



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 19, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

14 July 19, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

DELEGATE AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS BETWEEN VARIOUS ENTITIES AND THE COUNTY OF LOS ANGELES FOR THE STATE ROUTE 126/COMMERCE CENTER DRIVE INTERCHANGE IMPROVEMENTS PROJECT AND REVISION OF THE ADOPTED SANTA CLARA RIVER FLOODWAY (ML MAP 43-ML 26 AND 27) IN THE UNINCORPORATED COMMUNITY OF CASTAIC (SUPERVISORIAL DISTRICT 5) (3 VOTES)

SUBJECT

This action is to delegate authority to the Director of Public Works or her designee to enter into cooperative agreements between various entities and the County of Los Angeles to provide for the funding, construction, and maintenance of the State Route 126/Commerce Center Drive Interchange Improvements project in the County of Los Angeles unincorporated community of Castaic and to adopt an ordinance to revise the Santa Clara River Floodway and related maps and water-surface elevations to reflect the partial channelization and construction of a soil cement bank protection, identified as Private Drain No. 2615, and proposed as part of the State Route 126/Commerce Center Drive Interchange Improvements project effective upon completion and acceptance of the improvements by the Director of Public Works.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Delegate authority to the Director of Public Works or her designee to negotiate and enter into cooperative agreements and any subsequent amendments with various entities, including but not limited to the State of California, Los Angeles County Metropolitan Transportation Authority, Newhall Land and Farming Company, and local utility companies for the funding, construction, and maintenance of the State Route 126/Commerce Center Drive Interchange Improvement project in

the County of Los Angeles unincorporated community of Castaic. The construction cost of the project, currently estimated to be \$55,000,000, is to be financed with a \$9,200,000 Los Angeles County Metropolitan Transportation Authority Call For Projects grant and \$45,800,000 in the future Westside Bridge and Major Thoroughfare Construction Fee District funds.

2. Approve for introduction an ordinance revising the Santa Clara River Floodway and related maps and water-surface elevations to reflect construction of a soil cement bank protection, identified as Private Drain No. 2615, to become operative upon the completion and acceptance of Private Drain No. 2615 by the Director of Public Works.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to authorize the Director of Public Works or her designee to negotiate and enter into agreements and any subsequent amendments with the State of California, acting by and through its Department of Transportation (Caltrans), Los Angeles County Metropolitan Transportation Authority (LACMTA), Newhall Land and Farming Company (Newhall Land), and local utility companies, including but not limited to AT&T California, Valencia Water Company, Southern California Gas Company, and Southern California Edison (Utilities), providing for the County of Los Angeles (County) to administer and fund construction and maintenance of the State Route (SR) 126/Commerce Center Drive Interchange Improvements project in the unincorporated community of Castaic.

The enclosed ordinance will revise the Santa Clara River Floodway to account for encroachments caused by construction of a soil cement bank protection, identified as Private Drain No. 2615 and as depicted in Exhibit B, which is a part of the proposed SR 126/Commerce Center Drive Interchange Improvements project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1), Community and Municipal Services (Goal 3), and Public Safety (Goal 5). Construction of the SR 126/Commerce Center Drive Interchange Improvements project will improve safety and reduce traffic congestion in the area for those County residents who travel on these roads, thereby improving the quality of life for County residents.

FISCAL IMPACT/FINANCING

There will be no impact to the Los Angeles County Flood Control District Fund Budget or the County General Fund.

The total construction cost of the SR 126/Commerce Center Drive Interchange Improvements project is currently estimated to be \$55,000,000 of which \$9,200,000 will be financed with a LACMTA grant obtained under the 2001 Call For Projects (CFP). The remaining construction cost in the amount of \$45,800,000 will ultimately be financed with the future Westside Bridge and Major Thoroughfare Construction Fee (B&T) District funds as fees are collected. The future Westside B&T District is expected to generate almost \$600,000,000 over time for transportation projects within the District.

Since the future Westside B&T District fees will not be collected for several years, the Fifth Supervisorial District's Road Construction Program, Newhall Land, and the neighboring B&T Districts propose to advance funding for the project as shown on the enclosed Exhibit A. The loans from the

Valencia, Eastside, and Bouquet Canyon B&T Districts to the future Westside B&T District will be presented to your Board for approval under a separate action.

Newhall Land is to deposit \$3,000,000 with the County for the project prior to advertising for construction bids. To accelerate the repayment of the advance funding from the Fifth Supervisorial District's Road Construction Program and the loans from the Valencia, Eastside, and Bouquet Canyon B&T Districts, Newhall Land has also tentatively agreed to make additional payments to the County of \$10,000,000 on June 1, 2014; \$10,000,000 on June 1, 2015; and a final payment in an amount not to exceed \$22,800,000 on June 1, 2016. Interest will be applied to these amounts. Newhall Land will receive Westside B&T fee credits toward future development fees in return for these payments. Newhall Land owns the majority of the developable land in the District. If Newhall Land fails to make the scheduled payments, funds for repayment of the advance funding and loans will eventually be reimbursed by the future Westside B&T District as fees are collected.

It is also proposed that this project be processed federally. This will allow local Federal funds provided by LACMTA to be used for the project in exchange for County transportation funds. This will benefit the region by spending down approximately \$41,000,000 in available regional Federal-aid funds, while also providing cities in the County with the choice of receiving their allocations of Federal Surface Transportation Program–Local (STP-L) funds in cash from LACMTA. This allows the cities to use the funds without having to follow complicated Federal processing rules. On May 26, 2011, the LACMTA Board of Directors approved an exchange of up to \$41,000,000 in Federal STP-L funds for non-Federal funds with the County Department of Public Works (Public Works). A similar financial arrangement was successfully utilized for the Hasley Canyon Road at Interstate 5 Interchange Improvements project.

The necessary funds for construction of the SR 126/Commerce Center Drive Interchange Improvements project are included in the Fifth Supervisorial District's Road Construction Program in the Fiscal Year 2011-12 Road Fund Budget. A separate Board Letter will be prepared for the loans between the Valencia, Eastside, Bouquet Canyon, and future Westside B&T Districts. The funding will be included in the Fiscal Year 2011 12 budgets once the loans are approved by your Board.

Funds for maintenance of the portions of the completed project for which the County will be responsible after construction will be included in future Road Fund budgets and will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Currently, the junction of SR 126 and Commerce Center Drive is a signalized intersection. The County and Caltrans propose to construct State highway improvements consisting of a grade-separated interchange at the SR 126/Commerce Center Drive intersection, widening of SR 126, new freeway ramps, realignment of Henry Mayo Drive, and new traffic signals at three locations: the intersection of Henry Mayo Drive and Commerce Center Drive, the eastbound ramps intersection, and at the entrance to the Travel Village property.

The purpose of the agreements is to formalize provisions between the County, Caltrans, LACMTA, Newhall Land, and the Utilities regarding construction and maintenance of the project. The agreements will cover the administration of construction, funding of the construction, and maintenance responsibility for improvements constructed within and near the State highway right of way.

Specifically, construction cooperative and maintenance agreements will be executed between

Caltrans and the County, a construction cooperative agreement will be executed between Newhall Land and the County, and agreements between the County and the Utilities will be executed providing for the relocation of utilities required for construction of the project. A funding agreement will also be executed between LACMTA and the County to exchange local County transportation funds for Federal-aid funds. As noted above, the agreements for the loans from Valencia, Eastside, and Bouquet Canyon B&T Districts will be presented to your Board for approval under a separate action.

The preliminary engineering for the project is currently being performed by Newhall Land under the provisions of the County-Newhall Land Agreement No. 75954 approved by your Board on December 5, 2006. The design of the project is nearly complete and the project is tentatively scheduled to be advertised for construction bids in November 2011. Construction is anticipated to take approximately 2 years to complete.

Section 130 of the California Streets and Highways Code provides that Caltrans and the County may enter into cooperative agreements for improvements to State highways within the County. All cooperative agreements and any subsequent amendments will be reviewed and approved as to form by County Counsel prior to execution.

On July 25, 1985, your Board approved and adopted Ordinance No. 85.0134 to establish a floodway and water-surface elevations for the Santa Clara River from Bouquet Canyon to the Ventura County line. As a result of the ordinance, construction related activities within the established floodway are regulated to ensure that new developments are adequately protected from anticipated high-flow events.

The Santa Clara River Floodway was adopted in connection with the County's participation in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). The regulations implementing the NFIP [Title 44 of the Code of Federal Regulations (CFR), Part 59, et seq.] require under certain circumstances that local governments establish floodways in those areas within their jurisdictions that are subject to flooding as a condition of eligibility to participate in the NFIP. NFIP regulations also require that prior to approving any project that will encroach into a floodway your Board adopt an ordinance revising the floodway to incorporate the post-project condition.

An engineering analysis prepared by Pacific Advanced Civil Engineering, Inc., entitled Santa Clara River ML Revision Analysis dated October 2008 delineating the proposed revision has been approved by the County Public Works. This analysis indicates that properties owned by Newhall Land and Travel Village will be affected by the proposed encroachment into the Santa Clara River Floodway by Private Drain No. 2615, a soil cement bank protection project. Newhall Land and Travel Village have each executed a drainage covenant consenting to the alteration of the surface water drainage on their respective properties caused by Private Drain No. 2615.

The enclosed proposed ordinance and corresponding County Counsel analysis will revise the Santa Clara River Floodway to account for encroachments caused by the construction of a soil cement bank protection, identified as Private Drain No. 2615 and as depicted on the enclosed Exhibit B, which is a part of the proposed SR 126/Commerce Center Drive Interchange Improvements project. The proposed floodway revision has been reviewed and approved by Public Works. The floodway maps are to be revised as depicted on the enclosed Exhibits C and D.

Pursuant to Title 44 of the CFR Section 65.12, the County is also required to obtain conditional approval of the project from FEMA and adopt floodplain management ordinances revising the

floodway to reflect the post-project condition prior to proceeding with construction of the project. FEMA has given its conditional approval.

The ordinance will not become operative until the proposed improvements have been completed and have been accepted by the Director of Public Works.

ENVIRONMENTAL DOCUMENTATION

On December 5, 2006, Agenda Item No. 47, your Board adopted by reference a Negative Declaration certified by Caltrans on June 22, 2006, and a Finding of No Significant Impact determination by the Federal Highway Administration on August 22, 2006, for the SR 126/Commerce Center Drive Interchange Improvements project. The Negative Declaration found that the project will not have a significant effect on the environment in accordance with the provisions of the California Environmental Quality Act (CEQA). On November 16, 2010, Agenda Item No. 14, an addendum to the Negative Declaration to address changes in the scope of the work to include the soil borrow site was approved by your Board. Private Drain No. 2615, a soil cement bank protection project, is within the scope of the project described in the adopted Negative Declaration and Finding of No Significant Impact. Additionally, no new impacts are being introduced and the previously proposed mitigation measures adequately reduce potential impacts so there is no substantial evidence the project will have a significant effect on the environment. Therefore, no further environmental documentation is required under CEQA.

Upon your Board's approval of the project, Public Works will file a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

SR 126 is part of the State Freeway and Expressway System. It is a major access route between Interstate 5 and Ventura County. Commerce Center Drive is a major highway on the County Highway Plan and the proposed improvements will improve safety, reduce traffic congestion, and improve the level of service for interregional traffic. The project will have no adverse impact on current flood control services.

CONCLUSION

Please return one adopted copy of this letter and an original of the ordinance to the Department of Public Works, Programs Development Division.

The Honorable Board of Supervisors

7/19/2011

Page 6

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JTW:pr


Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

ANALYSIS

This ordinance revises the Santa Clara River Floodway and certain related floodway maps and water surface elevations to reflect changes to the floodway that will result from the proposed drainage improvements designated as Private Drain No. 2615, which will be constructed as part of the State Route 126 – Commerce Center Drive Interchange Improvement Project. This ordinance also makes conforming changes to Chapter 11.60 of Title 11 – Health and Safety of the Los Angeles County Code. This ordinance will not become operative until said improvements have been completed and accepted by the Director of Public Works.

ANDREA SHERIDAN ORDIN
County Counsel

By: 
MARK T. YANAI
Principal Deputy County Counsel
Property Division

MTY:vn

12/28/10 (Requested)

01/12/11 (Revised)

ORDINANCE NO. _____

An ordinance revising the Santa Clara River Floodway and certain related floodway maps and water surface elevations, and making conforming amendments to Title 11 – Health and Safety of the Los Angeles County Code, to become operative upon the completion of the construction of Private Drain No. 2615 and the acceptance of said improvements by the Director of Public Works.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. The Santa Clara River Floodway is revised as depicted on the Floodway Map Nos. 43-ML26.1 and 43-ML27.1, which are on file with the Director of Public Works and incorporated herein as if fully set forth.

SECTION 2. Section 11.60.020 is hereby amended to read as follows:

11.60.020 Areas designated -- Provisions added by reference.

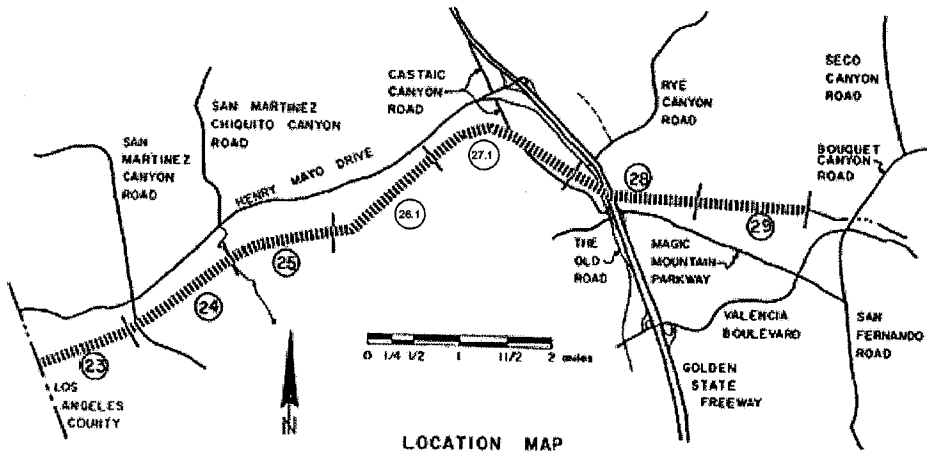
The following floodways are added by reference, together with all maps, water surface elevations, and provisions pertaining thereto:

Floodway Name	Floodway Map No.
...	
Santa Clara River	43-ML23, 43-ML24, 43-ML25, 43-ML26 43-ML26.1, 43-ML27 43-ML27.1, 43-ML28, 43-ML29, 43-ML40, 43-ML41, 43-ML42, 43-ML43, 43-ML44,

43-ML45, 43-ML46,
43-ML47 and 43-ML48

...

SECTION 3. Section 11.60.030 is hereby amended by replacing the location map for the Santa Clara River Floodway with the following map:



LOCATION MAP
SANTA CLARA RIVER FLOODWAY, LOWER REACH
REACH LIMITS
MAP NUMBERS 43-ML23 to 43-ML29

SECTION 4. This ordinance shall become operative upon the completion of the construction of Private Drain No. 2615 and the acceptance of said improvements by the Director of Public Works, which acceptance shall be promptly reported in writing by the Director to the Executive Officer of the Board of Supervisors.

[1160MYCC]

**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
STATE ROUTE 126/COMMERCE CENTER DRIVE
INTERCHANGE IMPROVEMENTS PROJECT
FUNDING PLAN**

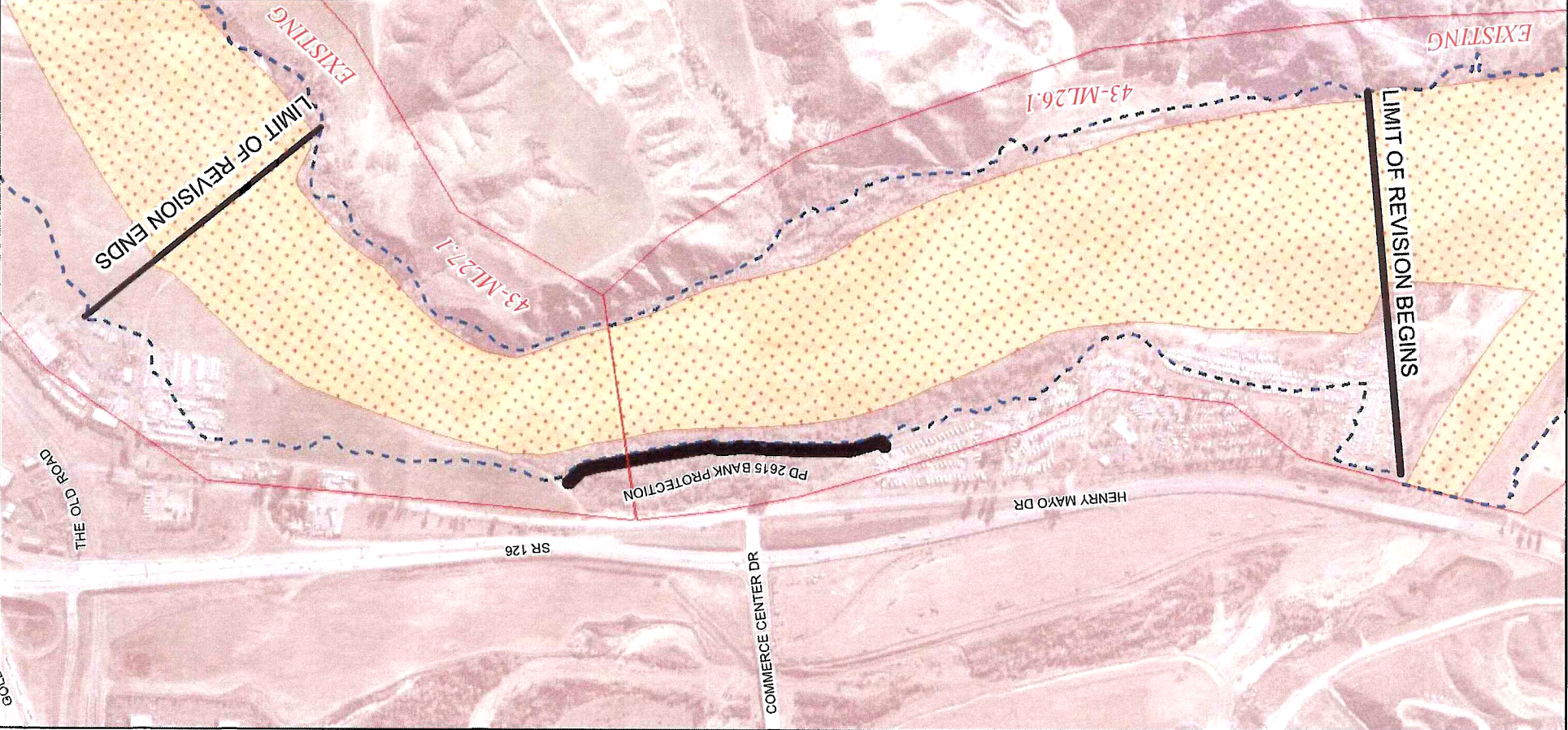
Grant Funds – MTA's 2001 CFP	\$ 9,200,000
Loan of the Fifth District's road construction funds currently available	14,000,000
Loan of the Fifth District's road construction funds at \$2.6M/year over the next three years	7,800,000
Loans from Valencia, Eastside, and Bouquet B&T Districts	21,000,000
Newhall Land	<u>3,000,000</u>
Total Project Cost	\$55,000,000

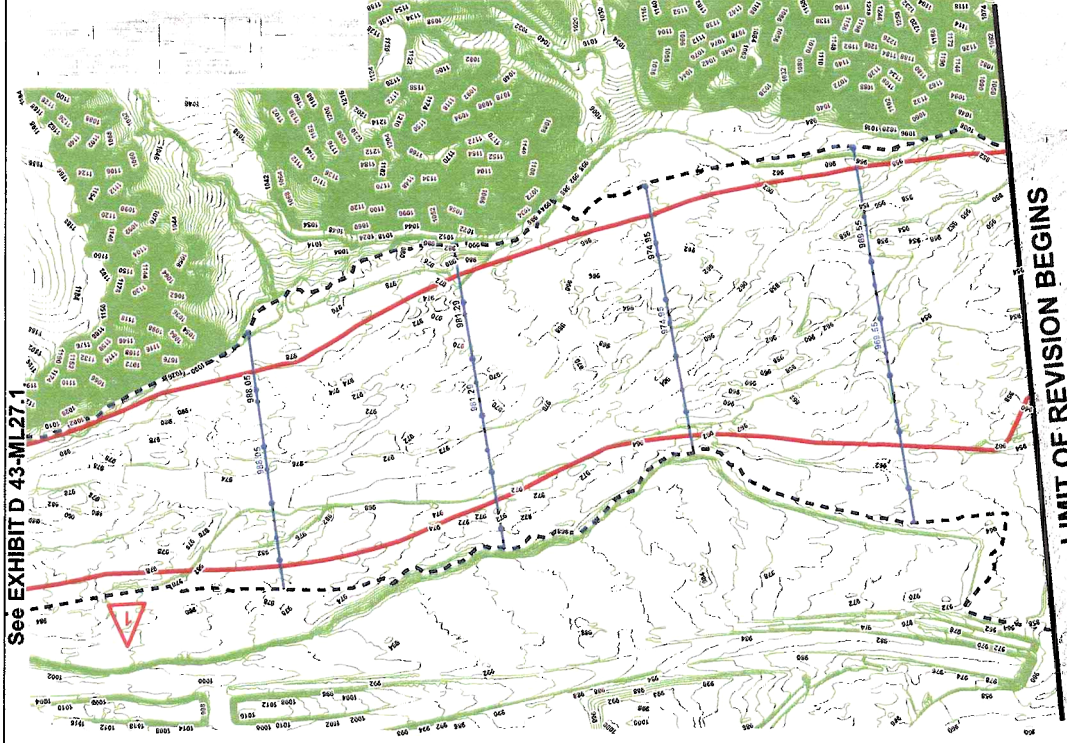
EXHIBIT B

EXHIBIT B

STATE ROUTE 126 COMMERCE
CENTER DRIVE INTERCHANGE
IMPROVEMENTS PROJECT

LOCATION MAP





See EXHIBIT D 43-ML27.1

LIMIT OF REVISION BEGINS

No.	Revision	Revised By	Date	Approved By
				BOS

Revised Floodplain/Floodway Boundaries per
State Route 126/Commerce Center Drive
Interchange Improvement Project (IAPD 00)

Legend

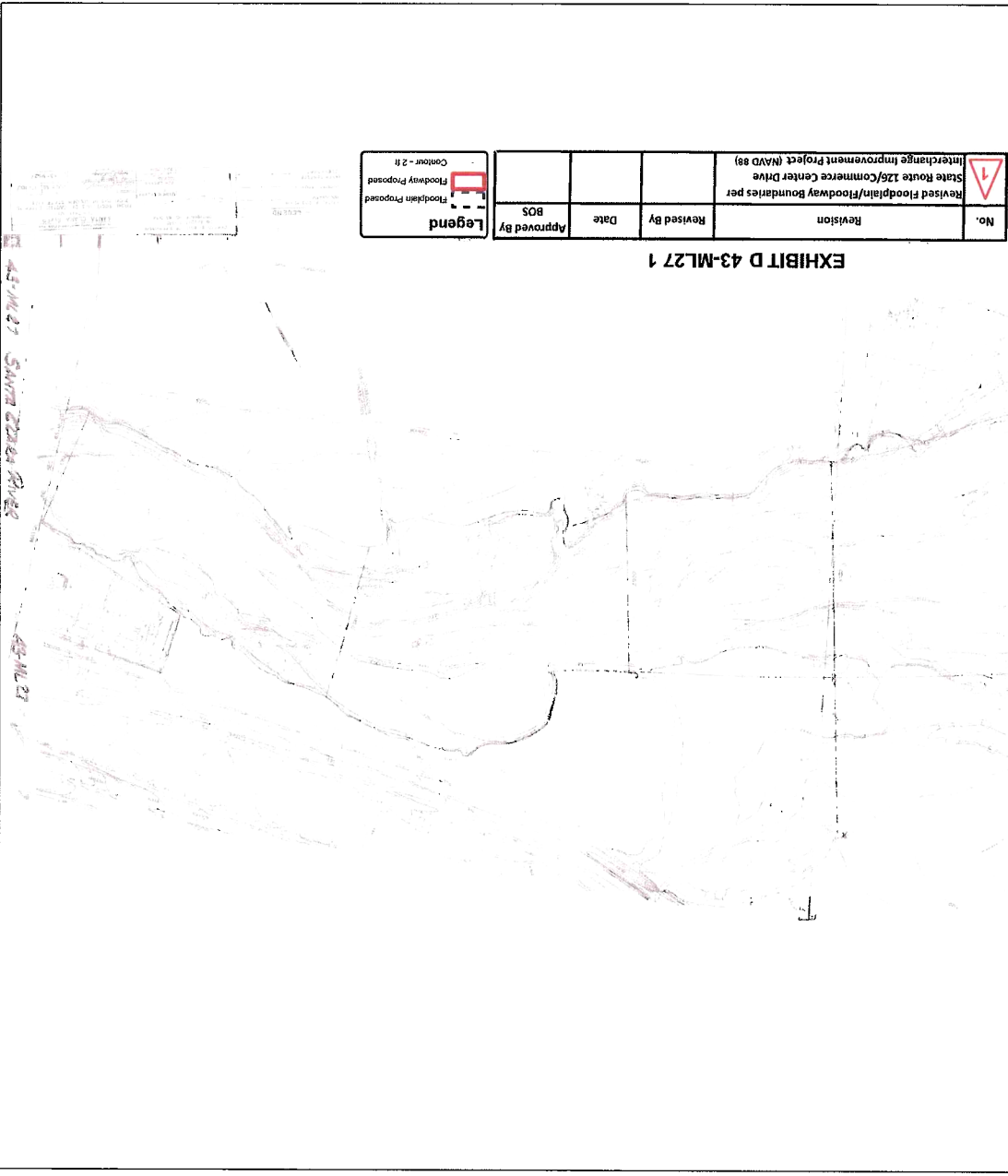
- Floodway Proposed
- Floodplain Proposed
- Contour - 2'

EXHIBIT C 43-ML26.1

EXHIBIT D

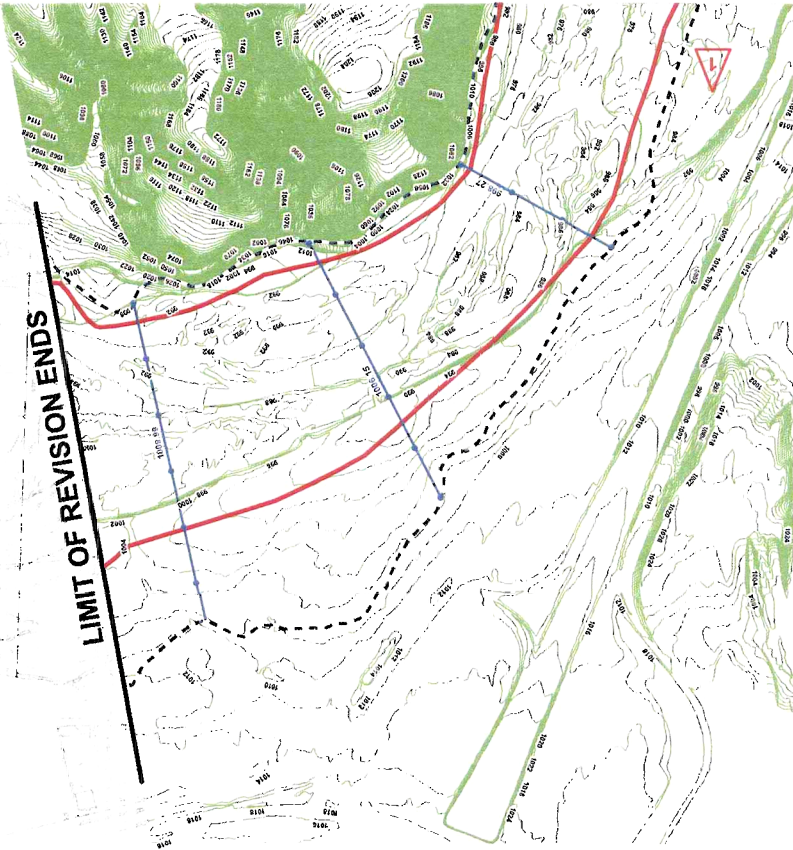
43-ML-21 SAVAUGH RIVER

43-ML-21



No.	Revision	Revised By	Date	Approved By	Legend
	State Route 126/Commerce Center Drive Interchange Improvement Project (NAVD 89)			BOS	Floodplain Proposed Floodway Proposed Contour - 2 ft

EXHIBIT D 43-ML27 1



See EXHIBIT C 43-ML26.1