

SANTA ANA GARDENS CHANNEL BIKEWAY EXTENSION PROJECT

DE MINIMIS SECTION 4(F) EVALUATION

Santa Ana Gardens Channel Bikeway Extension Project

De Minimis Section 4(f) Evaluation

Introduction

This document discusses *de minimis* impact determinations under Section 4(f). Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This amendment provides that once the U.S. Department of Transportation determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

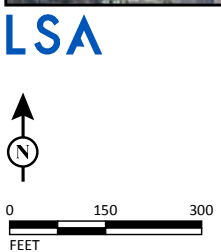
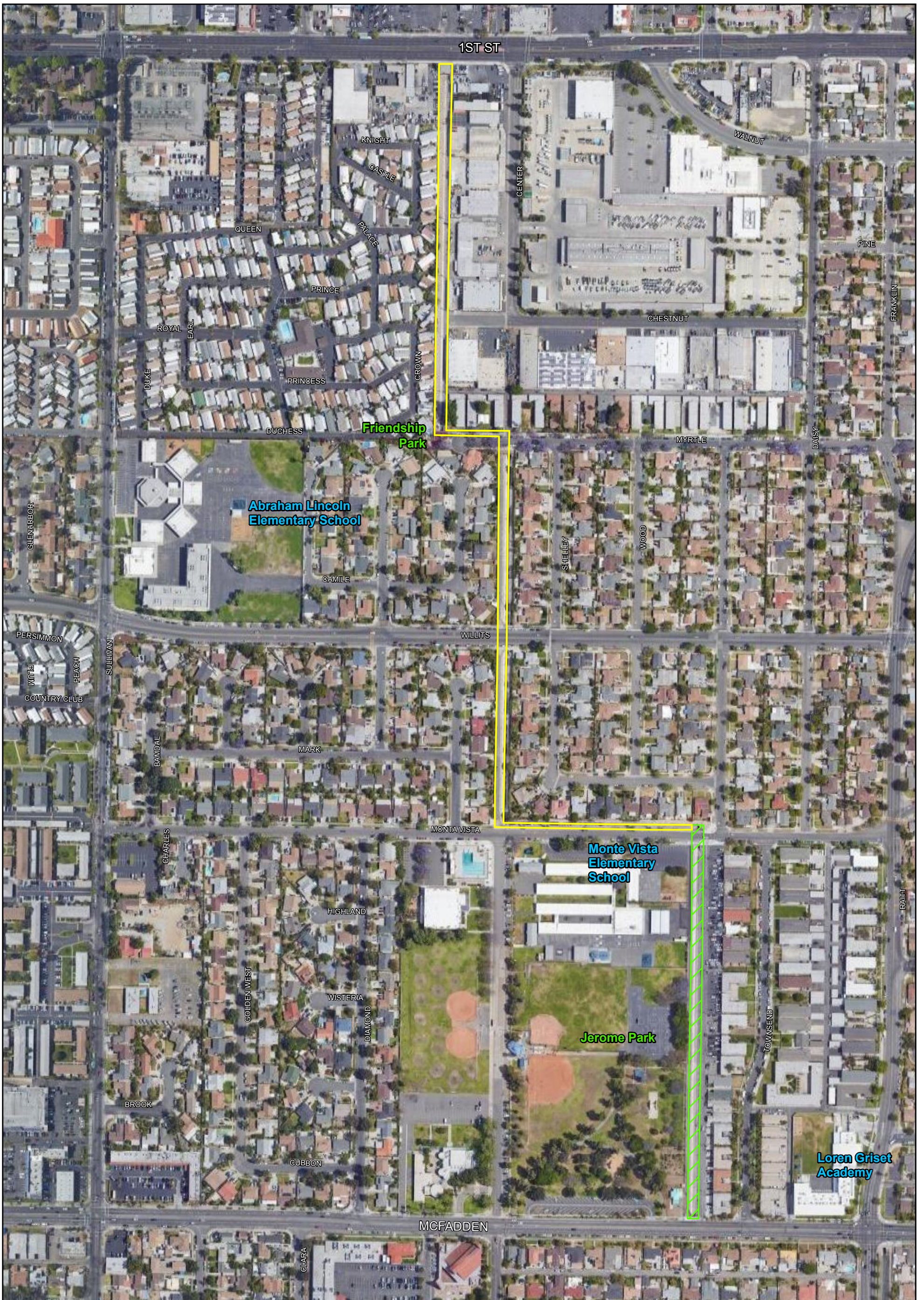
Responsibility for compliance with Section 4(f) has been assigned to the California Department of Transportation (Caltrans) pursuant to 23 USC 326 and 327, including *de minimis* impact determinations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

One recreational resource has been identified within the project limits. This resource meets the criteria of a Section 4(f) resource because it is publicly owned and open to the public.

Proposed Action

The proposed action would develop an approximately 3,400-linear-foot bike path along the Santa Ana Gardens Channel from West Monta Vista Avenue to West First Street in Santa Ana, California (refer to Figure 1).

The proposed action site is primarily within right-of-way and/or easement owned by the Orange County Flood Control District. Additionally, a small portion of the proposed action would be constructed within public right-of-way owned by the City of Santa Ana (City) (West Monta Vista Avenue from South Townsend Street to South Center Street, as well as street crossings). The proposed action would be constructed within existing public right-of-way and no additional right-of-way and/or permanent easement acquisitions are anticipated.



- LEGEND
- Project Location
 - Existing Bike Trail
 - Proposed Bike Trail

FIGURE 1

The purpose of the proposed action is to fill a gap in the existing off-street County of Orange Public Works (County) bikeway system that provides a safe active transportation mode. The proposed action site is within a minority and/or low-income community. The bikeway would benefit the community economically by providing the residents with an alternative and cheaper form of transportation than using public transportation or driving to many points of interest that are near the proposed action site. The proposed action would address the need to close the bikeway gap along the Santa Ana Gardens Channel in Santa Ana, providing for a complete trail and enhancing connectivity to the adjacent trail network.

The County is proposing the project. The County is the lead agency under CEQA, and Caltrans is the lead agency under NEPA for this proposed action.

Alternative

Bikeway Extension

The above-described bikeway extension would be constructed under the proposed action. Approximately 0.65 mile (3,400 linear feet) would be graded and paved, ultimately connecting West First Street to an existing bikeway at West Monta Vista Avenue that leads to McFadden Avenue. The proposed action would include Class I bikeway and Class III bikeway (of approximately 200 feet). The proposed action would close a gap in the bikeway system in Santa Ana and allow for better access to community parks and schools.

The proposed action would provide retaining walls, installation of wrought iron fencing and gating (with 8-foot-tall wrought iron fencing adjacent to the residential properties), guard railing, collapsible bollards, and reconstruction of curbs and gutters. Two at-grade crossings at West Monta Vista Avenue and Willits Street would require crosswalks, signage, and possibly signalization. Landscaping, irrigation, and security, lighting along with signage and striping, would be installed along the bikeway. Also included is the reconstruction of five driveways and portions of sidewalk for compliance with Americans with Disabilities Act standards. Furthermore, an existing park within Santa Ana (i.e., Friendship Park, which is a pocket park at 2210 West Myrtle Street) and its play equipment would be reconstructed and/or reconfigured to accommodate the proposed bikeway (refer to Figure 2).

The proposed action site is primarily within right-of-way and/or easement owned by the Orange County Flood Control District. Additionally, a small portion of the proposed action would be constructed within public right-of-way owned by the City (West Monta Vista Avenue from South Townsend Street to South Center Street, as well as street crossings). The proposed action would be constructed within existing public right-of-way and no additional right-of-way and/or permanent easement acquisitions are anticipated.

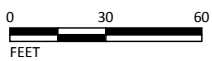


FIGURE 2

LSA

LEGEND

- Project Location
- Friendship Park



SOURCE: Google (2018)

I:\OCY1701.21\GIS\MXD\Environmental\FriendshipPark.mxd (3/27/2020)

Santa Ana Gardens Bikeway
Friendship Park

Description of Section 4(f) Properties

Section 4(f) applies to "... publicly owned land of a public park, recreation areas or wildlife and waterfowl refuge, or land of an historic site of national, state, or local significance."

Publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such or when the federal, State, or local officials having jurisdiction over the land determine that one of its major purposes or functions is for park, recreation, or refuge purposes (Federal Highway Administration) Section 4(f) Policy Paper [Question and Answer 25]¹). In the case of this project, federal funding for the active transportation project prompts the need for a Section 4(f) evaluation.

Section 4(f) Properties in the Project Vicinity

Jerome Park

Jerome Park, owned by the City, is at 726 South Center Street in Santa Ana and is considered a neighborhood park. Activities, features, and attributes of the park include sports fields, trails, picnic areas, and a recreation center with an outdoor pool, covering approximately 18 acres. Additional recreational amenities include a ball diamond, basketball courts, handball courts, a multipurpose field, and a community garden. There are 98 parking stalls available to the public. There is also a new "fitness court" that acts as a cross-training course area. The City has applied for grant money to reconstruct Jerome Park. An existing bike trail provides access to Jerome Park, which is also accessible by car. This park is 0.1 mile south of the proposed action site limits.

Friendship Park

Friendship Park, owned by the City, is at 2210 West Myrtle Street in Santa Ana and is considered a pocket park. The park encompasses 0.09 acre. Activities, features, and attributes of the park include a playground with equipment appropriate for various ages under 12. The park uses street parking. This park is within the limits of the proposed action site.

Other Park, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f)

There are three schools with playgrounds in the vicinity of the proposed action site: Monte Vista Elementary School, Lorin Griset Academy, and Abraham Lincoln Elementary School. All three schools are part of the Santa Ana Unified School District. They each serve students

¹ Federal Highway Administration. 2012. *Section 4(f) Policy Paper*. July 20. Website: <https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>.

in eighth grade and under. However, these resources are fenced and locked during non-school hours; therefore, they are not open to the public and not considered resources subject to the requirements of Section 4(f).

There are no other park, recreational facilities, or wildlife refuges in the vicinity of the proposed action site. Additionally, there has been a Cultural Resources Memorandum prepared for the proposed action, and no cultural resources have been recorded within the boundaries of the proposed action site.

Description of Section 4(f) Use

The County has made a determination that the proposed action would result in the permanent use of Friendship Park land. The direct use of the park would include incorporation of minimal land from Friendship Park into a bikeway; however, Friendship Park would be reconfigured to accommodate similar play equipment and recreational space to its present condition. Specifically, the County has determined that, with the proposed mitigation measures, the permanent use at Friendship Park would constitute a *de minimis* impact because the proposed action would not substantially impair activities, features, and attributes that qualify the resource for protection under Section 4(f).

Proximity Impacts to Section 4(f) Properties

Bikeway Extension

Santa Ana Gardens Channel Bikeway

As discussed above, one resource subject to the provisions of Section 4(f) is near the proposed action site but is not within the proposed action site limits. Proximity impacts are anticipated at Jerome Park during construction. These impacts may include short-term noise and visual impacts during construction of the proposed action. However, the anticipated short-term proximity impacts would not substantially diminish the activities, features, and attributes that qualify Jerome Park for protection under Section 4(f).

Also, one recreational resource subject to the provisions of Section 4(f) is within the proposed action site limits. Friendship Park is a recreational resource subject to the provisions of Section 4(f) and is within the proposed action limits. This existing pocket park in Santa Ana at 2210 West Myrtle Street would be reconfigured to accommodate the proposed bikeway. The footprint/area of the park would not change. However, this is not the only park site that serves youth in this community and it plays an important role in providing play equipment for the local residents. Further, impacts may include short-term noise and

visual impacts during construction of the proposed action. However, the anticipated short-term proximity impacts would not substantially diminish the activities, features, and attributes that qualify Friendship Park for protection under Section 4(f). The proposed bikeway project would provide linkage for the community to access Friendship Park and Jerome Park, which is 1,600 feet south of Friendship Park. Both Jerome Park and Friendship Park would continue to provide multiple recreational resources for the community.

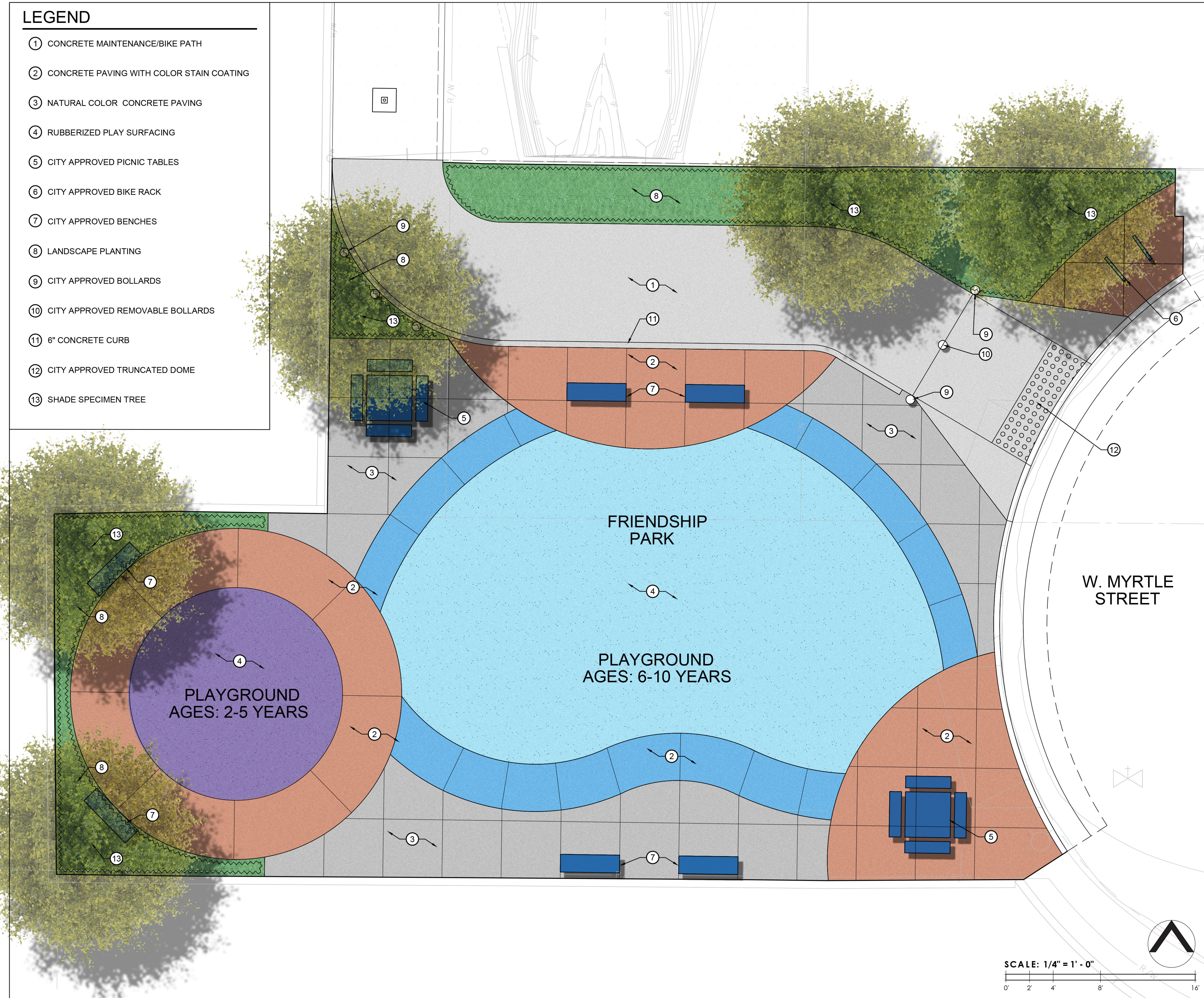
The proposed action would reconfigure Friendship Park in order to accommodate the proposed bikeway (Figure 3). The park currently features a playground structure and several benches for seating. Under the proposed action, the playground equipment would be reconstructed in the southern portion of the park to accommodate the planned bike path within the park limits. The proposed playground equipment would be similar in nature to existing equipment, but the single large playground structure would likely be replaced by two, smaller playground structures under the proposed action. An approximately 12 to 14-foot-wide bike path is planned within the northern portion of the park limits. Street parking would remain available; however, the access ingress/egress to the park from the nearby residences would be modified.

Noise. Construction would require equipment with noise characteristics that reach levels somewhat higher than the existing ambient level associated with vehicular traffic. Although construction-related noise would occur, such noise would be temporary and would not substantially diminish the activities, features, and attributes that qualify the resource for protection under Section 4(f). Construction equipment would not use pile-driving equipment or similar equipment. The County and its contractor would enforce existing city noise ordinances and restrictions on noise during the construction phase, as included in the measures below.

Air Quality. The proposed action site is within the South Coast Air Quality Management District. The proposed action site is in a metropolitan nonattainment/maintenance area and in a carbon monoxide (CO), particulate matter 10 microns in diameter or less (PM₁₀) and/or particulate matter 2.5 microns in diameter or less (PM_{2.5}) nonattainment/maintenance area. The proposed action would close a gap in the existing City bikeway system and would not add motor vehicle capacity in any way. Some construction operations would temporarily create airborne dust during grading activities. In addition to dust, construction activities would also cause combustion emissions to be released from on-site construction equipment.

LEGEND

- ① CONCRETE MAINTENANCE/BIKE PATH
- ② CONCRETE PAVING WITH COLOR STAIN COATING
- ③ NATURAL COLOR CONCRETE PAVING
- ④ RUBBERIZED PLAY SURFACING
- ⑤ CITY APPROVED PICNIC TABLES
- ⑥ CITY APPROVED BIKE RACK
- ⑦ CITY APPROVED BENCHES
- ⑧ LANDSCAPE PLANTING
- ⑨ CITY APPROVED BOLLARDS
- ⑩ CITY APPROVED REMOVABLE BOLLARDS
- ⑪ 6" CONCRETE CURB
- ⑫ CITY APPROVED TRUNCATED DOME
- ⑬ SHADE SPECIMEN TREE



MARK	DESCRIPTION	DATE	APPR.

PREPARED UNDER THE RESPONSIBLE CHARGE OF:

NUVIS
LANDSCAPE ARCHITECTURE
3000 S. TULSA AVE., SUITE 200
COSTA MESA, CA 92626
U.S.A. 9 2 6 2 6
PH: 714.754.7311

PERRY A. CARDOZA
LANDSCAPE ARCHITECT

DATE: 03/05/20

DESIGNED BY:	CHECKED BY:	SCALE:
DRAWN BY:	DRAWING CODE:	PILOT DATE: \$DATE\$
FILE NAME:	PILOT DATE: \$DATE\$	PILOT DATE: \$DATE\$

COUNTY OF ORANGE
OC PUBLIC WORKS

PREPARED BY:
HR
9230 EL CAMINO REAL
SUITE 200
IRVINE, CA 92602

SANTA ANA GARDENS CHANNEL
MAINTENANCE ROAD/BIKEWAY
FROM MCFADDEN AVENUE
TO W. MONTA VISTA AVENUE

CONCEPT PLAN

Sheet Reference Number

Sheet of X

These conditions are limited to the construction phase of the proposed action and would be reduced by the measures listed in the “Measures to Minimize Harm” section of this document. Although proximity impacts during construction would occur, these impacts would be temporary and would not substantially diminish the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Visual. The proposed action does not have the potential to affect any visual or scenic resources. The proposed action would not involve large cuts or fill area or large structures, and the proposed action would not produce light, glare, or shadow. Although proximity impacts during construction may occur, the anticipated impacts would be temporary and would not substantially diminish the activities, attributes, and features that qualify the resource for protection under Section 4(f).

Potential for *De Minimis* Impact

Conclusion

Caltrans has made a determination that the proposed action would potentially result in a *de minimis* impact based on the permanent use of Friendship Park land. Under the proposed action, Friendship Park would remain publicly owned, open to the public, and the playground would function as it currently does. Specifically, with the proposed mitigation measures, the permanent use at Friendship Park would constitute a *de minimis* impact because the proposed action would not substantially impair activities, features, and attributes that qualify the resource for protection under Section 4(f). During construction, Friendship Park users would be temporarily directed to Jerome Park for recreational activities.

As demonstrated by this *de minimis* Section 4(f) Evaluation, the circumstances, studies, and consultations on the proposed action support the finding that there is no feasible and prudent alternative to the proposed action.

Public Notice and Section 4(f) Coordination

Agencies contacted early in the process include City and Caltrans. Coordination would take place with Caltrans in regard to Section 4(f) Resources. This document would be placed on the County website; this distribution provides agencies and members of the general public with opportunities to provide comments on the proposed action. The comment period would be open for 30 days.

Measures to Minimize Harm

The City and County have reviewed and concurred with these measures. The following is a summary of the proposed measures to minimize harm.

Park Access

The planned construction of the Santa Ana Gardens Bikeway will be phased to minimize access interruptions at Friendship Park. The temporary closure of Friendship Park will be noticed on site, and users of the resource will be directed to nearby Jerome Park for recreational activities.

Noise

The contractor will comply with all local ordinances (i.e., City and County) that apply to any work as part of the contract. In addition, the following measures are recommended to reduce these impacts to the extent feasible:

- Portable equipment should be located as far as possible from the noise-sensitive locations as is feasible.
- Construction vehicle staging areas and equipment maintenance areas should be located as far as possible from sensitive receptor locations.

Air Quality

The following measures are recommended for implementation to reduce air pollutants, especially nitrogen oxides (NO_x), generated by vehicle and equipment exhaust during the proposed action construction phase:

- The construction contractor shall select the construction equipment used on site based on lower emission factors and high-energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- The construction contractor shall utilize electric or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- The construction contractor shall schedule the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site. If necessary, a flagperson shall be retained to maintain safety adjacent to existing bike trails and roadways.

- The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- The construction contractor shall comply with South Coast Air Quality Management District Rules 402 and 403, as applicable.

APPENDIX A

CITY OF SANTA ANA CONCURRENCE LETTER

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Juan Villegas
COUNCILMEMBERS
Phil Bacerra
Nelida Mendoza
David Penaloza
Vicente Sarmiento
Jose Solorio



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Daisy Gomez

CITY OF SANTA ANA

PARKS, RECREATION AND COMMUNITY SERVICES AGENCY

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org

Amit Verma
Project Manager
OC Public Works|OC Infrastructure Programs|Project Management
Amit.Verma@ocpw.ocgov.com

RE: Santa Ana Gardens Bikeway Extension Project

Dear Mr. Verma,

The City of Santa Ana, Parks, Recreation, and Community Services Agency appreciates the opportunity to participate in the Section 4(f) de minimis concurrence process for the project noted above.

The City of Santa Ana understands that the Orange County Water District is proposing a project to construct a bikeway along the Santa Ana Gardens Channel (F02). The project, "Santa Ana Gardens Bikeway Extension Project" (EF 17413), occurs in the City of Santa Ana, between Monte Vista and First Streets. It will affect portions of the public right of way and a neighborhood park, "Myrtle Park".

City of Santa Ana is in concurrence with this project, subject to the following conditions:

Conditions of Concurrence:

- C1. New wrought iron fencing along the bikeway
- C2. New lighting along the bikeway
- C3. New landscape and irrigation along the bikeway
- C4. Remove and replace (5) existing trees in the public right-of-way along Monte Vista Avenue
- C5. Provide collapsible bollards at crossings
- C6. Renovate Myrtle Park to accommodate the proposed bikeway and mitigate its impacts to the existing park. This includes but may not be limited to: replace existing playground equipment and rubber fall surfacing, create new picnic area and provide tables, new park lighting, new landscaping, new irrigation, and signage
- C7. Provide progress plans to City of Santa Ana for plan check

My signature below represents written concurrence on the de minimis finding by Caltrans, subject to the above-referenced conditions.

Best Regards,

A handwritten signature in black ink, appearing to read "R. Ono".

Ron Ono
Administrative Services Manager
City of Santa Ana
Parks, Recreation and Community Services Agency