

Agenda Report

June 17, 2024

TO: Honorable Mayor and City Council

FROM: Department of Public Works

SUBJECT: ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE SAN RAFAEL TREATMENT WETLANDS AND STORM WATER CAPTURE PROJECT AND APPROVE PROJECT DESIGN PLANS

RECOMMENDATION:

It is recommended that the City Council:

1. Find on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis; and, therefore adopt a Mitigated Negative Declaration for the Arroyo Seco Water Reuse Project pursuant to the California Environmental Quality Act, and adopt a Mitigation Monitoring and Reporting Program; and
2. Approve the San Rafael Treatment Wetlands and Storm Water Capture Project reflected in the attached Project Design Plan.

BACKGROUND:

The Arroyo Seco Water Reuse project is a joint project with the City of South Pasadena. The project consists of two locations in the Arroyo, one in the City of Pasadena and the other in the City of South Pasadena. The Pasadena site is located immediately south of the San Rafael Bridge and the South Pasadena site is adjacent to their Arroyo Park.

The project itself originates from the November 2018 passage of Proposition 68, the State of California's Parks and Water Bond Act of 2018. Language in that bond measure set aside a total of \$3.5 million for the cities of Pasadena and South Pasadena for Arroyo Seco Water Reuse and Stream Restoration. Subsequently, Pasadena's City Council approved a Resolution for grant application and a Memorandum of Understanding (MOU) between the two cities in October 2020, where the City of Pasadena was named as the lead agency.

The proposed project is mutually beneficial, assisting both cities in meeting water quality regulations and adding water resiliency through infiltration and reuse. The Pasadena site diverts dry weather flows from San Rafael creek into a constructed wetland feature for passive filtration, infiltration, creation of native wetland habitat, and passive recreation. At the South Pasadena location, an existing diversion structure located in the Arroyo Seco Channel and a constructed wetland/storage area, both built in the 1940's adjacent to Arroyo Park, will be rehabilitated to provide treated stormwater for irrigation for the Arroyo Seco Golf Course, create native wetland habitat, and improve public access and use.

Public input has been an important component of the project design throughout the design phase. To date, staff has hosted three public meetings specific to the project and presented the project at several other community, neighborhood, and townhall meetings. The three project meetings took place on; May 26, 2022 at La Casita del Arroyo in Pasadena, April 27, 2023 at the South Pasadena Community Room in the City of South Pasadena, and on December 14, 2023 again at La Casita del Arroyo to provide a project update, and gather comments and feedback on the project's design and Mitigated Negative Declaration (MND), which had been posted for public review on November 22, 2023, see Attachment A. All comments received during the public review period were recorded and addressed in Attachment B - Response to Comments, Clarifications, and Mitigation Monitoring and Reporting Program.

Project approval and adoption of the MND are necessary at this point in the design process to ensure regulatory permits are in place prior to soliciting construction bids. The Notice of Determination (NOD), issued after MND adoption, is required by regulatory agencies before they will accept and begin reviewing permit applications. Due to its location within the Arroyo this project will require permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California Water Resources Control Board, and Los Angeles County Flood Control District. Obtaining permits prior to the award of a construction contract will ensure that permit requirements such as construction timing, construction methods, plant materials, etc., are known and accounted for as contractors tabulate their project bids. Additionally, this project is primarily grant funded with \$3.5 million coming from Proposition 68 - Parks and Water Bond Act of 2018 and \$9.2 million coming from Los Angeles County's Safe, Clean Water Program. Both granting agencies require a project NOD and proof of approved regulatory permitting prior to the release of construction funds.

Once the Initial Study/Mitigated Negative Declaration is adopted and the NOD is received by the environmental permitting agencies, permits are expected to be finalized by early 2025 and construction will commence thereafter. The project design is currently considered ninety-five percent complete, as project plans may change slightly due to the environmental permitting process. Project design plans are available for review as Attachment C.

COUNCIL POLICY CONSIDERATION:

This project is consistent with the City Council's strategic goals to improve, maintain, and enhance public facilities and infrastructure, and support and promote the quality of life.

ENVIRONMENTAL ANALYSIS:

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Initial Environmental Study (Initial Study) was prepared in order to identify and analyze the project's potential effects on the environment. The Initial Study considered 20 environmental topics to comprehensively evaluate the project's potential environmental impacts. Based on the analysis in the Initial Study, the only potentially significant impacts were found to be in the areas of Biological Resources, Geology and Soils, Cultural Resources, and Tribal Cultural Resources, and all of the potentially significant impacts would be reduced to a less than significant level because mitigation measures will be incorporated into the project.

A Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration was published for the project, which established a public review period from November 22, 2023 to January 15, 2024. The NOI was posted at the Los Angeles County Clerk's Office and was sent to owners/occupants of surrounding properties and interested agencies, organizations, and individuals. During the public review period, the Initial Study and proposed Mitigated Negative Declaration were available for review on the City's environmental notices webpage at <https://www.cityofpasadena.net/planning/environmental-notice/>. Printed copies of the documents were also available at the City of Pasadena Permit Center, the San Rafael Branch Library, and the South Pasadena Public Library.

The Mitigated Negative Declaration is attached (Attachment A). Four comment letters were received on the Initial Study and proposed Mitigated Negative Declaration. A Response to Comments, Clarifications, and Mitigation Monitoring and Reporting Program (Attachment B) have been prepared for the project which includes the letters received.

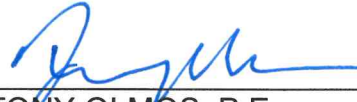
As the project proceeds through the regulatory and funding process, its final design may change slightly. There is no expectation that any design modifications would have increased or different environmental effects than those already discussed and mitigated in the Mitigated Negative Declaration. Should that end up not being the case, staff would return to City Council with any necessary further environmental review.

On the basis of the whole record, including but not limited to the project's Initial Study and responses to comments, there is no substantial evidence that the project could have a significant effect on the environment after the implementation of mitigation measures. Therefore, staff recommends that the City Council adopt a Mitigated Negative Declaration and corresponding Response to Comments, Clarifications, and Mitigation Monitoring and Reporting Program, and approve the ninety percent design plans for the project.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Respectfully submitted,



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Approved by:



MIGUEL MARQUEZ
City Manager

- Attachment A – Mitigated Negative Declaration
- Attachment B – Response to Comments, Clarifications, and Mitigation Monitoring and Reporting Program
- Attachment C – Project Design Plans