

MITIGATION MONITORING AND REPORTING PROGRAM

**SUPERIOR AVENUE PEDESTRIAN AND BICYCLE BRIDGE
AND PARKING LOT PROJECT
Newport Beach, CA
(Orange County)**

Prepared for:

CITY OF NEWPORT BEACH
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MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the construction phase of Superior Avenue Pedestrian And Bicycle Bridge And Parking Lot Project.

The City of Newport Beach (City) is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the project during which the required mitigation measure must be implemented;
- The phase of the project during which the required mitigation measure must be monitored; and
- The enforcement agency.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

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Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
Biological Resources							
<p>MM BIO-1: Project-related activities likely to have the potential to disturb suitable bird nesting habitat shall be prohibited from February 15 through August 31, unless a Project Biologist acceptable to the City of Newport Beach surveys the Project area prior to disturbance to confirm the absence of active nests. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment and/or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the Biologist in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City of Newport Beach to document compliance with applicable State and federal laws pertaining to the protection of native birds. Similarly, for preserved vegetation that occurs within 50 to 100 feet of construction activities, if construction is occurring during the nesting season, preserved vegetation shall be surveyed for the presence of nesting birds.</p>	Pre-Construction/Construction	Pre-Construction/Construction	City of Newport Beach	Less than Significant			
<p>MM BIO-2: Flag or install construction fencing or silt fencing along the proposed Project boundaries to delineate construction limits and to prevent encroachment into adjacent natural communities. The limits of both the Superior and West Coast Highway wetlands will be clearly demarcated in the field and all on-site construction personnel will be informed about the wetland avoidance area prior to the commencement of construction activities. The construction contractor will install a solid protective barrier that is clearly visible to construction personnel, particularly any construction equipment operators, and that prevents any incidental discharge of soil or debris into the jurisdictional wetlands. Furthermore, a biologist will monitor the construction work to ensure that encroachment into the wetlands does not occur.</p>	Pre-Construction/Construction	Pre-Construction/Construction	City of Newport Beach	Less than Significant			
<p>MM BIO-3: Gravel bags should be placed along the tops of the v-ditches in order to minimize erosion and to prevent construction debris and potentially hazardous materials from entering the waterway during a rain event.</p>	Construction	Construction	City of Newport Beach	Less than Significant			

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<p>MM BIO-4: <i>Artemisia californica-Eriogonum fasciculatum</i> Shrubland, a type of Coastal Sage Scrub (CSS), located within the proposed Project footprint should be avoided to the greatest extent feasible.</p> <ul style="list-style-type: none"> <i>Artemisia californica-Eriogonum fasciculatum</i> Shrubland located within the proposed Project footprint, that may be avoided, shall be flagged or construction or silt fencing should be installed along the avoidable vegetation to delineate construction limits and to prevent encroachment into adjacent natural communities. Any impacts to <i>Artemisia californica-Eriogonum fasciculatum</i> Shrubland which cannot be avoided will be mitigated through one of the following, in order of priority: <ul style="list-style-type: none"> Onsite Mitigation: Any temporary impacts to CSS will be revegetated within the Sunset Ridge planted area, in areas that are not currently vegetated. Specifically, there is an opportunity for revegetation in an area outside of the delineated wetlands that, with approval from the Commission, could provide additive benefits to the Sunset Ridge Park planted area, immediately to the northeast of the Project site along Superior Avenue. This will provide a continuation of the CSS habitat previously revegetated onsite. The City will replant the area to be equivalent to existing conditions, which consists of superior high-quality native vegetation with coverage of primarily CSS. If this area is not approved for revegetation by the Commission, alternative onsite mitigation opportunities will be evaluated. Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading. 	Pre-Construction/Construction	Pre-Construction/Construction	City of Newport Beach	Less than Significant			
<p>MM BIO-5: Following completion of the construction activities, the City will conduct monthly monitoring of the West Coast Highway wetlands to evaluate and document the associated conditions to determine if any unforeseen impacts from the proposed construction activities are occurring. This monthly monitoring will continue for up to one year, or until such time as it can be sufficiently demonstrated that the wetlands will continue to persist in perpetuity. If it is determined during post-construction monitoring that construction has resulted in an unexpected impact to the wetlands, appropriate remedial actions will be implemented by the City. For instance, an unforeseen disruption or obstruction of subsurface hydrology to the wetlands may warrant the City's provision of an alternative water source that would continue to supply sufficient water to sustain the wetlands.</p>	Post-Construction	Post-Construction	City of Newport Beach	Less than Significant			
Cultural and Paleontological Resources							

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MM CUL-1: If archaeological or paleontological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor, retained by the Developer. The monitor shall recommend next steps (i.e., additional excavation, curation, preservation, etc.). Therefore, impacts would be less than significant with mitigation incorporated.	Construction	Construction	City of Newport Beach	Less than Significant			
MM CUL-2: During proposed Project construction, activities will be halted, and an archaeologist must be available to evaluate the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Construction	Construction	City of Newport Beach	Less than Significant			
MM PALEO-1: All project-related ground disturbance that could potential impact the Monterey Formation and the Old Paralac Deposits will be monitored by a qualified paleontological monitor on a full-time basis, as these geologic units are determined to have a high paleontological sensitivity. Project-related excavations that occur in surficial younger alluvial deposits (not mapped in the current study area but existing in the vicinity) will be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not being impacted. Excavations exceeding 5 feet in depth in Quaternary alluvium will be monitored on a full-time basis.	Construction	Construction	City of Newport Beach	Less than Significant			
MM PALEO-2: A qualified paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project. Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert grading away from exposed fossils and halt construction activities in the immediate vicinity in order to professionally and efficiently recover the fossil specimens and collect associated data. The qualified paleontologist will prepare progress reports to be filed with the lead agency.	Construction	Construction	City of Newport Beach	Less than Significant			
MM PALEO-3: At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.	Construction	Construction	City of Newport Beach	Less than Significant			
MM PALEO-4: Matrix sampling would be conducted to test for the presence of microfossils. Testing for microfossils would consist of screen-washing small samples (approximately 200 pounds) to determine if significant fossils are present. If microfossils are present, additional matrix samples will be collected (up to a maximum of 6,000 pounds per locality to ensure recovery of a scientifically significant microfossil sample).	Construction	Construction	City of Newport Beach	Less than Significant			

