

Section 4(f) De Minimus Memorandum

Date: December 9, 2019

To: Caltrans District 12 - Division of Environmental Planning

From: Andy Tran
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(949) 644-3315

Subject: Section 4(f) De Minimus Memorandum
City of Newport Beach
Superior Avenue Pedestrian & Bicycle Bridge and Parking Lot Project

INTRODUCTION

The following Section 4(f) De Minimus Memorandum (Memo) has been prepared to address the Section 4(f) properties within the vicinity of the Superior Avenue Pedestrian & Bicycle Bridge and Parking Lot Project.

The Department of Transportation Act (DOT Act) of 1966 included a special provision, Section 4(f), which stipulated that the Federal Highway Administration (FHWA) and other Department of Transportation (DOT) agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use; or
- The FWHA determines that the use of the property will have a *de minimus* impact.

SECTION 4(F) DE MINIMUS DETERMINATION

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete.

The Federal Highway Administration's (FHWA) final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to Caltrans pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

PROJECT PURPOSE AND NEED

West Coast Highway and Superior Avenue are major arterials with a high volume of vehicular traffic. The purpose of the bridge is to improve safety and access to Sunset Ridge Park and to improve the vehicular efficiency of the Superior Avenue/West Coast Highway intersection. Specifically, the purpose and need of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.

PROJECT DESCRIPTION

The City of Newport Beach proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue and a new larger parking lot. Individual project components are outlined below.

Superior Avenue Pedestrian and Bicycle Bridge

The two options being considered for the bridge design include either a steel truss bridge or a concrete cast-in-place bridge as shown in the images below.

The Steel Truss bridge option would span Superior Avenue and would be approximately 240 feet long, 12 to 16 feet wide, and 16 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Steel Truss bridge would have steel members across the top of the bridge. This bridge option will be a single span bridge with piles to support the superstructure.

The Concrete cast-in-place bridge option would span Superior Avenue and would be approximately 280 feet long, 12 to 16 feet wide, and 8 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Concrete cast-in-place bridge would be open and not include any ceiling or roof. This bridge option will be a 3-span structure with deep concrete foundations to structurally support the superstructure.

Minimal lighting would be provided along the bridge for safety and security. The security lighting would be down-shielded to prevent light scatter.

A new staircase will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. Access to the bridge from Sunset Ridge Park will be from the southeastern edge of the park, adjacent to the intersection of the path from Superior Avenue to the park and the bike/pedestrian path surrounding the park. The bridge access from the Sunset Ridge Park side will be approximately 145 feet from the intersection of Coast Highway and Superior Avenue. Due to the installation of the bridge, the location of the traffic signal at the intersection of West Coast Highway and Superior Avenue will need to be modified in order to provide proper height and visibility. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The bridge is being designed to be mindful of view lines and the potential for visual obstruction.

Steel Truss Bridge Concept (Single Span)



Reinforced Concrete Cast-in-Place Bridge Concept (3-Span)



Superior Parking Lot

The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces approximately 3.4 acres in size. The total area of impervious surface will include the parking lot and sidewalks, which totals approximately 65,000 square feet. Minimal additional security lighting would be provided within the parking lot. for safety purposes The security lighting would be down-shielded to prevent light scatter. Drought tolerant landscaping will be provided, and new trees will be planted. The parking lot will be operated in the same manner as the existing parking lot with paid metered parking spaces from 8 a.m. to 6 p.m.; and the parking lot would remain open for 24 hours per day.

The construction of the proposed parking lot will require demolition of the existing parking lot and significant grading and earthwork. Excavation would be greatest (up to 27 feet) at the east side of the Project site. The construction of the new parking lot would also require installation of several retaining walls with a height of up to 25 feet on the southern border of the Project site along West Coast Highway. The existing Project site is on a relatively steep slope with ground elevations ranging from approximately 10 feet by West Coast Highway to approximately 75 feet by Sunset View Park per NVAD 88. Construction of the parking lot may include a bicycle node (fix-it station) and a drinking water fountain.

Open Space

This project also involves the construction of additional open space adjacent to the existing Sunset View Park. The proposed open space is located between the proposed parking lot and Sunset View Park and is approximately 0.1 ac in size. The open space will be landscaped with grass and other drought tolerant plants similar to the existing Sunset View Park.

Optional Road Extension to Adjacent Property

The City is currently working with the adjacent land owner (Hoag Memorial Hospital) to determine the feasibility of extending an access road through the redeveloped parking lot to connect to the lower campus of Hoag Memorial Hospital. If this option is to be exercised, the entrance from Superior Avenue will be extended to connect with the existing parking lot within Hoag Memorial Hospital.

Construction

Construction of the proposed Project is scheduled to begin in Summer of 2021 and reach completion in approximately 14 to 18 months. Since existing recreational activities occur at Sunset Ridge Park (soccer in the Fall and baseball in the Spring), construction activities would be scheduled during low usage months to avoid recreational events, or these events could be relocated to an alternate location temporarily if alternate/temporary parking cannot be allowed closer to the park.

The work will occur predominantly during daytime work hours (7:00 a.m. to 4:30 p.m.); however, occasional nighttime work may be required depending on bridge design to minimize public inconvenience and provide public safety. If the City decides to proceed with the steel truss bridge option, it is anticipated that Superior Avenue would be closed at night to accommodate the installation of the proposed bridge superstructure. For nights where street closures would occur, alternate traffic routes and detour signage would be posted so as not to interfere with the public's access to the beach per Section 21101 of the Vehicle Code and Section 21.44.055 Temporary Street Closures of the Local Coastal Program Implementation Plan (City of Newport Beach 2107b). In addition, depending on the bridge design, temporary re-striping of Superior Avenue may need to occur to construct the bridge supports. Construction equipment would include a grader, excavator, dozer, loader, crane, pile driver or drilling rig, grinder, dump trucks, rollers, and asphalt paving machine. Construction staging for the proposed Project would occur within the existing parking lot. After construction of the proposed Project, Superior Avenue may need pavement rehabilitation or restoration.

Construction of the proposed Project may require intermittent sidewalk closures on Superior Avenue and the north side of West Coast Highway for the construction of bridge abutments, grading, and modifying the existing entrance to the new parking lot and landscaping.

Construction will result in the excavation of excess soil, beyond what is required for fill purposes. This excess soil of approximately 20,000 to 25,000 cubic yards will be used to fill the need for soil in local projects and is expected to be transported to locations within a radius of approximately 50 miles. Any other construction debris would be disposed of by the construction contractor consistent with City disposal requirements and those of the receiving site.

Location And Existing Conditions

The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline (**Figure 1**). Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park.

Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. The existing Superior Parking Lot is approximately 0.64 acres, with the driveway to the parking lot at approximately 0.17 acres. Access to the existing parking lot is available via an entrance off Superior Avenue for vehicles, and via a concrete pathway from the intersection of Superior Avenue and Coast Highway for pedestrians and bicyclists. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes with ground elevations ranging from approximately 10 feet near West Coast Highway to approximately 75 feet near Sunset View Park based on the North American Vertical Datum of 1988 (NAVD 88), with some existing vegetation. Properties and land uses adjacent to the Project site include Sunset Ridge Park, Sunset View Park, Villa Balboa and Newport Crest residential communities, and the lower campus of Hoag Hospital. A shopping center and the Lido Sands residential community are located to the south across West Coast Highway from the Project site.

SECTION 4(F) RESOURCES

The following is a discussion of the Section 4(f) properties within the Project area. Figure 1 identifies the location of the Section 4(f) property, the Sunset Ridge Park, adjacent to the Proposed Project.

Sunset Ridge Park

Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. The entire site is within the coastal zone, as established by the California Coastal Act. The Park includes an active and passive public park on site, including one baseball field and two soccer fields, a playground and picnic area, a butterfly garden and passive park area, and an overlook with seating and shade structure, pedestrian paths, and restroom facilities.

Sunset Ridge Park will be temporarily impacted during the construction phase and installation of the bridge components. Since existing recreational activities occur at Sunset Ridge Park (soccer in the Fall and baseball in the Spring), construction activities would be scheduled during low usage months to avoid recreational events, or these events could be relocated to an alternate location temporarily if alternate/temporary parking cannot be allowed closer to the park. After construction is complete, the bridge will provide connectivity to the expanded parking lot, and would improve access to Sunset Ridge Park. Once construction is complete, the use of the resource will be restored.

DE MINIMIS IMPACT FINDING

A determination of de minimis impact on parks, recreation areas, and wildlife and waterfowl refuges, may be made when all three of the following criteria are satisfied:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and
3. The official(s) with jurisdiction over the property are informed of U.S. DOT's intent to make the de minimis impact determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f)

The following discussion presents the De Minimis Impact Findings from Section 4(f) resource:

1. An explanation of why the use is De Minimis.

Upon completion, the Project will result in improved safety and access to Sunset Ridge Park for pedestrians and bicyclists due to the construction of the bridge, thus eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. The Proposed Project includes access to the bridge from Sunset Ridge Park which will be located at the southeastern edge of the park, adjacent to the intersection of the path from Superior Avenue to the park and the bike/pedestrian path surrounding the park. This bridge access will be approximately 145 feet from the intersection of Coast Highway and Superior Avenue. The Section 4(f) impact is considered negligible because the impacted area of the Sunset Ridge Park will be minimal, and the use of the resource will be consistent with existing use. Additionally, the Project will benefit the Section 4(f) resource property since along with improving the safety and ease of access of the Sunset Ridge Park, the Project aims at providing additional parking spaces at Sunset Ridge Park in an area where parking is limited. This will enhance and better serve passive uses and organized sporting events (mostly youth) at the Section 4(f) resource property.

2. Records of public involvement

Impacts to Section 4(f) resources is a federal process and must comply with the National Environmental Policy Act (NEPA) requirements. The appropriate NEPA approval for this project is a categorical exclusion, which does not require public circulation. The project also requires compliance with CEQA. The CEQA document has already gone through the public review process thus the 4(f) de minimis will be circulated on its own to satisfy the public involvement process (Attachment A). A Notice of Availability of de minimis Determination will be posted online at <http://www.newportbeachca.gov/index.aspx?page=1347>.

SUMMARY OF FINDINGS

Upon completion, the Project will result in the construction of a pedestrian and bicycle bridge overcrossing the Superior Avenue. This section 4(f) impact is considered negligible because the impacted area will not impact the use or purpose of the property. The Project will result in improved safety and access to Section 4(f) property, Sunset Ridge Park, for its users, pedestrians and bicyclists due to the construction of the bridge. The Project will also improve upon the parking availability in the area, by constructing a new parking lot in addition to the existing limited parking. Based on the information presented above, the coordination and the attached documents, the effects of the Proposed Project on Sunset Ridge Park constitute a de minimis impact, and the requirements of 23 USC 138 and 149 USC 303 have been satisfied.



**Andy Tran, Senior Civil Engineer
City of Newport Beach**

Figure 1 : Project Location Map



Attachment A

PUBLIC NOTICE

Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

NOTICE OF INTENT TO ADOPT A U.S. DEPARTMENT OF TRANSPORTATION ACT SECTION 4(f) DE MINIMIS FINDING FOR IMPACTS TO SUNSET RIDGE PARK

WHAT'S BEING PLANNED

The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a larger replacement parking lot and additional open space area. The proposed Project is located within the City of Newport Beach, approximately 1,000 feet from the coastline. Individual project components are outlined below:

Superior Avenue Pedestrian and Bicycle Bridge

Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Currently, visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park. The new pedestrian and bicycle ramp will provide access to the parking lot and bridge from the north side of West Coast Highway. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue and is being designed to be mindful of view lines and the potential for visual obstruction.

Superior Parking Lot

The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces approximately 3.4 acres in size. Minimal additional security lighting would be provided within the parking lot for safety purposes. Drought tolerant landscaping will be provided, and new trees will be planted. The parking lot will be operated in the same manner as the existing parking lot with paid metered parking spaces from 8 a.m. to 6 p.m.; and the parking lot would remain open for 24 hours per day.

Open Space

This project also involves the construction of additional open space adjacent to the existing Sunset View Park. The proposed open space is located between the proposed parking lot and Sunset View Park and is approximately 0.1 ac in size. The open space will be landscaped with grass and other drought tolerant plants similar to the existing Sunset View Park.

Optional Road Extension to Adjacent Property

The City is also currently working with the adjacent land owner (Hoag Memorial Hospital) to determine the feasibility of extending an access road through the redeveloped parking lot to connect to the lower

campus of Hoag Memorial Hospital. If this option is to be exercised, the entrance from Superior Avenue will be extended to connect with the existing parking lot within Hoag Memorial Hospital.

Construction of the proposed Project is scheduled to begin in Summer of 2021 and reach completion in approximately 14 to 18 months.

The impact of the Proposed Project on the Sunset Ridge Park is minimal, and the use of the Section 4(f) resource, after the implementation of the Project, will be consistent with the existing use. The Project will result in improved safety and access to Section 4(f) property, Sunset Ridge Park, for its users, pedestrians and bicyclists due to the construction of the bridge. The Project will also improve upon the parking availability in the area, by constructing a new parking lot in addition to the existing limited parking.

This notice will be circulated for public review to satisfy the public involvement process. A Notice of Availability of de minimis Determination will be posted online, as noted below.

WHY THIS NOTICE

The project is an action subject to the U.S. Department of Transportation Act of 1966 (49 U.S.C. 03 and 23 U.S.C.138 [PL 110-17], [PL 97-449], [PL 86-670]). Section 4(f) of this legislation seeks to protect publicly owned public parklands, recreation areas, waterfowl and wildlife refuges and significant historic sites from impacts – the “use” of these resources – by U.S. Department of Transportation actions. After an evaluation of the impacts of an action upon Section 4(f) resources, a finding must be made. The responsibility for Section 4(f) findings has been assigned by the U.S. Department of Transportation/ Federal Highway Administration to the California Department of Transportation (Caltrans) under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) Act of 2005. Section 6009 of SAFETEA-LU allows determinations that certain uses of 4(f) land will have no adverse effect – de minimis – on the protected resource. Section 6009(a) requires that a public notice and opportunity for review and comment be provided for projects that are determined to have de minimis impact.

WHAT'S AVAILABLE

Copies of the DRAFT Section 4(f) de minimis finding are available for review at the following website:

<http://www.newportbeachca.gov/index.aspx?page=1347>

Individuals who require documents in alternative formats or translated are asked to contact Andy Tran, Senior Civil Engineer, at (949) 644-3315 or at atran@newportbeachca.gov

Comments are requested on the proposed 4(f) de minimis finding. Please mail comments to Andy Tran, Senior Civil Engineer, at (949) 644-3315 or at atran@newportbeachca.gov

Public comments will be accepted up to 30 days from the date of this public notice. Responses or replies to the public comments may not be required, depending on the substantive nature of the comments; however, all comments and responses will be considered and document in the administrative record for the proposed Project.