

FINAL | JUNE 2020



Bewley Street Townhomes Project

Initial Study/Mitigated Negative Declaration

Prepared for:
City of Santa Ana

Prepared by:

Michael Baker
INTERNATIONAL

**FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Bewley Street
Townhomes Project**

State Clearinghouse No. 2020050138

Lead Agency:

CITY OF SANTA ANA
20 Civic Center Plaza
Santa Ana, California 92701
Contact: Mr. Jerry C. Guevara
714.647.5481

Prepared by:

MICHAEL BAKER INTERNATIONAL
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Contact: Ms. Frances Yau, AICP
949.472.3505

June 2020

JN 176288

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TABLE OF CONTENTS

1.0	Introduction.....	1-1
2.0	Response to Comments.....	2-1
3.0	Mitigation Monitoring and Reporting Program	3-1



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1.0 INTRODUCTION

The Bewley Street Townhomes Project (project) is located on a 0.87-acre site at 1122 North Bewley Street in the City of Santa Ana, California. The project proposes to develop a ten-unit townhome community distributed among four separate two-story buildings, each with two to three units. The units would range in size from 1,618 to 1,950 square feet, each consisting of two to four bedrooms and a 400-square foot attached two-car garage. The project would require the discretionary approvals of a General Plan Amendment and a Tentative Tract Map.

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2020050138) was made available for public review and comment pursuant to CEQA Guidelines Section 15070 from May 6, 2020 through June 4, 2020.

Due to Governor Gavin Newsom's Executive Order and the Santa Ana City Council's Proclamation of Local Emergency related to the COVID-19 pandemic, all City facilities, including City Hall and libraries, were closed during the public review period. Notwithstanding, the Draft IS/MND was available for review on the City's website at: <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/bewley-street-townhomes>, and in person via individual arrangement. On June 1, 2020, City Hall reopened in a limited capacity. As such, an appointment can now be made with the Planning Counter to review the Draft and Final IS/MND, if desired.



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2.0 RESPONSE TO COMMENTS

During the public review period, comments were received on the Draft IS/MND from interested public agencies, organizations, and individuals. The following is a list of commenters on the Draft IS/MND during the public review period.

Comment Letter No.	Person, Firm, or Agency	Letter Dated
1	CEQAnet State Clearinghouse and Planning Unit Governor's Office of Planning and Research	June 5, 2020
2	William Blumberg, Management Assistant Orange County Fire Authority	June 3, 2020

Although CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of Santa Ana has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

COMMENT LETTER 1

Bewley Street Townhomes Project

Summary

SCH Number	2020050138
Lead Agency	Santa Ana, City of (<i>City of Santa Ana</i>)
Document Title	Bewley Street Townhomes Project
Document Type	MND - Mitigated Negative Declaration
Received	5/6/2020
Project Applicant	YNG Architects
Present Land Use	Vacant, undeveloped

Document Description The project proposes to develop a ten-unit townhome community distributed among four separate two-story buildings, each with two to three units. The units would range in size from 1,618 to 1,950 square feet, each consisting of two to four bedrooms and a 400-square foot attached two-car garage. The project would require the discretionary approvals of a General Plan Amendment and a Tentative Tract Map.

Contact Information Jerry C. Guevara
City of Santa Ana
20 Civic Center Plaza (PO Box 1988)
Santa Ana, CA 92701
Phone : (714) 647-5481
jguevara@santa-ana.org

1-1

Location

Coordinates	33°45'19.1"N 117°55'6.3"W
Cities	Santa Ana
Counties	Orange
Regions	Southern California
Cross Streets	North Bewley Street and West Washington Avenue
Zip	92703
Total Acres	0.87
Parcel #	198-101-07
State Highways	22
Railways	NA
Airports	NA
Schools	Various
Waterways	Santa Ana River
Township	5S
Range	10W
Section	10

Base San Bern
Other Location Info NA
Other Information NA

Notice of Completion

Review Period Start 5/6/2020
Review Period End 6/4/2020
Development Type Residential (10 Units, 0.87 Acres)
Local Action General Plan Amendment Site Plan Subdivision
Project Issues Aesthetic/Visual Agricultural Land Air Quality Archaeologic-Historic Biological Resources Drainage/Absorption
Economics/Jobs Flood Plain/Flooding Forest Land/Fire Hazard Geologic/Seismic Greenhouse Gas Emissions
Housing Job Generation Minerals Noise Population/Housing Balance Public Services Recreation/Parks
Schools/Universities Septic System Sewer Capacity Soil Erosion/Compaction/Grading Solid Waste
Toxic/Hazardous Traffic/Circulation Tribal Cultural Resources Vegetation Water Quality Water Supply
Wetland/Riparian Wildlife Growth Inducing Land Use Cumulative Effects
Reviewing Agencies California Department of Fish and Wildlife, South Coast Region 5 California Department of Parks and Recreation
California Department of Transportation, District 12 California Department of Water Resources
California Highway Patrol California Native American Heritage Commission California Natural Resources Agency
California Regional Water Quality Control Board, Santa Ana Region 8 California State Lands Commission
State Water Resources Control Board, Division of Water Quality

1-1
cont'd

Attachments

Environmental Document

Appendix A_AQGHGE PDF 858 K Appendix B_Cultural PDF 1494 K
Appendix C_Geotech PDF 1582 K Appendix D_HydroWQ PDF 55903 K
Appendix E_Noise PDF 1462 K Appendix F_Trip Gen Memo PDF 1584 K
Appendix G_AB 52 PDF 1294 K
Bewley Street Townhomes_Public Review Draft ISMND_05-2020 PDF 5170 K
Bewley_NOI PDF 108 K Bewley_Summary Form PDF 675 K

NOC

Bewley_NOC PDF 154 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit [OPR's Accessibility Site](#).



Response No. 1

CEQAnet
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
June 5, 2020

- 1-1 Based on discussion with staff at the Governor's Office of Planning and Research State Clearinghouse and Planning Unit, the State Clearinghouse is transitioning from providing closure letters acknowledging the close of a project's public review period to an automatic electronic mail system. During this transitional time, the State Clearinghouse CEQA database (CEQAnet) is being utilized to provide details regarding the proposed project, review period, and comments submitted by State agencies, if any. A copy of this web page is provided as the comment letter. As shown, the 30-day public review period began on May 6, 2020 and ended on June 4, 2020. No comment letters from State agencies were posted on CEQAnet. Thus, the City of Santa Ana complied with the review requirements for draft environmental documents pursuant to CEQA, and no further response is necessary.



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115

1 Fire Authority Way, Irvine, CA 92602

Brian Fennessy, Fire Chief • www.ocfa.org • (714) 573-6000 / Fax (714) 368-8843

June 3, 2020

City of Santa Ana
Planning Division
Attn: Jerry C. Guevara, Assistant Planner I
20 Civic Center Plaza, Ross Annex M-20
P.O. Box 1988
Santa Ana, CA 92701

Ref: Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the
Bewley Street Townhomes Project

Dear Jerry C. Guevara:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and school sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions. The following are our comments:

2-1

We believe this project will have Less Than Significant Impact with the following Measures:

- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the CBC, CFC and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the California Fire Code Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.
- Attic spaces shall be fully sprinklered.
- It is unlawful to occupy any portions of this apartment building until City building department and OCFA have conducted final inspection and sign off.

2-2

- Ensure that proposed project meet California Fire Code, OCFA Fire Master Plans for Commercial & Residential Development (B-O9) Guideline, and OCFA Architectural Review (E-04) Guideline.

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6177 if you have any questions.

2-2
cont'd

Sincerely,



William Blumberg

Management Assistant
Planning and Development
williamblumberg@ocfa.org
714-573-6177



Response No. 2

William Blumberg, Management Assistant
Orange County Fire Authority
June 3, 2020

- 2-1 This comment provides a general summary of the Orange County Fire Authority's (OCFA) services and responsibilities. Responses to specific comments are provided below; no further response is required.
- 2-2 The commenter provides a list of existing regulations regarding fire safety that the project would be subject to, including automatic fire sprinkler system, water supply system, fire flow, and hydrant spacing requirements. Project compliance with these existing regulations and the California Fire Code, OCFA Fire Master Plans for Commercial & Residential Development Guideline, and OCFA Architectural Review Guidelines, among others, would be verified by the City and OCFA during plan check review. This comment is acknowledged, and since it does not identify a specific concern with the adequacy of the Draft IS/MND or raise an issue or comment specifically related to the Draft IS/MND's environmental analysis, no further response is required (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).



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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Bewley Street Townhomes Project (project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Santa Ana Bewley Street Townhomes Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the IS/MND, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.



- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
BIOLOGICAL RESOURCES								
BIO-1	<p>If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (generally from February 1 through August 31), a pre-construction clearance survey for nesting birds shall be conducted within three days prior to any ground disturbing activities.</p> <p>The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the project site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that</p>	Qualified Biologist/ Construction Contractor	Within Three Days Prior to Construction/ During Construction	City of Santa Ana Planning and Building Agency	Within Three Days Prior to Construction/ During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
	nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the California Department of Fish and Wildlife (CDFW) and other appropriate agency.							
CULTURAL RESOURCES								
CUL-1	If previously unidentified cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources. In the event that an identified cultural resource is of Native American origin, the qualified archaeologist shall consult with the project owner and City of Santa Ana to	Qualified Archaeologist/ Construction Contractor	During Ground-Disturbing Activities	City of Santa Ana Planning and Building Agency	During Ground-Disturbing Activities			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
	implement Native American consultation procedures.							
GEOLOGY AND SOILS								
GEO-1	If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Santa Ana Planning and Building Agency Director. With direction from the Planning and Building Agency Director, a qualified paleontologist certified by the County of Orange shall evaluate the find prior to resuming grading in the immediate vicinity of the find. If warranted, the qualified paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of the identified resource(s).	Qualified Paleontologist/ Construction Contractor	During Construction	City of Santa Ana Planning and Building Agency	During Construction			
NOISE								
NOI-1	Prior to issuance of a grading permit, the Applicant shall prepare a paving control plan to ensure that the paving construction phase does not result in damage to existing residences to the north and south of the site. The paving control plan shall be subject to the City of Santa Ana Planning and Building Agency's approval. To reduce groundborne vibration levels, the	Project Applicant/ Construction Contractor	Prior To Issuance of a Grading Permit/ During Construction	City of Santa Ana Planning and Building Agency	Prior To Issuance of a Grading Permit/ During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
	paving control plan shall stipulate that static (non-vibratory) rollers be used, as an alternative to vibratory rollers, within 20 feet of the northern and southern residences (Assessor's Parcel Number [APN] 938-700-52 through -67 and 198-101-08) located approximately 16 feet to the north and 18 feet to the south, respectively. Vibratory roller operations shall be prohibited within 20 feet of APN 938-700-52 through -67 and 198-101-08.							
TRIBAL CULTURAL RESOURCES								
TCR-1	Prior to the issuance of any permits for initial site clearing (such as pavement removal, grubbing, tree removals) or issuance of permits allowing ground disturbing activities that cause excavation to depths greater than artificial fill (including boring, grading, excavation, drilling, potholing or auguring, and trenching), the City of Santa Ana shall ensure that the project applicant/developer retain qualified Native American Monitor(s). The Monitor(s) shall be approved by the tribal representatives of the Gabrieleno Band of Mission Indians – Kizh Nation and be present on-site during initial site clearing and construction that involves ground disturbing activities that cause excavation to depths greater than artificial fill.	Project Applicant/ Qualified Native American Monitor(s)/ Construction Contractor	Prior to Issuance of Permits for Initial Site Clearing/ During Ground-Disturbing Activities That Cause Excavation to Depths Greater than Artificial Fill	City of Santa Ana Planning and Building Agency	Prior to Issuance of Permits for Initial Site Clearing/ During Ground-Disturbing Activities That Cause Excavation to Depths Greater than Artificial Fill			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>The Monitor(s) shall conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered. The Native American Monitor(s) shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for tribal cultural resources, whichever occurs first.</p> <p>In the event that tribal cultural resources are inadvertently discovered during ground disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist in cooperation with the Native American Monitor(s) to determine if the potential resource meets the CEQA definition of historical</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	Verification of Compliance		
						Initials	Date	Remarks
	(State CEQA Guidelines 15064.5(a)) and/or unique resource (Public Resources Code 21083.2(g)). Construction activities can continue in other areas. If the find is considered an “archeological resource” the archaeologist, in cooperation with Native American Monitor(s) shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage, and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4. If a tribal cultural resource cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the project applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation in an established accredited professional repository.							