### REPORT TO CITY COUNCIL

**DATE:** AUGUST 24, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: REQUEST TO APPROVE THE CALIFORNIA ENVIRONMENTAL

QUALITY ACT NOTICE OF EXEMPTION FOR THE STORM WATER TO

**SEWER DIVERSION PROJECT** 

The City of Agoura Hills is currently in the process of completing the design for the Storm Water Diversion to Sanitary Sewer Project. The intent of this project is to divert urban water from the underground storm drain system, through a manhole, and ultimately into an LVMWD trunk main or local sewer. Phase one of the project has identified ten (10) locations for diversion installations, based on two criteria 1) where they can pick up the greatest amount of urban flow or 2) the outfalls immediate contribution to a riparian area or open water body. A combination of prefabricated structures will be used to accomplish the diversions, yet, the end product will look the same. From the surface of the ground, only a manhole will appear in the street, and an electrical meter box will be placed nearby, likely in the sidewalk.

As with most projects, the California Environmental Quality Act (CEQA) requires the City to identify and analyze potential environmental impacts that may occur during construction.

Envicom Corporation recently completed their assessment and determined the project to be Categorically Exempt from CEQA; specifically Class 1 (15301(b) Existing Facilities) and Class 3 (15303(d) New Construction or Conversion of Small Structures) as further described in the attached memorandum.

The 90% design plans were submitted in July in order to obtain the necessary LACFCD construction permits. In addition, staff reviewed and provided comments on the County's draft Use Maintenance Agreement. While the timelines can be uncertain, staff is aiming to have final approvals before the end of the calendar year, and is advocating to LACPWD to accelerate the permit process by any available means.

## **RECOMMENDATION**

Staff respectfully recommends the City Council:

- 1. Approve the California Environmental Quality Act Notice of Exemption for the Storm Water to Sewer Diversion Project; and
- 2. Authorize the Director of Public Works to sign the Notice of Exemption on behalf of the City.

Attachments: Notice of Exemption
Envicom Memorandum

To: Office of Planning and Research P.O. Box 3044, Room 113 Sacramento, CA 95812-3044	From: (Public Agency): City of Agoura Hills 30001 Ladyface Ct.
	Agoura Hills, CA 91301
County Clerk County of: Los Angeles	(Address)
County or:	(vidaross)
Project Title: Agoura Hills Storm Water Diversion Project	
Project Applicant: City of Agoura Hills	
Project Location - Specific:	
10 various outfall locations as de	escribed in attached memo.
Project Location - City: Agoura Hills	Project Location - County: Los Angeles
The intent of this project is to diversity system, through a manhole, and	eficiaries of Project:  Il locations for diversion of urban storm water runoff.  Vert the water from the underground storm drain  I ultimately into an trunk main or local sewer.
Name of Public Agency Approving Project: City of Agoura Hills	
Name of Person or Agency Carrying Out Project: City of Agoura Hills	
Exempt Status: (check one):  Ministerial (Sec. 21080(b)(1); 15  Declared Emergency (Sec. 21080)  Emergency Project (Sec. 21080)  Categorical Exemption. State type  Statutory Exemptions. State code	30(b)(3); 15269(a)); (b)(4); 15269(b)(c)); be and section number: Sec. 15301 & Sec. 15303
Reasons why project is exempt:	
The Class 1 (Sec. 15301-Existing Facilities) exempts repairs or minor alterations of existing structures involving negligible expansion of existing use. The Class 3 (Sec. 15303-New Construction or Conversion of Small Structures) exempts construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure.	
Lead Agency Contact Person: Kelly Fisher	Area Code/Telephone/Extension: 818-597-7338
If filed by applicant: 1. Attach certified document of exem 2. Has a Notice of Exemption been for	ption finding. iled by the public agency approving the project? Yes No
Signature:	Date: Title:
■ Signed by Lead Agency Signed by Applicant	
Authority cited: Sections 21083 and 21110, Public Reference: Sections 21108, 21152, and 21152.1,	



## **MEMORANDUM**

Date: June 22, 2022

To: City of Agoura Hills, Planning and Community Development Department

From: Envicom Corporation, CEQA Consultants to m6 Consulting Inc.

Contact: Daniel Kaufman, Environmental Planner

Subj: Assessment of Agoura Hills Storm Water Diversion Project Eligibility for a

CEQA Categorical Exemption (Envicom Project #2021-123-01)

This assessment was drafted by Envicom Corporation (Envicom) for use by the City of Agoura Hills (City) as the lead agency. This assessment evaluates whether the proposed Agoura Hills Stormwater Diversion Project (project) qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA).

CEQA defines categorical exemptions for various types of projects the Secretary of the Resources Agency of the State of California has determined do not have a significant effect on the environment, and therefore are not subject to further environmental review under CEQA. The Class 1 (Existing Facilities) exemption (Section 15301 of the State CEQA Guidelines) exempts repair or minor alteration of existing structures involving negligible expansion of existing use. The Class 3 (New Construction or Conversion of Small Structures) exemption (Section 15303 of the State CEQA Guidelines) exempts construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

In addition, projects seeking these Categorical Exemptions cannot fall under certain specified exceptions provided in Section 15300.2 of the State CEQA Guidelines, as paraphrased below.

#### **Exceptions**

- (a) Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located.
- (b) The project and successive projects of the same type in the same place will result in cumulative impacts.
- (c) There are unusual circumstances creating the reasonable possibility of significant effects.

A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.





















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- (d) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway.
- (e) The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government code section 65962.5, as being affected by hazardous wastes or clean-up problems.
- (f) The project may cause a substantial adverse change in the significance of an historical resource.

The justification for use of a Class 1 and 3 Categorical Exemption in compliance with CEQA Requirements is provided below in the following format: I. Project Description, II. Evaluation of Exemption Criteria, III. Consideration of Exemptions, and IV. Conclusion.

## I. PROJECT DESCRIPTION

The project site would be designed to provide water to augment wastewater flow to the Triunfo Water and Sanitation District's Tapia Water Reclamation Facility (TWRF). With the success of water conservation methods, the flow at the TWRF has been reduced to a level that is less desirable for plant operations. The storm water diversion project would divert the most polluted, dry weather flows from the upstream urban stormwater system into the plant. These flows occur during lowflow times of year, typically from April 15 to October 15, as determined by the City. The proposed storm water diversion system would operate by semi- automated and remote access with devices placed within existing Los Angeles County Flood Control District storm drains and limited connection piping to the wastewater (sewer) pipes. The diverted flow would be conveyed to the TWRF and once treated, would be used as recycled water for irrigation. This provides several benefits, including providing added water needed for improved operations at the TWRF, and the "cleaning" of low flow stormwater runoff discharges, which tend to be higher in pollutants than high flow discharges. All ground disturbance is assumed to be within existing disturbed and urbanized areas, and primarily within street rights-of-way. Minimal pavement demolition, trenching, excavation, and repaving would occur to construct the diversion structures. Substantial earthmoving, soil export, or demolition spoils export would not be required.

The project site consists of the immediate area surrounding ten (10) existing subterranean storm water drainage and sewer infrastructure locations below or near City roadways. The project locations are:

- 1. Rainbow View Drive and Lake Lindero Road, Private Drain (PD) 687
- 2. Hackers Lane and Lake Lindero Road, PD 687
- 3. Thousand Oaks Boulevard, PD 736
- 4. Medea Valley Drive (Chumash Park), PD 1025
- 5. Thousand Oaks Boulevard and Kanan Road, PD 1378
- 6. Oakpath Drive and Buffwood Place, PD 1583
- 7. Canwood Street West, Miscellaneous Transfer Drain (MTD) 1694
- 8. Canwood Street East, MTD 1694
- 9. Agoura Road and Liberty Canyon Road, PD 1874
- 10. Liberty Canyon Road and Country Glen Road, PD 631



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The locations are shown on a location map, <sup>2</sup> provided in **Attachment A**, **Approved Concept Plan**. The conceptual design<sup>3, 4, 5</sup> is also shown on Attachment A.

#### II. EVALUATION OF EXEMPTION CONDITIONS

The following subsections provide discussion and analysis of the project's consistency with the criteria listed in Sections 15301 and 15303 of the State CEQA Guidelines, for a project to be eligible for a Categorical Exemption under Classes 1 and 3, respectively.

(a) Class 1, Existing Facilities, "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." The key consideration stated in Section 15301 is whether the project involves "negligible or no expansion of use."

The locations at which the proposed structures would be installed are existing drainage facilities. The expansion of use would be negligible, as the project would divert dry weather storm water, which consists small quantities of water, from the existing storm drain system to the existing sewer system. The small quantities diverted from the storm drain system during dry weather conditions would not appreciably affect water supply of the storm drain system outlet waterways. The diverted water would also be treated and then returned to the natural watershed systems. In addition, adjacent roadways or land uses would not be affected by the operation of the subterranean structures. Therefore, the project consists of minor alteration of existing public facilities and mechanical equipment with negligible expansion of use, and is eligible for a Class 1 CEQA exemption.

**(b) Class 3, New Construction or Conversion of Small Structures,** "consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure."

The project would install small new equipment within existing public facilities and exterior modifications, such as the addition of manholes, which would be minor. The change in footprint would be negligible, as shown by the equipment dimensions on the plans included as Attachment A, and would not significantly impact environmental resources. Thus, only very small areas of disturbance largely within street rights-of-way would occur and the surface would be restored to its prior appearance for a negligible impact. The capacity of the wastewater treatment facility would not be negatively affected by the increased waterflow, rather the project would help the facility utilize its existing available capacity. Also, as a safeguard, the City will have the ability to stop or start the flow as needed. Thus, the project would qualify as new construction or conversion of small structures and the project is eligible for a Class 3 CEQA exemption.

<sup>5</sup> m6 Consulting Inc., City of Agoura Hills Dry Weather Diversion Project: FCDP2022000085, June 2022.



<sup>&</sup>lt;sup>2</sup> m6 Consulting Inc., City of Agoura Hills Dry Weather Diversion Project, June 2022.

m6 Consulting Inc., City of Agoura Hills Dry Weather Diversion Project: FCDP2022000063, June 2022.

<sup>&</sup>lt;sup>4</sup> m6 Consulting Inc., City of Agoura Hills Dry Weather Diversion Project: FCDP2022000067, June 2022.

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### III. CONSIDERATION OF EXCEPTIONS

Section 15300.2 of the CEQA Statutes and Guidelines provides a list of exceptions for consideration of a project as categorically exempt. These are listed and discussed below:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The following analysis is provided as required for the use of the Class 3 Categorical Exemption.

**Geology.** As discussed in the City General Plan, there are no Alquist-Priolo Special Studies Zones within the City, and the nearest faults to the City are the Santa Rosa Fault approximately 7 miles away from the City, the Oak Ridge fault approximately 17 miles away, and the San Cayetano Fault approximately 18 miles away.

Part of project Location No. 9 at Agoura Road and Liberty Canyon Road, PD 1874 and Location No. 10 at Liberty Canyon Road and Country Glen Road, PD 631 are within a liquefaction zone. However, the project's alteration and improvement of drainage structures would not increase liquefaction hazards and in fact are part of a facility that exists to control excess water flow. None of the locations are within a landslide zone. Subsidence has not been identified within the City and there is very minimal potential for subsidence, because it is unlikely that substantial groundwater or oil extraction would occur in the City, thereby causing the land to subside.

**Flooding.** Five of the ten project locations are within a 100-year flood zone: Location No. 1 at Thousand Oaks Boulevard, PD 736; Location No. 5 at Thousand Oaks Boulevard and Kanan Road, PD 1378; Location No. 7 at Canwood Street West, MTD 1694; Location No. 9 at Agoura Road and Liberty Canyon Road, PD 1874; and Location No. 10 at Liberty Canyon Road and Country Glen Road, PD 631. However, the locations are part of facilities that control flood flows, and the project would not increase the risk or severity of flooding or flood-related release of hazardous materials.

**Fire Hazards.** The entire City is in a Very High Fire Hazard Severity Zone, <sup>11</sup> but the project would not increase the severity of this hazard because it is altering and improving drainage facilities, which would be underground and not a fire hazard.

<sup>11</sup> City of Agoura Hills, General Plan, Chapter 5: Community Safety, Figure S-1: Hazards, March 2010.



<sup>&</sup>lt;sup>6</sup> City of Agoura Hills, General Plan, Chapter 5: Community Safety, March 2010.

California Geological Survey, Earthquake Zones of Required Investigation: Calabasas Quadrangle, February 1, 1998. Accessed on June 10, 2022 at https://filerequest.conservation.ca.gov/RequestFile/76329.

California Geological Survey, Earthquake Zones of Required Investigation: Thousand Oaks Quadrangle, February 1, 1998. Accessed on June 10, 2022 at https://filerequest.conservation.ca.gov/RequestFile/76801.

<sup>&</sup>lt;sup>9</sup> City of Agoura Hills, General Plan, Chapter 5: Community Safety, March 2010.

<sup>&</sup>lt;sup>10</sup> City of Agoura Hills, General Plan, Chapter 5: Community Safety, Figure S-1: Hazards, March 2010.

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**Disaster Preparedness.** Project Location No. 3 at Thousand Oaks Boulevard, PD 736 is partially located within the right of way of Thousand Oaks Boulevard. Location No. 7 at Canwood Street West, MTD 1694 and Location No. 8 at Canwood Street East, MTD 1694, are mostly within the right of way of Canwood Street. In these areas, Thousand Oaks Boulevard and Canwood Street are designated as primary arterial roadways, <sup>12</sup> and as such could be used in the case of evacuation. Some of the other locations are partially or fully within, or adjacent to a more minor roadway. Operation of the underground project structures would not affect traffic flow on the roadways and thus would not affect the function of the roadways during disaster response or evacuation. During construction, a construction management plan will be required as part of the standard City approval process, which would assure smooth traffic flow during the short-term construction period.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

As discussed above, the project site is a minor alteration and improvement project. The project itself would have no significant impacts (as evaluated in this memorandum) and thus it would not add to cumulative impacts. In the future, additional diversion structures may be installed in the City as a subsequent project. Such future locations have not been determined at this time, and the potential environmental effects of such an action would be evaluated at the time it is proposed. Therefore, no cumulative impacts would occur.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project is a minor alteration and improvement project within existing drainage facilities. As discussed earlier, the project was found to have no significant areas of impact. Beyond the issues addressed, there are no known unusual circumstances on or around the project locations, that would warrant environmental analysis.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Some of the project locations are near Thousand Oaks Boulevard, Kanan Road, or Agoura Road, which are City-designated scenic highways. <sup>13</sup> Nonetheless, the project would alter and improve subterranean equipment, which would not be visible from aboveground. Any new aboveground features, such as manholes, would be typical occurrences on roadways and would not affect scenic quality. The project would also not remove any scenic trees, buildings (historic or otherwise), rock outcroppings, or similar scenic resources.

 $<sup>^{\</sup>rm 13}~$  City of Agoura Hills, General Plan, Chapter 4: Natural Resources, March 2010.



<sup>&</sup>lt;sup>12</sup> City of Agoura Hills, General Plan, Chapter 2: Community Conservation and Development, Figure M-1 Circulation Plan and Street Classification.

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(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project is not located within a site which is included in any list compiled pursuant to Section 65962.5 of the Government Code, commonly referred to as the Cortese List. The site is therefore not listed on the California Department of Toxic Substances Control maintained EnviroStor online data management system for tracking cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. <sup>14</sup> Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and would not be in conflict with this exception for a Class 32 In-Fill Development Categorical Exemption.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project locations do not include buildings and consist of subterranean utility infrastructure and the roadways and/or flood control facilities above them. The project would remove and replace ordinary pavement surfaces which do not have historical importance and are routinely replaced over time. Therefore, the project would not cause an adverse change to the significance of an historic resource.

#### IV. CONCLUSION

Based on the above information and attached documentation, this analysis shows that development of the proposed Agoura Hills Stormwater Diversion Project would be consistent with the criteria for a Class 1 and 3 Categorical Exemption under CEQA Statute Sections 15301 and 15303.

California Department of Toxic Substances Control, Envirostor. Accessed on June 10, 2022 at https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Agoura+Hills.



# **ATTACHMENT A:**

Approved Concept Plan, m6 Consulting, Inc.

































