the permanent effects of this alternative related to noise.	Future noise levels under this alternative would approach or exceed the NAC at a number of receptors, as shown in Table 2.14-9. Of the 357 modeled receptors, 75 would approach or exceed the NAC under Activity Categories B, C, or E under this alternative. However, with implementation of noise abatement, this impact is not considered to be adverse. No receptors would experience a substantial increase of 12 dBA or more over their corresponding modeled existing noise levels for this alternative. Measure N-2 abates the permanent effects of this alternative related to noise.	N-2 Prior to completion of Project Approval/Environmental Documentation (PA/ED), the noise barriers that are determined to be feasible and reasonable and were preferred by affected homeowners and residents will be considered for construction. The final decision on construction of the noise barriers will be made during final design.
Natural Communities (Temporary)	This alternative does not propose any construction or other disturbance in the biological study area (BSA). Therefore, this alternative would result in no temporary adverse impacts related to natural communities.	This alternative would result in temporary impacts to the riparian habitats (primarily at Aliso and Oso Creeks) of 0.70 ac. Measures BIO-1 through BIO-5 have been identified to avoid and/or minimize effects to CSS and riparian habitats associated with this alternative.	This alternative would result in temporary impacts to the riparian habitats (primarily at Aliso and Oso Creeks) of 2.08 ac. Measures BIO-1 through BIO-5 have been identified to avoid and/or minimize effects to CSS and riparian habitats associated with this alternative.	BIO-1 Prior to clearing or construction, highly visible barriers (such as orange construction fencing) will be installed around riparian/riverine communities and coastal sage scrub (CSS) adjacent to the project disturbance limits to designate Environmentally Sensitive Areas (ESAs) to be avoided and preserved. No grading or fill activity of any type

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Measures BIO-6 through BIO-8 avoid and/or minimize effects to riparian habitats associated with this alternative.	Measures BIO-6 through BIO-8 avoid and/or minimize effects to riparian habitats associated with this alternative.	will be permitted within ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate within the ESAs. All construction equipment will be operated in such a manner as to prevent accidental damage to nearby ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed in ESAs. Silt fence barriers will be installed at the ESA boundaries to prevent accidental deposition of fill material into areas where vegetation is immediately adjacent to planned grading activities. BIO-2 In order to avoid impacts to nesting birds, any native or exotic vegetation removal, tree trimming activities, or bridge demolition will occur outside of the bird nesting season. The nesting season is from February 15 to August 31. In the event that vegetation clearing is necessary during the nesting season, a qualified biologist will conduct a preconstruction survey to identify the locations of nests. Should nesting birds be found, an exclusionary buffer will be established by the biologist. This buffer will be clearly marked in the field by construction personnel under the guidance of the biologist, and construction or

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				clearing will not be conducted in this zone until the biologist determines that the young have fledged or the nest is no longer active.
				BIO-3 A biologist will monitor all vegetation clearing and any other construction activities (at the discretion of a qualified biologist) for the duration of the project in areas adjacent to Environmentally Sensitive Areas (ESAs) to flush any wildlife species present prior to construction to avoid direct mortality to wildlife and to ensure compliance with and proper implementation of vegetation removal, Best Management Practices (BMPs), and ESAs, and to ensure that all biological resource-related avoidance and minimization measures are properly adhered to. BIO-4 Shielded lighting will be used for any nighttime construction adjacent to native vegetated areas to avoid and minimize artificial night-lighting effects. BIO-7 To minimize indirect impacts, all equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated nonsensitive upland habitat areas. The designated upland

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Natural Communities (Permanent)	This alternative proposes no construction or other disturbance in the BSA. Therefore, this alternative would result in no adverse permanent impacts related to natural communities.	This alternative would not result in direct permanent impacts to CSS through disturbance and/or removal of existing vegetation. Permanent indirect impacts (or permanent impacts caused by the project that occur at a later time or distance from the project, such as noise), are not expected to exceed existing conditions as a result of this alternative; however, such impacts are expected to extend into the surrounding natural habitat by approximately the same distance that I-5 is being widened. This alternative would result in direct permanent impacts to riparian habitat through disturbance and/or removal of existing vegetation, primarily at Aliso and Oso Creeks. The discussion under "Wetlands and other Waters of the U.S. (Permanent)" shows the amount of riparian habitat that would be permanently affected by this alternative. Site Design, Source Control, and Treatment BMPs have been incorporated into the project design of this alternative to help avoid and/or minimize potential indirect adverse impacts to riparian communities associated with increased traffic, noise, and impervious surfaces.	See impact summary for Alternative 2.	areas will be located so as to prevent runoff from any spills from entering waters of the United States. BIO-5 To mitigate for areas temporarily affected by the proposed project, areas that are adjacent to native habitat will be replaced with native vegetation in-kind to the existing adjacent native habitat, including CSS. The habitat subject to this replacement will be determined at the discretion of the Caltrans biologist. BIO-6 Should it later be determined that Oso Creek was historically used by anadromous fish, a Detailed Fish Passage Assessment will be conducted on the Oso Creek Bridge Crossing and submitted to the California Department of Fish and Wildlife (CDFW) and interagency coordination among the California Department of Transportation (Caltrans), National Marine Fisheries Service (NMFS), and CDFW will be conducted to determine whether a barrier to anadromous fish passage is present. If it is determined that there are structures blocking anadromous fish passage will be designed by the project engineer to mitigate for fish passage. BIO-8 Weed control will be implemented

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Implementation of this alternative is not expected to result in permanent impacts to wildlife utilizing Aliso and Oso Creeks. Measures BIO-1 through BIO-5 have been identified to avoid and/or minimize effects to CSS and riparian habitats associated with this alternative. Measures BIO-6 through BIO-8 avoid and/or minimize effects to riparian habitats associated with this alternative.		to minimize the importation of nonnative plant material during and after construction. Eradication strategies will be implemented should an invasion of nonnative plant species occur.
Wetlands or Other Waters of the U.S. (Temporary)	This alternative does not propose any construction or other disturbance in the BSA. Therefore, this alternative would not result in temporary effects related to jurisdictional wetlands or other waters.	This alternative is not expected to temporarily affect any wetland waters during construction. However, this alternative is expected to temporarily affect 0.05 ac of nonwetland waters during construction. This alternative is expected to temporarily impact 0.79 ac of areas under California Department of Fish and Wildlife (CDFW) jurisdiction. Measure BIO-9 would compensate for the temporary effects of this alternative to jurisdictional wetlands and waters.	This alternative is expected to temporarily affect 0.62 ac of wetland waters and 0.21 ac of nonwetland waters during construction, for a total effect to 0.83 ac of United States Army Corps of Engineers (USACE) jurisdictional waters. This alternative is expected to temporarily impact 2.23 ac of areas under CDFW jurisdiction. Measure BIO-9 would compensate for the temporary effects of this alternative to jurisdictional wetlands and waters.	BIO-9 Prior to clearing or construction (including any ground-disturbing activities), the California Department of Fish and Wildlife (CDFW) and United States Army Corps of Engineers (USACE) will be consulted and, if required, a Lake or Streambed Alteration Agreement with the CDFW, a Section 404 permit and/or Letter of Permission (LOP) from the USACE, and a Section 401 certification from the Regional Water Quality Control Board (RWQCB) will be obtained.
Wetlands or Other Waters of the U.S. (Permanent)	The No Build Alternative proposes no construction or other disturbance in the BSA. Therefore, the No Build Alternative would not result in permanent effects related to jurisdictional wetlands or other waters.	This alternative is expected to permanently affect 0.08 ac of nonwetland waters and 0.04 ac of wetland waters of the United States. This alternative is expected to permanently affect 0.23 ac of areas under CDFW jurisdiction.	This alternative is expected to permanently affect 0.10 ac of nonwetland waters and 0.10 ac of wetland waters of the United States. This alternative is expected to permanently affect 0.45 ac of areas under CDFW jurisdiction.	BIO-10 If required, compensatory mitigation will be provided through the Measure M2 Freeway Transportation Mitigation Program, which allocates funds to acquire land and fund habitat restoration by acquiring properties and

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		Measure BIO-10 would compensate for the permanent effects of this alternative to jurisdictional wetlands and waters.	Measure BIO-10 would compensate for the permanent effects of this alternative to jurisdictional wetlands and waters.	permanently preserving them as open space. Restoration projects restore open space lands to their native habitat and include the removal of invasive plant species. Use of the program will be consistent with the United States Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) policies for no net loss of riparian/riverine habitat (e.g., wetlands) standards.
Plant Species (Temporary)	This alternative would not result in any disturbances to biological resources and therefore would not result in any adverse temporary effects to special-status plant species.	Botanical surveys to establish the presence/absence of these species in the BSA were conducted during the appropriate blooming period in 2011 and were negative. This alternative is not expected to affect any of special-status plant species because they are considered absent from the BSA.	See impact summary for Alternative 2.	None required.
Plant Species (Permanent)	The No Build Alternative would not result in any disturbances to biological resources and therefore would not result in any adverse temporary effects to special-status plant species.	Botanical surveys to establish the presence/absence of these species in the BSA were conducted during the appropriate blooming period in 2011 and were negative. This alternative is not expected to affect any of special-status plant species because they are considered absent from the BSA.	See impact summary for Alternative 2.	None required.
Animal Species (Temporary)	This alternative does not propose any construction or other disturbance in the BSA. Therefore, this alternative would not result in any effects related to animal species.	Temporary effects to Yuma myotis and other bridge- and crevice-dwelling species would include temporary indirect disturbance (such as noise, dust, night lighting, and human encroachment) from construction. Construction could also temporarily impede access to roost sites (existing and future) in the crevices of bridges, culverts, and overhead structures.	See impact summary for Alternative 2.	BIO-11 A qualified bat biologist will survey the project disturbance limits between June and August to assess the potential for the use of structures within the Biological Study Area's (BSA) use for maternity roosting, since maternity roosts are generally formed in the late spring. Surveys should be conducted no later

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
		While this alternative is expected to have some effects, they are not expected to substantially affect temporary access to roost sites. This alternative is not expected to directly impact the remaining special-status animal species. However, indirect effects may occur through the temporary loss of potential habitat, including CSS and Riparian Natural Communities. Other indirect temporary effects may occur due to increased traffic and noise while construction is being conducted. This alternative is not expected to result in direct temporary effects to migratory birds or their nests. Indirect temporary effects may occur through the temporary loss of nesting habitat. Measures BIO-1 through BIO-8 (identified above under "Natural Communities") and BIO-11 through BIO-13 avoid and/or minimize effects to special-status animal species.		than the summer at least one year prior to construction to allow adequate time for coordination and planning between biologists and engineers should a maternity colony be discovered, and to implement any appropriate mitigation that may be needed to minimize impacts to roosting bats. The qualified bat biologist will also perform preconstruction surveys because bat roosts can change seasonally. The surveys will occur at night and include a combination of structure inspection, sampling, exit counts, and acoustic surveys. BIO-12 To avoid direct mortality to bats roosting in areas subject to effects from construction activities, any structure with potential bat habitat will have temporary and humane bat exclusion devices installed under the supervision of a qualified bat biologist prior to the initiation of construction activities. Exclusion will be conducted during the fall (September or October) to avoid trapping flightless young inside during the summer months or hibernating individuals during the winter. Such exclusion efforts are dependent on weather conditions, take a minimum of two weeks, and will be continued to keep the structures free of bats until the completion of

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				construction. These exclusion devices will be removed upon completion of construction. If the period in which bats are excluded includes the maternity season (May – August), alternate roosting habitat may need to be installed at these locations at the discretion of the qualified bat biologist. Alternate roosting habitat will be installed at least six months in advance of the humane exclusion. All bat exclusion techniques will be coordinated between the California Department of Transportation (Caltrans) District Biologist and the resource agencies early in the construction planning process. Any existing structures or structural features used by bats for roosting would not be removed or altered. If major modifications such as removal or expansion of structures containing roosts are anticipated, impacts to bats would be mitigated by ensuring that the new or altered structures contain structural features suitable for roosting so that there is no loss of roosting habitat. BIO-13 All work conducted on bridges will take place during the day to the extent feasible. If this is not feasible, effects will be minimized

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Animal Species (Permanent)	This alternative proposes no construction or other disturbance in the BSA. Therefore, this alternative would not affect animal species.	Only a small part of bat roosting habitat (existing and future) may be permanently altered by this alternative if the existing expansion joint crevices are filled in (i.e., rubberized). As a result, this alternative is not expected to substantially affect the long-term use of the structures by bats. Additionally, this alternative is expected to have some, but not substantial, indirect effects on bridge- and crevice-dwelling animal species. This alternative is not expected to directly affect the remaining special-status animal species. However, indirect effects may occur through the permanent loss of potential habitat. Additionally, this alternative is not expected to result in direct permanent effects to migratory birds or their nests. Indirect temporary effects may occur through the permanent loss of nesting habitat.	See impact summary for Alternative 2.	by directing lighting and noise away from night roosting areas as much as possible. At structures where maternity colonies of bats are observed, construction activities should be performed outside of the maternity season (May – August), if feasible. If this is not feasible, effects will be minimized by conducting a humane exclusion and installing alternate bat roosting habitat at those locations. None required.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Threatened and Endangered Species (Temporary)	This alternative would not result in any disturbances to biological resources and therefore would not result in any temporary effects to threatened and endangered species.	This alternative may indirectly temporarily affect southern steelhead-designated critical habitat due to changes to water quality temporarily during construction. Additionally, this alternative is expected to have indirect and temporary effects to the white-tailed kite and least Bell's vireo (LBV) through the loss of potential future habitat.	See impact summary for Alternative 2.	None required.
Threatened and Endangered Species (Permanent)	This alternative would not result in any disturbances to biological resources and therefore would not result in any permanent effects to threatened and endangered species.	This alternative is expected to have indirect permanent effects to white-tailed kite through the loss of potential future habitat. Additionally, this alternative would result in permanent and indirect effects to LBV by affecting a small quantity of riparian habitat in the BSA that may potentially be used by LBV in the future. Measures BIO-14 and BIO-15 would avoid and/or minimize the effects of this alternative to threatened and endangered species.	See impact summary for Alternative 2.	BIO-14 Should the United States Fish and Wildlife Service (USFWS) require additional avoidance and minimization effects, those measures will be implemented as part of the Build Alternatives. BIO-15 Should it later be determined the Oso Creek was historically used by anadromous fish, a Detailed Fish Passage Assessment will be conducted on the Oso Creek Bridge Crossing and submitted to the California Department of Fish and Wildlife (CDFW), if required. Interagency coordination among the California Department of Transportation (Caltrans), National Marine Fisheries Service (NMFS), and CDFW will be conducted to determine whether a barrier to anadromous fish passage is present. Structures blocking anadromous fish passage will be designed by the project engineer to allow fish passage, if necessary.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
Invasive Species (Temporary)	This alternative would not result in any disturbances to biological resources and therefore would not result in any temporary effects from invasive species.	Implementation of this alternative would have the potential to spread invasive species by the ingress and egress of construction equipment contaminated by invasives, the inclusion of invasive species in seed mixtures and mulch, and the improper removal and disposal of invasive species so that seed is spread along the highway. Measure BIO-19 avoids and/or minimizes the temporary effects of the Build Alternatives related to invasive species during construction.	See impact summary for Alternative 2.	BIO-19 Inspection and cleaning of construction equipment would be performed to minimize the importation of nonnative plant material. Eradication strategies (i.e., weed control) would be implemented should an invasion of nonnative plant species occur.
Invasive Species (Permanent)	This alternative would not result in any disturbances to biological resources and therefore would not result in any permanent adverse effects from invasive species.	There is a potential for this alternative to inadvertently introduce additional invasive species into the corridor by seeds being transported by vehicles or through the use of a contaminated landscape palette. Measures BIO-16 through BIO-18 and BIO-20 avoid and/or minimize the permanent effects of the Build Alternatives related to invasive species during construction.	See impact summary for Alternative 2.	BIO-16 After construction, affected areas adjacent to native vegetation will be revegetated with plant species approved by the California Department of Transportation District Biologist. BIO-17 After construction, species listed as having a high or moderate rating on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" will not be planted in any revegetated areas. A copy of the complete list can be obtained from Cal-IPC's web site at http://www.cal-ipc.org. BIO-18 A plant establishment period will be developed for revegetated areas during final design. A plant establishment period is a duration of time that allows newly installed plant material to reach a state of maturity, requiring minimal ongoing maintenance for survival.

Table 1.8-2 Summary of Impacts

Potential Impact	No Build Alternative	Build Alternative 2	Build Alternative 3	Avoidance, Minimization, and/or Mitigation Measures
				A plant establishment period typically includes the removal of litter and trash, weeding, water application, irrigation repair, replacement of plant material that dies, and other activities required to ensure the long-term survival of plant material. BIO-19 Inspection and cleaning of construction equipment will be performed to minimize the importation of nonnative plant material. Eradication strategies (i.e., weed control) will be implemented should an invasion of nonnative plant species occur. BIO-20 In compliance with EO 13112, weed control would be performed to minimize the importation of nonnative plant material during and after construction.

EXHIBIT 3

Figure 2.3-2 pages 3, 4 & 5



LEGEND

- Project Limits
- Full Acquisition
- Partial Acquisition
- Parcel Outline for Partial Acquisition Parcels

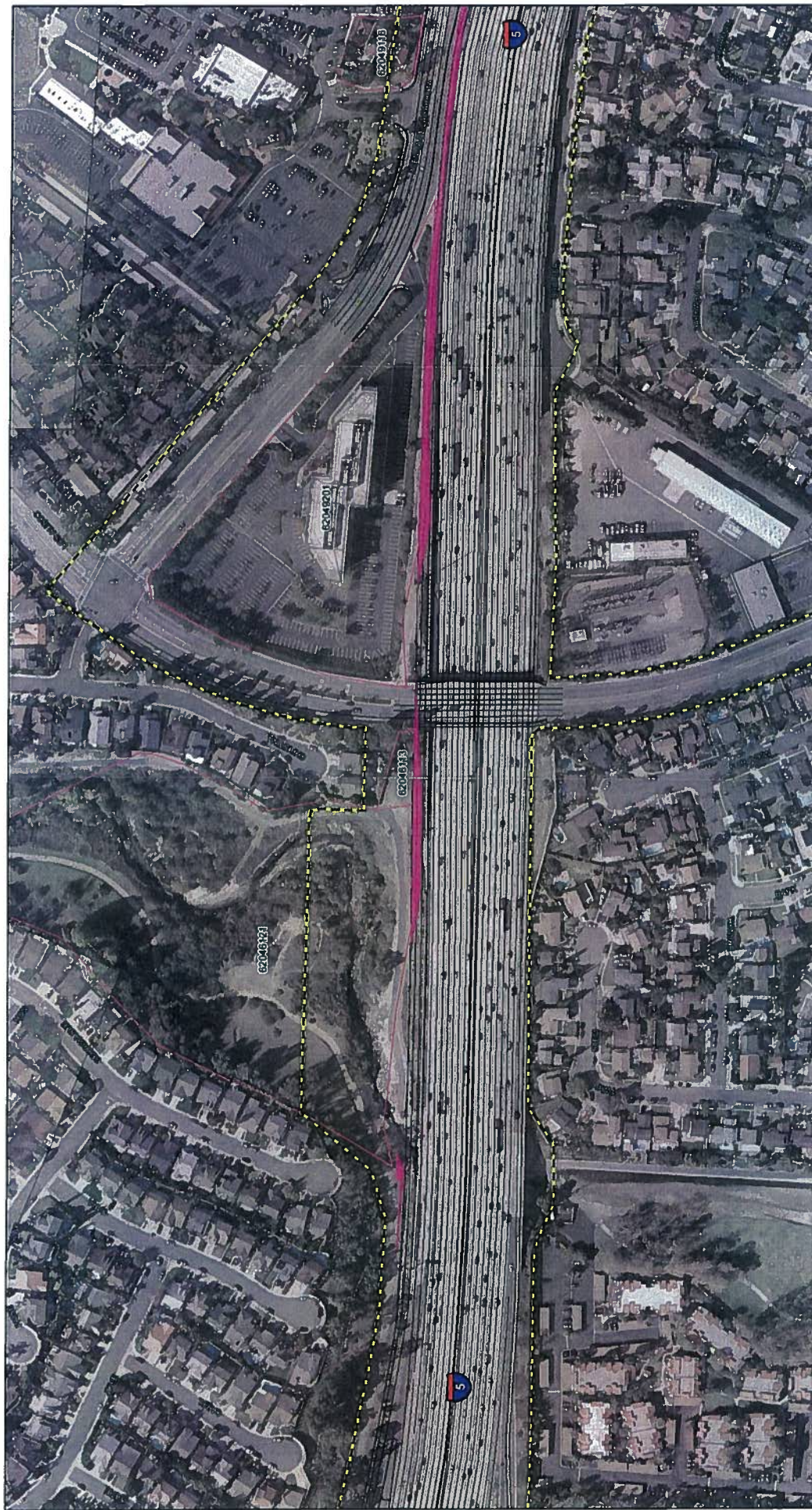


SOURCE: TransSystems (6/2012)
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FIGURE 2.3-2
 Sheet 3 of 5

I-5 Widening Project: SR-73 to El Toro Rd
 Alternative 2 Parcel Acquisitions



LEGEND

- Project Limits
- Full Acquisition
- Partial Acquisition
- Parcel Outline for Partial Acquisition Parcels

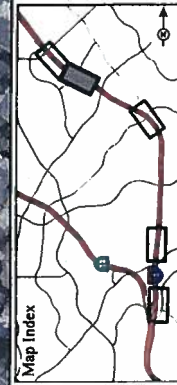
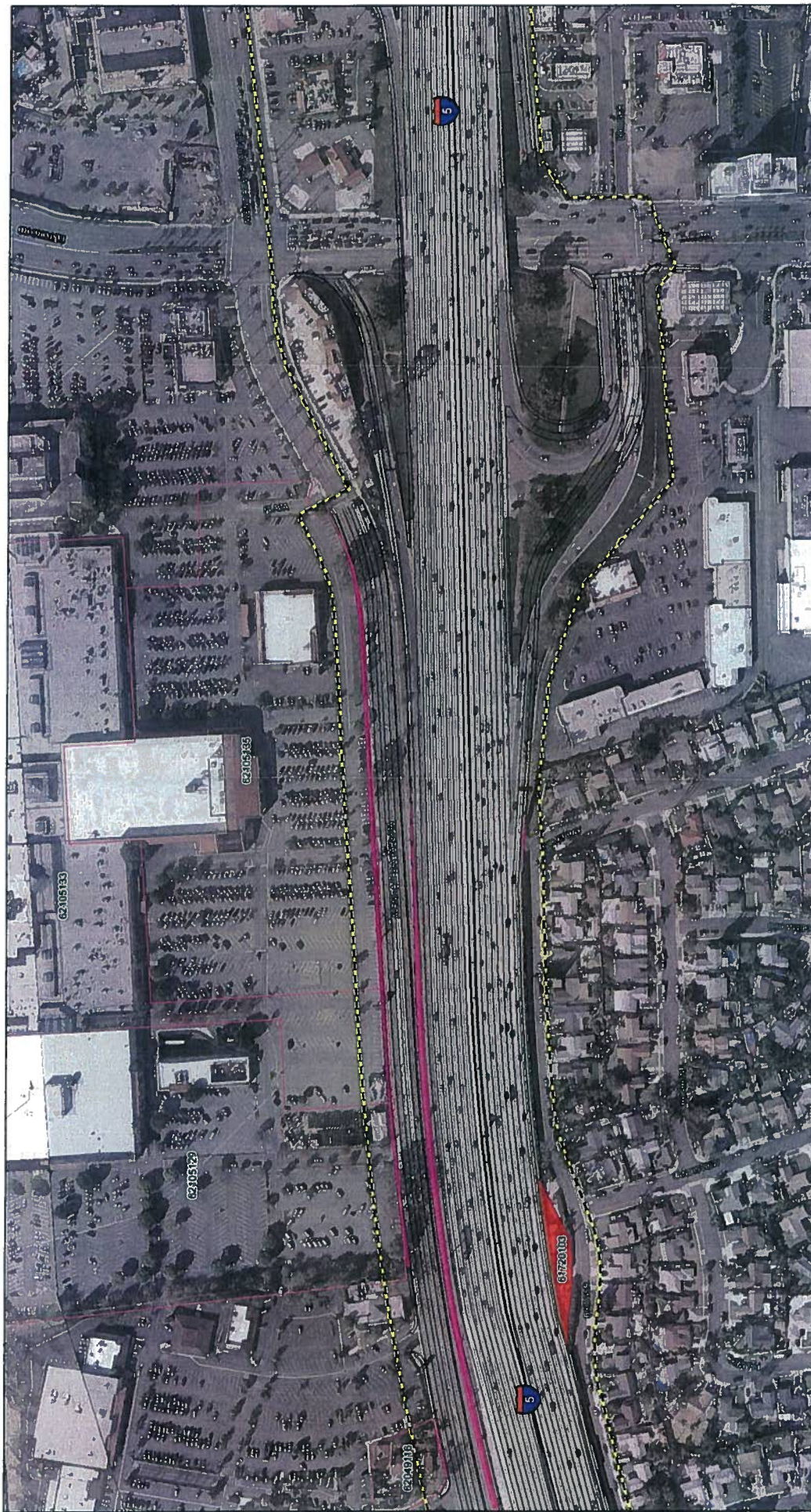


FIGURE 2.3-2
Sheet 4 of 5

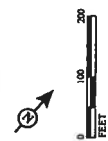
I-5 Widening Project: SR-73 to El Toro Rd
Alternative 2 Parcel Acquisitions

SOURCE: TransSystems (6/2012)
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LEGEND

- Project Limits
- Full Acquisition
- Partial Acquisition
- Parcel Outline for Partial Acquisition Parcels



SOURCE: TransSystems (6/2012)
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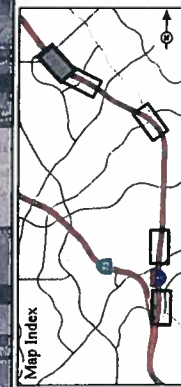


FIGURE 2.3-2
 Sheet 5 of 5

I-5 Widening Project: SR-73 to El Toro Rd
 Alternative 2 Parcel Acquisitions

EXHIBIT 4

Table 2.14-1: Noise Abatement Criteria

Table 2.14-2: Noise Levels of Common Activities

Table 2.14-1: Noise Abatement Criteria

Activity Category	NAC, Hourly A-Weighted Noise Level, dBA $L_{eq}(h)$	Description of Activity Category
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ¹	67 (Exterior)	Residential.
C ¹	67 (Exterior)	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52 (Interior)	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E	72 (Exterior)	Hotels, motels, offices, restaurants/bars, and other developed lands, properties, or activities not included in A–D or F.
F	No NAC—reporting only	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical, etc.), and warehousing.
G	No NAC—reporting only	Undeveloped lands that are not permitted.

Source: Standard Environmental Reference (California Department of Transportation, July 2010).

¹ Includes undeveloped lands permitted for this activity category.

dBA = A-weighted decibels

$L_{eq}(h)$ = one-hour A-weighted equivalent continuous noise level

NAC = Noise Abatement Criteria

NEPA = National Environmental Policy Act

Table 2.14-2: Noise Levels of Common Activities

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet Fly-over at 300m (1000 ft)	110	Rock Band
Gas Lawn Mower at 1 m (3 ft)	100	
Diesel Truck at 15 m (50 ft), at 80 km (50 mph)	90	Food Blender at 1 m (3 ft)
Noisy Urban Area, Daytime	80	Garbage Disposal at 1 m (3 ft)
Gas Lawn Mower, 30 m (100 ft)	70	Vacuum Cleaner at 3 m (10 ft)
Commercial Area		Normal Speech at 1 m (3 ft)
Heavy Traffic at 90 m (300 ft)	60	Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night, Concert Hall (Background)
	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: Standard Environmental Reference (California Department of Transportation, October 2012).

dBA = A-weighted decibels

ft = foot/feet

m = meter, meters

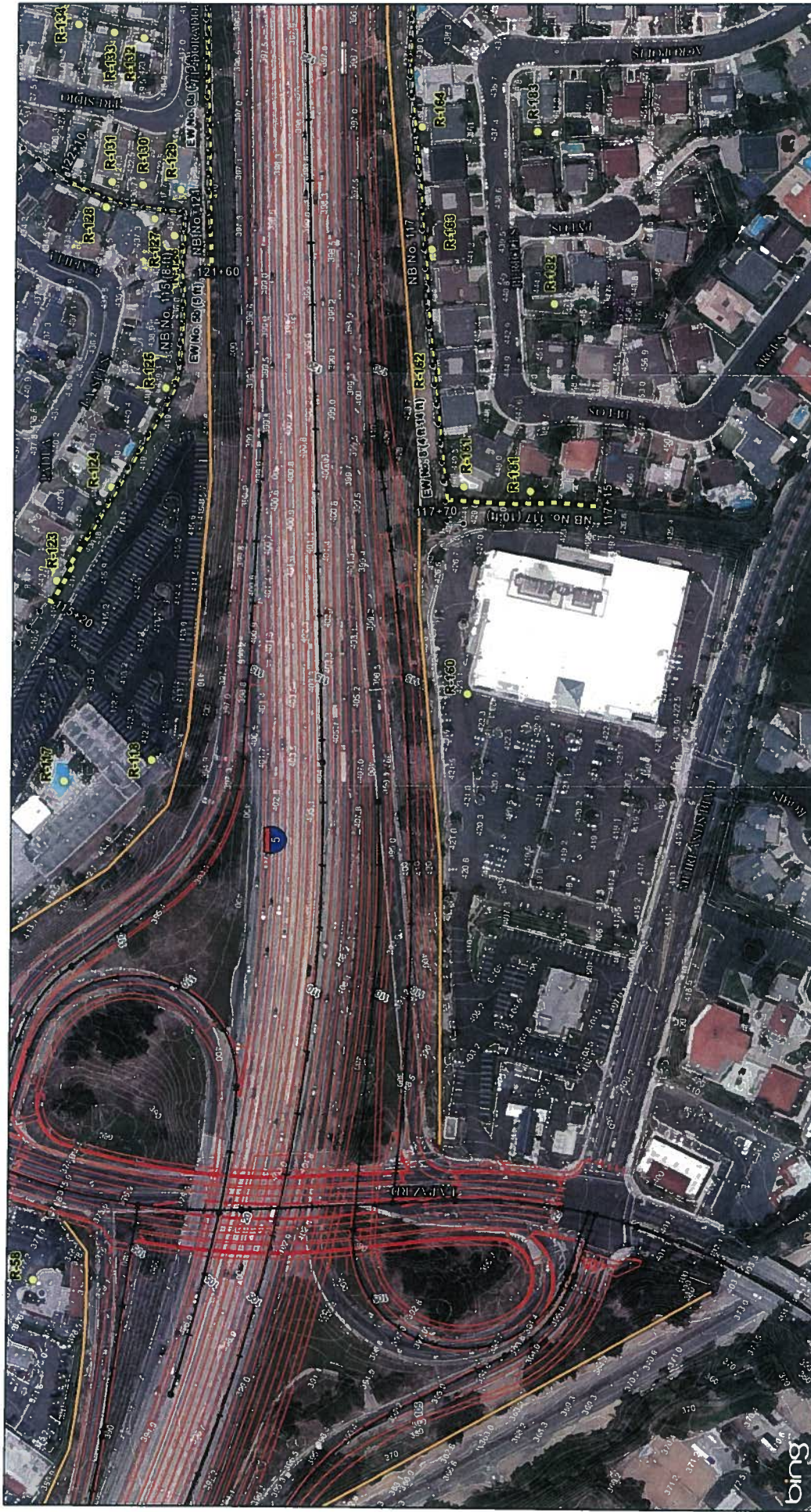
mph = miles per hour

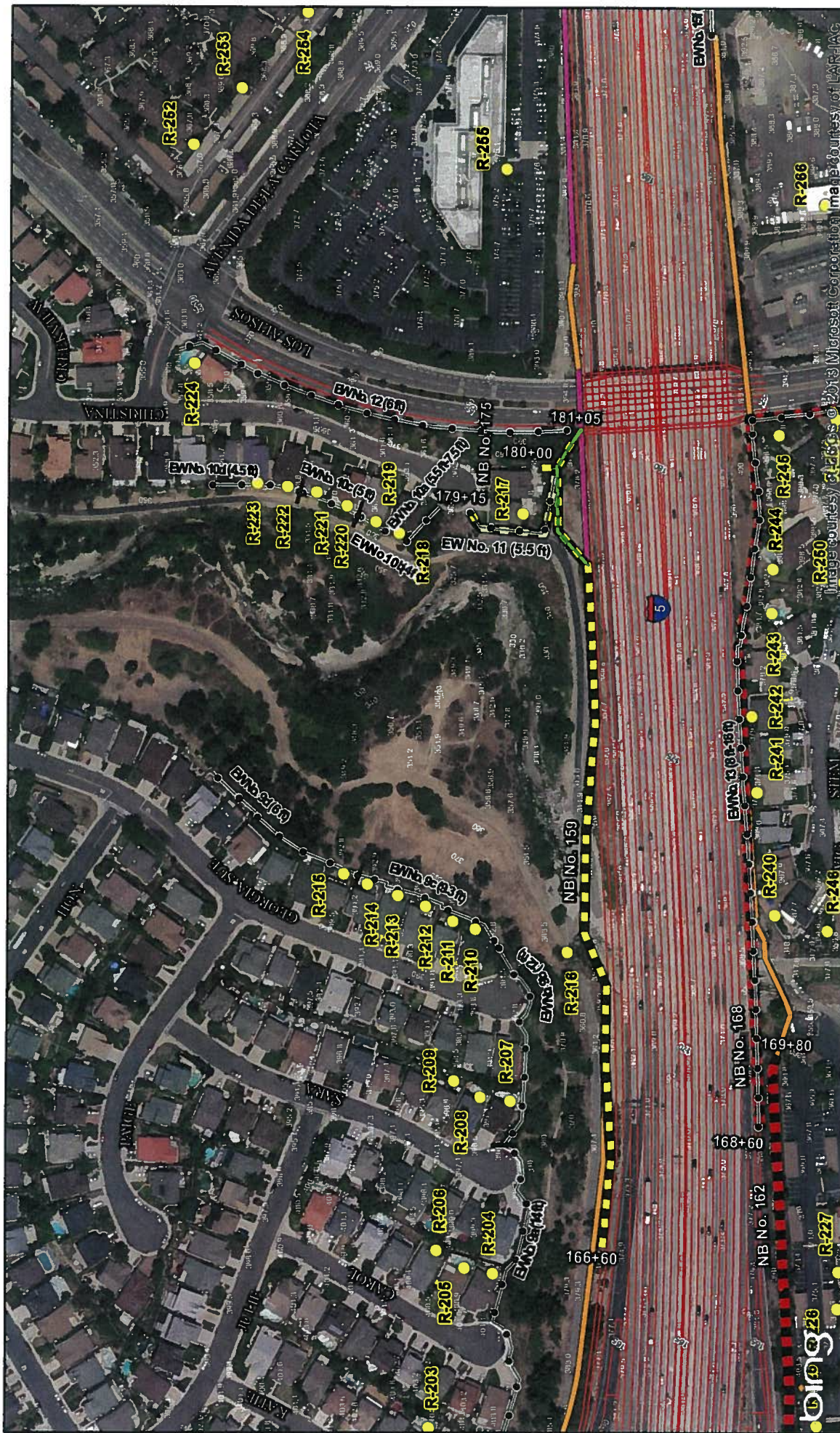
In accordance with Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects (May 2011), a noise impact occurs when the future noise level with the project results in a substantial increase in noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the NAC. Approaching the NAC is defined as coming within 1 dBA of the NAC.

If it is determined that the project will have noise impacts, potential abatement measures must be considered. Noise abatement measures that are determined to be reasonable and feasible at the time of final design are incorporated into the project plans and

EXHIBIT 5

Figure 2.14.2 pages 14 and 15
Figure E-1





LEGEND

- Alternative 2
- Existing Right-of-Way
- Proposed Right-of-Way
- Modeled Receptor Locations
- Modeled Noise Barriers
- Modeled Noise Barriers - Not Feasible
- Existing Wall
- Emergency Vehicle Pull Out Line

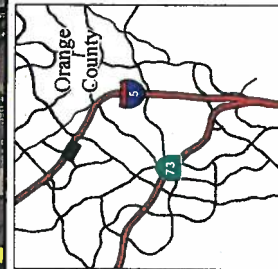


FIGURE E-1

I-5 Widening Project: SR-73 to El Toro Road

Alternative 2

Modeled Noise Barriers
and Receptor Locations

12-ORA-5 PM 12.4/18.9

EA# 0K0200

SOURCE: Bing Maps (c. 2010); Transystems (2012)

I:\TSY1102\GIS\Noise\A12_EmergencyLine.mxd (2/15/2013)