

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

DECEMBER 1, 2020

TITLE:

**PUBLIC HEARING REGARDING THE
ADOPTION OF A RESOLUTION
APPROVING A MITIGATED NEGATIVE
DECLARATION AND THE MITIGATION
MONITORING AND REPORTING
PROGRAM FOR WELL 29
IMPROVEMENTS**

/s/ Kristine Ridge

CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO _____

FILE NUMBER _____

RECOMMENDED ACTION

Hold a public hearing and adopt a resolution approving a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Well 29 Improvements Project.

DISCUSSION

Well 29, located on the southeast corner of the intersection of West First Street and South Flower Street, was originally drilled in 1980, with the subsequent installation of pumping facilities taking place in 1982. As part of the City's Walnut Pump Station System, it is one of three wells that pumps water from the groundwater basin into the Walnut Street Reservoir. Due to the age of the well and the deterioration of the well's capacity and equipment, the Public Works Agency – Water Resources Division plans to rehabilitate and reconfigure the existing site. The Well 29 Improvements Project will construct a new building, install water pumping equipment and include related site improvements, as well as relocate an existing City-owned tennis court adjacent to the well site.

The City entered into an agreement with PSOMAS, Inc. for engineering design, environmental preparation, and process compliance pursuant to the California Environmental Quality Act (CEQA). In accordance with CEQA, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project (Exhibit 1) along with a Mitigation Monitoring and Reporting Program (Exhibit 2), both of which must be approved and adopted by resolution of the City Council (Exhibit 3).

ENVIRONMENTAL IMPACT

In accordance with CEQA, the recommended action has been reviewed through an Initial Study/Mitigated Negative Declaration (IS/MND). Sections 15070 through 15075 of the State CEQA Guidelines (Article 6) guide the process for the preparation of a mitigated negative declaration. The MND prepared for this project contains a project description, project location map and findings that the project, with mitigation, will not have a significant effect on the environment.

The City provided public notice of the public comment period which began on September 18, 2020 and ended on October 7, 2020. The IS/MND was also distributed to all interested or required parties listed on the City's distribution list. No public comments were received.

The Mitigated Negative Declaration is on file with the office of the Clerk of the Council.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Submitted By: Nabil Saba, P.E., Executive Director – Public Works Agency

- Exhibits:
1. Initial Study/Mitigated Negative Declaration may be reviewed at
https://www.santa-ana.org/sites/default/files/pw/documents/12-01-20-PWA_01_01-Exh-1-Well_29_ISMND-September_2020.pdf
 2. Mitigation Monitoring and Reporting Program
 3. Resolution

**WELL NUMBER 29 IMPROVEMENTS PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
BIOLOGICAL RESOURCES				
BIO-1	prior to commencement of construction activities/ vegetation removal	The Project Applicant shall ensure that vegetation removal shall not be conducted during the nesting bird/raptor season (March 15 to September 15 for nesting birds; February 1 to June 30 for nesting raptors), to the extent practicable. If construction or vegetation removal would occur between February 1 and September 15, the Project Applicant shall conduct a pre-construction survey for active bird/raptor nests within three days prior to commencement of construction activities/vegetation removal. Should an active nest be identified, restrictions may be placed on construction activities in the vicinity of the nest observed until the nest is no longer active, as determined by a qualified Biologist. The size of the protective buffer will be determined by the Biologist based on the location of the nest; the type of construction activities; the existing human activity in the vicinity of the nest; and the sensitivity of the nesting species. Once the nest is no longer active, construction can proceed in the buffer zone.	City of Santa Ana Public Works Agency/ Construction Contractor	
CULTURAL RESOURCES				
CULT-1	During excavation activities	In the event that cultural (archaeological) resources are inadvertently unearthed during excavation activities, the contractor shall immediately cease all earth disturbing activities within a 100-foot radius of the area of discovery. The Project Applicant/Developer shall retain a qualified professional archaeologist, subject to approval by the City of Santa Ana Public Works Agency, to evaluate the significance of the find and determine 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.	City of Santa Ana Public Works Agency/ Construction Contractor	
GEOLOGY AND SOILS				
GEO-1	Prior to issuance of any grading permit	Prior to the issuance of any grading permit, the Project Applicant/Developer shall provide written evidence to the City of Santa Ana Public Works Department that an Orange County-certified Paleontologist has been retained to observe grading activities and to salvage and catalog fossils as necessary. The Paleontologist shall be present at the pre-grade conference; shall establish procedures for paleontological resource surveillance; and shall establish, in cooperation with the Project Applicant/Developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources	City of Santa Ana Public Works Agency/ Construction Contractor	

WELL NUMBER 29 IMPROVEMENTS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
		<p>are found to be significant, the Paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage.</p> <p>Upon completion of grading and excavation activities, the paleontologist shall submit a monitoring report to the City. The report shall include the period of inspection; a catalog and analysis of the fossils found; and the present repository of the fossils.</p> <p>The Project Applicant/Developer shall be responsible for making arrangements for the preparation of excavated material to the point of identification. In addition, the Project Applicant/Developer shall offer excavated finds for curatorial purposes to the City of Santa Ana Public Works Department on a first refusal basis. The Project Applicant/Developer shall also be responsible for paying curatorial fees. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the City.</p>		
HYDROLOGY AND WATER QUALITY				
HYDRO-1	Prior to initiation of construction	Prior to initiation of construction, the City shall ensure that a Notice of Intent with the State Water Resources Control Board (SWRCB) has been filed in order to obtain coverage under the Construction General Permit. Pursuant to the permit requirements, the Construction Contractor shall develop a Storm Water Pollution Prevention Plan (SWPPP) that incorporates Best Management Practices for reducing or eliminating construction-related pollutants in the site runoff.	City of Santa Ana Public Works Agency/ Construction Contractor	
TRANSPORTATION AND TRAFFIC				
TRANS-1	Prior to initiation of construction	Prior to initiation of construction, the Contractor shall submit a Traffic Control Plan to the Santa Ana Public Works Department for review and approval. The Traffic Control Plan shall describe in detail safe detours and provide temporary traffic control during construction activities for the Project. To reduce traffic congestion, the Plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls (e.g., a flag person) to maintain smooth traffic flow; dedicated turn lanes for movement of construction trucks and equipment on and off site; scheduling of construction activities that affect traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; and/or rerouting of construction trucks away from congested streets or sensitive receptors. Additionally, the Project shall provide and maintain all necessary flag persons, barricades, delineators, signs, flashers, and any other safety equipment as set forth in the latest edition of the State of California, Manual of Uniform Traffic Control Devices, or as required by the City of Santa Ana Public Works Department permit to ensure safe passage of pedestrian and vehicular traffic.	City of Santa Ana Public Works Agency/ Construction Contractor	

**WELL NUMBER 29 IMPROVEMENTS PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
TRIBAL CULTURAL RESOURCES				
TCR-1	Prior to the issuance of any grading permit	TRIBAL Cultural Resources Observation and Salvage. Prior to the issuance of any grading permit in which native soil is disturbed, a certified Native American monitor shall be present at the pre-grade conference, shall establish procedures for tribal cultural resource surveillance, and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the tribal cultural resource as appropriate. If the tribal cultural resources are found to be significant, the Native American observer shall determine appropriate actions, in cooperation with the City for exploration and/or salvage.		

75E-5

RESOLUTION NO. 2020-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 WELL NO. 29
IMPROVEMENTS 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 is proposing to improve and rehabilitate its Well No. 29, located at 722 West 1st Street, at the southeast corner of the intersection of South Flower Street and West 1st Street ("Proposed Project"). Well No. 29 was constructed in 1980 and has not been operational since late 2016.

B. Well No. 29 is one of three wells pumping water from the groundwater basin to the Walnut Street Reservoir as part of the City's Walnut Pump Station System. Due to the age of the well and the deterioration of the well's capacity and equipment, the City wishes to rehabilitate Well No. 29 and reconfigure the existing site. Rehabilitation of the well is necessary to clean the louvered casing in an effort to regain the losses experienced in the specific capacity value of the well over time.

C. The Proposed Project includes the construction of a new building, water pumping equipment, and related site improvements, as well as the relocation of an existing City-owned tennis court adjacent to the well site.

D. The Proposed 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/Mitigated Negative Declaration ("IS/MND") for the Proposed Project.

E. Based on the IS/MND, the Proposed Project would have no impact or less than significant impacts in the following environmental areas: aesthetics, agriculture and forest resources, air quality, energy, greenhouse gases, hazards and hazardous materials, land use and planning, mineral resources, population and housing, noise, public services, recreation, utilities and services systems, and wildfire. The Proposed Project has the potential to have significant impacts on the following topics unless the recommended mitigation measures described in the IS/MND are incorporated into the Project: biological resources, cultural resources, geology and soils, hydrology and water quality, transportation, and tribal cultural resources.

F. In accordance with California Public Resources Code section 21091 and State CEQA Guidelines Section 15073, the Initial Study/Mitigated Negative Declaration for the Proposed Project was circulated for a 20-day public review and comment period. No public comments were received.

G. The mitigation measures set forth in the Mitigated Negative Declaration are fully enforceable and will be implemented using the related Mitigation Monitoring and Reporting Program accompanying the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") in order to avoid or minimize adverse environmental impacts identified therein.

H. On December 1, 2020, 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 Proposed Project, at which time all persons wishing to testify were heard, 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 prepared for the Proposed 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 California Environmental Quality Act and the State CEQA Guidelines, the Final IS/MND adequately addresses the expected environmental impacts of the Proposed 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 Proposed Project will have a significant impact on the environment.

Section 3. The City Council hereby adopts the Final IS/MND and the related Mitigation Monitoring and Reporting Program, a copy of which is available at the City's Public Works Agency at 20 Civic Center Plaza, Santa Ana, CA 92702, and directs that a Notice of Determination be prepared and filed 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, including but not limited to: the Request for Council Action dated December 1, 2020, and exhibits attached hereto, and any public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. 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. However, the payment of Fish and Game Department filing fees in conjunction with this project is at the ultimate determination of the California Department of Fish and Wildlife.

Section 5. 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 _____, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: John M. Funk
John M. Funk
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 2020-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