



**PLANNING COMMISSION**

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DATE: JANUARY 24, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) WITH STATEMENTS OF OVERRIDING CONSIDERATIONS AND IDENTIFYING ALTERNATIVE A AS THE PREFERRED ALIGNMENT FOR THE MELROSE DRIVE EXTENSION PROJECT – MELROSE DRIVE EXTENSION – APPLICANT: CITY OF OCEANSIDE**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion;

Certify the Final Environmental Impact Report (FEIR) with Alternative A as the preferred alignment, and adopt a Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations by adopting Planning Commission Resolution No. 2011-P05.

**Site Review:** The Project is located on the eastern edge of the City, south of State Route (SR) 76 (Mission Avenue), and includes unincorporated land in the County. The Project area is bounded by Spur Avenue, on the north, and Sagewood Drive, on the south; it approximates Glenview Lane on the east and Old Colony Road and Guajome County Park on the west. The Project study area includes a mix of land uses, such as a number of ranch-style residences, agricultural/commercial properties and open space within Guajome County Park and Rancho Guajome Adobe.

The topography of the study area slopes gently downward in a generally north to northwesterly direction toward Guajome Lake. On-site elevations range from a low of 140 feet above mean sea level (AMSL) at Spring Creek at the southwest corner of the intersection of Melrose Drive and Spur Avenue to 330 feet AMSL at the top of the hill near the easternmost study area boundary at Glenview Lane.

The subject arterial street segment referred to as the "Melrose Drive Extension" is a major arterial street traversing from Spur Avenue to State Route 76 in the City of Oceanside. Currently Melrose Drive is constructed as a major arterial street running from San Elijo Road in the City of Carlsbad to North Santa Fe Avenue in the City of Oceanside. The Melrose Drive Extension Project will complete the missing link between North Santa Fe Drive and Spur Avenue and serve as a north-south arterial. Overall design of the project would include, constructing an approximately 3,000-foot roadway segment to connect the existing terminus of Melrose Drive, at Spur Avenue, to North Santa Fe Road; as well as, widening approximately 1,900 feet of the existing section of Melrose Drive, located south of North Santa Fe Avenue.

**Background:** On July 17, 2002, the City Council approved a contract with Project Design Consultants, Inc., (PDC) to prepare the Environmental Impact Report for the Melrose Drive Extension Project. At that time, preliminary work was initiated and three alternative roadway alignments were studied. In June of 2005, the City Council directed staff to stop work on the project.

On June 20, 2007, the City Council approved a professional service agreement with Helix Environmental Planning to resume preparation of the Environmental Impact Report (EIR) for the Melrose Drive Extension Project.

The following list details the dates and types of public review that has occurred throughout the preparation and completion of the Environmental Impact Report for the Melrose Drive Extension Project:

In accordance with Section 15082 of the CEQA guidelines, the Notices of Preparation (NOP) of the Draft EIR was circulated for public review between January 7, 2008 and April 6, 2008. They requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities.

On January 24, 2008 and March 13, 2008, Public Scoping Meetings were conducted in accordance with Section 15083 of the CEQA guidelines and all comments considered during the preparation of the Draft Environmental Impact Report.

The public review period for the Draft EIR was between February 16, 2010 and April 19, 2010. The Draft EIR and appendices were available for public review during that time. A Notice of Completion along with 15 copies of the Draft EIR were sent to the State Clearinghouse, and notices of availability of the Draft EIR were published in the local newspaper. The Draft EIR was available for review at the City of Oceanside Planning Department and at the City libraries. All comments received were considered and response to comments prepared in accordance with Section 15088 "Evaluation of and Responses to Comments" of the CEQA guidelines.

On March 16, 2010 and November 16, 2010, the Transportation Commission held public meetings to consider and comment on the DEIR. Upon receipt of public comment, the Transportation Commission by motion took action to forward a recommendation to Certify the DEIR.

## **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) has been prepared, and evaluated the following direct and cumulative impacts: Land Use, Population and Housing, Traffic and Circulation, Biological Resources, Geology and Soils, Hydrology and Water Quality, Noise, Air Quality and Climate Change, Hazards and Hazardous Materials, Visual Quality and Aesthetics, Agricultural Resources, Cultural Resources, Paleontological Resources, Recreation, and Utilities and Service Systems. All of the significant impacts of the Project were identified in the Final EIR. Under the provisions of the California Environmental Quality Act, the Planning Commission will need to certify the Environmental Impact Report, adopt a Mitigation Monitoring, and Reporting Program (MMRP), and a Statement of Overriding Considerations, during its hearing on the project. A summary of the findings of the EIR, including project alternatives is provided below.

## **ANALYSIS**

Melrose Drive is identified in the Circulation Element as a 6-lane prime arterial from North Santa Fe Avenue to State Route 76. The projected average daily traffic volume with the opening of Melrose Drive would be approximately 26,000 trips. Upon completion of this project, Melrose Drive will serve as an alternate north-south arterial street, alleviating some traffic congestion on College Boulevard. The Regional Transportation Improvement Program (RTIP) identifies Melrose Drive as a regional arterial, linking the cities of San Marcos, Carlsbad, Vista and Oceanside.

This project would provide an alternative access to the Jeffries Ranch neighborhood. It would also facilitate transit usage by enhancing access to the Melrose Light Rail Station at the corner of Melrose Drive and Oceanside Boulevard.

Three alternative alignments for the extension were analyzed in the EIR, with Alternative A being identified as the preferred alignment. A brief overview of the three alternatives are as follows:

Alternative A, the central alignment and the preferred alignment, is designed to balance the Project's effect on Guajome County Park with its effect on private residences and agriculture/commercial businesses within the project study area. Alternative A encroach approximately 3.6 acres within Guajome County Park and Rancho Guajome Adobe. Alternative A would require the full take of 14 parcels.

Alternative B, the eastern alignment, is designed to minimize the Project's effect on Guajome County Park, resulting in the greatest effect on private residences and agriculture/commercial businesses within the project study area. Alternative B encroach approximately 3.6 acres within Guajome County Park and Rancho Guajome Adobe. Alternative B would require the full take of 22 parcels.

Alternative C, the western alignment, is designed to minimize the Project's effect on private residences and agriculture/commercial businesses, resulting in the greatest effect on Guajome County Park. Alternative C encroach approximately 8.35 acres within Guajome County Park and Rancho Guajome Adobe. Alternative C would require the full take of 7 parcels.

The City has determined, based on the threshold criteria for significance presented in the Final EIR, that the following environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as conditions of approval will result in the avoidance or substantial reduction of those effects.

Some of the environmental effects related to the Project were found to be less than significant, including geology and population/housing. Effects related to air quality and climate change; biological resources; cultural resources; hazardous materials; noise; paleontological resources; recreation; traffic; and utilities, while potentially significant, would be mitigated to below a level of significance.

CEQA requires the Lead Agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The MMRP included in the Final EIR as certified by the City serves that function. The MMRP includes all of the mitigation measures identified in the Final EIR and has been designed to ensure compliance during implementation of the proposed development. In accordance with CEQA, the MMRP provides the measures to ensure that the mitigation measures are fully enforceable.

The Final EIR identifies four subject areas in which the Project would result in an impact on the environment: (1) land use and planning, (2) cumulative greenhouse gas (GHG) emissions, (3) visual quality and aesthetics, and (4) agricultural resources which will have significant environmental effects, even after the application of all feasible mitigation measures identified in the Final EIR. The land use and planning impact results from conflict with the character of an established rural community, as well as policies with applicable plans and policies associated with the identified visual quality/aesthetics and agricultural resources impacts. Project construction activities would result in slight increases in GHG emissions, which would yield incremental contributions to global climate change, considered a significant cumulative impact. The proposed noise attenuation barriers would change the visual character of Melrose Drive, north of Spur Avenue, resulting in a significant direct visual impact. Project implementation would result in the loss of 26.68 acres of important and viable agricultural resources, which is considered a

significant direct impact. In accordance with CEQA Guidelines Section 15092(b)(2), the City shall not approve the Project unless it first finds under CEQA Section 21081(a) and CEQA Guidelines Section 15091(a) that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR, and also finds under CEQA Guidelines 15092(b)(2)(B) that the remaining significant effects are acceptable due to overriding considerations as described in CEQA Section 15093.

The City finds that the Project has the following substantial social, economic, policy and other public benefits justifying its approval and implementation, notwithstanding not all environmental impacts were fully reduced below a level of significance:

- The Project will implement the City's Circulation Element, Master Transportation Plan, Recreational Trails Element, and Bicycle Master Plan; as well as the County's Circulation Element.
- The Project will provide regional connectivity between North Santa Fe Avenue and SR-76.
- The Project will facilitate improved access for emergency vehicles, as well as emergency evacuation of citizens.
- The Project will result in improved traffic operations at several intersections (SR-76/North Santa Fe Avenue, SR-76/Melrose Drive, SR-76/College Boulevard) and roadway segments (North Santa Fe Avenue between Melrose Drive and SR-76, SR-76 from Guajome Lake Road to east of Melrose Drive), relative to what would occur in 2030 without the project.
- The replacement of culverts in Guajome Creek with larger culverts will result in a flow regime that more closely matches the original creek hydrology.
- Implementation of the Project will create temporary, construction-related employment opportunities.

**RECOMMENDATION**

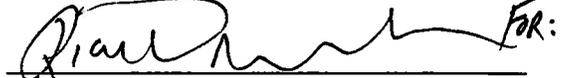
Staff recommends that the Planning Commission certify the Final Environmental Impact Report (FEIR), and adopt a Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations by adopting Planning Commission Resolution No. 2011-P05 with findings and conditions of approval attached herein and approve Alignment A as the preferred alternative for Melrose Drive Extension project.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:

 FOR:

Jerry Hittleman  
City Planner

JH/RG/fil

Attachments:

1. Planning Commission Resolution No. 2011-P05
2. Statement of Overriding Considerations
3. Mitigation Monitoring and Reporting Program (MMRP)

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2011-P05

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE  
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
6 MELROSE DRIVE EXTENSION PROJECT ON CERTAIN  
7 REAL PROPERTY IN THE CITY OF OCEANSIDE AND  
8 UNINCORPORATED SAN DIEGO COUNTY

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9 APPLICANT: City of Oceanside  
10 LOCATION: Eastern edge of the City, Bounded by Spur Avenue, on the North, and  
11 Sagewood Drive, on the South; it approximates Glenview Lane on the East  
12 and Old Colony Road and Guajome County Park on the West

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13 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES  
14 RESOLVE AS FOLLOWS:

15 WHEREAS, an Environmental Impact Report was prepared and circulated for public  
16 and agency review and proper notification was given in accordance with the California  
17 Environmental Quality Act; and

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th  
19 day of January 2011, conduct a duly advertised public hearing on the content of the Final  
20 Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

21 WHEREAS, studies and investigations made by this Commission and in its behalf reveal  
22 the following facts:

23 For the Final Environmental Impact Report:

- 24 1. The Final Environmental Impact Report was completed in compliance with the provisions  
25 of the California Environmental Quality Act (CEQA).
- 26 2. There are certain significant environmental effects detailed in the Environmental Impact  
27 Report which have been avoided or substantially lessened by the establishment of  
28 measures which are detailed in Exhibit "A" Environmental Findings and Statement of  
29 Overriding Considerations for the Melrose Drive Extension Project.
- 30 3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting  
31 Programs for the arterial roadway segment (included in the Final EIR) were presented to  
32 the Planning Commission, and the Planning Commission reviewed and considered the  
33 information contained in these documents prior to making a decision on selecting

1 Alternative A as the preferred Melrose Drive Extension alignment. The Final  
2 Environmental Impact Report and Mitigation and Monitoring and Reporting Program for  
3 the arterial roadway segment have been determined to be accurate and adequate  
4 documents, which reflect the independent judgment of the City.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
6 certify the Final Environmental Impact Report for the Melrose Drive Extension Project with  
7 Alternative A selected as the preferred roadway alignment, subject to the following  
8 recommendations and conditions:

- 9 1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the  
10 Mitigation Monitoring and Reporting Program (MMRP) for the Melrose Drive Extension  
11 Project and finds and determines that said programs are designed to ensure compliance  
12 with the mitigation measures during project implementation.
- 13 2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on  
14 this decision is governed by the provisions of the California Environmental Quality Act.

15 PASSED AND ADOPTED Resolution No. 2011-P05 on January 24, 2011 by the  
16 following vote, to wit:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 \_\_\_\_\_  
22 Robert Neal, Chairperson  
23 Oceanside Planning Commission

24 ATTEST:

25 \_\_\_\_\_  
26 Jerry Hittleman, Secretary

27 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
28 this is a true and correct copy of Resolution No. 2011-P05.

29 Dated: January 24, 2011

**FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

for the

**MELROSE DRIVE EXTENSION PROJECT**

January 2011

**1. INTRODUCTION**

**1.1 Findings of Fact**

The California Environmental Quality Act, Public Resources Code Section 21000-21178 (“CEQA”) and State CEQA Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs. Title 14, Sections 15000-15387 (“CEQA Guidelines”) are “intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (Cal. Pub. Res. Code Section 21002.) CEQA’s mandate and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. (See Pub. Res. Code Section 21081(a).) For each significant environmental effect identified in any EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first permissible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the final EIR.” (CEQA Guidelines Section 15091 (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines Section 15091(a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines Section 15091(a)(3).) Section 21061.1 of CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” Section 15364 of the CEQA Guidelines adds another factor: “legal” considerations. (See also Citizens of Goleta Valley v. Board of Supervisors (“Goleta II”), 52 Cal.3d 553, 565, 276 Cal.Rptr. 419 (1990).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego, 133 Cal.App.3d 410, 417, 183 Cal.Rptr. 898 (1982).) “[F]easibility under CEQA encompasses ‘desirability to the extent that desirability is based on a reasonable balancing of the relevant economic, social and technological

factors.” (Id.; see also Sequoyah Hills Homeowners Ass’n v. City of Oakland, 23 Cal.App.4th 704, 715, 29 Cal.Rptr.2d 182 (1993).)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Section 21081 of CEQA, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which will substantially lessen the significant environmental effects of such projects.” (Pub. Res. Code Section 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations are consistent with the holding in Laurel Hills Homeowners Ass’n v. City Council, 83 Cal.App.3d 515, 519-527, 147 Cal.Rptr. 842 (1978), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the “loss of biological resources”) to a less than significant level. Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

The following Findings of Fact (“Findings”) are made relative to the conclusions of the Final Environmental Impact Report for the Melrose Drive Extension Project (SCH No. 2002121008) (“FEIR”). As used herein, the term “Project” refers to the Alternative A described in the Final EIR.

## **1.2 Document Format**

These Findings have been organized into the following sections:

- a) Section 1 provides an introduction to these Findings.
- b) Section 2 provides a summary of the Project and overview of the discretionary actions required for approval of the Project and a statement of the Project’s objectives.
- c) Section 3 provides a summary of public participation in the environmental review, an overview of the administrative record that has been developed for the Project, as well as findings regarding the Mitigation, Monitoring and Reporting Program (MMRP) and general findings regarding the Project and CEQA compliance.
- d) Section 4 sets forth findings regarding those environmental impacts which were determined during the notice of preparation period either not to be relevant to the Project or which were

determined to clearly not manifest at levels which were deemed to be significant for consideration at the Project-specific level.

- e) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR which the City has determined are either not significant or can be substantially lessened or reduced to a less-than-significant level through the implementation of mitigation measures included in the MMRP for the Project.
- f) Section 6 sets forth findings regarding alternatives to the Project which were analyzed in the Final EIR. As further discussed herein, the Bridge Alternative was identified as being environmentally preferable to the project proposed in the Draft EIR.
- g) Section 7 sets forth the finding regarding growth inducing impacts.

## **2. PROJECT SUMMARY**

### **2.1 Background**

The planning process for the Project began in the early 1990s, with the first discussions between the City and the County Department of Parks and Recreation occurring in 1991. The Project was postponed in the intervening years due to changing funding priorities; however, the extension of Melrose Drive is anticipated and included in the City's Master Transportation Plan of the General Plan Circulation Element, as a Six-Lane Major Arterial, and in the County's General Plan Circulation Element and North County Parkway Plan, as a Prime Arterial that will help supplement the State system.

### **2.2 Project Description**

Melrose Drive would be constructed to Six-Lane Major Arterial standards from Spur Avenue to North Santa Fe Avenue, and widened to Prime Arterial standards from North Santa Fe Avenue to Sagemood Drive. The roadway would consist of a 104-foot curb-to-curb width within a 124-foot right-of-way (ROW), with three lanes of traffic in each direction, separated by a raised median containing landscaping and sub drains. A Class II bike lane (5 feet minimum total width) and 5.5-foot-wide sidewalk would be located along both sides of Melrose Drive for the length of the Project. In addition, light standards would be located at approximately 400-foot intervals along the alignment for public safety.

The Project also would include the signalization of North Santa Fe Avenue at Melrose Drive. The portion of North Santa Fe Avenue extending approximately 600 feet west and 800 feet east of the Melrose Drive center line would be improved to Four-Lane Major Arterial standards consisting of an 84-foot curb-to-curb width within a 112-foot ROW, with two lanes of traffic in each direction, separated by a raised median containing landscaping and sub drains. A Class II bike lane (5 feet minimum total width) and 5.5-foot-wide sidewalk would be located along both sides of North Santa Fe Avenue for the length of the improvements.

Melrose Drive would span Guajome Lake Road, a 10-foot wide multi-purpose trail and a small drainage with a bridge. Road improvements also would occur along the portion of Guajome Lake Road extending approximately 500 feet west and 300 feet east of the Melrose Drive center line and would consist of 28 feet of

paving within a 60-foot ROW, with one lane of traffic in each direction. Old Colony Road would extend approximately 160 feet south from Guajome Lake Road. The road would terminate in a cul-de-sac, from which an access road would extend to 2405 Old Colony Road. Improvements to Willowbrook Drive would include paving a 37-foot-wide section extending approximately 190 feet east of Melrose Drive, tapering to a 20-foot-wide section.

The Project would include a 10-foot-wide, multi-purpose equestrian/pedestrian trail from Spur Avenue to Rancho Guajome Adobe. The soft-paved, multi-purpose trail would be located along the east side of Melrose Drive within the Project ROW. At-grade crossings would be provided at Spur Avenue, Guajome Lake Road and North Santa Fe Avenue. The Guajome Lake Road trail would be a 10-foot-wide equestrian trail along the south shoulder of the road and extend to the west to enter Guajome County Park at an existing park pathway located southwest of the future Melrose Drive/Guajome Lake Road intersection. The Project would provide pedestrian access from an existing trail in the southeast corner of Guajome County Park to the sidewalk along the west side of Melrose Drive.

At North Santa Fe Avenue, two alternative trail connections to Rancho Guajome Adobe are proposed. The City would be responsible for the construction of one or both of these connections. With Alignment Option 1, an at-grade crossing of North Santa Fe Avenue would be provided at its intersection with Melrose Drive. The trail would then extend along the eastern side of Melrose Drive to Willowbrook Drive and along the north side of Willowbrook Drive to the right-angle turn of Willowbrook Drive, where it would connect to an existing trail. With Alignment Option 2, the trail would turn to the east and continue along the north side of the road to the existing signalized driveway access at the North Coast Church. After crossing North Santa Fe Avenue, the trail would continue into Rancho Guajome Adobe to the northwestern corner of the existing dirt parking lot. At that point, the trail would split, with one alignment heading south toward the adobe's west veranda and the other alignment running parallel with the property fence line to the main gate.

The Project would replace an existing emergency access from the north side of Guajome County Park from the trailhead located along Old Colony Drive with a curb cut to an existing trail located southwest of the Guajome Lake Road/Melrose Drive intersection. A 20-foot-wide, double-leaf pipe gate, along with a kiosk and informational signage, would be installed at this location.

The Project would replace the existing culverts under North Santa Fe Avenue. Guajome Creek would be conveyed under Melrose Drive at North Santa Fe Avenue in five box culverts. Two of the box culverts would provide wildlife corridors, except during high-water storm events. Storm drains also would be installed, and electric, gas, telephone and cable lines would be relocated, as appropriate.

### **2.3 Statement of Project Objectives**

The objectives of the proposed Melrose Drive Extension Project are to:

- Improve intra-city and sub-regional multi-modal transportation service by creating an important regional transportation link to the cities of Vista and Carlsbad and allowing access between North Santa Fe Avenue and SR-76 via Melrose Drive;

- Ensure adequate levels of service (LOS) on Melrose Drive and surrounding roadways and intersections, pursuant to the goals and policies of the City's Circulation Element;
- Implement the City's Master Transportation Plan;
- Implement the City's Recreational Trails Element;
- Implement the City's Bicycle Master Plan; and
- Implement the County's Circulation Element.

### 3. PUBLIC PARTICIPATION AND RECORD OF PROCEEDINGS

#### 3.1 Public Input

There have been numerous opportunities for public review and comment, including but not limited to the public forums set forth below:

- EIR Notice of Preparation, January 7, 2008 and February 21, 2008
- Public Scoping Meetings, January 24, 2008 and March 13, 2008
- Draft EIR Public Review, February 16 to April 19, 2010
- Transportation Committee Meeting, March 16, 2010
- Transportation Committee Meeting, November 16, 2010

#### 3.2 Record of Proceedings

- The Notices of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR;
- The Final EIR;
- All written comments and verbal public testimony presented during the public comment period on the Draft EIR;
- The MMRP;
- All findings, ordinances, and resolutions adopted by the City in connection with the Project, and all documents incorporated by reference therein;
- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to

the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;

- All documents submitted to the City by other public agencies or members of the public in connection with the Project;
- Minutes and/or verbatim transcripts of all public information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- The City's General Plan, Municipal Code, and Draft Subarea Plan/Habitat Conservation Plan ("HCP");
- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Section 21167.6 (e) of CEQA.

The custodian of the documents comprising the record of proceedings is the City Clerk, whose office is located at 300 North Coast Highway, Oceanside, CA 92054. At all relevant times, all these documents, which constitute the record of proceedings upon which the City's decision is based, have been available upon request at the offices of the City.

The City has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. First, many of them reflect prior planning or legislative decisions of which the City was aware in approving the Project. (See City of Santa Cruz v. Local Agency Formation Commission, 76 Cal.App.3d 381, 391-392, 142 Cal.Rptr. 873 (1978); Dominey v. Department of Personnel Administration, 205 Cal.App.3d 729, 738, n.6, 252 Cal.Rptr. 620 (1988).) Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project. (See Pub. Res. Code Section 21167.6(e)(10); Browning-Ferris Industries v. City Council of City of San Jose, 181 Cal.App.3d 852, 866, 226 Cal.Rptr. 575 (1986); Stanislaus Audubon Society, Inc. v. County of Stanislaus, 33 Cal.App.4th 144, 153, 155, 39 Cal.Rptr.2d 54 (1985).)

The Final EIR was completed in compliance with CEQA, and reflects the City's independent judgment. The City believes that its decision on the Project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. As a result, any judicial review of the City's decision will be governed by Section 21168 of CEQA. Regardless of the standard of review that is applicable, the City has considered evidence and arguments presented to the City prior to or at

the public hearings on this matter. In determining whether the Project has a significant effect on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2.

### **3.3 Mitigation Monitoring and Reporting Program**

CEQA requires the Lead Agency approving a project adopt a MMRP for the changes to the project that it has adopted or made a condition of project approval in order to ensure compliance with project implementation. A MMRP has been defined and serves that function for the Final EIR. The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP Coordinator. A MMRP has been prepared for the Project, and has been adopted concurrently with these Findings. (See Pub. Res. Code Section 21081.6(a)(1).) The City will use the MMRP to track compliance with all mitigation measures.

### **3.4 General Findings**

The City hereby finds as follows:

- a) The foregoing statements are true and correct;
- b) The City is the “Lead Agency” for the Project evaluated in the Final EIR and independently reviewed and analyzed the Draft EIR and Final EIR for the Project;
- c) The Notices of Preparation of the Draft EIR were circulated for public review between \_\_\_\_\_, 2007 and \_\_\_\_\_, 207 and between January 7, 2008 and February 6, 2008. The Notice requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency’s specific responsibilities;
- d) The public review period for the Draft EIR was between February 16, 2010 and April 19, 2010. The Draft EIR and appendices were available for public review during that time. A Notice of Completion along with 15 copies of the Draft EIR were sent to the State Clearinghouse, and a Notice of Availability of the Draft EIR was published in the local newspaper. The Draft EIR was available for review at the City of Oceanside Planning Department and at the City libraries;
- e) The Draft EIR and Final EIR were completed in compliance with CEQA;
- f) The Final EIR reflects the City’s independent judgment;
- g) The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City reviewed the comments received and responses thereto, and has determined

that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding environmental impacts. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR;

- h) The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responses to comments made during the public review period in compliance with CEQA;
- i) The Final EIR evaluated the following direct and cumulative impacts: Land Use, Population and Housing, Traffic and Circulation, Biological Resources, Geology and Soils, Hydrology and Water Quality, Noise, Air Quality and Climate Change, Hazards and Hazardous Materials, Visual Quality and Aesthetics, Agricultural Resources, Cultural Resources, Paleontological Resources, Recreation, and Utilities and Service Systems. All of the significant impacts of the Project were identified in the Final EIR.
- j) CEQA requires the Lead Agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The MMRP included in the Final EIR as certified by the City serves that function. The MMRP includes all of the mitigation measures identified in the Final EIR, and has been designed to ensure compliance during implementation of the proposed development. In accordance with CEQA, the MMRP provides the measures to ensure that the mitigation measures are fully enforceable;
- k) The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the overall MMRP coordinator.
- l) In determining whether the Project may have a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- m) The impacts of the proposed Project have been analyzed to the extent feasible at the time of certification of the Final EIR.

- n) Copies of all the documents incorporated by reference in the Final EIR have been available upon request at all times at the offices of the City Clerk and/or Planning Department, the custodians of record for such documents or other materials;
- o) Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the review of the Project. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process;
- p) The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
- q) Having reviewed the information contained in the Draft EIR and Final EIR and in the administrative record, as a whole, as well as the requirements of CEQA and the State CEQA Guidelines regarding recirculating of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period, the City finds that there is no new significant information regarding adverse environmental impacts of the Project in the Final EIR and finds that recirculating of the Draft EIR is not required; and
- r) Having received, reviewed, and considered all information and documents in the Final EIR, as well as all other information in the record of proceedings on this matter, the following Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

#### **4. Environmental Issues Determined Not to be Potentially Affected by the Project**

Based on the responses to the Project's Notices of Preparation as well as analysis contained in the Final EIR, the following environmental issues were determined by the City to be either inapplicable to the Project based upon the nature of the proposed development and/or the absence of any potential impact related to that issue, or because the issue was potentially impacted to a degree deemed to be less than significant. No substantial evidence has been presented to or identified by the City which would modify or otherwise alter the City's less-than-significant determination for each of the following environmental issues:

- Agricultural Resources (Cumulative)
- Air Quality (Cumulative)
- Biological Resources (Cumulative)
- Cultural Resources (Cumulative)
- Geology (Direct and Cumulative)
- Hazardous Materials (Cumulative)
- Hydrology/Water Quality (Direct and Cumulative)
- Land Use Policy (Cumulative)
- Mineral Resources (Direct and Cumulative)
- Noise (Cumulative)
- Paleontological Resources (Cumulative)
- Population and Housing (Direct and Cumulative)
- Public Services (Direct and Cumulative)
- Public Utilities (Cumulative)
- Recreation (Cumulative)
- Traffic (Cumulative)

**5. Findings Regarding Potentially Significant Environmental Effects Which Are Determined Not to be Significant or Which Can Be Substantially Lessened or Avoided Through Feasible Mitigation Measures.**

The City has determined, based on the threshold criteria for significance presented in the Final EIR, that the following environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as conditions of approval will result in the avoidance or substantial reduction of those effects.

- Agricultural Resources (Direct)

- Biological Resources (Direct)
- Cultural Resources (Direct)
- Hazardous Materials (Direct)
- Land Use Policy (Direct)
- Noise (Direct)
- Paleontological Resources (Direct)
- Public Utilities (Direct)
- Recreation (Direct)
- Traffic (Direct)

#### 5.1 Traffic (Direct)

**Environmental Impacts:** The Project would have a significant Year 2030 direct impact on the intersection of SR-76 and East Vista Way during the AM and PM peak hours. Construction traffic associated with materials export would result in a temporary direct impact to roadway segments and intersections.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant direct environmental effects on Traffic identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and made binding through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct Traffic impacts to below a level of significance.

**Traffic - 1.** Prior to opening the proposed extension, the City shall add a third eastbound and westbound through lane and a second eastbound right-turn lane, provide northbound dual right-turn and left-turn lanes, and provide a southbound exclusive right-turn lane at the SR-76/East Vista Way intersection, to the satisfaction of Caltrans and the County Engineer.

**Traffic - 2.** A construction traffic analysis shall be incorporated into the Construction Management Plan, to the satisfaction of the City Engineer. The Project contractor

shall implement the Construction Management Plan to ensure that construction activities would comply with City requirements. The traffic portion of the Construction Management Program shall include, but not be limited to:

- Staging and timing of the Project (including duration of grading and export)
- Limitations on truck traffic during peak hours, as necessary
- Traffic flows and movements (including construction crew, supply delivery and import/export of soils material)
- Road safety issues
- Emergency arrangements
- Bicycle and pedestrian access and crossings

**Facts in Support of Findings:** Implementation of the above-described mitigation measures would avoid or reduce potentially significant impacts associated with the identified potential traffic impacts to less than significant levels. Based on the evaluation the effectiveness of the Mitigation Measure Traffic-1, the Traffic Impact Assessment concluded that adding a third eastbound and westbound through lane, a second eastbound right-turn lane, northbound dual right-turn and left-turn lanes, and a southbound exclusive right-turn lane at the SR-76/East Vista Way intersection would allow the intersection to operate at an acceptable LOS in both the AM and PM peak hours. Implementation of a Construction Management Plan (Mitigation Measure Traffic – 2) would reduce construction traffic impacts to less than significant levels through placing limits on construction traffic and providing for appropriate traffic movements.

## 5.2 Biological Resources (Direct and Indirect)

**Environmental Impacts:** The Project would result in the following direct and indirect impacts to sensitive habitat.

- a) Direct loss of 7.0 acres of sensitive vegetation communities.
- b) Indirect impact on native habitat from increased potential for colonization by highly invasive non-native plants.
- c) Direct and indirect impact to habitat utilized by coastal California gnatcatcher, least Bell's vireo and tree nesting raptors.
- d) Direct impact on migratory bird breeding through the clearing of associated habitat.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental direct and indirect effects on biological resources identified in the Final EIR to a below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct and indirect Biological Resources impacts to below a level of significance.

Biological Resources – 1. Prior to clearing, grubbing or grading, impacts to southern riparian forest, southern willow scrub (including disturbed), freshwater marsh, cismontane alkali marsh and mule fat scrub shall be mitigated at a 3:1 ratio through creation and enhancement of suitable habitat in consultation with the Corps, CDFG and County as shown in Table 4.4-10 of the Final EIR. If feasible, wetland habitat mitigation would occur within Guajome County Park or Rancho Guajome Adobe. If mitigation cannot occur in either of these areas, it shall take place at an approved mitigation bank in consultation with the County and resource agencies.

Biological Resources - 2. Prior to clearing, grubbing or grading, impacts to saltgrass grassland shall be mitigated at a 3:1 ratio through creation and enhancement of suitable habitat or acquisition of suitable credits at an approved mitigation bank in consultation with the County and resource agencies

Biological Resources – 3. Prior to clearing, grubbing or grading, impacts to Diegan coastal sage scrub (including disturbed) and non-native grassland shall be mitigated at a 2:1 and 0.5:1 ratio, respectively, through creation and enhancement of suitable habitat or acquisition of suitable credits at an approved mitigation bank in consultation with the County and resource agencies. In addition, the City shall obtain approval from the County's Board of Supervisors to use a portion of the County's allocation of the five percent take allowance of Diegan coastal sage scrub prior to clearing, grubbing or grading.

Biological Resources – 4. Prior to clearing, grubbing or grading, impacts to Corps, CDFG and County RPO jurisdictional areas including southern riparian forest, southern willow scrub (including disturbed), freshwater marsh, cismontane alkali marsh and mule fat scrub shall be mitigated at a 3:1 ratio (Tables 4.4-11, 4.4-12 and 4.4-13 of the Final EIR, respectively) through creation and enhancement of suitable habitat in consultation

with the Corps, CDFG and County. If feasible, mitigation for jurisdictional impacts would occur within Guajome County Park or Rancho Guajome Adobe. If mitigation cannot occur in either of these areas, it shall take place at an approved mitigation bank in consultation with the County and resource agencies.

Biological Resources – 5. Direct and indirect loss of sensitive animal species habitat shall be mitigated through implementation of Mitigation Measures Biological Resources – 1, 2, and 3. Evidence that all applicable federal and state endangered species permits have been obtained shall be provided to the City prior to issuance of any grading permit.

Biological Resources – 6. Prior to clearing, grubbing or grading, a landscape plan shall be prepared, to the satisfaction of the Directors of the City Planning Department, County Department of Planning and Land Use, and County Department of Parks and Recreation. The landscape plan shall avoid installation of plant species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC 2006) and/or in Table 5-5 of the Final EIR, Common Invasive Plant Species Prohibited for Planting within 1,000 Feet of Preserve Areas Within the Wildlife Corridor Planning Zone, in the Draft Oceanside Subarea HCP (City 2009). Any landscaping within existing or proposed County parklands shall consist solely of native species and shall be subject to approval by the Director of the County Department of Parks and Recreation.

Biological Resources – 7. No grubbing, clearing or grading shall occur within 500 feet of occupied Diegan coastal sage scrub during the breeding season of the coastal California gnatcatcher, least Bell's vireo or tree-nesting raptors as defined in Table 4.4-14 of the Final EIR. All grading permits and improvement plans shall specify these restrictions.

If grubbing, clearing or grading must occur during the coastal California gnatcatcher, least Bell's vireo and/or raptor breeding season, a pre-grading survey shall be conducted within 10 calendar days prior to the start of construction to determine if these species occur within the areas directly impacted by grading or indirectly impacted by noise. The results of this survey must be submitted to the City for review and approval prior to initiating any construction activities. If there are no sensitive avian species nesting (includes nest

building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if any of these birds are observed nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until (1) all nesting (or breeding/nesting behavior) has ceased or until after September 15; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint (not within existing open space [i.e., Guajome County Park and/or Rancho Guajome Adobe]) to reduce noise levels below 60 dB  $L_{eq}$  or ambient (if ambient is greater than 60 dB  $L_{eq}$ ). Alternatively, the duration of construction equipment operation could be controlled to keep noise levels below 60 dB  $L_{eq}$  or ambient in lieu of or in concert with a wall or other sound attenuation barrier.

**Biological Resources – 8.** To ensure compliance with the MBTA, clearing of native vegetation shall occur outside of the breeding season of migratory birds, as specified in Table 4.4-14 of the Final EIR. Clearing during the breeding season of MBTA-covered species (migratory birds that are native to the U.S. or its territories) could occur if it is determined that no nesting birds (or birds displaying breeding or nesting behavior) are present within three days prior to clearing. A pre-grading survey shall be conducted to determine if breeding or nesting MBTA-covered avian species occur within areas directly affected by grading or indirectly affected by noise. If any of these birds are observed nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until (1) the nest is abandoned or the young have fledged or (2) after July 31.

**Biological Resources – 9.** Prior to clearing, grubbing or grading, construction and construction staging area limits shall be clearly demarcated with temporary construction (orange blaze) fencing under the supervision of a qualified biologist to ensure that construction activity remains within the defined limits of work. This fencing shall demarcate areas where human and equipment access and disturbance from grading are prohibited. All site preparation near these interfaces shall be monitored by a qualified biologist during construction activities. A qualified biologist shall inspect the demarcated areas during regularly scheduled construction monitoring visits.

**Facts in Support of Findings:**

- 1) Implementation of the above-described mitigation measure will reduce direct impacts to wetland habitat to a level less than significant. Direct impacts to wetlands will be mitigated in accordance with measures acceptable to the ACOE, CDFG, Oceanside Draft Subarea Plan, and the County of San Diego's Biology Guidelines to ensure a no-net loss of wetlands. Mitigation for the loss of jurisdictional waters will be conditions of the permits issued by the ACOE and CDFG. As such,

potentially significant direct impacts associated with wetlands would be reduced to less than significant levels with implementation of this mitigation measure.

- 2) Implementation of the above-described mitigation measure will reduce direct impacts to saltgrass grassland to a less than significant level. The mitigation ratios prescribed by this mitigation measure are in accordance with the habitat mitigation requirements of the County of San Diego's Biology Guidelines. These measures ensure that adequate mitigation for saltgrass grassland habitat is implemented, before impacts occur, in a manner acceptable to the City, County and the resource agencies. As such, implementation of this mitigation measure ensures that impacts to saltgrass grassland are reduced to a less than significant level.
- 3) Implementation of the above-described mitigation measure will reduce direct impacts to Diegan coastal sage scrub and non-native grassland to a less than significant level. [The mitigation ratios prescribed by this mitigation measure are in accordance with the habitat mitigation requirements of the City of Oceanside's Draft Subarea Plan and (where applicable) the County of San Diego's Biology Guidelines. These measures ensure that adequate mitigation for these upland habitats is implemented, before impacts occur, in a manner acceptable to the City, County and the resource agencies. As such, implementation of this mitigation measure ensures that impacts to Diegan coastal sage scrub and non-native grassland are reduced to a less than significant level.
- 4) Implementation of the above-described mitigation measure will reduce direct impacts to wetland habitat to a level less than significant. Direct impacts to wetlands will be mitigated in accordance with measures acceptable to the ACOE, CDFG and County of San Diego to ensure a no-net loss of wetlands. Mitigation for the loss of jurisdictional waters will be conditions of the permits issued by the ACOE, CDFG and County. As such, potentially significant direct impacts associated with wetlands would be reduced to less than significant levels with implementation of this mitigation measure.
- 5) Implementation of the above-described mitigation measure will reduce direct impacts to wildlife habitat to a less than significant level. This mitigation requires conservation of suitable wildlife habitat in accordance with the habitat mitigation requirements of the City of Oceanside's Draft Subarea Plan and (where applicable) the County of San Diego's Biology Guidelines. These measures ensure that adequate mitigation for the habitats of these wildlife species is implemented, before impacts occur, in a manner acceptable to the City, County and the resource agencies. Additionally, the measure requires that appropriate permits are obtained for impacts to state or federal listed species, thereby ensuring that the wildlife agencies concur with the mitigation requirements. As such, implementation of this mitigation measure ensures that impacts to wildlife habitat are reduced to a less than significant level.
- 6) Implementation of the above-described mitigation measure will reduce indirect impacts related to colonization by non-native plant species to a less than significant level. This mitigation measure requires landscaping with native species in applicable locations and avoidance of landscaping with invasive species within 1,000 feet of Preserve Areas. This would minimize the potential for non-native species to colonize the area as a result of the proposed project. As such, implementation of this mitigation measure ensures that impacts related to non-native plant species are reduced to a less than significant level.

- 7) Implementation of the above-described mitigation measure will reduce direct and indirect impacts to sensitive avian species (coastal California gnatcatcher, least Bell's vireo, tree-nesting raptors) to a less than significant level. It requires that no grubbing, clearing or grading occur within 500 feet of occupied habitat during the respective nesting seasons. To ensure this, grubbing, clearing or grading activities during the breeding season must be preceded by a pre-grading survey. If the species are present, activities must be postponed until nesting has ceased, the breeding season is over, or a noise barrier or berm is constructed to reduce construction noise at the nest to an acceptable level. These measures have proven effective in avoiding potential direct and indirect impacts to sensitive avian species during construction of a project.
- 8) Implementation of the above-described mitigation measure will reduce direct impacts to migratory avian species to a less than significant level. It requires that clearing of vegetation occur outside of the breeding season of migratory birds, unless it is determined through a pre-grading survey that no nesting birds are present within three days prior to clearing. This measure would avoid direct nest disturbance, thus helping to ensure species survival. As such, implementation of this mitigation measure ensures that direct impacts to migratory avian species are reduced to a less than significant level.
- 9) Implementation of the above-described mitigation measure will reduce direct and indirect impacts to sensitive wetland and upland habitat to a less than significant level. The measure requires clear demarcation of allowable limits of impact and monitoring by a qualified biologist to ensure that appropriate precautions are taken to protect sensitive biological resources on- and off-site. These measures have proven effective in avoiding potential indirect impacts to sensitive vegetation communities and associated species during construction of a project.

#### 5.4 Noise (Direct)

**Environmental Impacts:** Project traffic noise levels would directly impact sensitive receptors, including existing residences, future residences, parks, biological open space, and sensitive bird species. Project construction activities would result in a short-term, temporary increase in the ambient noise level in the immediate area of construction that could significantly impact sensitive bird species.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct significant environmental effect related to Noise identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct Noise impacts to below a level of significance.

Noise – 1. Prior to opening of the proposed Melrose Drive extension, the City shall construct five-foot tall noise barriers along the proposed Melrose Drive extension, as illustrated on Figure 4.7-1 of the Final EIR, unless subsequent noise analysis is performed that indicates alternative heights and/or locations would achieve the applicable standard. Barriers shall be constructed

to the satisfaction of the Director of the City Planning Department and the Director of the County Department of Planning and Land Use.

- Noise – 2. Prior to opening of the proposed Melrose Drive extension, the City shall construct sound attenuation barriers along Melrose Drive from Spur Avenue to SR-76 and from Sagewood Drive to North Santa Fe Avenue (refer to Figures 4.7-4 to 5 of the Final EIR), to the satisfaction of the Director of the City Planning Department. These barriers shall range from 5 to 12.5 feet tall, as indicated in Table 4.7-5 of the Final EIR.

To mitigate for potential construction noise impacts to sensitive bird species, the applicant shall complete mitigation measures Biological Resources – 7 and – 8, as described in the Biological Resources section, above.

**Facts in Support of Findings:**

- 1) Implementation of the above-described mitigation measure will reduce potentially significant impacts associated with operational noise along the new roadway segment to a less than significant level. The barriers will reduce operational noise levels to below the applicable City and County noise thresholds for the adjacent uses. As such, implementation of this mitigation measure ensures that direct noise impacts to adjacent uses are reduced to a less than significant level.
- 2) Implementation of the above-described mitigation measure will reduce potentially significant impacts associated with operational noise north and south of the new roadway segment to a less than significant level. The barriers will reduce operational noise levels to below the applicable City and County noise thresholds for the adjacent uses. As such, implementation of this mitigation measure ensures that direct noise impacts to adjacent uses are reduced to a less than significant level.
- 3) Implementation of the above-described mitigation measures will reduce potentially significant impacts on sensitive bird species associated with construction noise to a less than significant level. This level would require avoiding habitat disturbance during the breeding season or conducting pre-grading surveys and implementing appropriate avoidance measures, so as not to disturb nesting activities of protected avian species. These mitigation measures will reduce construction noise impacts to a less than significant level.

**5.5 Air Quality (Direct)**

**Environmental Impacts:** Construction-related vehicle/equipment emissions and fugitive dust impacts related to criteria air pollutants would exceed established thresholds and would, therefore, pose a significant, but temporary, direct impact on the ambient air quality during the construction.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental air quality direct effect related to construction emissions, as identified in the Final EIR, to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct air quality impacts during construction to below a level of significance.

Air Quality and Climate Change – 1. Prior to grading, the following measures shall be included in the notes of the grading plan and implemented during construction, to the satisfaction of the City Engineer:

- Adhere to BMPs, which shall include the application of water on disturbed soils three times per day (3.2-hour watering interval), covering haul vehicles, replanting disturbed areas as soon as practical, and restricting vehicle speeds on unpaved roads to up to 15 miles per hour or less, to control fugitive dust.
- All paved streets from which site access is taken shall be swept on a daily basis to remove dirt carried from the site to the street in order to keep vehicles from pulverizing the dirt into fine particles.
- All vehicles shall be covered with tarps when hauling dirt to or from the site on public roadways, unless additional moisture is added to prevent material blow-off during transport.
- During construction activities, construction equipment shall be properly maintained to ensure proper timing and tuning of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction activity.
- During grading activities, chemical soil stabilizers shall be applied to inactive areas to reduce fugitive dust emissions where applicable.

- During construction activities, contractor shall ensure that all equipment on-site will not idle for more than five minutes.
- Contractor shall adhere to all San Diego Air Pollution Control District (SDAPCD) Rules and Regulations.
- Contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board.
- Disturbed areas shall be limited to 9.0 acres per day.

**Facts in Support of Findings:** With implementation of the above described mitigation measures, the project would not expose sensitive receptors to substantial pollutant concentrations during construction. As a result, direct, temporary emissions impacts during project construction would be reduced to below a level of significance.

#### **5.6 Hazards and Hazardous Materials (Direct)**

**Environmental Impacts:** Direct impacts associated with the potential to encounter an underground storage tank (UST) and/or related contamination from unreported release(s) on the Omori Farms site could be significant. Demolition of existing residential and agricultural structures also could result in the release of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct significant environmental effect related to Hazardous Materials identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and made binding through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct Hazardous Materials impacts to below a level of significance.

**Hazards/Hazardous Materials - 1.** Upon ROW acquisition of Assessor's Parcel Numbers 15940021 and 15911247 and prior to grading, a geophysical survey and/or hand excavation program shall be conducted at the potential UST site within the former Omori Farms property, to the satisfaction of the County Department of Environmental Health (DEH). If this program identifies the potential occurrence of USTs, associated contamination or

other related issues, a Registered Engineer or Professional Geologist shall complete a Soil Management Plan prior to Project construction that provides guidance and procedures for: (1) identifying contaminated soils; (2) segregating and sampling soil generated during construction activities; (3) identifying proposed public access to the site that could be affected by the presence of contaminated soils; (4) defining disposal requirements for soil transported off site; and (5) obtaining an approved permit from DEH to remove USTs from the site. If unknown contamination or other buried hazards are encountered during grading, remediation must be carried out under the oversight of the DEH Voluntary Assistance Program (VAP) program. Evidence of satisfaction of the above condition shall consist of a letter to the City from the DEH VAP (or other applicable oversight agency) providing concurrence on the content of the plan, and a letter to the City from a Registered Engineer or Professional Geologist indicating that they will provide appropriate oversight to ensure implementation of the plan during site development activities.

Hazards/Hazardous Materials -2.

Prior to demolition, an evaluation of the potential occurrence of ACMs and LBP shall be conducted for applicable on-site residential, agricultural and/or other structures, to the satisfaction of DEH. Specifically, the following investigations shall be required:

- With respect to ACMs, a survey shall be performed to determine the presence or absence of ACMs in applicable on-site structures. Suspect materials that will be disturbed by demolition activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by California Division of Occupational Safety and Health (Cal/OSHA) pursuant to regulations implementing subdivision (b) of Section 9021.5 of the California Labor Code, who shall have taken and passed an EPA-approved Building Inspector Course. Should regulated ASMs be found, they shall be handled in compliance with the SDAPCD Rule 361.145 - Standard for Demolition and Renovation. Evidence of

completion of the facility survey shall consist of a signed and stamped statement from the person certified to complete the facility survey indicating that the survey has been completed, and that either regulated asbestos is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.

- With respect to LBP, a survey shall be performed by a California Department of Health Services-certified lead inspector/risk assessor to determine the presence/absence of LBP in applicable on-site structures. All lead-containing materials scheduled for demolition shall comply with applicable SDAPCD regulations for demolition methods and dust suppression. Lead-containing materials shall be managed in accordance with applicable regulations.

**Facts in Support of Findings:** Implementation of the above-described mitigation measures will reduce potentially significant impacts associated with Hazardous Materials to a less than significant level. Investigation for the former UST site will be conducted to confirm whether the UST or associated contamination occur at the site and, if present, that the contamination be appropriately addressed. It also provides procedures for addressing currently unknown contamination that could be encountered during grading activities. With respect to ACMs and LBP, investigations to determine presence and, if applicable, appropriate remediation measures, are required. As such, implementation of this mitigation measure ensures that direct Hazardous Materials impacts are reduced to a less than significant level.

### 5.7 Cultural Resources (Direct)

**Environmental Impacts:** Habitat restoration activities that would involve ground disturbance may result in significant direct impacts to Cultural Resources. Impacts to site CA-SDI-12,736/SDM-W-5107A would be significant, if the site is present within the area of Project disturbance. Impacts to site SDM-W-3934 would be significant, if the site contains significant historical and/or unique archaeological resources. Significant impacts could occur if unknown cultural resources or human remains are discovered during grading.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct, significant environmental Cultural Resource effect identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct Cultural Resources impacts to below a level of significance.

Cultural Resources – 1. If habitat restoration activities that would involve ground disturbance are proposed, a qualified archaeologist shall conduct a record search and field survey to determine the potential for presence of historical and/or archaeological resources and make recommendations for avoidance, testing or monitoring, as appropriate. Any such recommendations shall be implemented to the satisfaction of the Director of the City Planning Department.

Cultural Resources – 2. Prior to disturbance of APN 15909026, a qualified archaeologist shall relocate CA-SDI-12,736/SDM-W-5107A to ensure the site will not be affected. If CA-SDI-12,736/SDM-W-5017A is relocated within the area of disturbance, limited testing shall be accomplished to confirm the presence or absence of the site. If the site is an historical resource or unique archaeological resource, then a research design and data recovery program shall be carried out by a qualified archaeologist, to the satisfaction of the Director of the City Planning Department.

Cultural Resources – 3. Upon ROW acquisition of APN 15911229 and prior to grading, a field check for SDM-W-3934 shall be conducted by a qualified archaeologist to determine the condition and integrity of the site, and to evaluate the site's significance. Limited subsurface testing may be necessary to make this determination. If the site is an historical resource or unique archaeological resource, then a research design and data recovery program shall be carried out by a qualified archaeologist, to the satisfaction of the Director of the City Planning Department.

Cultural Resources – 4. Prior to grading, after demolition and removal of all structures, a supplemental survey of the selected alignment alternative and acquired parcels shall be conducted by a qualified archaeologist and Native American monitor. All archaeological sites identified as a result of the supplemental survey shall be evaluated for integrity and significance. A research design and data recovery program shall be carried out by a qualified archaeologist for historical resources or

unique archaeological resources, to the satisfaction of the Director of the City Planning Department.

Cultural Resources – 5.

Prior to grading for the project, the City shall retain a qualified archaeological monitor and Native American monitor to implement the archaeological monitoring program described below. A qualified archaeological monitor is defined as an individual who has experience in the collection and evaluation of cultural resource materials, and who is working under the supervision of a qualified archaeologist. Mitigation conditions shall be placed on Project grading plans.

- A. The archaeological monitor and Native American monitor shall attend any preconstruction meetings with the Grading Contractor and/or Construction Manager to make comments and/or suggestions concerning the archaeological monitoring program. The requirement for archaeological monitoring shall be noted on the Project construction drawings.
- B. The archaeological monitor and Native American monitor shall be present on-site full-time during grading and/or other ground altering activities of native soils to identify any evidence of archaeological resources (e.g., faunal remains, pottery, stone tools, charcoal deposits, historic artifacts, etc.).
- C. If artifacts are found, the archaeological monitor shall be empowered to divert, direct or temporarily halt excavation equipment in the area of discovery to allow evaluation and recovery of potentially significant archaeological resources. The archaeological monitor shall immediately notify City staff of such finding at the time of discovery. The City shall respond to the finding within 24 hours and shall approve recovery and evaluation procedures to be performed. The archaeological monitor, with assistance if necessary, shall examine, recover and evaluate the significance of any newly discovered archaeological resources consistent with current professional standards, before grading activities will be allowed to resume. If artifacts of Native American origin are discovered, the Native American monitor shall be consulted to aid in evaluating significance. For historical resources or

unique archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts to the satisfaction of the Director of the City Planning Department, before grading activities in the area of discovery will be allowed to resume. Any human remains of Native American origin and items associated with Native American burials shall be turned over to the appropriate Native American group for reburial in accordance with Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code.

- D. All cultural materials collected shall be cleaned and cataloged. All artifacts shall be analyzed to identify function and chronology, as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center.
- E. A monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to the Director of the City Planning Department for approval within three months following termination of the archaeological monitoring program. For historical resources and unique archaeological resources, a research design and data recovery program shall be included as part of the evaluation report. A mitigation report for historical resources or unique archaeological resources, if required, shall also be submitted to the Director of the City Planning Department. Finally, any cultural materials recovered as the result of the archaeological monitoring program, with the exception of human remains of Native American origin and items associated with Native American burials, shall be curated at a San Diego County facility that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, including title, to an appropriate curation facility in San Diego County, accompanied by payment of the fees necessary for permanent curation. Evidence shall be submitted to Director

of the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Cultural Resources – 6.

If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

**Facts in Support of Findings:**

- 1) Implementation of the above-described mitigation measure would reduce the potentially significant impact associated with disturbance of potential archaeological resources during habitat restoration activities to below a level of significance. If ground-disturbing habitat restoration activities are proposed, a record search and field survey would be conducted, and measures to avoid or mitigate potential impacts would be implemented. The required measures have proven to be effective in avoiding or mitigating significant impacts from grading on archaeological resources.
- 2) Implementation of the above-described mitigation measure would reduce the potentially significant impact associated with disturbance of a known cultural resource during project grading activities to below a level of significance. The measure requires that the previously recorded site be re-located. If it is identified as being within the area of disturbance, limited testing and, if applicable, a research design and data recovery program, will be conducted. The required measures have proven to be effective in avoiding or mitigating significant impacts from grading on archaeological resources.
- 3) Implementation of the above-described mitigation measure would reduce the potentially significant impact associated with disturbance of a known cultural resource during project grading activities to below a level of significance. The measure requires a field check to determine the condition and integrity of the previously recorded site and evaluate its significance. Limited testing and, if applicable, a research design and data recovery program,

will be conducted. The required measures have proven to be effective in avoiding or mitigating significant impacts from grading on archaeological resources.

- 4) Implementation of the above-described mitigation measure would reduce the potentially significant impact associated with disturbance of currently unrecorded cultural resources during project grading activities to below a level of significance. The measure requires a supplemental survey of the selected alignment by a qualified archaeologist and Native American monitor after demolition and removal of all structures, but prior to the initiation of grading activities. If archaeological sites are identified, they will be evaluated for integrity and significance and (if applicable) a research design and data recovery program will be conducted. The required measures have proven to be effective in avoiding or mitigating significant impacts from grading on archaeological resources.
- 5) Implementation of the above-described mitigation measure would reduce the potentially significant impact of disturbance of cultural artifacts or human remains during grading activities to a less than significant level. The mitigation measure requires that a qualified archeologist and Native American monitor be retained to carry out a mitigation program before issuance of a grading permit. The mitigation measure further requires development and implementation of an archeological monitoring program, coordination with and supervision of an archeologist and an invited Native American monitor who will be present during ground-altering activities of native soils. The archeological monitoring program will address how to analyze any cultural material found, the curation or repatriation of any cultural material collected, and the preparation of a report documenting the methods and results of the monitoring program. The monitoring and potential data recovery programs as well as participation of a Native American monitor have proven to be effective in mitigating impacts from grading on archeological resources.
- 6) Implementation of the above-described mitigation measure would reduce the potentially significant impact of disturbance of human remains during grading activities to a less than significant level. The mitigation measure requires coordination with the County Coroner and, if applicable the Native American Heritage Commission and the “most likely descendant.” The mitigation measure further requires that the most likely descendant make recommendations, and engage in consultations regarding the treatment of the remains. The appropriate treatment of remains in accordance with the applicable legal requirements, including coordination with the most likely descendant, has proven to be effective in mitigating potential impacts from grading on human remains.

## 5.8 Paleontological Resources (Direct)

**Environmental Impacts:** Grading/excavation in previously undisturbed areas of the high-sensitivity Santiago Formation could result in significant direct impacts to paleontological resources.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct significant environmental effect on Paleontological Resources identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential direct Paleontological Resource impacts to below a level of significance.

Paleontology – 1. Monitoring shall be conducted by a qualified paleontologist or Paleontological resources monitor under the supervision of the qualified paleontologist. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or related field who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques. A paleontological resources monitor is defined as an individual with at least one year of experience in field identification and collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist.

Paleontology – 2. The qualified paleontologist shall attend the pre-grading or pre-construction meeting to discuss grading plans and consult with the grading and excavation contractors regarding the potential location and nature of paleontological resources and associated monitoring/recovery operations.

Paleontology – 3. The qualified paleontologist or paleontological resources monitor shall be on-site full-time during all grading/excavation activities involving previously undisturbed areas of the Santiago Formation to inspect for well-preserved fossils.

Paleontology – 4. In the event that well-preserved fossils or other unearthed paleontological resources are found, the qualified paleontologist or paleontological resources monitor shall implement appropriate salvage operations, potentially involving simple excavation, plaster-jacketing of large and/or fragile specimens, or quarry excavations for richly fossiliferous deposits. The qualified paleontologist or paleontological resources monitor shall have the authority to divert, direct or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains in a timely fashion.

Paleontology – 5. The qualified paleontologist or paleontological resources monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.

Paleontology – 6. Paleontological resources collected during the monitoring and salvage program shall be cleaned, sorted, repaired, stabilized, and cataloged to a point of identification, pursuant to acceptable industry standards. Curation of prepared fossil remains, typically involving scientific identification and cataloging of specimens, and entry of data into one or more accredited institutional databases, shall occur. Transfer and deposit of cataloged fossil remains, along with copies of all pertinent field notes, photos and maps, shall occur to an accredited scientific institution in California that houses paleontological collections for archival storage and/or display (such as the San Diego Natural History Museum).

Paleontology – 7. A final report shall be prepared to summarize the results of the mitigation program, including field and laboratory methods, stratigraphic units encountered, and the nature and significance of recovered paleontological resources. The final report also shall include appropriate graphics to document the stratigraphy and precise fossil collecting localities.

**Facts in Support of Findings:** Implementation of the above-described mitigation measures would reduce the potentially significant impact of disturbance of Paleontological Resources during grading activities to a less than significant level. The mitigation measures require that a qualified paleontologist/paleontological resources monitor attend the pre-grading or pre-construction meeting and be on-site full-time during all grading/excavation activities in previously undisturbed areas of the Santiago Formation. The mitigation measures also require that the paleontological monitor implement appropriate salvage operations, record data to provide a context for the recovered fossil remains, treat and curate fossils, and prepare a final report summarizing the results of the monitoring program. The monitoring and potential data recovery programs have proven to be effective in mitigating impacts from grading on Paleontological Resources.

## 5.9 Recreation (Direct)

**Environmental Impacts:** Significant direct impacts to recreational resources would occur as a result of the loss of 3.55 acres of parkland from the Project.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct significant environmental effect on Recreation identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measure, which is set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measure, and will mitigate the potential direct Recreation impacts to below a level of significance.

**Recreation - 1.** Prior to grading, the City shall acquire developed land contiguous to Guajome County Park and/or other appropriate areas to compensate for parkland taken by the proposed project, subject to approval by the Director of the County Department of Parks and Recreation. Appropriate land shall not include features such as graded slopes, noise walls, or drainage conveyances. The land shall be equal to the area of park impacted to parkland. The acquired land shall be deeded to the County. The acquired land shall be recontoured and vegetated with native habitat (e.g., coastal sage scrub) to prevent a loss in the ecological functions and values associated with the existing parkland system, to the satisfaction of the Director of the County Department of Parks and Recreation.

Vegetation shall be in accordance with a revegetation plan prepared in accordance with the County's most current Report Format and Content Requirements for Revegetation Plans and approved by the County and City. The revegetation plan shall address the following: responsible parties, types and areas of habitat to be revegetated, functions and values of habitat to be revegetated, planting and seeding methods, irrigation, maintenance, and monitoring. In addition, success criteria shall be established for native plant cover, weed cover, species diversity and recruitment, survivorship, and plant density. Monitoring of the revegetation area shall be conducted for a minimum of five years unless success criteria are met prior to the five-year period.

**Facts in Support of Findings:** Implementation of the above-described mitigation measure would reduce the potentially significant impact of loss of parkland on Recreation to a less than significant level. The mitigation measure requires replacement of an equal amount of parkland, revegetated with native habitat. The parkland is subject to approval by the County Department of Parks and Recreation, and the required revegetation must meet success criteria. The replacement of parkland has proven to be effective in avoiding impacts related to potential loss of recreation.

## 5.10 Public Utilities (Direct)

**Environmental Impacts:** The Project may conflict with existing water and wastewater infrastructure, which would be considered a significant direct impact. The Project also could impact existing San Diego Gas and Electric (SDG&E) facilities, which would result in a significant direct Public Utilities impacts.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the direct significant environmental effect related to Public Utilities identified in the Final EIR to below a level of significance.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate the potential Public Utilities direct impacts to below a level of significance.

Public Utilities – 1. Prior to grading, the City shall require preparation of a Utility Location and Assessment Program to ensure Project construction will not compromise the integrity or access to existing utilities, to the satisfaction of the City Engineer or the Water Utilities Director. The Utility Location and Assessment Program shall include, but not be limited to, location of existing utilities, evaluation of Project impacts and identification of appropriate recommendations. Recommendations may include, but not be limited to, replacing existing pipes and/or manholes, structurally reinforcing existing pipes or raising existing pipes to a standard depth at the new elevation.

Public Utilities – 2. Prior to finalization of Project design, the City shall resolve any conflicts with gas and electric facilities, to the satisfaction of SDG&E.

**Facts in Support of Findings:** Implementation of the above-described mitigation measures would reduce the potentially significant direct impacts to Public Utilities to a less than significant level. The mitigation measures require preparation and implementation of a Utility Location and Assessment Program to ensure that Project construction will not compromise the integrity of or access to existing utilities, as well as coordination with SDG&E. Such assessment, planning and coordination efforts have proven to be effective in avoiding impacts related to potential utility conflicts.

## 6. Findings Regarding Impacts that Cannot Be Mitigated to Below a Level of Significance

The Final EIR identifies the following four subject areas in which the Project would result in impacts on the environment which, even after the application of all feasible mitigation measures identified in the Final EIR, cannot be reduced to a level less than significant.

- Agricultural Resources (Direct)
- Climate Change (Direct and Cumulative)
- Land Use Planning (Direct)
- Visual Quality and Aesthetics (Direct and Cumulative)

The Land Use and Planning impact results from conflict with the policies with applicable plans and policies associated with the identified visual quality/aesthetics and agricultural resources. Project construction activities would result in slight increases in GHG emissions, which would yield incremental contributions to global climate change, and result in a potentially significant direct and cumulative impacts. The proposed noise attenuation barriers would change the visual character of Melrose Drive, north of Spur Avenue, resulting in a significant direct visual impact. Project implementation would result in the loss of 26.68 acres of important and viable agricultural resources, which is considered a significant direct impact.

In accordance with CEQA Guidelines Section 15092(b)(2), the City shall not approve the Project unless it first finds under CEQA Section 21081(a) and CEQA Guidelines Section 15091(a) that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR, and also finds under CEQA Guidelines 15092(b)(2)(B) that the remaining significant effects are acceptable due to overriding considerations as described in CEQA Section 15093.

### **6.1 Land Use and Planning (Direct)**

**Environmental Impacts:** The roadway would result in a significant conflict with the visual and aesthetic character of an area that is predominantly rural and agricultural in character, including the elimination of parkland and residential parcels. Roadway construction would be inconsistent with the City General Plan's Regional Land Use Element policies, which stipulate that land uses shall not create negative visual impacts to the surrounding land uses, due to the required construction of sound attenuation barriers. Because the project would displace an existing agricultural operation, it would be inconsistent with County of San Diego policies that promote the preservation of agricultural resources.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly  
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trained workers, make infeasible certain mitigation measures and the project alternatives identified in the EIR to avoid significant Land Use and Planning direct impacts associated with the Project.

**Mitigation Measures:** The following mitigation measures, which are set forth below, as well as in the Final EIR, are feasible and are made binding, through the Project's MMRP, which will ensure implementation of the mitigation measures, and will mitigate some, but not all, of the potential direct land use impacts to below a level of significance:

- Traffic – 1 and 2
- Biological Resources – 1 through 7
- Air Quality and Climate Change – 1
- Hazardous Materials – 1 and 2
- Cultural Resources – 1 through 6
- Paleontological Resources – 1 through 7
- Recreation – 1
- Public Utilities – 1 and 2
- Visual Quality and Aesthetics – 1 and 2

Each of these mitigation measures is described in detail elsewhere in these findings.

**Facts in Support of Finding:** While these mitigation measures (with the possible exception of Visual Quality and Aesthetics – 1, as described in Section 6.3) are considered feasible, they would not reduce all identified Land Use and Planning direct impacts to below a level of significance. The identified conflict with an established rural community through construction of a roadway results from the very nature of the project type and location. There are no mitigation measures available that would avoid the loss of agricultural lands. Similarly, no mitigation measures are available to avoid the loss of the visual and aesthetic character in the vicinity of the Project. Refer to Sections 6.3 and 6.4 with regard to Visual Quality and Aesthetic and Air Quality impacts. In summary, there are no other feasible mitigation measures to reduce identified Land Use and Planning direct impact to less than significant levels. A Statement of Overriding Considerations has therefore been prepared.

## 6.2 Climate Change (Direct and Cumulative)

**Environmental Impacts:** Project construction activities will result in the emission of GHGs. There is no de minimus threshold established for the reduction of GHG on a project level. As a result, the

incremental, temporary contribution of GHG emissions during Project construction is considered to pose a potentially significant direct and cumulative impact.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible certain mitigation measures and the project alternatives identified in the EIR.

**Mitigation Measures:** Although mitigation measures are identified to reduce potential GHG emissions, no project-level mitigation exists to reduce the direct and cumulative effects of climate change to below a level of significance.

**Facts in Support of Findings:** There is no comprehensive program, even on a statewide level, specifically targeting the emission of GHG, or exposure to risks associated with global warming, in which the Project could participate. In the absence of such yardsticks to measures effective participation in an effort to reduce climate change risks, no feasible mitigation is available to reduce the direct and cumulative effects of climate change to less than significant levels. A Statement of Overriding Considerations has therefore been prepared.

### 6.3 Visual Quality and Aesthetics (Direct and Cumulative)

**Environmental Impacts:** The proposed noise attenuation barriers would change the visual character of Melrose Drive, north of Spur Avenue. [The roadway would appear more enclosed due to the barriers lining both sides of the street. While most of the barriers would not be tall, they would be long and homogenous, resulting in dominant features that would contrast with existing elements along the roadway. These features would contrast with the visual environment of Melrose Drive and conflict with the visual quality of the area. The resulting visual impact, therefore, would have a direct and cumulative significant impact on Visual Quality and Aesthetics.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible certain mitigation measures and the project alternatives identified in the EIR.

**Mitigation Measures:** The following mitigation measure, which is set forth below, as well as in the Final EIR, is made binding through the Project's MMRP, and will reduce some potential Visual Quality and Aesthetics impacts but not to below a level of significance:

Visual Quality and Aesthetics – 1. Prior to construction of noise walls along Melrose Drive, north of Spur Avenue, the City shall negotiate with the appropriate Home Owners Association(s) the placement of

noise barriers along the property lines of APN 15777052, 15777054-15777062, 15777064-15777068, to the satisfaction of the City Director of the Planning Department. This will allow the height of the noise walls to be reduced relative to the requirements specified in Section 4.7, due to topographic considerations, and landscaping to be used to screen views of the walls.

**Facts in Support of Findings:** It is uncertain at this time whether the Home Owners Association(s) responsible for the properties identified in Mitigation Measure Visual Quality and Aesthetics – 1 would agree to placement of the noise walls away from the right-of-way. This impact is, therefore, conservatively assessed as significant and unmitigable. As the other walls must be placed along the edge of right-of-way due to the presence of adjacent existing uses, there are no measures available to reduce the visual impact of the other walls north of Spur Avenue. In summary, there are no other feasible mitigation measures to reduce identified direct and cumulative Visual Quality and Aesthetics impacts to less than significant levels. A Statement of Overriding Considerations has therefore been prepared.

#### 6.4 Agricultural Resources (Direct)

**Environmental Impacts:** The Project would result in significant, direct impacts to on-site agricultural resources. Specifically, Project implementation would result in the permanent loss of agricultural resources within candidate soil areas (26.68 acres). Accordingly, Project implementation would substantially impair the ongoing availability and viability for on-site agricultural use, with the associated impacts considered a direct significant impact.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible certain mitigation measures and the project alternatives identified in the EIR.

**Mitigation Measures:** There are no feasible mitigation measures available to address significant direct Agricultural Resources impacts, as described below.

**Facts in Support of Findings:** Potential mitigation and design options identified to address direct on-site Agricultural Resources impacts include: (1) on-site preservation of agricultural resources at a 1:1 impact-to-mitigation ratio; and (2) purchase of off-site agricultural conservation easements at a 1:1 impact-to-mitigation ratio. The feasibility of these options as mitigation for Project direct Agricultural Resources impacts is described as follows.

The preservation of on-site agricultural resources would involve efforts such as locating the proposed roadway extension in areas that are least suitable for agricultural use. While agricultural property owners/operators would receive pertinent compensation for associated Project impacts, the City has not proposed on-site mitigation for effects to identified agricultural resources, and the preservation of adequate on-site mitigation areas may not be feasible. Specifically, the alignment footprint cannot be substantially reduced without jeopardizing the Project objectives, and areas potentially available for on-site mitigation under the proposed design may not be viable for commercial agriculture due to their small size and fragmented nature. It should be noted that the alignment alternative selected for implementation is the option resulting in the least amount of agricultural impact. Accordingly, the Project does not include any mitigation or reduction of direct impacts to agricultural resources through on-site preservation of identified agricultural resources.

The establishment of protective agricultural easements would involve placing a voluntary restriction on property to protect agricultural lands and related resources, such as surface or groundwater, with the intent of preserving the viability and availability of the subject lands for agricultural use. Such easements generally allow monitoring and enforcement of the easement conditions by the public agency (or other appropriate entity) purchasing the easement, with conditions typically variable with site-specific resources and other considerations. The City is not proposing to acquire off-site agricultural easements as a part of the Project. This decision was based on the lack of an established local or regional program to facilitate the purchase of appropriate easements, as well as the inherent difficulties and complexities involved with implementing such purchases on a project-specific basis (e.g., identifying appropriate easement locations and willing landowners, and assessing appropriate values for the Project and easement sites). Based on these considerations, the Project does not include any mitigation or reduction of direct impacts to agricultural resources through purchase of off-site agricultural conservation easements.

In summary, there are no other feasible mitigation measures to reduce identified Agricultural Resources impacts to less than significant levels. A Statement of Overriding Considerations has therefore been prepared.

## 7. Findings Regarding Alternatives

Under CEQA, whenever a public agency considers approving a project for which the EIR concludes that, notwithstanding the incorporated mitigation measures, there will remain significant impacts that are not avoided or lessened below a level of significance, the public agency must consider and make findings regarding the feasibility of alternatives discussed in the EIR. As stated in CEQA §21002:

“[It] is the policy of the State that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant effects of such projects... The legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or mitigation measures, individual project may be approved in spite of one or more significant effects thereof.”

The Final EIR concludes that after incorporation of the mitigation measures outlined in Section 5 above, the Project would still have significant and unmitigable environmental impacts on Land Use and Policy (direct), Climate Change (direct and cumulative), Visual Quality and Aesthetics and Agricultural Resources.

CEQA Guidelines Section 15091 states that the determination of the infeasibility of alternatives must evaluate any economic, social, or other considerations related to the alternatives and as compared to the projects as proposed in the EIR. “Feasible” is defined in CEQA Guidelines Section 15364 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” At the same time, infeasibility is not equated with impossibility, and case law recognizes that an alternative or mitigation measure may also be infeasible if it is undesirable or impractical from a policy standpoint.

In undertaking the comparative analysis called for under CEQA in considering the feasibility of project alternatives, it is also necessary to keep in mind the project objectives as expressed in the Final EIR. The project objectives are as follows:

- Improve intra-city and sub-regional multi-modal transportation service by creating an important regional transportation link to the cities of Vista and Carlsbad and allowing access between North Santa Fe Avenue and SR-76 via Melrose Drive;
- Ensure adequate levels of service on Melrose Drive and surrounding roadways and intersections pursuant to the goals and policies of the City’s Circulation Element;
- Implement the City’s Master Transportation Plan;

- Implement the City's Recreational Trails Element;
- Implement the City's Bicycle Master Plan; and
- Implement the County's General Plan.

As the primary objective of connecting the two existing termini of Melrose Drive can only be achieved by construction of a roadway, the three alignments (A, B and C) analyzed in detail in the Draft EIR represent the primary alternatives. As indicated earlier, Alternative A has been selected as the proposed Project. Thus, Alternative Alignments B and C are considered alternatives to the proposed Project. Additional alternatives qualitatively evaluated include a Bridge Alternative, which would construct a bridge in lieu of culverts to cross Guajome Creek to reduce impacts on wetlands; and the No Project Alternative, which would retain the existing conditions.

### 7.1 Alternative B

**Description:** Alternative B would move the roadway extension easterly of the alignment of the proposed Project. Alternative B would improve North Santa Fe Avenue for a distance of approximately 850 feet to the west of the Melrose Drive center line and approximately 650 feet to the east. Melrose Drive would span Guajome Lake Road with a 245-foot long bridge. Improvements to Guajome Lake Road would extend approximately 550 feet to the west of the Melrose Drive center line and approximately 250 feet to the east. Old Colony Road would no longer exist. Glenview Lane would no longer exist as a through street; the southern half would be removed. Improvements to Willowbrook Drive would include paving approximately 190 feet east of Melrose Drive. The APE for Alternative B encompasses approximately 75.2 acres. Alternative B would require the full take of 22 parcels.

**Environmental Impacts:** The environmental impacts of Alternative B are generally similar to those of the proposed Project, with some variations. Impacts to sensitive biological communities would be reduced to approximately 6.14 acres (compared to 7.0 acres for the Project). This alternative would, however, result in acquisition of eight additional residential parcels. More blasting would be required (with associated potential for increased temporary noise impacts), and the export period associated with construction would be approximately 50 weeks longer than for the Project. As a result, the associated construction period air emissions and potential construction-related traffic impacts also would be greater under this alternative. This alternative would have a greater impact on Guajome Regional Park (3.62 vs. 3.55 acres).

**Finding:** The Planning Commission finds, pursuant to Public Resources Code 21081(a)(1), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible Alternative B, as identified in the Final EIR.

**Facts in Support of Findings:** The benefit to biological resources under this alternative is outweighed by the additional impacts that would occur to adjacent residents and Guajome Regional Park. This alternative would have a substantially greater social and economic impacts. This alternative would result in a higher cost because it would require acquisition of an additional eight properties. It would result in a greater loss of parkland. In addition, the increased grading required with this alternative would substantially increase the cost of construction.

From a social perspective, this alternative would result in greater visual quality and aesthetic impacts due to the increased height of the manufactured slopes resulting from the increased amount of grading. The increased grading would also increase construction noise and dust. Thus, this alternative is considered infeasible and is rejected.

### 7.1 Alternative C

**Description:** Alternative C would improve North Santa Fe Avenue for a distance of approximately 625 feet to the west of the Melrose Drive center line and approximately 800 feet to the east. Melrose Drive would span Guajome Lake Road with a 305-foot-long bridge. Improvements to Guajome Lake Road would extend approximately 300 feet to the west of the Melrose Drive center line and approximately 400 feet to the east. The southernmost portion of Old Colony Road would be removed. This alternative would not affect Glenview Lane. Improvements to Willowbrook Drive would include paving approximately 235 feet east of Melrose Drive. The APE for Alternative C encompasses approximately 57.1 acres, including a total encroachment of 8.35 acres into Guajome County Park and Rancho Guajome Adobe. Alternative C would require the full take of seven parcels.

**Environmental Impacts:** The environmental impacts of Alternative C are generally similar to those of the Project, with some variations. Alternative C would result in six fewer residential parcel acquisitions than the Project, with a corresponding reduction in impacts to community character. The construction period (with associated temporary air quality, noise, and traffic impacts) would be substantially reduced under this alternative (approximately one week, compared to 26 with the Project). This alternative would, however, result in the greatest impact to parkland (8.35 acres compared to 3.55 acres with the Project) and sensitive vegetation communities (9.88 acres, compared to 7.0 acres with the Project). As with the Project, noise barriers required under this alternative would result in significant and unmitigable impacts to views from trails within the northwestern portion of Guajome County Park.

**Finding:** The Planning Commission finds, pursuant to Public Resources Code 21081(a)(1), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible Alternative C, as identified in the Final EIR.

**Facts in Support of Findings:** The benefit to community character and reduction in temporary construction impacts under this alternative is outweighed by the additional impacts that would occur to parkland, sensitive vegetation communities. Social consequences of this alternative include a substantially increased reduction in the amount of parkland available to the surrounding communities. The loss of a greater amount of sensitive biological resources is also critical due to the fact that natural biological resources have historically been reduced. Thus, this alternative is considered infeasible and is rejected

#### 7.4 Bridge Alternative

**Description:** This alternative would implement a connection of Melrose Drive but would include a bridge over Guajome Creek rather than culverts. The culverts beneath the existing Melrose Drive/North Santa Fe Avenue intersection would be replaced by a 150-foot bridge that would span Guajome Creek. In elevation needed to accommodate a bridge would affect the roadways on either end. The intersection at Willowbrook Drive would be 13 feet higher than the existing roadway, and the Melrose Drive/North Santa Fe intersection would be 20 to 25 feet higher. The Bridge Alternative would encompass 350 linear feet of improvements to North Santa Fe Avenue west of Melrose Drive, with associated grading requiring approximately 15,000 cy of material import. Existing storm drain structures that connect to the current culvert system would be rerouted and discharged through either the bridge abutment wall or a sub structure.

**Environmental Impacts:** This alternative would reduce the amount of required earthwork in the Guajome Creek corridor, but would entail some disturbance to set the bridge foundations and build the structure. This alternative would reduce impacts to sensitive habitats and jurisdictional waters by approximately two acres in comparison with the proposed Project. Wildlife movements through Guajome Creek would be enhanced by the Bridge Alternative, as the confining character of the culverts would be replaced by a bridge opening that would provide a clearance of 20 feet between the creek bed and the bridge base. Specifically, this opening would be much more conducive to wildlife movement than the proposed culverts.

This alternative would increase visual and noise impacts due to the presence of an elevated bridge and roadway. The heightened level of the bridge deck would render ineffective the noise attenuation barriers currently in place for the residences at the Melrose Drive/North Santa Fe Avenue intersection. The bridge deck would sit nearly at the same elevation as the residences to the southwest and east of the proposed bridge. The added height of the improvements would contribute to a more visible profile and could, therefore, increase visual impacts associated with the roadway extension. The impacts on the Guajome Regional Park, relative to the loss of parkland would be comparable to the proposed Project.

**Finding:** The Planning Commission finds, pursuant to Public Resources Code 21081(a)(1), that specific economic, legal, social, technological or other considerations, including considerations Melrose Drive Extension Project City of Oceanside

identified in the Statement of Overriding Considerations, make infeasible the Bridge Alternative identified in the Final EIR.

**Facts in Support of Finding:** Although the bridge would reduce impacts to Guajome Creek, it is considered infeasible. Based on preliminary estimates of probable construction cost, construction of the roadway with a bridge structure would cost approximately \$22 million (53 percent) more than the most expensive alignment without a bridge structure. Thus, this alternative is rejected as being economically infeasible for the City to implement.

### 7.3 No Project Alternative

**Description:** Under the No Project Alternative, the Project site would remain in its current condition and the existing termini of Melrose Drive would remain unconnected.

**Environmental Impacts:** The No Project Alternative would avoid all the significant impacts of the Project, including impacts to land use and planning, traffic, biological resources, noise, air quality and climate change, hazards and hazardous materials, visual quality and aesthetics, agricultural resources, cultural resources, paleontological resources, recreation, and public services utilities.

**Finding:** The Planning Commission finds, pursuant to Public Resources Code 21081(a)(1), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the No Project Alternative identified in the Final EIR.

**Facts in Support of Findings:** The No Project Alternative would not meet any of the project objectives. It would be inconsistent with the goals of the City and County's transportation plans, as both anticipate the connection of Melrose Drive between SR-76 and North Santa Fe Avenue. This alternative would not improve intra-city and sub-regional transportation service. As a result, under long-term conditions, two intersections and one roadway segment would operate at unacceptable LOS levels that are worse than those would occur with the proposed Project. The potential energy-saving benefits anticipated from reduced Vehicle Miles Traveled and vehicle idling would not occur. This alternative would also not implement the City's Recreational Trails Element, as it would not construct proposed bicycle path connections, or multi-purpose trail connections including Spur Avenue to the Guajome Lake Road trail, the North Santa Fe trail, and Rancho Guajome Adobe. Potential improvements in flood conditions as a result of installation of larger box culverts (which would occur as part of the proposed Project) also would not occur under this alternative. For these reasons, the No Project Alternative has been rejected.

## 8. Findings Regarding Growth Inducing Impacts

The proposed roadway extension would not foster or otherwise contribute to economic or population growth or the construction of additional housing. The Project would provide a regional transportation link by allowing access from North Santa Fe Avenue to SR-76 (Mission Avenue), and would facilitate circulation to and from the cities of Vista and Carlsbad. Proposed improvements are included in the City's Master Transportation Plan within the General Plan Circulation Element, and are intended to service existing development and accommodate growth that has previously been planned on a regional level by zoning and land use designations. Existing and planned development have progressed with the anticipation that the roadway extension would be provided. Aside from previously planned development, no new opportunities for housing or other population growth are created or encouraged by the extension of this roadway. It is anticipated that the demand for labor during construction of the Project would be met by the local labor force, and would not require importation of a substantial number of workers that could cause an increased demand for temporary or permanent housing in this area. While the Project would entail the introduction of new infrastructure to a semi-rural environment (the environmental effects of which are analyzed in the preceding chapters), either side of the extension would be bound by existing development, so new access to undeveloped areas would not be opened. Furthermore, the Project would not require the extension of utilities and service systems or public services (e.g. sewer, water, police, fire, etc.). The Project, therefore, would not result in the expansion of utilities and service systems or public services that would facilitate growth in the area.

The Project would neither foster growth nor require the extension or expansion of utilities, infrastructure or public services to an area not already serviced by local utilities or services. Therefore, growth inducement would not be significant as a result of the Project.

## **9. Statement of Overriding Consideration**

As discussed in Section 6 of these Findings, the Final EIR concludes that the Project, even with incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless have significant impacts and unmitigable environmental impacts on Land Use and Planning (direct), Climate Change (direct and cumulative), Visual Quality and aesthetics and Agricultural Resources (direct).

Under CEQA, before a project which is determined to have significant, unmitigated environmental effects can be approved, the public agency must consider and adopt a "Statement of Overriding Considerations" pursuant to CEQA Guidelines 15043 and 15093. As the primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a Project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, the agency must explain and justify its conclusion to approve such a project through the Statement of Overriding Considerations

setting forth the Project's general social, economic, policy or other public benefits which support the agency's informed conclusion to approve the Project.

The City finds that the Project has the following substantial social, economic, policy and other public benefits justifying its approval and implementation, notwithstanding not all environmental impacts were fully reduced below a level of significance:

- 9.1 The Project will implement the City's Circulation Element, Master Transportation Plan, Recreational Trails Element, and Bicycle Master Plan; as well as the County's Circulation Element.
- 9.2 The Project will provide regional connectivity between North Santa Fe Avenue and SR-76.
- 9.3 The Project will facilitate improved access for emergency vehicles, as well as emergency evacuation of citizens.
- 9.4 The Project will result in improved traffic operations at several intersections (SR-76/North Santa Fe Avenue, SR-76/Melrose Drive, SR-76/College Boulevard) and roadway segments (North Santa Fe Avenue between Melrose Drive and SR-76, SR-76 from Guajome Lake Road to east of Melrose Drive), relative to what would occur in 2030 without the project.
- 9.5 The replacement of culverts in Guajome Creek with larger culverts will result in a flow regime that more closely matches the original creek hydrology.
- 9.6 Implementation of the Project will create temporary, construction-related employment opportunities.

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## MITIGATION MONITORING AND REPORTING PROGRAM

### Introduction

Mitigation Monitoring and Reporting Programs (MMRPs) are required by California Environmental Quality Act (CEQA) Section 21081.6 to be incorporated into the Final Environmental Impact Report (EIR) for projects having the potential to cause significant environmental impacts. The MMRP describes changes to the project or conditions of project approval that mitigate or avoid significant effects on the environment. This MMRP addresses the current Melrose Drive Extension Project proposed by the City of Oceanside. The project is located within the cities of Oceanside and Vista, and the County of San Diego. The City of Oceanside is the lead agency for approval of the Project.

### Project Description Summary

The Project includes constructing an approximately 3,000-foot roadway segment to connect the existing terminus of Melrose Drive, at Spur Avenue, to North Santa Fe Road. To provide this connection, the project also includes widening approximately 1,900 feet of the existing section of Melrose Drive, located south of North Santa Fe Avenue. Improvements to other roadways also would occur.

### MMRP Format and Implementation

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project were identified in the EIR. The project mitigation measures will become conditions of project approval. The City of Oceanside is required to verify that all adopted mitigation measures are implemented properly. To ensure compliance, this MMRP (including checklists) has been formulated. It shall be adopted, along with CEQA Findings, by the City of Oceanside as CEQA Lead Agency and must be administered by City of Oceanside personnel from the Planning and Community Service (Engineering) departments. Specific responsibilities are delineated in the attached checklist tables. These responsibilities may be delegated to qualified City staff or consultants. No authorization to commence any activity on site shall be granted except with the concurrence of the respective City departments.

The checklist, which follows as Table 1, is intended to be used by grading/construction contractors and personnel from the above-listed City Departments, as the appointed mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance and delineates the monitoring schedule. Following is an explanation of the four columns that constitute each MMRP checklist.

- Column 1     Mitigation Measures: An inventory of each mitigation measure is provided, with a brief description.
- Column 2     Type: Each mitigation measure is classified as either Construction-related Mitigation (CM) or Operational Mitigation (OM), based upon the following definitions:

- Construction-related Mitigation – mitigation that requires monitoring during project construction (e.g., dust control, road improvements)
- Operational Mitigation – mitigation that requires monitoring after the project becomes operational (e.g., landscape maintenance, lighting)

Column 3     Monitor: Identifies the senior staff person at the City who is responsible for determining compliance with each mitigation measure and informing the Planning Department regarding compliance. This individual may assign specific monitoring tasks to City staff or consulting specialists (e.g., biological monitor, paleontological monitor).

Column 4     Schedule: As scheduling is dependent upon the progression of the overall project, specific dates are not used within the “Schedule” column. Instead, scheduling describes a logical succession of events (e.g., prior to occupancy, annually, etc.) and, if necessary, delineates a follow-up program.

**Table 1  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>TRAFFIC/CIRCULATION</b>				
<p><u>Traffic - 1.</u> Prior to opening the proposed extension, the City shall add a third eastbound and westbound through lane and a second eastbound right-turn lane, provide northbound dual right-turn and left-turn lanes, and provide a southbound exclusive right-turn lane at the SR-76/East Vista Way intersection, to the satisfaction of Caltrans and the County Engineer. Because roadway improvement plans have not been developed, the impacts are not assessed in this EIR and subsequent environmental review shall be required for these improvements, to the satisfaction of the Director of the City Planning Department.</p>	CM	City Planner; City Engineer	Oceanside	Prior to opening
<p><u>Traffic - 2.</u> A construction traffic analysis shall be incorporated into the Construction Management Plan, to the satisfaction of the City Engineer. The Project contractor shall implement the Construction Management Plan to ensure that construction activities would comply with City requirements. The traffic portion of the Construction Management Program shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Staging and timing of the Project (including duration of grading and export)</li> <li>• Limitations on truck traffic during peak hours, as necessary</li> <li>• Traffic flows and movements (including construction crew, supply delivery and import/export of soils material)</li> <li>• Road safety issues</li> <li>• Emergency arrangements</li> <li>• Bicycle and pedestrian access and crossings</li> </ul>	CM	City Planner; City Engineer	Oceanside	Prior to Notice to Proceed

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>BIOLOGICAL RESOURCES</b>				
<p><u>Biological Resources – 1.</u> Prior to clearing, grubbing or grading, impacts to southern riparian forest, southern willow scrub (including disturbed), freshwater marsh, cismontane alkali marsh and mule fat scrub shall be mitigated at a 3:1 ratio through creation and enhancement of suitable habitat in consultation with the Corps, CDFG and County as shown in Final EIR Table 4.4-10. If feasible, wetland habitat mitigation would occur within Guajome County Park or Rancho Guajome Adobe. If mitigation cannot occur in either of these areas, it shall take place at an approved mitigation bank in consultation with the County and resource agencies.</p>	CM	City Planner; City Engineer; County Planner; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed
<b>BIOLOGICAL RESOURCES (cont.)</b>				
<p><u>Biological Resources – 2.</u> Prior to clearing, grubbing or grading, impacts to saltgrass grassland shall be mitigated at a 3:1 ratio through creation and enhancement of suitable habitat or acquisition of suitable credits at an approved mitigation bank in consultation with the County and resource agencies.</p>	CM	City Planner; City Engineer; County Planner; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed
<p><u>Biological Resources – 3.</u> Prior to clearing, grubbing or grading, impacts to Diegan coastal sage scrub (including disturbed) and non-native grassland shall be mitigated at a 2:1 and 0.5:1 ratio, respectively, through creation and enhancement of suitable habitat or acquisition of suitable credits at an approved mitigation bank in consultation with the County and resource agencies. In addition, the City shall obtain approval from the County's Board of Supervisors to use a portion of the County's allocation of the five percent take allowance of Diegan coastal sage scrub prior to clearing, grubbing or grading.</p>	CM	City Planner; City Engineer; County Planner; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>BIOLOGICAL RESOURCES (cont.)</b>  <u>Biological Resources – 4.</u> Prior to clearing, grubbing or grading, impacts to Corps, CDFG and County RPO jurisdictional areas including southern riparian forest, southern willow scrub (including disturbed), freshwater marsh, cismontane alkali marsh and mule fat scrub shall be mitigated at a 3:1 ratio (Final EIR Tables 4.4-12, 4.4-13 and 4.4-14, respectively) through creation and enhancement of suitable habitat in consultation with the Corps, CDFG and County. If feasible, mitigation for jurisdictional impacts would occur within Guajome County Park or Rancho Guajome Adobe. If mitigation cannot occur in either of these areas, it shall take place at an approved mitigation bank in consultation with the County and resource agencies.</p>	CM	City Planner; City Engineer; County Planner; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed
<p><u>Biological Resources – 5.</u> Direct and indirect loss of sensitive animal species habitat shall be mitigated through implementation of Mitigation Measures Biological Resources – 1, 2, and 3. Evidence that all applicable federal and state endangered species permits have been obtained shall be provided to the City prior to issuance of any grading permit.</p>	CM	City Planner; City Engineer; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed
<p><u>Biological Resources – 6.</u> Prior to clearing, grubbing or grading, a landscape plan shall be prepared, to the satisfaction of the Directors of the City of Oceanside Planning Department, County Department of Planning and Land Use, and County Department of Parks and Recreation. The landscape plan shall avoid installation of plant species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC 2006), Table 5-5 (Common Invasive Plant Species Prohibited for Planting within 1,000 Feet of Preserve Areas Within the Wildlife Corridor Planning Zone) in the Draft Oceanside Subarea HCP (City of Oceanside 2009), and/or in Table 2 of Appendix G (Common Non-native Invasive Species) of the Draft North County MSCP. Any landscaping within existing or proposed County parklands shall consist solely of native species and shall be subject to approval by the Director of the County Department of Parks and Recreation.</p>	CM	City Planner; City Engineer; County Planner, County Parks and Recreation; Wildlife Agencies; Biological Monitor	Oceanside	Prior to Notice to Proceed

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>BIOLOGICAL RESOURCES (cont.)</b></p> <p><u>Biological Resources – 7.</u> No grubbing, clearing or grading shall occur within 500 feet of occupied Diegan coastal sage scrub during the breeding season of the coastal California gnatcatcher, least Bell’s vireo or tree-nesting raptors as defined in Final EIR Table 4.4-14. All grading permits and improvement plans shall specify these restrictions.</p> <p>If grubbing, clearing or grading must occur during the coastal California gnatcatcher, least Bell’s vireo and/or raptor breeding season, a pre-grading survey shall be conducted within 10 calendar days prior to the start of construction to determine if these species occur within the areas directly impacted by grading or indirectly impacted by noise. The results of this survey must be submitted to the City for review and approval prior to initiating any construction activities. If there are no sensitive avian species nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if any of these birds are observed nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until (1) all nesting (or breeding/nesting behavior) has ceased or until after September 15; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint (not within existing open space [i.e., Guajome County Park and/or Rancho Guajome Adobe]) to reduce noise levels below 60 dB L<sub>eq</sub> or ambient (if ambient is greater than 60 dB L<sub>eq</sub>). Alternatively, the duration of construction equipment operation could be controlled to keep noise levels below 60 dB L<sub>eq</sub> or ambient in lieu of or in concert with a wall or other sound attenuation barrier.</p>	<p>CM</p>	<p>City Planner; City Engineer; Wildlife Agencies; Biological Monitor, Acoustician</p>	<p>Oceanside</p>	<p>Prior to Notice to Proceed</p>

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>BIOLOGICAL RESOURCES (cont.)</b></p> <p><u>Biological Resources – 8.</u> To ensure compliance with the MBTA, clearing of native vegetation shall occur outside of the breeding season of migratory birds, as specified in Final EIR Table 4.4-14. Clearing during the breeding season of MBTA-covered species (migratory birds that are native to the U.S. or its territories) could occur if it is determined that no nesting birds (or birds displaying breeding or nesting behavior) are present within three days prior to clearing. A pre-grading survey shall be conducted to determine if breeding or nesting MBTA-covered avian species occur within areas directly affected by grading or indirectly affected by noise. If any of these birds are observed nesting or displaying breeding/nesting behavior within the area, construction shall be postponed until (1) the nest is abandoned or the young have fledged or (2) after July 31.</p>	CM	City Planner; City Engineer; Biological Monitor	Oceanside	Prior to Notice to Proceed
<p><u>Biological Resources – 9.</u> Prior to clearing, grubbing or grading, construction and construction staging area limits shall be clearly demarcated with temporary construction (orange blaze) fencing under the supervision of a qualified biologist to ensure that construction activity remains within the defined limits of work. This fencing shall demarcate areas where human and equipment access and disturbance from grading are prohibited. All site preparation near these interfaces shall be monitored by a qualified biologist during construction activities. A qualified biologist shall inspect the demarcated areas during regularly scheduled construction monitoring visits.</p>	CM	City Planner; City Engineer; Biological Monitor	Oceanside	Prior to clearing, grubbing, or grading, and verified throughout construction activities

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>NOISE</b>				
<p><u>Noise – 1.</u> Prior to opening of the proposed Melrose Drive extension, the City shall construct noise barriers along the proposed Melrose Drive extension. The heights of required walls would be 5 feet, as illustrated on Figure 4.7-1 and Table 4.7-2 of the Final EIR, unless subsequent noise analysis is performed that indicates alternative heights and/or locations would achieve the applicable standard. Barriers shall be constructed to the satisfaction of the Director of the City Planning Department (within the City’s jurisdiction) and the Director of the County Department of Planning and Land Use (within the unincorporated area).</p>	CM	City Planner; City Engineer; County Planner	Oceanside	Prior to opening
<p><u>Noise – 2.</u> Prior to opening of the proposed Melrose Drive extension, the City shall construct sound attenuation barriers along Melrose Drive from Spur Avenue to SR-76 and from Sagewood Drive to North Santa Fe Avenue (refer to Final EIR Figures 4.7-4 to 5), to the satisfaction of the Director of the City Planning Department. These barriers shall range from 5 to 12.5 feet tall, as indicated in Final EIR Table 4.7-5.</p>	CM	City Planner; City Engineer	Oceanside	Prior to opening

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>AIR QUALITY AND CLIMATE CHANGE</b></p> <p><u>Air Quality and Climate Change – 1.</u> Prior to grading, the following measures shall be included in the notes of the grading plan and implemented during construction, to the satisfaction of the City Engineer:</p> <ul style="list-style-type: none"> <li>• Adhere to BMPs, which shall include the application of water on disturbed soils three times per day (3.2-hour watering interval), covering haul vehicles, replanting disturbed areas as soon as practical, and restricting vehicle speeds on unpaved roads to 15 miles per hour or less, to control fugitive dust.</li> <li>• All paved streets from which site access is taken shall be swept on a daily basis to remove dirt carried from the site to the street in order to keep vehicles from pulverizing the dirt into fine particles.</li> <li>• All vehicles shall be covered with tarps when hauling dirt to or from the site on public roadways, unless additional moisture is added to prevent material blow-off during transport.</li> <li>• During construction activities, construction equipment shall be properly maintained to ensure proper timing and tuning of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction activity.</li> <li>• During grading activities, chemical soil stabilizers shall be applied to inactive areas to reduce fugitive dust emissions where applicable.</li> <li>• During construction activities, the contractor shall ensure that all equipment on-site will not idle for more than five minutes.</li> <li>• Contractor shall adhere to all SDAPCD Rules and Regulations.</li> <li>• Contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the CARB.</li> <li>• Disturbed areas shall be limited to 9.0 acres per day.</li> </ul>	CM	City Planner; City Engineer	Oceanside	Prior to Notice to Proceed

**Table 1 (cont.)**  
**MELROSE DRIVE EXTENSION**  
**MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p> <p><u>Hazards/Hazardous Materials - 1.</u> Upon ROW acquisition of Assessor's Parcel Nos. 15940021 and 15911247 and prior to grading, a geophysical survey and/or hand excavation program shall be conducted at the potential UST site within the former Omori Farms property, to the satisfaction of the DEH. This program shall be implemented to confirm whether the noted UST, associated soil/groundwater contamination or other related concerns exist at the site. If this program identifies the potential occurrence of USTs, associated contamination or other related issues, a Registered Engineer or Professional Geologist shall complete a Soil Management Plan prior to Project construction that provides guidance and procedures for: (1) identifying contaminated soils; (2) segregating and sampling soil generated during construction activities; (3) identifying proposed public access to the site that could be affected by the presence of contaminated soils; (4) defining disposal requirements for soil transported off site; and (5) obtaining an approved permit from DEH to remove USTs from the site. The plan shall specify that if unknown contamination or other buried hazards are encountered during grading, remediation must be carried out under the oversight of the DEH VAP. Evidence of satisfaction of the above condition shall consist of a letter to the City from the DEH VAP (or other applicable oversight agency) providing concurrence on the content of the plan, and a letter to the City from a Registered Engineer or Professional Geologist indicating that they will provide appropriate oversight to ensure implementation of the plan during site development activities.</p>	CM	City Planner; City Engineer; County DEH	Oceanside	Prior to grading

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>HAZARDS AND HAZARDOUS MATERIALS (cont.)</b></p> <p><u>Hazards/Hazardous Materials – 2.</u> Prior to demolition, an evaluation of the potential occurrence of ACMs and LBP shall be conducted for applicable on-site residential and agricultural (or other) structures, to the satisfaction of DEH. Specifically, the following investigations shall be required:</p> <ul style="list-style-type: none"> <li>With respect to ACMs, a survey shall be performed to determine the presence or absence of ACMs in applicable on-site structures. Suspect materials that will be disturbed by demolition activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by California Division of Occupational Safety and Health (Cal/OSHA) pursuant to regulations implementing subdivision (b) of Section 9021.5 of the California Labor Code, who shall have taken and passed an EPA-approved Building Inspector Course. Should regulated ASMs be found, they shall be handled in compliance with the SDAPCD Rule 361.145 - Standard for Demolition and Renovation. Evidence of completion of the facility survey shall consist of a signed and stamped statement from the person certified to complete the facility survey indicating that the survey has been completed, and that either regulated asbestos is present or absent. If present, the letter shall describe the procedures that will be taken to remediate the hazard.</li> </ul>	CM	City Planner, City Engineer	Oceanside	Prior to demolition

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>HAZARDS AND HAZARDOUS MATERIALS (cont.)</b>  <u>Hazards/Hazardous Materials – 2.</u> (cont.)</p> <ul style="list-style-type: none"> <li>With respect to LBP, a survey shall be performed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence/absence of LBP in applicable on-site structures. All lead-containing materials scheduled for demolition shall comply with applicable SDAPCD regulations for demolition methods and dust suppression. Lead-containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 CCR Division 4.5); the worker health and safety requirements (Title 8 CCR Section 1532.1); and the State Lead Accreditation, Certification and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).</li> </ul>				
<p><b>VISUAL QUALITY AND AESTHETICS</b>  <u>Visual Quality and Aesthetics – 1.</u> Prior to construction of noise walls along Melrose Drive, north of Spur Avenue, the City shall negotiate with the appropriate Home Owners Association(s) the placement of noise barriers along the property lines of APN 15777052, 15777054-15777062, 15777064-15777068, to the satisfaction of the City Director of the Planning Department. This will allow the height of the noise walls to be reduced relative to the requirements specified in Final EIR Section 4.7, due to topographic considerations, and landscaping to be used to screen views of the walls.</p>	CM	City Planner; City Engineer	Oceanside	Prior to noise wall construction

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>VISUAL QUALITY AND AESTHETICS (cont.)</b></p> <p><u>Visual Quality and Aesthetics – 2.</u> A comprehensive landscape plan and noise attenuation wall specifications (e.g., materials and color) designed to soften the visual impact of noise attenuation barriers shall be prepared and approved concurrent with the final roadway implementation plans. Landscaping and wall design shall be subject to approval by the City Director of the Planning Department and Director of the County Department of Parks and Recreation prior to installation. Design elements of the landscape plan shall include, but not be limited to the following (where feasible):</p> <ul style="list-style-type: none"> <li>• Construction of combination berm and wall noise barriers in Guajome County Park;</li> <li>• Planting of native landscaping to reduce visibility of noise walls in Guajome County Park and Rancho Guajome Adobe; and</li> <li>• Planting of non-native landscaping to reduce visibility of noise walls from Melrose Drive, north of Spur Avenue.</li> </ul> <p>Installed landscaping shall be subject to review and approval by the Director of the City Planning Department and the Director of the County Department of Parks and Recreation prior to final sign-off of construction of the roadway and associated improvements. The City shall be responsible for maintenance of the landscaping until it is established (anticipated to be approximately five years).</p>	<p>CM/ OM</p>	<p>City Planner; County Parks and Recreation</p>	<p>Oceanside</p>	<p>Prior to noise wall construction and landscaping until approximately five years following landscape installation</p>
<p><b>CULTURAL RESOURCES</b></p> <p><u>Cultural Resources – 1.</u> If habitat restoration activities that would involve ground disturbance are proposed, a qualified archaeologist shall conduct a record search and field survey to determine the potential for presence of historical and/or prehistoric resources and make recommendations for avoidance, testing or monitoring, as appropriate. Any such recommendations shall be implemented to the satisfaction of the Director of the City Planning Department.</p>	<p>CM</p>	<p>City Planner; Qualified Archaeologist</p>	<p>Oceanside</p>	<p>Prior to habitat restoration</p>

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>CULTURAL RESOURCES (cont.)</b>				
<p><u>Cultural Resources – 2.</u> Prior to disturbance of APN 15909026, a qualified archaeologist shall relocate CA-SDI-12,736/SDM-W-5107A to ensure the site will not be affected. If CA-SDI-12,736/SDM-W-5017A is relocated within the area of disturbance, limited testing shall be accomplished to confirm the presence or absence of the site. If the site is an historical resource or unique archaeological resource, limited testing shall be accomplished to confirm the presence or absence of the site. If the site is an historical resource or unique archaeological resource, then a research design and data recovery program shall be carried out by a qualified archaeologist, to the satisfaction of the Director of the City Planning Department.</p>	CM	City Planner; Qualified Archaeologist	Oceanside	Prior to Notice to Proceed
<p><u>Cultural Resources – 3.</u> Upon ROW acquisition on APN 15911229 and prior to grading, a field check for SDM-W-3934 shall be conducted by a qualified archaeologist to determine the condition and integrity of the site, and to evaluate the site's significance. Limited subsurface testing may be necessary to make this determination. If the site is an historical resource or unique archaeological resource, then a research design and data recovery program shall be carried out by a qualified archaeologist, to the satisfaction of the Director of the City Planning Department.</p>	CM	City Planner; Qualified Archaeologist	Oceanside	Prior to Notice to Proceed
<p><u>Cultural Resources – 4.</u> Prior to grading, after demolition and removal of all structures, a supplemental survey of the selected alignment alternative and acquired parcels shall be conducted by a qualified archaeologist and Native American monitor. All archaeological sites identified as a result of the supplemental survey shall be evaluated for integrity and significance. A research design and data recovery program shall be carried out by a qualified archaeologist for historical resources or unique archaeological resources, to the satisfaction of the Director of the City Planning Department.</p>	CM	City Planner; Qualified Archaeologist, Qualified Native American Monitor	Oceanside	Prior to Notice to Proceed

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>CULTURAL RESOURCES (cont.)</b></p> <p><u>Cultural Resources – 5.</u> Prior to grading, the City shall retain a qualified archaeological monitor and Native American monitor to implement the archaeological monitoring program described below. A qualified archaeological monitor is defined as an individual who has experience in the collection and evaluation of cultural resource materials, and who is working under the supervision of a qualified archaeologist. Mitigation conditions shall be placed on Project grading plans.</p> <p>A. The archaeological monitor and Native American monitor shall attend any preconstruction meetings with the Grading Contractor and/or Construction Manager to make comments and/or suggestions concerning the archaeological monitoring program. The requirement for archaeological monitoring shall be noted on the Project construction drawings.</p> <p>B. The archaeological monitor and Native American monitor shall be present on-site full-time during grading and/or other ground altering activities of native soils to identify any evidence of archaeological resources (e.g., faunal remains, pottery, stone tools, charcoal deposits, historic artifacts, etc.).</p>	<p>CM</p>	<p>City Planner; Qualified Archaeologist, Qualified Native American Monitor</p>	<p>Oceanside</p>	<p>Prior to Notice to Proceed, during grading, and verify compliance within 3 months of archaeological monitoring completion</p>

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>CULTURAL RESOURCES (cont.)</b>                      Cultural Resources – 5. (cont.)</p> <p>C. If artifacts are found, the archaeological monitor shall be empowered to divert, direct or temporarily halt excavation equipment in the area of discovery to allow evaluation and recovery of potentially significant archaeological resources. The archaeological monitor shall immediately notify City staff of such finding at the time of discovery. The City shall respond to the finding within 24 hours and shall approve recovery and evaluation procedures to be performed. The archaeological monitor, with assistance if necessary, shall examine, recover and evaluate the significance of any newly discovered archaeological resources consistent with current professional standards, before grading activities will be allowed to resume. If artifacts of Native American origin are discovered, the Native American monitor shall be consulted to aid in evaluating significance. For historical resources or unique archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts to the satisfaction of the Director of the City Planning Department, before grading activities in the area of discovery will be allowed to resume. Any human remains of Native American origin and items associated with Native American burials shall be turned over to the appropriate Native American group for reburial in accordance with Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code.</p> <p>D. All cultural materials collected shall be cleaned and catalogued. All artifacts shall be analyzed to identify function and chronology, as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center.</p>				

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>CULTURAL RESOURCES (cont.)</b>  <u>Cultural Resources - 5. (cont.)</u>                      E. A monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to the Director of the City Planning Department for approval within three months following termination of the archaeological monitoring program. For historical resources and unique archaeological resources, a research design and data recovery program shall be included as part of the evaluation report. A mitigation report for historical resources or unique archaeological resources, if required, shall also be submitted to the Director of the City Planning Department. Finally, any cultural materials recovered as the result of the archaeological monitoring program, with the exception of human remains of Native American origin and items associated with Native American burials, shall be curated at a San Diego County facility that meets federal standards per 36 CFR Part 79. The collections and associated records shall be transferred, including title, to an appropriate curation facility in San Diego County, accompanied by payment of the fees necessary for permanent curation. Evidence shall be submitted to the Director of the City Planning Department in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</p>				

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>CULTURAL RESOURCES (cont.)</b>				
<p><u>Cultural Resources – 6.</u> If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.</p>	CM	City Planner; County Coroner; Native American Heritage Commission (as necessary)	Oceanside	Throughout grading
<b>PALEONTOLOGICAL RESOURCES</b>				
<p><u>Paleontology – 1.</u> Monitoring shall be conducted by a Qualified Paleontologist or Paleontological Resources Monitor under the supervision of the Qualified Paleontologist. A Qualified Paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or related field who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques. A Paleontological Resources Monitor is defined as an individual with at least one year of experience in field identification and collection and salvage of fossil materials and who is working under the supervision of a Qualified Paleontologist.</p>	CM	City Planner; Qualified Paleontologist	Oceanside	Obtained prior to pre-grading meetings
<p><u>Paleontology – 2.</u> The Qualified Paleontologist shall attend pre-grading or pre-construction meeting to discuss grading plans and consult with the grading and excavation contractors regarding the potential location and nature of paleontological resources and associated monitoring/recovery operations.</p>	CM	City Planner; Qualified Paleontologist	Oceanside	Pre-grading meeting

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>PALEONTOLOGICAL RESOURCES (cont.)</b>				
<p><u>Paleontology – 3.</u> The Qualified Paleontologist or Paleontological Resources Monitor shall be on-site full-time during all grading/excavation activities involving previously undisturbed areas of the Santiago Formation to inspect for well-preserved fossils.</p>	CM	City Planner; Qualified Paleontologist or Paleontological Monitor	Oceanside	Throughout excavation
<p><u>Paleontology – 4.</u> In the event that well-preserved fossils or other unearthed paleontological resources are found, the Qualified Paleontologist or Paleontological Resources Monitor shall implement appropriate salvage operations, potentially involving simple excavation, plaster-jacketing of large and/or fragile specimens, or quarry excavations for richly fossiliferous deposits. The Qualified Paleontologist or Paleontological Resources Monitor shall have the authority to divert, direct or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains in a timely fashion.</p>	CM	City Planner; Qualified Paleontologist or Paleontological Monitor	Oceanside	Throughout excavation
<p><u>Paleontology – 5.</u> The Qualified Paleontologist or Paleontological Resources Monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting.</p>	CM	City Planner; Qualified Paleontologist or Paleontological Monitor	Oceanside	Throughout excavation

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<p><b>PALEONTOLOGICAL RESOURCES (cont.)</b></p> <p><u>Paleontology – 6.</u> Paleontological resources collected during the monitoring and salvage program shall be cleaned, sorted, repaired, stabilized, and catalogued to a point of identification, pursuant to acceptable industry standards. Curation of prepared fossil remains, typically involving scientific identification and cataloguing of specimens, and entry of data into one or more accredited institutional databases, shall occur. Transfer and deposit of cataloged fossil remains, along with copies of all pertinent field notes, photos and maps, shall occur to an accredited scientific institution in California that houses paleontological collections for archival storage and/or display (such as the San Diego Natural History Museum).</p>	CM	City Planner, Qualified Paleontologist or Paleontological Monitor	Oceanside	Within six months of excavation completion
<p><u>Paleontology – 7.</u> A final report shall be prepared to summarize the results of the mitigation program, including field and laboratory methods, stratigraphic units encountered, and the nature and significance of recovered paleontological resources. The final report also shall include appropriate graphics to document the stratigraphy and precise fossil collecting localities.</p>	CM	City Planner, Qualified Paleontologist or Paleontological Monitor	Oceanside	Within six months of excavation completion
<p><b>RECREATION</b></p> <p><u>Recreation – 1.</u> Prior to grading, the City shall acquire developed land contiguous to Guajome County Park and/or other appropriate areas to compensate for parkland taken by the proposed project, subject to approval by the Director of the County Department of Parks and Recreation. Appropriate land shall not include features such as graded slopes, noise walls, or drainage conveyances. The land shall be equal to the area of park impacted to parkland. The acquired land shall be deeded to the County. The acquired land shall be recontoured and vegetated with native habitat (e.g. coastal sage scrub) to prevent a loss in the ecological functions and values associated with the existing parkland system, to the satisfaction of the Director of the County Department of Parks and Recreation.</p>	CM	City Planner, County Parks and Recreation, Qualified Biologist	Oceanside	Prior to Notice to Proceed, and verified throughout the five-year revegetation establishment period

**Table 1 (cont.)  
MELROSE DRIVE EXTENSION  
MITIGATION MONITORING CHECKLIST**

MITIGATION MEASURE	TYPE	MONITOR	RESPONSIBLE PARTY	SCHEDULE
<b>RECREATION (cont.)</b>				
<p><u>Recreation – 1.</u> (cont.) Vegetation shall be in accordance with a Revegetation Plan prepared in accordance with the County's most current Report Format and Content Requirements for Revegetation Plans and approved by the County and City. The Revegetation Plan shall address the following: responsible parties, types and areas of habitat to be revegetated, functions and values of habitat to be revegetated, planting and seeding methods, irrigation, maintenance, and monitoring. In addition, success criteria shall be established for native plant cover, weed cover, species diversity and recruitment, survivorship, and plant density. Monitoring of the revegetation area shall be conducted for a minimum of five years unless success criteria are met prior to the five-year period.</p>				
<b>PUBLIC UTILITIES</b>				
<p><u>Public Utilities – 1.</u> Prior to grading, the City shall require preparation of a Utility Location and Assessment Program to ensure Project construction will not compromise the integrity or access to existing utilities, to the satisfaction of the City Engineer or the Water Utilities Director. The Utility Location and Assessment Program shall include, but not be limited to, location of existing utilities, evaluation of Project impacts and identification of appropriate recommendations. Recommendations may include, but not be limited to, replacing existing pipes and/or manholes, structurally reinforcing existing pipes or raising existing pipes to a standard depth at the new elevation.</p>	CM	City Engineer or Water Utilities Director	Oceanside	Prior to Notice to Proceed
<p><u>Public Utilities – 2.</u> Prior to finalization of Project design, the City shall resolve any conflicts with gas and electric facilities, to the satisfaction of SDG&amp;E.</p>	CM	City Engineer, SDG&E	Oceanside	Prior to Notice to Proceed

Notes: CM= Construction-related Mitigation; OM=Operational Mitigation