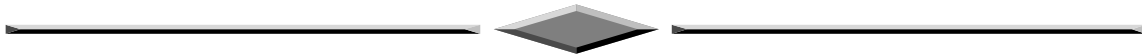


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jennifer Villasenor, Senior Planner
DATE: June 19, 2013
SUBJECT: **MITIGATED NEGATIVE DECLARATION NO. 11-012 (BEACH BOULEVARD AND WARNER AVENUE INTERSECTION IMPROVEMENTS)**
LOCATION: Intersection of Beach Boulevard and Warner Avenue (north side of Warner Avenue from Beach Boulevard to 65 feet east of A Lane) including portions of the adjacent commercial properties to the north: 16990 Beach Boulevard, 8021 Warner Avenue, 8071 Warner Avenue, Huntington Beach, CA 92647; A Lane from Warner Avenue to approximately 150 feet north of Warner Avenue.



Applicant: William Janusz, Principal Civil Engineer, Public Works Department, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

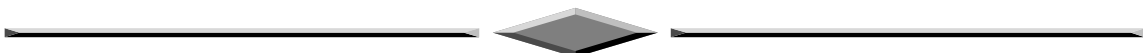
Property Owner:
Warner Avenue & A Lane ROW: City of Huntington Beach, CA 92647
16990 & 8021 Warner Avenue: George Pearson, 16868 A Lane, Huntington Beach, CA 92647
8071 Warner Avenue: Guillermo Galvez, 8071 Warner Avenue, Huntington Beach, CA 92647

Business Owner:
16990 Beach Boulevard: George Pearson, 16868 A Lane, Huntington Beach, CA 92647
8021 Warner Avenue: SNEH Corporation, 8031 Warner Avenue, Huntington Beach, CA 92647
8071 Warner Avenue: Guillermo Galvez, 8071 Warner Avenue, Huntington Beach, CA 92647

Request: Draft Mitigated Negative Declaration No. 11-012 analyzes the potential environmental impacts associated with the construction of a westbound right turn lane on Warner Avenue at the intersection of Beach Boulevard and associated improvements including a new five-foot wide sidewalk along the west side of A Lane for a length of approximately 150 feet. In addition, the project's scope of work includes clearing and grubbing, the construction of asphalt concrete roadway, striping, curb, gutter, sidewalk, landscaping and relocation of existing signage on the adjacent gas station parcel, reconstruction of driveways on the adjacent gas station and liquor store properties, removal of a defunct drainage inlet, relocation of irrigation lines on

the auto repair property, and utility and traffic signal adjustment and relocation, including a fire hydrant and one utility pole. Above- and below-ground utilities within the right-of-way and on private property will be protected in-place or relocated during project construction. The proposed project would require right-of-way acquisition from adjacent privately owned commercial properties to the north (16990 Beach Boulevard/APN:107-011-067; 8021 Warner Avenue/APN:107-100-068; 8071 Warner Avenue/APN: 107-100-078). The acquisition of right-of-way along Warner Avenue varies in width from nine to 14 feet. Acquisition on the west side of A Lane would be three feet. Variances will be required to deviate from resulting development standards on the adjacent commercial properties that would be non-compliant as a result of the project's right-of-way acquisition. In addition, with Beach Boulevard being a state highway, the project will require review and approval by Caltrans.

- Zone:** Warner Avenue & A Lane: Public Street Right- of-Way;
16990 Beach Boulevard & 8021 Warner Avenue: Specific Plan No. 14 – Beach and Edinger Corridors Specific Plan (SP-14:)
8071 Warner Avenue: Commercial General (CG)
- General Plan:** Warner Avenue & A Lane: Public Street Right- of-Way;
16990 Beach Boulevard & 8021 Warner Avenue: M – sp - d (Mixed Use – Specific Plan Overlay – Design Overlay):
8071 Warner Avenue: CG – F2 – a (General Commercial – 0.50 FAR - Auto District Overlay)
- Existing Use:** Warner Avenue & A Lane: Public Street Right-of- Way;
16990 Beach Boulevard: Gas Station:
8021 Warner Avenue: Liquor Store:
8071 Warner Avenue: Tire Store/ Auto Repair



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

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE 11-012:

1. Mitigated Negative Declaration No. 11-012 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 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated 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 construction impacts related to hazardous soils and cultural resources. Since the proposed project was included as part of the Circulation Element update for which Program EIR No. 09-001 was prepared and certified, the environmental analysis is tiered from Program EIR No. 09-001 and implementation of adopted mitigation measures related to cultural resources is incorporated. In addition, the majority of the project site is located within the Beach and Edinger Corridors Specific Plan (BECSP). The project is included in the traffic analysis of the BECSP Program EIR (EIR No. 08-008) and payment toward the project improvements is identified as a mitigation measure for development within the BECSP area. As such, applicable BECSP Program EIR mitigation measures addressing potential hazardous materials are incorporated into the project. Mitigation measures were generally designed to ensure that any unanticipated soil contamination, accidental release of hazardous materials and/or discovery of cultural resources prior to and during construction would be minimized through compliance with applicable laws and regulations.
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, will have a significant effect on the environment. The proposed project involves the construction of a westbound right turn lane on Warner Avenue at the intersection of Beach Boulevard and associated improvements including a new five-foot wide sidewalk along the west side of A Lane. The recently updated General Plan Circulation Element identifies intersection improvements that will be necessary to implement the City's Arterial Highway Plan, which is designed to accommodate anticipated long-term (Year 2030) growth in the City. The updated Circulation Element also revised acceptable Level of Service (LOS) standards for key intersections within the City. The intersection of Beach Boulevard and Warner Avenue is designated as a Principal Intersection with an acceptable LOS standard of "D" in the updated Circulation Element. The proposed project is identified as one of the intersection improvements necessary to ensure that recently revised Circulation Element policies establishing minimum LOS standards for the City's updated Arterial Highways Plan are met. Therefore, the project would improve the long-term performance of a Principal Intersection within the City. Although the project would require acquisition of right-of-way from three adjacent privately owned commercial properties, all potential adverse environmental impacts as a result of the acquisition would be less than significant. Finally, all potential impacts resulting from construction of the project can be adequately mitigated.

SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the construction contract award, the City shall:
 - Investigate the project site to determine whether it or immediately adjacent areas have a record of hazardous material contamination via the preparation of a preliminary environmental site assessment (ESA). If contamination is found the report shall characterize the site according to the nature and extent of contamination that is present before development activities precede at that site.
 - If contamination is determined to be on site, the City, in accordance with appropriate regulatory agencies, shall determine the need for further investigation and/or remediation of the soils conditions on the contaminated site. If further investigation or

remediation is required, it shall be the responsibility of the site developer(s) to complete such investigation and/or remediation prior to construction of the project.

- If remediation is required as identified by the local oversight agency, it shall be accomplished in a manner that reduces risk to below applicable standards and shall be completed prior to issuance of any occupancy permits.
 - Closure reports or other reports acceptable to the Huntington Beach Fire Department that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the Huntington Beach Fire Department prior to the issuance of grading permits for site development. No construction shall occur in the affected area until reports have been accepted by the City. **(BECSP Program EIR MM 4.6-1)**
2. In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction of the proposed project, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area. **(BECSP Program EIR MM 4.6-2)**
 3. Contractor specifications for street improvement projects involving excavation into native soils materials shall include a provision to retain a professional archaeologist to monitor that period of excavation, so that archaeological resources exposed during grading, if any, can be identified, evaluated and scientifically important information preserved. Archaeological monitors shall be equipped to recover resources as they are unearthed and to avoid construction delays. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Qualified archaeological personnel shall prepare recovered specimens to a point of identification and permanent preservation. Qualified archaeological personnel shall identify the nature and importance of the resource, and curate significant specimens into the collections of an appropriate, established, and accredited museum repository with permanent retrievable archaeological storage. The monitoring archaeologist shall submit a report to the Department of Planning and Building that documents findings and the disposition of any important archaeological materials that were recovered, prior to completion of the project. **(Program EIR No. 09-001 MM 4.3.A-1)**
 4. Contractor specifications for street improvement projects involving excavation into native soils materials shall include a provision to retain a qualified paleontologist if resources are uncovered to monitor that period of excavation, so that resources exposed during grading can be identified, evaluated and scientifically important information preserved. Monitors shall be equipped to recover resources as they are unearthed and to avoid construction delays. Monitors shall be empowered to temporarily halt or divert equipment to allow

removal of abundant or large specimens. Qualified paleontological personnel shall prepare recovered specimens to a point of identification and permanent preservation. Qualified personnel shall identify the nature and importance of the resource, and curate significant specimens into the collections of an appropriate, established, and accredited museum repository with permanent retrievable paleontological storage. The paleontological monitor shall submit a report to the Department of Planning and Building that documents findings and the disposition of any important paleontological materials that were recovered, prior to completion of the project. **(Program EIR No. 09-001 MM 4.3.B-1)**

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.