

FINAL

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Park Avenue Bridge Replacement Project

Lead Agency:

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
Contact: Mr. Fong Tse, P.E.
949.644.3321

Prepared by:

RBF CONSULTING
14725 Alton Parkway
Irvine, California 92618-2069
Contact: Mr. Alan Ashimine
949.472.3505

November 2014

JN 130307

This document is designed for double-sided printing to conserve natural resources.



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1.0 INTRODUCTION

The Park Avenue Bridge Replacement Project (herein referenced as the “project”) proposes demolition of the existing Park Avenue Bridge, and construction of an improved seismically-reinforced bridge over the Grand Canal. The new bridge would include 11-foot vehicle lanes, 6-foot raised sidewalks, and Americans with Disabilities Act (ADA)-compliant switchback ramps. The new bridge structure would be slightly wider than the existing bridge, with a width of approximately 36 feet (compared to the existing width of approximately 30 feet). The improved bridge structure would be positioned within existing City right-of-way (ROW), and does not include nor require any ROW acquisition. Bridge lighting would be provided for both pedestrian safety and architectural character. To maintain access between Balboa Island and Little Balboa Island during construction activities, the project would include the installation of a temporary bridge over the Grand Canal at Balboa Avenue, which would allow for demolition of the entire Park Avenue Bridge at one time and reconstruction in a single phase. Construction of the proposed project would take approximately 10 months to complete. Following a preliminary review of the proposed project, the City of Newport Beach has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects of the project, as proposed.

In accordance with the *California Environmental Quality Act (CEQA) Guidelines*, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed project.

The IS/MND was made available for public review and comment pursuant to *CEQA Guidelines* Section 15105. The public review commenced on October 6, 2014 and expired on November 5, 2014. The IS/MND and supporting attachments were available for review by the general public at:

- City of Newport Beach Public Works Department, 100 Civic Center Drive, Newport Beach, CA, 92660;
- Newport Beach Public Library (Corona del Mar Branch), 420 Marigold Avenue, Corona Del Mar, CA 92625;
- Newport Beach Public Library (Mariners Branch), 1300 Irvine Avenue, Newport Beach, CA 92660;
- Newport Beach Public Library (Balboa Branch), 100 East Balboa Boulevard, Newport Beach, CA 92660;
- Newport Beach Public Library (Central Library), 1000 Avocado Avenue, Newport Beach, CA 92660; and
- the City's website at <http://www.newportbeachca.gov/index.aspx?page=1347>.



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2.0 RESPONSES TO COMMENTS

During the public review period, comments were received on the Draft IS/MND from public agencies and private parties. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

- A. Donald L. Abrams, Broker, Abrams Coastal Properties, email correspondence dated October 12, 2014.
- B. Bill Thomas, dated October 20, 2014.
- C. Michael Cushing, dated October 21, 2014.
- D. Patricia Martz, President, California Cultural Resources Preservation Alliance, Inc., dated October 22, 2014.
- E. Glenn S. Robertson, Engineering Geologist, Regional Planning Programs Section, CEQA Coordinator, Santa Ana Regional Water Quality Control Board, e-mail correspondence dated October 23, 2014.
- F. Laree Brommer, Manager, Planning Division, OC Public Works, dated October 31, 2014.

Although and the State CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, the City has elected to prepare the following responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project.

Each comment letter is bracketed and coded, and correlates to the letter assigned to each comment as identified in the list above.

COMMENT LETTER A

From: Don Abrams [<mailto:don@abramscoastal.com>]
Sent: Sunday, October 12, 2014 8:38 PM
To: Tse, Fong
Subject: Little Balboa Island bridge

Hi Fong:

Regarding the bridge, I have 3 comments:

1. I would urge you to consider re-routing incoming Island traffic to make a right turn on the North Bayfront alley and then make Onyx a one-way street and have traffic go left there so we can avoid a huge traffic jam at Marine and Balboa Avenues. Marine could be one-way only in the 300 block which would also ease congestion. See map attached. A1
2. The pedestrian walkway across the bridge exits to the north and I think the more logical place is to the south. See map. A2
3. As discussed at meetings, Little Island residents would like to have permit parking during construction. A3

Is there anything more I should be doing to furthering these comments? Please advise.

Sincerely,

Don

Donald L. Abrams, Broker
Abrams Coastal Properties



315 Marine Avenue
Balboa Island, CA 92662

Ofc. (949) 675-4822
Cell (714) 325-9055
Fax (949) 675-5547

don@abramscoastal.com
www.abramscoastalproperties.com

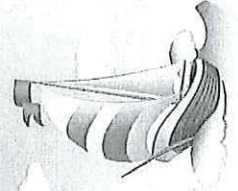


Little Balboa Island

Balboa Island

**ABRAMS
COASTAL
PROPERTIES**

Newport Bay





- A. **RESPONSE TO COMMENTS FROM DONALD L. ABRAMS, BROKER, ABRAMS COASTAL PROPERTIES, DATED OCTOBER 12, 2014.**
- A1. The commenter suggests that southbound traffic along Marine Avenue during construction be re-routed to make a right turn on the North Bayfront alley, and then make Onyx Avenue a one-way street to avoid traffic congestion at Marine and Balboa Avenues. While the commenter's concerns related to traffic congestion are noted, the Draft IS/MND included a detailed, quantitative traffic analysis that analyzed traffic impacts a numerous local intersections during the temporary construction process. Based on this detailed traffic analysis, it was determined that the Marine Avenue/Balboa Avenue intersection would operate at an acceptable Level of Service (LOS) of LOS "B" during both the a.m. and p.m. peak hours; refer to page 4.16-4 of the Draft IS/MND. As such, a less than significant impact would result in this regard.
- A2. The commenter suggests that the alignment for the pedestrian access walkway on the temporary bridge structure at Balboa Avenue be located to the south of the bridge structure, rather than the north. The ultimate determination for the location of the pedestrian access walkway on the temporary bridge structure would be subject to refinement during final design of the bridge. A number of variables would factor into the placement of the walkway, including final design criteria, ADA requirements, pedestrian safety, and discussions with affected homeowners. The pedestrian walkway is expected to result in a similar range of environmental impacts, regardless of which side of the bridge it is constructed on.
- A3. The analysis of parking impacts is not a required area of topical analysis under the CEQA Guidelines. However, as part of the final design process, the City would consult with affected homeowners and property owners to determine the most prudent method of minimizing parking impacts during the temporary construction process.

WILLIAM E. THOMAS
301 Grand Canal
Newport Beach, CA 92662
(951) 782-8812

October 20, 2014

VIA EMAIL (FTse@newportbeachca.gov)

Fong Tse
Principal Civil Engineer
Public Works Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Balboa Island Temporary Bridge

Dear Mr. Tse:

I am the owner of 301 Grand Canal on Balboa Island, located on the North corner of Balboa Ave. and the Grand Canal on the Big Island. I am also currently in escrow to purchase 227 Grand Canal, located on the South corner of Balboa Ave. and the Grand Canal on the Big Island.

I understand that the temporary bridge to be placed on Balboa Ave. during the reconstruction of the bridge between the Big Island and the Little Island will include a pedestrian walkway. On the illustrations provided by you a few months ago at one of the meetings regarding the bridge replacement project, the walkway was depicted on the North side of the temporary bridge. I urge you to place the pedestrian walkway on the **SOUTH** side of the temporary bridge for safety and traffic flow reasons.

I have lived on the Grand Canal for over 10 years. As anyone familiar with the Balboa Island can attest, the overwhelming majority of the foot traffic flows to and from the South Bayfront of the Island. This flow is due in large part to the harbor views and water-based activities afforded by the South Bayfront and the location of the Ferry. In addition, there is heavy daily foot traffic to and from the Starbucks on the South corner of Marine Ave. and Balboa Ave.

The natural place to put the walkway is on the South side of the temporary bridge. If the pedestrian walkway is on the North side, many pedestrians will unsafely jaywalk across Balboa Ave. in front of the temporary bridge, instead of using the crosswalk at the intersection of Balboa Ave. and Marine Ave., as they walk to/from the South Bayfront or Starbucks or other Marine Ave. merchants.

Wherever the pedestrian walkway is placed, North or South, it will severely impact two of the four property owners at the corner of Balboa Ave. and Grand Canal on the Big and Little

B1

Islands as pedestrians will essentially walk off the bridge just about into the front patios of the affected owners. As the new owner of 227 Grand Canal on the South corner, I have no issue with the pedestrian walkway being placed on the SOUTH side of the temporary bridge.

B1

Thank you for your attention to this matter. If you have any questions or if I can do anything else to further these comments, please do not hesitate to contact me at 951-782-8812.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Thomas", written in a cursive style.

Bill Thomas



B. RESPONSE TO COMMENTS FROM BILL THOMAS, DATED OCTOBER 20, 2014.

- B1. The commenter requests that the pedestrian access walkway be located to the south of the proposed temporary bridge structure, rather than the north; refer to Response to Comment A2, above.

COMMENT LETTER C

October 21, 2014

Fong Tsa, Principal Civil Engineer
Public Works Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Dear Mr. Tsa:

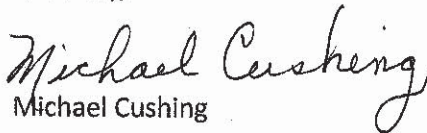
I have a few questions and concerns relative to the demolition of the Park Avenue bridge and the construction of the new bridge connecting Balboa Island to Little Balboa Island.

My residence is 201 Grand Canal which is located adjacent to the existing bridge. Some of my concerns are; when the demolition of the existing bridge begins there will be heavy equipment used to demolish and remove the existing bridge. In addition when the new bridge is under construction, again there will be heavy equipment etc. used to build the bridge. Will this cause excessive shaking to my home? My home is only a few years old. The exterior of my home is smooth stucco. Will the heavy equipment cause shaking of my home which in turn could cause the smooth stucco to crack, cause cracks in my walls, my patio slab and perhaps damage to my windows? If this should happen, who will be responsible for any cost of repairs that may occur to my home related to the demolition and new construction of the bridge?

C1

Would appreciate your advice regarding this matter.

Sincerely,


Michael Cushing

201 Grand Canal

Balboa Island, CA 92662

Phone: 949-673-5249



C. RESPONSE TO COMMENTS FROM MICHAEL CUSHING, DATED OCTOBER 21, 2014.

- C1. As noted on page 4.12-5 of the Draft IS/MND, ground-borne vibration from construction equipment at the project site would range from approximately 0.075 to 0.191 inch-per-second peak particle velocity (PPV) at a distance of 15 feet from the source of activity. The residence located at 201 Grand Canal is located approximately 15 feet from the nearest construction activity area for the project. The identified maximum PPV of 0.191 is below the established Federal Transit Administration (FTA) criteria for architectural damage to buildings.

In addition, the City evaluated numerous options for pile driving that would be required for construction of the project. Since impact pile drivers typically generate substantially greater vibration during the pile driving process, the City has opted for cast in drilled hole (CIDH) or vibratory pile driving to further minimize impacts to adjacent properties. Therefore, based on the analysis provided within the Draft IS/MND, a less than significant impact would occur with regard to ground-borne vibration.



C O N S E R V A T I O N C O U N C I L R E S E A R C H A N D A R C H A E O L O G I C A L S C I E N C E S

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

October 22, 2014

Fong Tse, Principal Civil Engineer
Public Works Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Mitigated Declaration for the Park Avenue Bridge Replacement Project

Dear Mr. Tse:

Thank you for the opportunity to comment on the above mentioned project. We concur with the findings that cultural resources were not observed during the archaeological investigations. Mitigation measure Cul-1 is an appropriate treatment in the event that buried cultural deposits are discovered during construction. Item d, page 4.5-3) regarding disturbance of any human remains, states that there is a less than significant pact with mitigation incorporated and cites Health and Safety Code Section 7050.5. This is an appropriate treatment in the unlikely event that human remains are encountered, but it is not given a mitigation designation, and the section "Mitigation Measures" states "No mitigation is required".

D1

Please address this discrepancy.

Thank you,

Patricia Martz, Ph.D.
President



D. RESPONSE TO COMMENTS FROM PATRICIA MARTZ, PRESIDENT, CALIFORNIA CULTURAL RESOURCES PRESERVATION ALLIANCE, INC., DATED OCTOBER 22, 2014.

- D1. As noted on page 4.5-3 of the Draft IS/MND, in the event that human remains are found on the project site during construction activities, the City would be required to comply with State of California Public Resources Health and Safety Code Section 7050.5, and Section 5097.98 of the California Public Resources Code. Health and Safety Code Section 7050.5 contains provisions if any human remains are accidentally discovered during excavation of a site, while Section 5097.98 of the California Public Resources Code requires the City to notify the County Coroner and Native American Heritage Commission, as well as and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains.

Since Health and Safety Code Section 7050.5 is an existing State regulation (thus making its implementation mandatory for all projects in California), it is unnecessary to include this requirement as a mitigation measure.

From: Robertson, Glenn@Waterboards [<mailto:Glenn.Robertson@waterboards.ca.gov>]
Sent: Thursday, October 23, 2014 10:03 AM
To: Tse, Fong
Cc: Shibberu, Doug@Waterboards; Brown, Marc@Waterboards; Adelscn, Mark@Waterboards; Cross, Wanda@Waterboards
Subject: IS-MND for Park Avenue Bridge Replacement Project, Balboa Island, City of Newport Beach

CEQA Response To Fong Tse, Principal Civil Engineer

Public Works Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Thank you for the opportunity to comment by email on the Initial Study for a Mitigated Negative Declaration, issued October 6, 2014, for the proposed Park Avenue Bridge Replacement Project between Balboa Island and Little Balboa Island (Project).

The existing degrading traffic bridge over the Grand Canal at Park Avenue will be demolished. The City will install a new pre-cast bridge in its place, with vertical curve profile, freeboard, pier positions, and connecting seawalls very much like the existing one. However, the new bridge will be six feet wider (36 feet vs. 30 feet) and have three spans instead of five. Sixty-foot lengths of secant pile walls will replace the existing seawalls. For crossings during the construction period, the City will construct a temporary bridge with eight piers at Balboa Avenue to the north.

Eelgrass and the habitat it provides is prevalent throughout the Grand Canal, except in the shade beneath the existing bridge. A pre-Project, post-Project, and 12-month post-Project sequence of surveys will be conducted to determine actual impacts to eelgrass (MM BIO-1 and MM BIO-2, MND p.4.4-4). For anticipated impacts, compensatory mitigation will consist of eelgrass planting in the Grand Canal, conducted at no less than a 1:1 ratio in compliance with the Southern California Eelgrass Mitigation Policy (MM BIO-2) and the City's eelgrass mitigation program. MND p.4.4-4 and -5 state that consultation with the resource agencies (Coastal Commission, U.S. Army Corps of Engineers, Regional Board; include California Dept. of Fish and Wildlife?) regarding the mitigation ratio will occur prior to any construction activities that would adversely impact eelgrass (MM BIO-4), yet the ultimate mitigation ratio would depend on the above-referenced surveys. The MND projects that 0.004 acre of permanent impacts would occur at both the Park and Balboa Avenue bridges, with 0.006 acre of temporary impacts at the Balboa Avenue bridge.

E1

Board staff believes that appropriate mitigation is being considered by the City at this evaluation stage of the Project. For the anticipated Clean Water Act Section 401 Water Quality Standards Certification, the calculated area of a now wider bridge (perhaps two) and pilings, plus their maximum influential shade cast and the impact of that greater area of shading, should be considered in the eventual square feet of area to mitigate for. Planting at a greater ratio of 1:1 could be considered for needed areas even outside of the Grand Canal. You may contact Marc Brown of our office regarding any questions about the Certification process or application, at 951-321-4584 or Marc.Brown@waterboards.ca.gov

E2

We appreciate the upcoming consultation to determine the mitigation area(s), which will compensate for permanent and temporal losses of the beneficial uses EST*, WILD, SPWN listed in the Water Quality Control Plan for the Santa Ana River Basin, 1995 (Basin Plan). *Estuarine Habitat; Wildlife Habitat; Spawning, Reproduction, and Development.

Glenn S. Robertson
Engineering Geologist, M.S., PG
Regional Planning Programs Section, CEQA Coordinator
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-3259
Fax: 951-781-6288
Email: Glenn.Robertson@waterboards.ca.gov



- E. RESPONSE TO COMMENTS FROM GLENN S. ROBERTSON, ENGINEERING GEOLOGIST, REGIONAL PLANNING PROGRAMS SECTION, CEQA COORDINATOR, SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD, E-MAIL CORRESPONDENCE DATED OCTOBER 23, 2014.
- E1. The commenter provides a summary of the project description and mitigation applying to biological resources (as discussed in Section 4.4, Biological Resources) in the Draft IS/MND. It should be noted that the California Department of Fish and Wildlife (CDFW) is not referenced within Mitigation Measure BIO-4, since the CDFW does not have jurisdiction over saline waters.
- E2. The commenter agrees that the proper mitigation for impacts to eelgrass in the Grand Canal are considered in the Draft IS/MND. As discussed on page 4.4-4 of the Draft IS/MND, per the Southern California Eelgrass Mitigation Policy, the ultimate mitigation ratio would be dependent on the results of the required pre- and post-construction eelgrass surveys, but shall be no less than a 1:1 mitigation ratio unless otherwise agreed upon by the resource agencies.



October 31, 2014

NCL-14-033

Mr. Fong Tse, Principal Civil Engineer
Public Works Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660

Subject: Notice of Availability and Intent to Adopt Mitigated Declaration for the Park Avenue Bridge Replacement Project

Dear Mr. Tse:

The County of Orange has reviewed the Notice of Availability and Intent to Adopt Mitigated Declaration for the Park Avenue Bridge Replacement Project and offers the following comments:

Environmental Resources:

- 1. It is noted in the Initial Study/ Mitigated Negative Declaration acknowledges the need to prepare a Water Quality Management Plan (WQMP) to address long-term operational surface water quality impacts of the projects.
- 2. A key focus of the City of Newport Beach’s WQMP should be incorporation of the United States Environmental Protection Agency (USEPA) guidance, “Managing Wet Weather with Green Infrastructure: Green Streets” in a manner consistent with the maximum extent practicable (MEP) standard. A copy of the guidance is included in Appendix B of the County of Orange Model WQMP (<http://ocwatersheds.com/documents/wqmp/tgd/>).
- 3. Regarding the Initial Study/Mitigated Negative Declaration, the following text errors were noted:
 - Section 4.9a (page 4.9-2, first paragraph under Long-Term Impact), references NPDES Order R9-2009-002. The correct NPDES Order should read R8-2009-0030.
 - Section 4.9i (page 4.9-4, first sentence after “less Than Significant Impact”), includes reference to footnote number 4. There does not appear to be a footnote number 4 in this section.

F1

F2

F3

F4

If you have any questions or need clarification please do not hesitate to contact Jennifer Shook at (714) 955-0671.

Sincerely,



Laree Brommer, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Laree.brommer@ocpw.ocgov.com

cc: Chris Crompton, Manager, OC Public Works/Environmental Resources



- F. **RESPONSE TO COMMENTS FROM LAREE BROMMER, MANAGER, PLANNING DIVISION, OC PUBLIC WORKS, DATED OCTOBER 31, 2014.**
- F1. The commenter notes that the Draft IS/MND acknowledges the need for the project to provide a Water Quality Management Plan (WQMP) to address long-term operational surface water quality impacts. This comment is informational and does not address the adequacy of the Draft IS/MND. No response is necessary.
- F2. The commenter provides a description of U.S. Environmental Protection Agency (USEPA) water quality requirements. The WQMP to be prepared for the project would be consistent with Federal, State, and local requirements.
- F3. The requested change to the permit numbering on page 4.9-2 of the Draft IS/MND will be revised in the Final IS/MND; refer to the Errata section of this document.
- F4. The requested change for footnote number 4 on page 4.9-4 of the Draft IS/MND will be revised in the Final IS/MND; refer to the Errata section of this document.



ERRATA

Changes to the Draft Initial Study and Mitigation Negative Declaration (IS/MND) are noted below. A double-underline indicates additions to the text; strikeout indicates deletions to the text. Changes have been analyzed and responded to in the Responses to Comments, above. The changes to the Draft IS/MND do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

Page 4.9-2 of the Draft Initial Study and Mitigated Negative Declaration (IS/MND) will be modified in the Final IS/MND, as follows:

- a) Violate any water quality standards or waste discharge requirements?

Long-Term Impacts

The proposed project would be required to implement a Water Quality Management Plan (WQMP) under the City of Newport Beach General Plan and Coastal Land Use Plan (CLUP) to minimize impacts related to long-term operational water quality. The project is located within the urban Municipal Separate Storm Sewer System (MS4) NPDES permitted area (NPDES Order ~~R9-2009-0002~~ R8-2009-0030) in Orange County. Drainage from the project drains to the Grand Canal in the Lower Newport Bay, which is a Section 303 impaired water body for Chlordane, Copper, Dichlorodiphenyltrichloroethane (DDT), Indicator Bacteria, Nutrients, Polychlorinated biphenyls (PCBs), Pesticides, and Sediment Toxicity. Total Maximum Daily Loads (TMDLs) have been developed for Selenium, Nutrients, Fecal Coliform Bacteria, Organochlorine Compounds (pesticides), and Sediment.

Page 4.9-4 of the Draft IS/MND will be revised in the Final IS/MND, as follows:

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. As noted above, the proposed project site is located within a 100-year flood hazard area.⁴ However, as noted above in Responses 4.9(d), 4.9(g), and 4.9(h), none of the proposed improvements would expose people or structures to a significant risk related to flooding. An existing 12-inch thick seawall consisting of interlocking reinforced concrete sheet pile is located beneath the existing bridge and along the entire length of the Grand Canal. The project would rebuild the deteriorating seawalls under the proposed Park Avenue Bridge abutments as part of final design and construction. The existing seawalls would be replaced with a 60-foot length of secant pile wall with 24-inch diameter piles, and six inch concrete wall facing. All adjacent seawall areas would be protected-in-place. While the project would involve improvements to the existing seawall along the Grand Canal to allow for implementation of the Park Avenue Bridge, the improvements would not affect the canal's flood protection capacity. Impacts in this regard would be less than significant.



3.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (*Public Resources Code* Section 21081.6).

In compliance with *Public Resources Code* Section 21081.6, the attached *Mitigation Monitoring and Reporting Program* has been prepared for the proposed Park Avenue Bridge Replacement Project. This *Mitigation Monitoring and Reporting Program* is intended to provide verification that all mitigation measures identified in the Initial Study prepared for the project are monitored and reported. Monitoring will include 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the project file.

This *Mitigation Monitoring and Reporting Program* delineates responsibilities for monitoring the project, but also allows the City of Newport Beach flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the *Mitigation Monitoring and Reporting Program*, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in *CEQA Guidelines* Section 15162. No change will be permitted unless the *Mitigation Monitoring and Reporting Program* continues to satisfy the requirements of *Public Resources Code* Section 21081.6.



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MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
AESTHETICS						
AES-1	Prior to final plan approval, the City of Newport Beach Public Works Department shall ensure that project specifications require that all construction and construction staging areas are sited and/or screened with temporary fencing in order to minimize impacts to public views to the maximum extent feasible. The fencing shall be comprised of opaque material to shield views from surrounding sensitive viewers. In addition, equipment/materials storage and any vehicle parking shall be sited such that their visibility from adjacent receptors is reduced to the greatest extent feasible.	Review of Final Plans; Construction Inspections	Prior to Approval of Final Plans; During Construction	City of Newport Beach Public Works Department		
AES-2	For any nighttime lighting required for the project, the City of Newport Beach Public Works Department shall ensure that the contract documents require the construction contractor and/or bridge contractor to use the minimum amount and intensity of lighting required for safety purposes. The lighting shall be shielded and directed towards the specific area of construction, and away from surrounding sensitive uses to the extent practicable.	Review of Final Plans; Construction Inspections	Prior to Approval of Final Plans; During Construction	City of Newport Beach Public Works Department		
AIR QUALITY						
AC-1	Prior to issuance of any Grading Permit, the City shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition,	Review of Grading and Building Plans; Construction Inspections	Prior to Issuance of Grading Permit; Ongoing During Construction	City of Newport Beach Public Works Department		



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures (among others required by Rules 402 and 403) would reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> • All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust; • Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance; • Any on-site stockpiles of debris, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied; • All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour; 						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area; Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible; All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site; and Reroute construction trucks away from congested streets or sensitive receptor areas. 						
BIOLOGICAL RESOURCES							
BIO-1	<p>Prior to project implementation, the City of Newport Beach shall thoroughly map the area, distribution, density and relationship to depth contours of any eelgrass beds that have the potential to be directly or indirectly impacted by project construction. Factors to be considered in delineating potential habitat areas include appropriate circulation, light, sediment, slope, salinity, temperature, dissolved oxygen, depth, proximity to eelgrass, history of eelgrass coverage, etc. All mapping efforts should be completed during the active growth phase for the vegetation (generally March through October) and shall be valid for a period of 60 days with the exception of surveys completed in August - October. Surveys completed in August - October</p>	Preparation of Pre- and Post-Construction Eelgrass Surveys	Pre-Construction Survey Conducted During Active Eelgrass Growth Phase; Post-Construction Survey Conducted within 30 Days of Completion of Construction and 12 months after construction	City of Newport Beach Public Works Department			



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BIO-2	<p>shall be valid until the resumption of active growth (i.e., in most instances, March 1).</p> <p>After project construction, the City of Newport Beach shall conduct a post-project survey within 30 days and the results shall be sent to the resource agencies. The actual area of impact shall be determined from the post-project survey. An additional survey shall be completed after 12 months to ensure that the project or impacts attributable to the project have not exceeded the allowed limits. If the post-project or 12 month survey demonstrates a loss of eelgrass greater than the allowed limit, then mitigation pursuant to Sections 1-11 of the Southern California Eelgrass Mitigation Policy shall be required.</p> <p>The City of Newport Beach shall ensure that compensatory mitigation is provided in accordance with the Southern California Eelgrass Mitigation Policy (NMFS, 1991 as amended, Revision 11) for temporary impacts to eelgrass. Such mitigation may include planting eelgrass within the temporarily affected area and throughout the Grand Canal to offset impacts to eelgrass and increase the amount of eelgrass within the Grand Canal. The City of Newport Beach shall develop the compensatory mitigation program in consultation with the resource agencies prior to any construction activities that have the capacity to result in adverse impacts to eelgrass. Per the Southern California Eelgrass Mitigation Policy, the ultimate mitigation ratio shall be dependent on the results of the pre- and post-construction eelgrass surveys, but shall be no less than a 1:1 mitigation</p>	Consultation with Resource Agencies	Pre-Construction Survey Conducted During Active Eelgrass Growth Phase; Post-Construction Survey Conducted within 30 Days of Completion of Construction and 12 months after construction	City of Newport Public Works Department		



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BIO-3	<p>ratio unless otherwise agreed upon by the resource agencies.</p> <p>If construction occurs between February 1st and August 31st, the following shall be implemented:</p> <ul style="list-style-type: none"> A pre-construction survey shall be conducted prior to construction activities to determine the presence or absence of nesting birds within the BSA. A qualified biologist shall conduct the survey. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest is estimated. No additional measures need to be implemented if active nests are more than the following distances from the nearest work site: a) 500 feet for raptors or listed species; or b) 250 feet for non-listed passerines. Nests within these distances from the project site shall have a no-disturbance buffer implemented around them. The buffer shall be a minimum 250 feet for non-listed passerines and a minimum 500 feet for raptors or listed species. This distance may be increased according to the judgment of the qualified biologist, and may be decreased only with approval from the CDFW. A qualified biologist shall periodically monitor any confirmed nest sites (with no-disturbance buffers) during construction to 	Prior to and During Construction Activities	Prior to and During Construction Activities	City of Newport Public Works Department; Project Biologist (if necessary)			



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	determine if grading activities occurring outside the buffer zone disturb the birds and if the buffer zone should be increased to prevent nest abandonment. The nest trees shall be monitored until all nests have been abandoned (for non-project related reasons) or the young have fledged. If no nesting birds are found on-site during this time period, construction activities may continue as planned.						
BIO-4	Prior to any construction activity within the Grand Canal, the City of Newport Beach shall consult with the appropriate responsible resource agency (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Coastal Commission) to verify delineation results, determine permanent losses and temporary impact areas, and identify compensatory mitigation, as applicable. Prior to undertaking ground-disturbing activities on or immediately adjacent to any aquatic resource areas, the City of Newport Beach and/or their consultant shall obtain all obligatory discretionary permits/authorizations.	Permit Acquisition Process through U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Coastal Commission	Prior to Construction Activity Within the Grand Canal; Regulatory Permit Issuance	City of Newport Beach Public Works Department			
CULTURAL RESOURCES							
CUL-1	If evidence of subsurface archaeological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, an archaeologist certified by the County of Orange shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall	During Construction Activities	During Construction Activities	City of Newport Beach Community Development Director; Project Archaeologist (if necessary)			



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CUL-2	<p>collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations, and cost estimates.</p> <p>If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Newport Beach Community Development Director. With direction from the Community Development Director, a paleontologist certified by the County of Orange shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.</p>	During Construction Activities	During Construction Activities	City of Newport Beach Community Development Director; Project Paleontologist (if necessary)		
GEOLOGY AND SOILS						
GEO-1	<p>Prior to the approval of design plans for the proposed project, the City of Newport Beach Department of Public Works shall ensure that the proposed project meets the design parameters identified in the Caltrans Seismic Design Criteria and Caltrans Bridge Design Aids.</p>	Review and Approval of Final Design Plans	Prior to Approval of Design Plans	City of Newport Beach Public Works Department		
HAZARDS AND HAZARDOUS MATERIALS						
HAZ-1	<p>In the event construction activities associated with the proposed project result in the disturbance of traffic striping materials, the City of Newport Beach Public Works Department shall ensure that generated wastes are transported and disposed of at an appropriate, permitted disposal facility as determined by a qualified lead specialist. The traffic striping materials shall be</p>	During Demolition Activities	During Demolition Activities	City of Newport Beach Public Works Department		



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	contained/transported and properly disposed of in accordance with the Federal, State, and local laws and regulations.						
HAZ-2	In the event any pole-mounted electrical transformer must be relocated during project construction activities, the construction contractor shall ensure that the relocation is conducted under the local purveyor to identify properly-handling procedures regarding potential PCBs, if applicable.	Ongoing During Construction	Ongoing During Construction	City of Newport Beach Public Works Department			
HAZ-3	Prior to demolition of the existing bridge structure, a Certified Environmental Professional shall be retained by the City of Newport Beach to confirm the presence or absence of ACMs. Abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.	Prior to Demolition of Existing Park Avenue Bridge Structure	Asbestos Abatement to be Completed Before Any Activities That Would Disturb Asbestos Containing Materials	City of Newport Beach Public Works Department			
HAZ-4	Prior to demolition activities, procedures shall be established, subject to review and approval by the City of Newport Beach Public Works Department, whereby all utility personnel and contractors who may be conducting work within the buildings shall be informed, prior to initiating work, as to the presence of ACMs, their location, type, and conditions.	Prior to Demolition Activities	Prior to Demolition Activities	City of Newport Beach Public Works Department			
HAZ-5	During demolition of the existing bridge structure, the generated waste shall be disposed of at an appropriate, permitted disposal facility as determined by a lead specialist retained by the City of Newport Beach Public Works Department. The waste shall be contained/transported and properly	During Demolition of Existing Park Avenue Bridge Structure	During Demolition of Existing Park Avenue Bridge Structure	City of Newport Beach Public Works Department			



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NOISE							
N-1	<p>Prior to issuance of any Grading Permit or Building Permit for new construction, the City of Newport Beach Public Works Department shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:</p> <ul style="list-style-type: none"> All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. The City shall provide a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Department. The contact name and the telephone number for the Disturbance Coordinator shall be clearly posted on-site. 	Review of Grading Plans, Building Plans, and Specifications	Prior to Grading or Building Permit Issuance	City of Newport Beach Public Works Department			



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	<ul style="list-style-type: none"> During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. Construction activities that produce noise shall not take place outside of the allowable hours specified by the City's Municipal Code Section 10.28.040 (7:00 a.m. and 6:30 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays; construction is prohibited on Sundays and/or federal holidays). 						