

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SANTA ANA ADOPTING THE MITIGATED
NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR
THE SANTA ANA OFF-PREMISES COMMERCIAL
SIGNS ORDINANCE UPDATE PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines,
and declares as follows:

A. The City of Santa Ana is seeking approval of Zoning Ordinance Amendment No. 2022-01 to repeal and reenact in its entirety Article XII of Chapter 41 of the Santa Ana Municipal Code pertaining to off-premise commercial advertising signs (billboards). This Ordinance, referred to as the Santa Ana Off-Premises Commercial Advertising Signs Ordinance Update Project ("Project"), would allow the construction and reconstruction of new digital billboards in certain areas of the city subject to location requirements and development standards.

B. The Project is required to undergo an environmental review pursuant to the California Environmental Quality Act (CEQA) and the state CEQA Guidelines. Through its consultant, the City prepared an Initial Study leading to a Mitigated Negative Declaration ("IS/MND") for the Project. Based on the IS/MND, the Project would have no impact or a less than significant impact on the following environmental issue areas: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. The Project's impacts on the following issue areas would be less than significant with the implementation of mitigation: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources. All impacts would be less than significant after mitigation.

C. The Mitigated Negative Declaration (MND), Environmental Review (ER) No. 2022-19, for the Project reflects the City's independent judgement and analysis as lead agency for the project.

D. On March 7, 2022, a Notice of Intent (NOI) to adopt the IS/MND, ER No. 2022-19, was published in the Orange County Register newspaper and circulated to interested parties, including listed contacts for 10 Neighborhood Associations in Santa Ana.

E. In accordance with California Public Resources Code section 21091 and State CEQA Guidelines Section 15073, the Initial Study/Mitigated Negative Declaration for the Project was circulated for a 30-day public review and comment period from March 7 through April 6, 2022. The City initiated a 30-day public comment period by filing a Notice of Completion and Availability with the State Office of Planning and Research. The document was available for public review at the Santa Ana City Hall, Santa Ana Public Library, on the project's webpage on the City's website, and at State Office of Planning and Research State Clearinghouse webpage (SCH Number 2022030204). At the completion of the comment period, one comment from the City of Orange was received and incorporated as part of the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") and is incorporated herein by reference.

F. The mitigation measures set forth in the MND are fully enforceable and will be implemented using the related Mitigation Monitoring and Reporting Program, accompanying the Final IS/MND in order to avoid or minimize adverse environmental impacts identified therein.

G. On April 25, 2022, the Planning Commission of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to the Final IS/MND and the related Mitigation Monitoring and Reporting Program for the Project, at which time all persons wishing to testify were heard. The Planning Commission recommended that the City Council adopt MND, ER No. 2022-19, and the related MMRP for the Project.

H. On June 21, 2022, the City Council of the City of Santa Ana held a duly noticed public hearing to consider all testimony, written and oral, related to the Final IS/MND and the related Mitigation Monitoring and Reporting Program for the Project, at which time all persons wishing to testify were heard, and the project was fully considered, and all other legal prerequisites to the adoption of this Resolution occurred.

Section 2. The City Council has independently reviewed and analyzed the information contained in the Final Initial Study/Mitigated Negative Declaration for the Project. The City Council has, as a result of its consideration and the evidence presented at the hearing on this matter, determined that, as required pursuant to the CEQA and the State CEQA Guidelines, the Final IS/MND adequately addresses the expected environmental impacts of the Project. On the basis of this review, the City Council finds that there is no substantial evidence from which it can be fairly argued that the Project will have a significant adverse effect on the environment.

Section 3. The City Council hereby adopts the Final IS/MND, attached hereto as Exhibit A, and the related Mitigation Monitoring Program, attached hereto as Exhibit B, and directs that a Notice of Determination be prepared and filed within five (5) working days of final Project approval with the Clerk of the County of Orange in the manner required by law. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for City Council

Action dated June 21, 2022 and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. The City Council hereby approves the Project, based upon the entire record before it and all written and oral evidence presented

Section 5. Pursuant to Title XIV, California Code of Regulations, section 753.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any significant adverse effect on fish and wildlife. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. However, the payment of Fish and Game Department filing fees in conjunction with this Project is at the ultimate discretion of the State of California Department of Fish and Wildlife.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of _____, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A
MITIGATED NEGATIVE DECLARATION

The Mitigated Negative Declaration for the Project and Technical Studies are available
online at:

<https://www.santa-ana.org/billboard-ordinance-update>

Or in person by visiting:

Planning and Building Agency – Planning Division Public Counter

20 Civic Center Plaza

Santa Ana, CA 92701

Or

Santa Ana Public Library (Main Library)

26 Civic Center Plaza

Santa Ana, CA 92701

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code [PRC] 21081.6). PRC Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the Final Initial Study-Mitigated Negative Declaration (IS-MND).

This Mitigation Monitoring and Reporting Program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final IS-MND, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

The table below lists mitigation measures that reduce the potentially significant effects of the proposed project. These measures correspond to those discussed in the IS-MND. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and entity/agency responsible for monitoring each measure. The City of Santa Ana will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

SANTA ANA OFF-PREMISES COMMERCIAL ADVERTISING SIGNS ORDINANCE UPDATE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for

City of Santa Ana
Planning and Building Agency
20 Civic Center Plaza
Santa Ana, California 92702

Prepared by

Kimley-Horn and Associates, Inc.
1100 W. Town and Country Road, Suite 700
Orange, California 92868

Date

April 2022

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures (MMs) outlined in the Santa Ana Off-Premises Commercial Advertising Signs (Billboards) Ordinance Update Project Initial Study and Mitigated Negative Declaration (IS/MND). The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Santa Ana Monitoring Requirements. Specifically, Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Santa Ana is the Lead Agency for the project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The Mitigation Measure contain the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City of Santa Ana or designated representative would be responsible for monitoring the performance and implementation of the mitigation measure. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The numbering system in the table corresponds with the numbering system used in the IS/MND. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Santa Ana. The completed MMRP and supplemental documents will be kept on file at the City of Santa Ana Planning and Building Agency, Planning Division.

**SANTA ANA BILLBOARDS ORDINANCE
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Air Quality					
<p>SC AQ-1: Dust Control. During construction, construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403 in order to minimize construction emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. Rule 402 prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p> <p>SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:</p> <p>a. Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.</p> <p>b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.</p> <p>c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.</p> <p>d. The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.</p>	During construction	Best available control measures shown on construction plans Site inspections	Planning and Building Agency		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
e. Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.					
Cultural Resources					
SC CR-1: California Health and Safety Code Section 7050.5, CEQA Guidelines Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	During construction/ ground disturbance activities	Site inspections	Planning and Building Agency		
MM CR-1: Prior to the issuance of a grading permit or permit for ground disturbance activities for a billboard, the applicant shall provide evidence to the City of Santa Ana that a qualified professional (i.e., archaeologist, historian, architect, Native American Tribal monitor), has been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that cultural resources (archaeological, historical, paleontological) are inadvertently unearthed during excavation and grading activities of any future development project, the contractor, monitor, or archaeologist shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding and appropriate course of action. Any unique archaeological resource that is discovered shall be treated in accordance with PRC 21083.2. If avoidance of the resource(s) is not feasible, salvage operation	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Qualified Professional Contract Site inspections	Planning and Building Agency		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.					
Geology and Soils: Paleontology					
MM GEO-1: Prior to the issuance of a grading permit or permit for ground disturbance activities for a billboard, the applicant shall provide evidence to the City of Santa Ana that a qualified professional paleontologist has been retained. The selection of the qualified professional(s) shall be subject to the acceptance of the City. In the event that paleontological are inadvertently unearthed during excavation and grading activities of any future development project, the paleontologist or contractor shall temporarily cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The qualified professional shall be contacted to evaluate the significance of the finding an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Grading Permit review/approval Site inspections	Planning and Building Agency		
Hazards and Hazardous Materials					
MM HAZ-1: The applicant shall retain a qualified environmental consultant to prepare a Soil Management Plan for Contaminated Soils (SMP) for any proposed billboard. The SMP shall be submitted to the City of Santa Ana Planning and Building Agency for review and approval prior to the commencement of excavation and grading activities. The SMP shall be implemented during excavation and grading activities on the project site to ensure that any contaminated soils are properly identified, excavated, and disposed of off of the site.	Prior to issuance of the first grading permit or permit for ground disturbance activities During excavation and grading activities	Grading Permit review/approval Approved Soil Management Plan Implementation of Soil Management Plan during excavation and grading activities	Planning and Building Agency		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Noise					
SC N-1: All construction activities should be limited to the hours between the hours of 7 a.m. and 8:00 p.m. on weekdays, 8 a.m. and 6 p.m. on weekdays, including Saturday, or any time on Sunday or a federal holiday per Santa Ana Municipal Code Chapter 18-314.	During construction	Site inspections	Planning and Building Agency		