City of Sonora

Community Development Department
94 N. Washington Street
Sonora, CA 95370
(209) 532-3508
(209) 532-3511 *fax*
www.sonoraca.com

MEMORANDUM

DATE: January 7, 2019

TO: Honorable Mayor and Council Members

FROM: Paula M. Daneluk, AICP, Planner

SUBJECT: Linoberg Street Closure / Public Space Project CEQA

RECOMMENDATION:

City Staff recommends approval of the following:

1. Approve Resolution No. 1-7-2019-A which incorporates the appropriate findings and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Linoberg Street Closure / Public Space Project.

BACKGROUND:

The City of Sonora adopted the Vision Sonora Plan that includes a number of projects to both improve congestion in the downtown area, provide greater opportunities for pedestrians and improve the aesthetics of the downtown and gateways to Sonora. One of these projects is to close a portion of Linoberg Street between Washington Street and Stewart Street. The City Council authorized a traffic study to study the traffic impacts in July 2017. In September 2017, the City Council directed staff to work with Vision Sonora Design Committee to prepare a conceptual improvement plan and necessary environmental documents. During Spring 2018, the Vision Sonora Committee and its Community Design and Marketing Committee considered pedestrian design options and voted to recommend to the City Council permanent closure of Linoberg Street between Washington Street and Stewart Street and to incorporate the pedestrian design features proposed by the Community Design and Marketing Subcommittee. At the April 2, 2018 City Council meeting, the Council considered the Committee's recommendation and directed staff to prepare the environmental review.

CEQA REVIEW:

The Draft Mitigated Negative Declaration (Draft MND) for the Linoberg Street Closure / Public Space Project was distributed for public review on November 21, 2018, initiating a 30-day public review period ending on December 26, 2018. The document was made available online and at the City's Community Development Department offices. A total of 3 comments were received before the close of the public comment period. All comment letters received on the Draft MND were evaluated for environmental issues and written responses to comments on environmental issues were prepared.

Table 1 provides a list of the comment letters received, who submitted the letter and the date of the letter. Following the table are the written responses to comments on environmental issues raised in these letters. The written responses describe the disposition of significant environmental issues raised as required by the California Environmental Quality Act (CEQA) Guidelines Section 15088(c). Copies of the letters are attached to the staff report.

TABLE 1: Comment Letters

Letter Number	Public Agency, Organization, or Individual	Dater of Letter
1	State Clearinghouse	December 27, 2018
2	Central Valley Regional Water Quality Control Board	December 19, 2018
3	California Department of Transportation (Caltrans)	December 26,2018

Response to Comment Letters

Comment Letter 1: State Clearinghouse

Response to Comment

This comment is noted and will be included in the public record for the proposed project. However, this comment does not raise any environmental issues that CEQA requires be addressed in the MND for the proposed project.

Comment Letter 2: Central Valley Regional Water Quality Control Board

Response to Comment

This comment is noted and will be included in the public record for the proposed project. However, this comment does not raise any environmental issues that CEQA requires be addressed in the MND for the proposed project.

Comment Letter 3: California Department of Transportation (Caltrans)

Response to Comment

This comment is noted and will be included in the public record for the proposed project. However, this comment does not raise any environmental issues that CEQA requires be addressed in the MND for the proposed project.

Implementation of the project's Mitigated Negative Declaration requires adoption of the Mitigation, Monitoring and Reporting Program (MMRP). This document identifies the mitigation measures, implementation timing and the entity responsible for its implementation. The MMRP is included with the staff report.

Resolution Number: 1-7-2019-A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LINOBERG STREET CLOSURE / PUBLIC SPACE PROJECT

WHEREAS, the City of Sonora, as lead agency, prepared the Initial Study to evaluate the potential environmental impacts of the Linoberg Street Closure / Public Space Project; and

WHEREAS, the analysis concluded that with the incorporation of mitigation measures any potential environmental impacts would be reduced to a level of less than significant; and

WHEREAS, the City published and distributed a Notice of Intent, filed copies of the Initial Study/Mitigated Negative Declaration with the State Clearinghouse; and

WHEREAS, the City provided notice to trustee and responsible agencies, potentially affected local agencies, interested public organizations, Native American contacts and property owners and provided responses to the comments received; and

WHEREAS, the City makes the following findings:

- That on the basis of the whole record, including comments received, that there is no substantial evidence that the project will have a significant effect on the environment.
- That the Mitigated Negative Declaration reflects the City's independent judgment and analysis as lead agency.
- That the Mitigated Negative Declaration has been prepared in accordance with State and City Guidelines for the implementation of the California Environmental Quality Act (CEQA).
- That the custodian and location of the documents and materials upon which this decision to adopt the Mitigated Negative Declaration had been made is the Community Development Director, City of Sonora, City Hall, 94 North Washington Street, Sonora, California.

NOW, THEREFORE, BE IT RESOLVED THAT THE SONORA CITY COUNCIL DOES HEREBY ADOPT the Linoberg Street Closure / Public Space Project Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program attached as Exhibit A and incorporated herein by reference and the City staff is hereby directed to file a Notice of Determination and pay applicable fees within five working days of this approval.

PASSED, APPROVED AND ADOPTED as a Resolution by the Sonora City Council at a meeting held by the City Council on the 7th day of January 2019, by the following vote:

AYES: _____

_____

NOES: _____

_____

ABSENT: _____

Dated: January 7, 2019

_____
Mayor

ATTEST: _____
City Clerk

Exhibit A

MITIGATION MONITORING AND REPORTING PROGRAM
FOR
LINOBERG STREET CLOSURE / PUBLIC SPACE PROJECT

Project Name: Linoberg Street Closure / Public Space Project

Location: Linoberg Right-of-Way

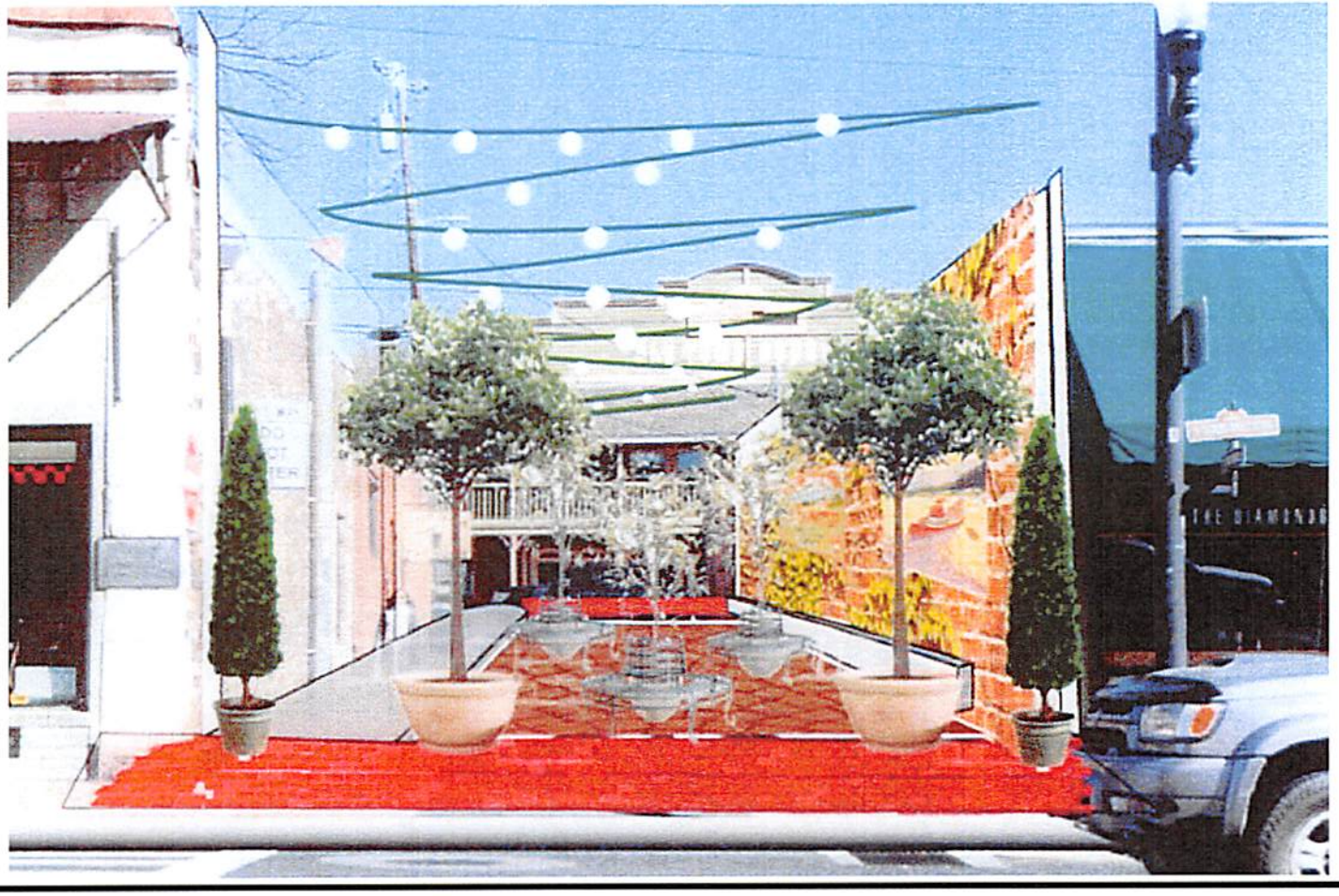
Project Description:

The City of Sonora proposes to permanently close Linoberg Street between Washington Street and Stewart Street. The City has temporarily closed the roadway in the past for special events. Linoberg is an east/west local street that extends from an intersection with Secco Street across Washington Street to its eastern terminus on Stewart Street. The width of the street varies along its length. Linoberg is one-way westbound between Stewart Street and Green Street. On-street parking is prohibited in the area from Washington Street to Stewart Street. As with many of Sonora's streets Linoberg Street would not meet current minimum standards for width. The proposed project would include converting the right-of-way into a paseo allowing for pedestrian access and for the area to be used as a gathering space. The conceptual design for the paseo includes seating areas, self-contained planters for small trees and other vegetation, lighting, stamped or stencil painted concrete or brick pavers and public art as shown in the Proposed Project Illustration (page 2). A rolled curb and gutter may be extended along Stewart Street and Washington Street or fencing or bollards used to control traffic. The improvements would be compliant with the American Disabilities Act (ADA).

Project Proponent:

Full Name	City of Sonora
Address	94 N. Washington Street
City, State, Zip	Sonora, CA, 95370

Prepared by: City of Sonora **Date:** January 7, 2019



Proposed Project Illustration
City of Sonora
Linoberg Closure / Public Space Project

SUMMARY MITIGATION MEASURES

Pursuant to Section 21081.6 of the Public Resources Code, a Mitigation Monitoring and Reporting Program, has been established for the project entitled Linoberg Street Closure / Public Space Project. The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted, as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project manager to provide written notification to the City, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The City of Sonora City Administrator or his designee will verify, within ten (10) business days of notification that the project is in compliance. Any non-compliance will be reported to the project manager, and it shall be the City's responsibility to rectify the situation by bringing the project into compliance and re-notifying the City. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties.

Upon the determination of the City Administrator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved the City Administrator shall issue and the City Clerk shall record a Program Completion Certificate for the project.

STANDARD PROVISIONS

1. Any/all Preliminary Grading Plans, Improvement Plans and/or Building/Development Plans which are submitted to the appropriate City of Sonora department for this project, and revisions to those Plans which are subsequently submitted, shall be in full compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). If the City Administrator of the City of Sonora determines that the Plans are not in full compliance with the adopted MMRP, the Plans shall be revised and resubmit them to the approving department.

MITIGATION MEASURES

Linoberg Street Closure / Public Space Project Mitigation Monitoring and Reporting Program

Mitigation Measure		Timing/Implementation	Enforcement/Monitoring	Verification (date & signature)
Air Quality				
	Air Quality Mitigation Measure I: Construction activities shall conform to TCAPCD Rules, so that emissions do not exceed hourly levels.	During construction	City of Sonora Community Development Director	
	Air Quality Mitigation Measure II: Construction equipment shall be maintained and tuned per manufacturer recommendations to minimize exhaust emissions and equipment idling shall be kept at a minimum when not in use.	Prior and During construction	City of Sonora Community Development Director	
Cultural Resources				
	Cultural Mitigation Measure I: If subsurface excavation is conducted on Linoberg Street, monitoring by a professional archaeologist shall be done. Construction work shall stop if the work exceeds below the existing roadbase and any historic or prehistoric cultural material is encountered. An archaeologist will record and evaluate the material. If the site resources are eligible for the CRHR, mitigation through avoidance or data recovery will be required.	During construction	City of Sonora Community Development Director	
	Cultural Mitigation Measure II: No alterations (painting, sandblasting, or other modifications) bemade to the historical buildings at 87 South Washington Street and One Linoberg Street.	During construction	City of Sonora Community Development Director	

MITIGATION MEASURES

Linoberg Street Closure / Public Space Project Mitigation Monitoring and Reporting Program

Mitigation Measure		Timing/Implementation	Enforcement/Monitoring	Verification (date & signature)
Hazards				
	Hazards Mitigation Measure I: Employees shall partake in training about hazards, safe work procedures, including specific information about the solvents used in mixing asphalt, for those employees that would be exposed to asphalt fumes during construction.	Prior to construction	City of Sonora Community Development Director	
	Hazards Mitigation Measure II: Create Material Safety Data Sheets for each employee assigned to work with or near asphalt processes, noting further that the Material Safety Data Sheets should include specific information including flashpoint, boiling point, acute and chronic effects of all chemical ingredients in the solution, protective equipment, as well as fire and emergency cleanup information.	Prior to construction	City of Sonora Community Development Director	
Hydrology and Water Quality				
	Hydrology and Water Quality Mitigation Measure I: Temporary erosion control measures shall be employed during construction for disturbed areas and no disturbed surfaces shall be left without erosion control measures in place during winter or spring months.	During construction	City of Sonora Community Development Director	

MITIGATION MEASURES

Linoberg Street Closure / Public Space Project Mitigation Monitoring and Reporting Program

	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date & signature)
Hydrology and Water Quality				
	Hydrology and Water Quality Mitigation Measure II: Prepare Standard Operating Procedures for handling hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.	During construction	City of Sonora Construction Contractor	
Noise				
	Noise Mitigation Measure I: General construction activities shall be limited to the daytime hours of 7 am to 7 pm. With proper notice to nearby residential properties, night-time construction may occur.	During construction	City of Sonora Community Development Director	
	Noise Mitigation Measure II: Local businesses within 300 feet of the project shall be given advanced notice of project construction schedules and notification of substantial temporary increases in local noise levels during project construction at the nearest properties to the construction activities.	Prior to construction	City of Sonora Community Development Director	
	Noise Mitigation Measure III: All internal combustion engines used for construction shall be fitted with mufflers.	Prior and during construction	City of Sonora Community Development Director	

#1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

December 27, 2018

Tim Miller
City of Sonora
94 N. Washington Street
Sonora, CA 95370

Subject: Linoberg Street Closure / Public Space Project
SCH#: 2018112059

Dear Tim Miller:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 26, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2018112059
Project Title Linoberg Street Closure / Public Space Project
Lead Agency Sonora, City of

Type MND Mitigated Negative Declaration
Description Note: Review Per Lead

The city of Sonora proposes to permanently close Linoberg Street between Washington St and Stewart St. The city has temporarily closed the roadway in the past for special events. Linoberg is an east/west local street that extends from an intersection with Secco St across Washington St to its eastern terminus on Stewart St. The proposed project would include converting the ROW into a paseo allowing for pedestrian access and for the area to be used as a gathering space. The conceptual design for the paseo includes seating areas, self-contained planters for small trees and other vegetation, lighting, stamped or stencil painted concrete or brick pavers and public art. A rolled curb and gutter may be extended along Stewart St and Washington St or fencing or bollards used to control traffic.

Lead Agency Contact

Name Tim Miller
Agency City of Sonora
Phone (209) 532-4541 **Fax**
email
Address 94 N. Washington Street
City Sonora **State** CA **Zip** 95370

Project Location

County Tuolumne
City Sonora
Region
Lat / Long 37° 59' 05" N / 120° 22' 58" W
Cross Streets Greenley Rd/Mono Way
Parcel No. ROW
Township **Range** **Section** **Base**

Proximity to:

Highways 49
Airports
Railways
Waterways
Schools
Land Use commercial/commercial

Project Issues Air Quality; Noise; Toxic/Hazardous

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of General Services; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 11/20/2018 **Start of Review** 11/21/2018 **End of Review** 12/26/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION
DISTRICT 10
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
PHONE (209) 948-7325
FAX (209) 948-3670
TTY 711
www.dot.ca.gov

mar
12/26/18
t

Making Conservation a California Way of Life.

December 26, 2018

Governor's Office of Planning & Research
DEC 26 2018
STATE CLEARINGHOUSE

TUO-49-PM 18.062
Linoberg Street Closure
SCH: 2018112059

Mr. Tim Miller, City Administrator
City of Sonora
94 N. Washington St.
Sonora, CA 95370

Dear Mr. Miller,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Linoberg Street Closure Mitigated Negative Declaration Document with State Clearinghouse Number 2018112059. The project is located on Linoberg Street between State Route 49 (S. Washington Street) and S. Steward Street in downtown Sonora. The proposed project would convert street right of way into a paseo allowing for pedestrian access and for the area to be used as a gathering space. The conceptual design for the paseo includes seating areas, self-contained planters for small trees and other vegetation, lighting, stamped or stencil painted concrete or brick pavers and public art. A rolled curb and gutter may be extended along Stewart Street and Washington Street or fencing, or bollards used to control traffic. The improvements would be compliant with the American Disabilities Act (ADA).

Caltrans District 10 would like to encourage Sonora to study the feasibility of installing bicycle parking fixtures on the Stewart Street side of the Linoberg Paseo.

If project construction activities will encroach into Caltrans right-of-way, the project proponent must submit an application for an encroachment permit to the Caltrans Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right-of-way at the project site(s). California Environmental Quality Act (CEQA) documentation with supporting technical studies is required when submitting the encroachment permit.

If you have any questions, please contact Austin Sos, at (209) 948-7936 (email: austin.sos@dot.ca.gov) or me at (209) 948-7325 (gregoria.ponce@dot.ca.gov).

Sincerely,

Austin Sos for

GREGORIA PONCE
Chief, Office of Rural Planning

CALIFORNIA Water Boards

Edmund G. Brown, Jr. GOVERNOR

Matthew Rodriquez SECRETARY FOR ENVIRONMENTAL PROTECTION

clear
12/26/18
E

Central Valley Regional Water Quality Control Board

19 December 2018

Governor's Office of Planning & Research

DEC 21 2018

STATE CLEARINGHOUSE

Tim Miller
City of Sonora
94 North Washington Street
Sonora, CA 95370

CERTIFIED MAIL
7018 1830 0001 0062 3671

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LINOBERG STREET CLOSURE / PUBLIC SPACE PROJECT, SCH#2018112059, TUOLUMNE COUNTY

Pursuant to the State Clearinghouse's 21 November 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Linoberg Street Closure / Public Space Project, located in Tuolumne County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

Received By
DEC 2 6 2018
City of Sonora

#2

California Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for
Environmental Protection

Central Valley Regional Water Quality Control Board

19 December 2018

Tim Miller
City of Sonora
94 North Washington Street
Sonora, CA 95370

CERTIFIED MAIL
7018 1830 0001 0062 3671

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, LINOBERG STREET CLOSURE / PUBLIC SPACE PROJECT, SCH#2018112059, TUOLUMNE COUNTY

Pursuant to the State Clearinghouse's 21 November 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Linoberg Street Closure / Public Space Project, located in Tuolumne County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

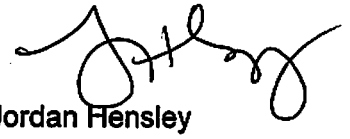
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.



Jordan Hensley
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

#3

DEPARTMENT OF TRANSPORTATION
DISTRICT 10
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
PHONE (209) 948-7325
FAX (209) 948-3670
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

December 26, 2018

TUO-49-PM 18.062
Linoberg Street Closure
SCH: 2018112059

Mr. Tim Miller, City Administrator
City of Sonora
94 N. Washington St.
Sonora, CA 95370

Dear Mr. Miller,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Linoberg Street Closure Mitigated Negative Declaration Document with State Clearinghouse Number 2018112059. The project is located on Linoberg Street between State Route 49 (S. Washington Street) and S. Steward Street in downtown Sonora. The proposed project would convert street right of way into a paseo allowing for pedestrian access and for the area to be used as a gathering space. The conceptual design for the paseo includes seating areas, self-contained planters for small trees and other vegetation, lighting, stamped or stencil painted concrete or brick pavers and public art. A rolled curb and gutter may be extended along Stewart Street and Washington Street or fencing, or bollards used to control traffic. The improvements would be compliant with the American Disabilities Act (ADA).

Caltrans District 10 would like to encourage Sonora to study the feasibility of installing bicycle parking fixtures on the Stewart Street side of the Linoberg Paseo.

If project construction activities will encroach into Caltrans right-of-way, the project proponent must submit an application for an encroachment permit to the Caltrans Permit Office. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right-of-way at the project site(s). California Environmental Quality Act (CEQA) documentation with supporting technical studies is required when submitting the encroachment permit.

If you have any questions, please contact Austin Sos, at (209) 948-7936 (email: austin.sos@dot.ca.gov) or me at (209) 948-7325 (gregoria.ponce@dot.ca.gov).

Sincerely,

Austin Sos for

GREGORIA PONCE
Chief, Office of Rural Planning

cc: Darin Grossi, Executive Director, Tuolumne County Transportation Council
David B. Gonzalves, Director, Tuolumne County Community Resources Agency