

RESOLUTION NO. 7878

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, ADOPTING THE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING AND REPORTING PROGRAM, AND DRAFT ENVIRONMENTAL ASSESSMENT FOR THE URBAN ORCHARD DEMONSTRATION PROJECT, CITY PROJECT NO. 539-PRK, AND APPROVING DESIGN AND CONSTRUCTION OF THIS PROJECT

WHEREAS, the Urban Orchard Demonstration Project ("Project") is being developed to meet, amongst other, National Pollution Discharge Elimination System requirements and to create additional open space in the City of South Gate ("City"); and

WHEREAS, the Project is required to comply with California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") due in part to the State and Federal funding received; and

WHEREAS, because the Project was initially determined to be categorically exempt from CEQA requirements, a Categorical Exemption ("CE") was filed at the Los Angeles County Registrar Recorder's office and at the State Clearing House on June 30, 2016 and October 30, 2017, respectively; and

WHEREAS, modifications to the Project made during the design development phase rendered the Project no longer categorically exempt from CEQA, leading the City to determine that additional environmental analyses was required; therefore, a Draft Initial Study/Mitigated Negative Declaration ("IS/MND") was developed to meet CEQA requirements; and

WHEREAS, Federal funds have been awarded for the Project, requiring the development of an Environmental Assessment ("EA") to meet NEPA requirements; and

WHEREAS, the Draft IS/MND and Draft EA concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of a Draft IS/MND that identifies one or more significant environmental effects, CEQA

requires the City, as the lead agency, to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, the City agrees to implement proposed mitigation measures that avoid the Project's significant environmental effects or mitigate those effects to a point where clearly no significant effects would occur; and

WHEREAS, a Mitigation Monitoring and Reporting Program ("MMRP") has been prepared to ensure implementation and compliance with those mitigation measures attached hereto as Exhibit "A"; and

WHEREAS, the City has determined that the mitigation measures proposed in the MMRP would reduce the Project's significant environmental impacts to a less than significant level; and

WHEREAS, the City filed a Notice of Intent/Public Hearing pertaining to the Project with the Los Angeles County Registrar Recorder's office, posted and distributed the Draft IS/MND and Draft EA through the State Clearinghouse, made a copy available at South Gate City Hall and Leland R. Weaver Library, and mailed copies of those drafts to surrounding cities and interested parties, all pursuant to CEQA Guidelines Section 15072; and

WHEREAS, the City held a 30-day public review and comment period during July 4, 2019 and August 13, 2019, and received comments from four (4) parties; these parties have received formal responses, which are documented in a response matrix which will be attached to the Final IS/MND and Final EA; and

WHEREAS, the period for public review and comment on the Draft IS/MND and Draft EA prepared for this Project has concluded, and following the City's review of comments received from the public, the City has determined that the Project will not have a significant effect on the environment if the MMRP is adopted and the mitigation measures identified therein are implemented; and

WHEREAS, on August 27, 2019, the City Council conducted a duly noticed public hearing and received final comments on the Draft IS/MND and Draft EA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The City Council hereby adopts the Draft IS/MND, MMRP and Draft EA as final, based on the following findings: (1) the City has independently reviewed and analyzed the Draft IS/MND, MMRP and Draft EA and other information in the

record and has considered the information contained therein, prior to acting upon or approving the Project, and (2) the Draft IS/MND, MMRP and Draft EA that were prepared for the Project have been completed in compliance with CEQA and NEPA consistent with State and Federal guidelines, respectively, and (3) the Draft IS/MND, MMRP and Draft EA represent the independent judgment and analysis of the City as lead agency for the Project.

SECTION 3. Having independently reviewed, analyzed and adopted the IS/MND, MMRP and Draft EA, the City Council hereby approves design and construction of the Project. The City Council directs the City Clerk to file a Notice of Determination and be the custodian of documents and records proceeding on which its decision is based in accordance with Public Res. Code Sections 21152 and 21167(f), 14 CCR Section 15094; and any other applicable laws.

SECTION 4. The City Clerk is hereby authorized and directed to give notice as required by law by causing a copy of this Resolution to be published in the *Los Angeles WAVE*, a newspaper of general circulation within the City of South Gate; said publication to be completed not less than fifteen (15) days after the adoption of this Resolution.


SECTION 5. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 27th day of August 2019.


CITY OF SOUTH GATE:

By:  _____
Jorge Morales, Mayor

ATTEST:

By:  _____
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney

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MITIGATION MONITORING AND REPORTING PROGRAM

CITY OF SOUTH GATE URBAN ORCHARD DEMONSTRATION PROJECT



LEAD AGENCY:
CITY OF SOUTH GATE
PUBLIC WORKS DEPARTMENT
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SOUTH GATE, CALIFORNIA 90280

REPORT PREPARED BY:
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JUNE 26, 2019

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1. OVERVIEW OF THE PROJECT

The proposed project will involve the construction and subsequent operation of a 30-acre recreational park area that will extend along the east side of the Los Angeles River between Firestone Boulevard (on the north), the confluence where the Los Angeles River connects with the Rio Hondo Channel (on the south), the Los Angeles River (on the west) and Interstate 710 (on the east). The project area includes 23 acres which extend for approximately 1.1 miles along the east side of the Los Angeles River; and the Bandini Channel, which extends along the northern portion of the project site and along the east side of the Los Angeles River. The project area will be anchored by a 7-acre City-owned parcel, located to the north of the Thunderbird Villa Mobile Home Park.

The project will be constructed in phases. Phase 1, the 7-acre City-owned property, will feature a constructed wetland and a wide range of recreational amenities including a community/maintenance building, restrooms, an educational garden, an orchard that will contain fruit trees, a plaza area that will include picnic areas with canopies, native habitat planting, interpretive elements, a parking lot and potential to support native species. Other features will include a channel diversion structure and pumping system to take water from the Bandini Channel to the constructed treatment wetland and a subsurface storage reservoir; a water quality pre-treatment hydrodynamic separator; and, a stormwater harvesting system including additional filtration and a pump to provide irrigation for the orchard and buffer trees. A potable water well and water building will be located within the project area. The new water well and water building will be owned and operated by the City's Water Division. The phases within the 23 acres will feature landscaping and trails along the entire length of the park area. A confluence outlook will be provided at the southern end.

The on-site Union Pacific railroad track will be widened and a train station will be built on-site in the future to accommodate the proposed West Santa Ana Branch Line. The West Santa Ana Branch Line is a project by The Los Angeles County Metropolitan Transportation Authority (Metro) that involves the construction and operation of a light rail transit line that would connect downtown Los Angeles to southeast LA County. It is important to note that the widening of the railroad track and the construction of the train station for the West Santa Ana Branch Line are not a part of this environmental analysis.

2. FINDINGS OF THE ENVIRONMENTAL ASSESSMENT

The attached Initial Study prepared for the proposed project indicated that the proposed project will not result in significant environmental impacts upon implementation of the required mitigation measures. The following Mandatory Findings of Significance can be made as set forth in Section 15065 of the CEQA Guidelines, as amended, based on the results of this environmental assessment:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or

threatened species or eliminate important examples of the major periods of California history or prehistory.

- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

3. FINDINGS RELATED TO MITIGATION MONITORING

Section 21081(a) of the Public Resources Code states that findings must be adopted by the decision-makers coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the following additional findings may be made:

- A mitigation monitoring and reporting program will be required;
- Site plans and/or building plans, submitted for approval by the responsible monitoring agency, shall include the required standard conditions; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the decision-maker's final determination.

4. MITIGATION MEASURES

In order to ensure that all construction staging occurs on-site and that the proposed project does not cause off-site particulate emissions, the following mitigation is required:

Mitigation Measure No. 1 (Air Quality). The project contractors must submit a construction and staging plan to the City for approval before commencing any construction activity. The construction and staging plan must establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments.

Mitigation Measure No. 2 (Air Quality). Contractors must use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during project construction. Such equipment will be outlined with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions.

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In order to reduce any potential impact to avian species, the following mitigation measure is required:

Mitigation Measure No. 3 (Biological Resources). If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15–August 15), the project contractor shall retain a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance should occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.

The analysis determined that the following mitigation would be required:

Mitigation Measure No. 4 (Energy). The project contractor must install ENERGY STAR rated light emitting diodes (LEDs) for outdoor and parking lot lighting.

In the event that intact paleontological resources are located within the project site, ground-disturbing activities such as grading and excavation have the potential for destroying a unique paleontological resource or site. Therefore, the following mitigation is required:

Mitigation Measure No. 5 (Geology & Soils). Prior to commencement of any grading activity on site, the contractor shall retain a qualified paleontologist, subject to the review and approval of the City's Engineer, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

Due to the on-site soil contamination, the following mitigation measure is required:

Mitigation Measure No. 6 (Hazards & Hazardous Materials). The Applicant (City of South Gate) will be required to prepare a soil management plan (SMP), as recommended by Tetra Tech, Inc. The project contractors will then be required to adhere to the recommendations listed within the SMP. The project contractors must also adhere to the recommendations listed within the *Infiltration Study for Proposed Water Quality Improvements, Urban Orchard Project* prepared by Albus-Keefe & Associates, Inc.

The analysis of potential impacts related to noise indicated that the mobile home park use located adjacent to the project site to the east, the residential uses located 600 feet west of the project site just west of the Los Angeles River and the residential uses located approximately one-quarter mile east of the southern portion of the project site could potentially be impacted by construction noise and vibration. To

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ensure that the residential uses are shielded from construction noise and vibration, the following mitigation measures are required:

Mitigation Measure No. 7 (Noise). The project contractors must notify residents in the area regarding construction times and local contact information. This notice must be placed along the east side of the project site and shall include the name and phone number of the local contact person residents may call to complain about noise. Upon receipt of a complaint, the contractor must respond immediately by reducing noise to meet Municipal Code requirements. In addition, all complaints and subsequent communication between the affected residents and contractors must be forwarded to the City's Public Works Department.

Mitigation Measure No. 8 (Noise). The project contractors shall use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

Mitigation Measure No. 9 (Noise). The project contractor will be responsible for making any repairs or replacements to facilities or structures damaged due to the use of heavy construction equipment.

Although parts of the project site have been subject to disturbance to accommodate the existing structures, the project site is situated in an area of high archaeological significance. As a result, the following mitigation is required:

Mitigation Measure No. 10 (Tribal Cultural Resources). The project contractor will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

5. MITIGATION MONITORING

The monitoring and reporting on the implementation of these measures, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 1.

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**TABLE 1
 MITIGATION-MONITORING PROGRAM**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Mitigation Measure No. 1 (Air Quality). The project contractors must submit a construction and staging plan to the City for approval before commencing any construction activity. The construction and staging plan must establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments.</p>	<p>Public Works Director and the Chief Building Official</p> <p style="text-align: center;">•</p> <p><i>(The City is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction-related activities.</i></p> <p style="text-align: center;">•</p> <p>Mitigation ends when construction and staging plan is approved.</p>	<p>Date:</p> <p>Name & Title:</p>
<p>Mitigation Measure No. 2 (Air Quality). Contractors must use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during project construction. Such equipment will be outlined with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions.</p>	<p>Public Works Director</p> <p style="text-align: center;">•</p> <p><i>(The City is responsible for implementation)</i></p>	<p><i>During construction.</i></p> <p style="text-align: center;">•</p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name & Title:</p>
<p>Mitigation Measure No. 3 (Biological Resources). If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15–August 15), the project contractor shall retain a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season. If active nest(s) are identified during the preconstruction survey, a qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance should occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.</p>	<p>Public Works Director</p> <p style="text-align: center;">•</p> <p><i>(The City is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction-related activities.</i></p> <p style="text-align: center;">•</p> <p>Mitigation ends when the project site is cleared by the appointed biologist and construction is completed.</p>	<p>Date:</p> <p>Name & Title:</p>
<p>Mitigation Measure No. 4 (Energy). The project contractor must install ENERGY STAR rated light emitting diodes (LEDs) for outdoor and parking lot lighting.</p>	<p>Public Works Director and the Chief Building Official</p> <p style="text-align: center;">•</p> <p><i>(The City is responsible for implementation)</i></p>	<p><i>During construction.</i></p> <p style="text-align: center;">•</p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name & Title:</p>

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<p>Mitigation Measure No. 5 (Geology & Soils). Prior to commencement of any grading activity on site, the contractor shall retain a qualified paleontologist, subject to the review and approval of the City's Engineer, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.</p>	<p>Public Works Director, City Engineer and the Chief Building Official • (The City is responsible for implementation)</p>	<p>Prior to the start of any construction-related activities. • Mitigation ends when ground disturbance is completed or otherwise noted by the appointed paleontologist.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 6 (Hazards & Hazardous Materials). The Applicant (City of South Gate) will be required to prepare a soil management plan (SMP), as recommended by Tetra Tech, Inc. The project contractors will then be required to adhere to the recommendations listed within the SMP. The project contractors must also adhere to the recommendations listed within the <i>Infiltration Study for Proposed Water Quality Improvements, Urban Orchard Project</i> prepared by Albus-Keefe & Associates, Inc.</p>	<p>Public Works Director, City Engineer • (The City is responsible for implementation)</p>	<p>Prior to the start of any construction-related activities. • Mitigation ends when soil remediation is complete and well is installed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 7 (Noise). The project contractors must notify residents in the area regarding construction times and local contact information. This notice must be placed along the east side of the project site and shall include the name and phone number of the local contact person residents may call to complain about noise. Upon receipt of a complaint, the contractor must respond immediately by reducing noise to meet Municipal Code requirements. In addition, all complaints and subsequent communication between the affected residents and contractors must be forwarded to the City's Public Works Department.</p>	<p>Public Works Director and Code Enforcement • (The City is responsible for implementation)</p>	<p>Prior to the start of any construction-related activities. • Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 8 (Noise). The project contractors shall use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.</p>	<p>Public Works Director • (The City is responsible for implementation)</p>	<p>During construction. • Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 9 (Noise). The project contractor will be responsible for making any repairs or replacements to facilities or structures damaged due to the use of heavy construction equipment.</p>	<p>Public Works Director and the Chief Building Official • (The City is responsible for implementation)</p>	<p>During construction. • Mitigation ends when the required repairs or replacements are completed.</p>	<p>Date: Name & Title:</p>

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<p>Mitigation Measure No. 10 (Tribal Cultural Resources). The project contractor will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.</p>	<p style="text-align: center;">Public Works Director • <i>(The City is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction-related activities.</i></p> <p style="text-align: center;">•</p> <p>Mitigation ends when ground disturbance is completed or otherwise noted by the appointed Native American Monitor(s).</p>	<p>Date:</p> <p>Name & Title:</p>
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RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) **SS**

CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7878 was adopted by the City Council at their Regular Meeting held on August 27, 2019, by the following vote:

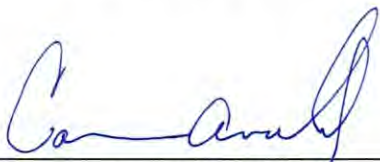
Ayes: Council Members: Morales, Diaz, Bernal, Davila and Rios

Noes: Council Members: None

Absent: Council Members: None

Abstain: Council Members: None

Witness my hand and the seal of said City on August 28, 2019.



Carmen Avalos, City Clerk
City of South Gate, California