

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

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: September 15, 2010

SUBJECT: MITIGATED NEGATIVE DECLARATION NO. 2010-006 (HUNTINGTON BEACH MUNICIPAL SOLAR PROJECT)

LOCATION: 18120 Goldenwest Street, 92647 (Sports Complex), 17371 Gothard Street, 92647 (City Yard), 19001 Huntington Street, 92648 (City Water Yard), 2000 Main Street, 92648 (City Hall and Police Building/ Corporate Yard), 7000 Norma Drive, 92647 (Murdy Community Center), 6401 Overlook Drive, 92648 (City Reservoir), 14627 Springdale Street, 92647 (City Reservoir), 7111 Talbert Avenue, 92648 (Central Library)



Applicant: Aaron Klemm, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

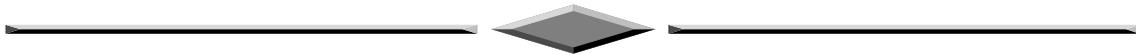
Property Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: To analyze the potential environmental impacts associated with the installation of photovoltaic panels on new carports and existing rooftops, and associated accessory equipment at eight municipal facilities within the City of Huntington Beach.

Zone/ General Plan/ Existing Use:

Location	Site	Type	General Plan	Zoning
18120 Goldenwest Street	Sports Complex	Parking Lot (Carports)	OS-P (Parks)	OS-PR (Parks and Recreation Subdistrict)
17371 Gothard Street	City Yard	Rooftop and Parking Lots (Carports)	P (Public)	PS- FP2 (Public –Semipublic-Flood Zone A)
19001 Huntington	City Water Yard	Rooftop and Parking Lots (Carports)	P (I – F2) Public (Industrial Max.0.50 FAR)	PS (Public-Semipublic)
2000 Main Street	City Hall/ Police Building/ Corporate Yard	Rooftop and Parking Lots (Carports)	P (Public)	PS (Public – Semipublic)

Site	Type	Location	General Plan	Zoning
7000 Norma Drive	Murdy Community Center	Parking Lot (Carports)	OS-P (Parks)	OS-PR (Parks and Recreation Subdistrict)
6401 Overlook Drive	City Reservoir	Rooftop	RL (Residential Low Density)	SP9 (Holly Seacliff Specific Plan – Residential Low Density 1)
14627 Springdale Street	City Reservoir	Rooftop	I-F2A-d (Industrial – Max. 0.75 FAR-Special Design Overlay)	IL and SP11 (Industrial Limited-McDonnell Centre)
7111 Talbert Avenue	Central Library	Parking Lot (Carports)	OS-P (Parks)	OS-PR (Parks and Recreation Subdistrict)



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

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 2010-006:

1. The Mitigated Negative Declaration No. 2010-006 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 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, removal and/or relocation of onsite trees, protection of the Central Library as a historical resource, and the potential discovery of archaeological or paleontological resources during ground-disturbing activities.
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. 2010-006, will have a significant effect on the environment.

SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to the onset of ground disturbing activities, the City shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation:

- a. Nesting habitat for protected or sensitive species:
 - i. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
 - ii. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified on site (per established thresholds), a 250 foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
 - iii. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist. **(Mitigation Measure)**
2. Installation of photovoltaic panels at sites 1, 2, 3, 4, and 8 would involve the removal/relocation and/or trimming of landscape trees. Approximately 93 total trees will be removed and/or relocated and 146 trees are scheduled to be trimmed throughout the project sites. The City of Huntington Beach Tree Ordinance (Chapter 13.50 of the Huntington Beach Municipal Code) requires the applicant to submit an application for a permit from the Public Works Department for any activity that may disturb trees. **(Mitigation Measure)**
3. Construction of the project would be subject to standard City requirements for the submittal of landscape plans demonstration compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio. Approval of trimming, removing, or replacing trees by the Director of Public Works in association with replacement requirements would ensure that the proposed project would not conflict with any local policies or ordinances protecting biological resources. Nevertheless, the following mitigation measure is recommended to assist the City in monitoring compliance:
 - a. The trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
 - b. The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the Public Works Department.
 - c. The trees shall be surveyed every six months for a period of four years as to their viability. The survey shall be submitted to the City for review and approval.
 - d. In the event that any tree is determined not to be surviving, it shall be replaced with the same type and size of tree. A letter shall be submitted from the applicant stating that the recommendations of the Consulting Arborist will be followed. **(Mitigation Measure)**

4. The proposed design and placement of panels upon the rooftop of the Central Library (Site 2), shall be undertaken in a manner that would prevent the panels from being visible to observers on the ground such that the installation would not change the appearance of the building for the majority of viewers (excluding rooftop views). The installation shall be designed and installed in a manner that does not prove injurious to the landmark structure both during construction and in the long term during operation. A historic preservation professional shall be consulted during preparation of the final design and shall provide a letter documenting that the design meets the intent of this mitigation measure. The letter shall be submitted to the Director of the Planning and Building Department for review and approval prior to issuance of a grading permit. **(Mitigation Measure)**

5. If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until a qualified archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach. **(Mitigation Measure)**

6. In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials. **(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.