

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

**TO:** Zoning Administrator  
**FROM:** Hayden Beckman, Planning Aide  
**DATE:** December 4, 2013

**SUBJECT: DRAFT MITIGATED NEGATIVE DECLARATION NO. 13-007 (MAGNOLIA STREET BRIDGE PREVENTATIVE MAINTENANCE DECLARATION)**

**LOCATION:** The project site is the existing Magnolia Street bridge, spanning approximately 145 linear feet over the Huntington Beach Channel, a tidally influenced waterway connecting the Pacific Ocean with the Talbert and Magnolia marshes. The project rehabilitation area includes support structures beneath the roadway surface and rockslope protection extending into the Huntington Beach Channel beneath the bridge. The property is not designated as a hazardous waste property on any of the lists of such sites pursuant to Section 65962.5 of the Government Code.

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**Applicant/  
Property**

**Owner:** Jo Claudio, P.E., Public Works Department, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

**Request:** To analyze the potential environmental impacts associated with maintenance activities on the existing Magnolia Street bridge to restore the integrity of its original design. Repair/rehabilitation would require the following maintenance measures: Removal and replacement of the concrete barrier and chain link railing on both sides of the bridge with corrosion-resistant materials such as stainless steel fence posts and epoxy coated reinforcing steel. Removal and replacement of existing asphalt concrete (AC) overlay to protect the bridge and channel from water leaks and to provide a durable driving surface. Removal of unsound concrete and patch concrete (or shotcrete) at the bridge pier walls. Concrete work over or near the channel will require working platforms with fully enclosed protective covers. Restoration of the original rock slope protection in the channel embankment area will include 142 square yards of rock slope protection fabric placed over the area and 142 cubic yards of ¼ ton rock, 3-feet thick would be placed over the fabric. All existing utilities attached or adjacent to the bridge will be protected in-place.

**Zone:** ROW (Right-of-Way)

**General Plan:** ROW (Right-of-Way)

**Existing Use:** Magnolia Street Bridge with four traffic lanes and two pedestrian sidewalks.

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

**SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 13-07:**

1. The Mitigated Negative Declaration No. 13-07 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 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 impacts to nesting habitat for bird species protected by the Migratory Bird Treaty Act, the potential discovery of human remains, or archaeological or paleontological resources during ground-disturbing activities, and construction noise.
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. 13-07, 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 sensitive wetlands managed by the Huntington Beach Wetlands Conservancy, 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 up to 8 hours every two weeks, outside of nesting season, or as deemed appropriate by regulatory agencies, to ensure that project-related activities do not incur impacts greater than anticipated. During nesting season, the biological monitor should be present up to 8 hours weekly, or as deemed appropriate by regulatory agencies, 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** and **PDF-5**. 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.

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 the Federal/State listed species and special status species. 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. **(Mitigation Measure)**

3. 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)**
4. 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)**
5. 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)**
6. The construction contractor shall ensure that all construction equipment is located so that emitted noise is directed away from sensitive noise receivers. **(Mitigation Measure)**
8. 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)**
9. 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)**
10. 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.