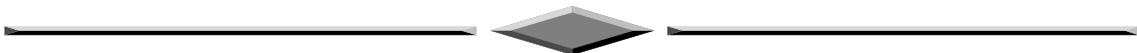


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: November 7, 2012

SUBJECT: DRAFT MITIGATED NEGATIVE DECLARATION NO. 12-06 (WARNER AVENUE BRIDGE PREVENTATIVE MAINTENANCE PROJECT)

LOCATION: Warner Avenue Bridge, spanning approximately 110 linear feet over the Bolsa Chica Channel, connecting Huntington Harbour with Upper Bolsa Bay.



Applicant: Jonathan Claudio, P.E., City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Property Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: To analyze potential environmental impacts associated with proposed maintenance activities on the existing Warner Avenue Bridge that are intended to restore the integrity of its original design. The proposed project will remove and replace the following: existing concrete barrier and chain link railing along both sides of the bridge, existing asphalt concrete overlay providing a durable driving surface, all unsound concrete at existing bridge bents and columns, and missing rockslope protection along the channel embankment area below the bridge.

Zone: ROW (Right-of-Way)

General Plan: ROW (Right-of-Way)

Existing Use: Warner Avenue Bridge with four traffic lanes and one pedestrian sidewalk.



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 12-06:

1. The Mitigated Negative Declaration No. 12-06 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration.

2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential impacts to nesting habitat for bird species protected by the Migratory Bird Treaty Act, removal and/or relocation of special-status plants, and the potential discovery of human remains, and archaeological or paleontological resources during ground-disturbing activities.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures for Mitigated Negative Declaration No. 12-06, will have a significant effect on the environment.

SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the construction activities, a qualified biological monitor will present a Worker's Environmental Awareness Program (WEAP) to all construction personnel. The presentation of a Workers' Environmental Awareness Program (WEAP) will decrease the likelihood of incidental impacts to special-status species on the project site. The WEAP will also be given to any new personnel who work onsite during the duration of the project. The purpose of the WEAP is to inform the construction personnel of the special-status species that will likely occur in the project area, species identification, and the conservation measures implemented to protect the biological resources onsite. The WEAP will incorporate any special-status species that are discovered during project activities. **(Mitigation Measure)**
2. Since this project is occurring adjacent to and within the Reserve, it is necessary for the biological resources of this project to be monitored during construction for the duration of project. A qualified and/or permitted biologist will be essential for conducting this monitoring.

A qualified biological monitor (qualified biologist) will be present during all vegetation clearing activities to monitor habitat conditions and construction impacts at the project site in order to ensure that impacts remain less than significant.

Following the initial vegetation clearing and grading activities, the biological monitor will be present *every two weeks, outside of nesting season*, to ensure that project-related activities do not incur impacts greater than anticipated. *During nesting season*, the biological monitor should be present *weekly* to survey for nesting birds, with focus on special-status and MBTA-protected species.

The monitor will establish a buffer area around any occupied special-status and MBTA-protected species nests that are discovered, as described in **PDF-4**. A permitted biologist will be used if required by the resource agencies; otherwise an experienced, qualified biologist will conduct the surveys.

A qualified biological monitor is an individual who has professional experience working with the dominant flora and fauna of southern California present in the project area. He or she is knowledgeable of the life history and survey techniques/protocols of salt marsh and coastal sage scrub species, specifically California least tern, western snowy plover, light-footed clapper rail, and coastal California gnatcatcher. He or she has professional experience in construction monitoring, finding and monitoring bird nests and is familiar with biological regulations, particularly those pertaining to migratory birds and their nests. In addition, a

qualified biologist may have the added benefit of observing ESA-protected species with a permitted biologist.

A permitted biologist is an individual who can serve as a qualified biologist and also holds a scientific permit, issued by the United States Fish and Wildlife Service under Section 10(a)(1)(A) of the federal Endangered Species Act. He or she has professional knowledge and experience with special-status species, specifically California least tern, western snowy plover, light-footed clapper rail, and coastal California gnatcatcher. Such a biologist has several years of experience in field surveys and species monitoring. A permitted biologist also possesses all of the qualifications of a qualified biologist described above.

For the purposes of this project, a qualified biologist would have the qualifications, prerequisites, experience, and knowledge to conduct biological monitoring at the project site. While there is potential for special-status species to forage in and temporarily occupy the project site, it is unlikely that any listed species would nest within the project buffer. *Breeding* of avian or mammalian species has not been documented within the project footprint area. This area has high disturbance generated by pedestrian and vehicular traffic on the roadway proximate to the project site. Furthermore, the project site is relatively limited in geographic extent, thus special-status species have a lower likelihood of occurring within the project footprint, despite its location at the border of the Reserve. For these reasons, a qualified biologist would satisfy the requirements for biological monitor for this project. If listed species are observed breeding within the project footprint or nesting bird buffer (250 feet for passerine species, 500 feet for raptors), a permitted biologist will be used to fulfill the *weekly* monitoring requirement *during nesting season*. **(Mitigation Measure)**

3. The City will return the temporary construction impact areas to pre-project contours and will revegetate in accordance with a Habitat Mitigation and Monitoring Plan (HMMP), which is being prepared concurrently with this document, under separate cover. The HMMP will be finalized through agency approvals (USACE, CDFG, RWQCB, and CCC) prior to project commencement. Revegetation efforts will focus on creating, enhancing or maintaining areas of pickleweed, CSS with southern tarplant located immediately south of Warner Avenue through the design and implementation of a HMMP. The city will also mitigate for the permanent loss of tidal mudflat in the areas where new rock slope protection must be installed.

The HMMP will discuss planting designs and descriptions of the plant species that will be used to revegetate the site. In addition, the HMMP will contain an appropriate seed mix and native plant list, methodology for planting plan, watering schedule, quarterly qualitative and annual quantitative monitoring, photo documentation locations, success criteria, contingency measures and invasive species control. Plant species will be taken from locally grown stock or from other sources per the direction of the Bolsa Chica Conservancy or CDFG. Monitoring for at least *three years* following planting will occur. If special-status species other than those presently known at the site are found during construction activities, then these species will be included in the restoration plan.

The HMMP will recommend that temporary and permanent impacts to the pickleweed and CSS (with southern tarplant stand) habitat to be restored at an agreed upon ratio between the City and the resource agencies. Suggested Mitigation Ratios are provided in **Table VII-2** (Habitat Impacts and Mitigation Ratios).

Areas at the project site currently classified as non-native grassland have been proposed to be revegetated with the CSS vegetation, which provides an overall *net gain* of approximately 0.02 acre of native communities. Therefore that restoration would be considered an *enhancement*. A 1:1 ratio is typically suggested for enhancement restoration of non-sensitive communities; however, the resource agencies will have final comment on this approach.

The HMMP will also compensate for the impacts incurred upon the Waters of the United States (WOUS) and jurisdictional wetlands as described in section **VII (c)**. Mitigation for permanent impacts to WOUS and jurisdictional wetlands will be determined by the resource agencies, with a standard mitigation of 3:1 to 10:1 restoration to impacts ratio. The mitigation ratio will be determined based on factors of the mitigation site such as proximity to the disturbance/project impact area and other factors.

The HMMP may be implemented by the Bolsa Chica Conservancy or another organization contracted by the City that is qualified to implement restoration projects for coastal sage scrub and salt marsh habitats. If an in-lieu fee program can be established, this may be an alternative way to satisfactorily meet this mitigation measure. Payment into an in-lieu fee program would provide funds for a non-profit or other professional organization to fulfill the obligations of the HMMP.

Other measures will be contained within the anticipated USACE 404 permit, RWQCB Section 401 Water Quality Certification and California Coastal Commission Coastal Development Permit. **(Mitigation Measure)**

4. If unexpected archaeological features are discovered during ground-disturbing construction work, a qualified archaeologist will be retained to investigate and report such findings to the City if deemed necessary. If the archaeological resources are found to be significant, the archaeological observer will determine appropriate actions, in cooperation with the City, for exploration and/or salvage. These actions, as well as final disposition of the resources, will be subject to the approval of the City. **(Mitigation Measure)**
5. In accordance with the Public Resources Code §5097.94, if human remains are found, the Orange County Coroner must be notified within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descendent for the area. The designated Native American representative then determines in consultation with the City of Huntington Beach the disposition of the human remains. **(Mitigation Measure)**
6. The construction contractor shall ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and that mufflers are working adequately. **(Mitigation Measure)**
7. The construction contractor shall ensure that all construction equipment is located so that emitted noise is directed away from sensitive noise receivers. **(Mitigation Measure)**
9. The construction contractor shall ensure that stockpiling and vehicle-staging areas are located as far as practical from noise-sensitive receivers during construction activities. **(Mitigation Measure)**

- 10. Two weeks prior to the construction, the construction contractor shall provide notification in writing to adjacent residences if they would be located within 150 feet of the active construction activity. **(Mitigation Measure)**

- 11. The construction contractor shall, as necessary, provide temporary noise barriers, including sound blankets, between the areas of active construction and sensitive receivers. **(Mitigation Measure)**

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.