

# Agenda Report

January 27, 2025

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: REVOCATION OF THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM, AND, REVOCATION OF APPROVAL OF NINETY PERCENT DESIGN PLANS FOR THE ARROYO SECO WATER REUSE PROJECT**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the action is not a project under the California Environmental Quality Act (CEQA) under Public Resources Code Section 21065 and State CEQA Guidelines Section 15270(a); and
2. Revoke the adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Arroyo Seco Water Reuse Project, and revoke approval of the ninety percent design plans for the Arroyo Seco Water Reuse Project.

## **BACKGROUND:**

The Arroyo Seco Water Reuse project is a joint project with the City of South Pasadena pursuant to a Memorandum of Understanding executed between the two cities in December 2020. This is a mutually beneficial project constructing man-made wetlands and related infrastructure diverting dry weather flows from San Rafael Creek at its confluence with the Arroyo Seco to be passively treated, stored, and reused to improve water quality and water supply. In addition, downstream of the outfall in the channel, restoration of an existing diversion structure and natural wetlands adjacent to Arroyo Park in South Pasadena, will provide treated stormwater for irrigation to the Arroyo Seco Golf Course, provide opportunities for new habitat, and improve public access and use.

On June 17, 2024, City Council as lead agency for the project adopted the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the project, and approved the ninety percent design plans. On July 29, 2024

a Petition for Writ of Mandate was filed in the Superior Court of the State of California for the County of Los Angeles by a resident of the City of Los Angeles challenging the City's findings in the MND and CEQA.

To avoid potentially extensive litigation delays, the Pasadena and South Pasadena have agreed to pursue an Environmental Impact Report (EIR) and revoke the MND, MMRP, and approval of the ninety percent design plans for the project.

Upon the completion of the EIR, staff will return with further recommendations regarding this project. Once the environmental study is complete, the cities of Pasadena and South Pasadena will apply for any appropriate regulatory permits.

**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:**

This action is not a project under CEQA pursuant to Public Resources Code Section 21065 because revocation of project approvals will not cause a direct physical change to the environment or a reasonably foreseeable indirect physical change in the environment. Furthermore, CEQA does not apply to projects that are disapproved under Section 15270(a) of the State CEQA Guidelines.

An EIR will be completed per CEQA. Staff will return to City Council for appropriate project approvals at that time.

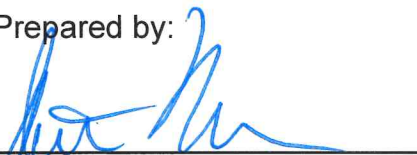
**FISCAL IMPACT:**

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

Respectfully submitted,

  
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Director of Public Works

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