



DATE: March 18, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR MELROSE STATION, A COMMERCIAL CENTER PROPOSED ON VACANT LAND LOCATED ON THE SOUTHEAST CORNER OF OCEANSIDE BOULEVARD AND MELROSE AVENUE -- MARKET CENTER VENTURES, LP, APPLICANT**

SYNOPSIS

The item under consideration is the Planning Commission's decision to adopt a Mitigated Negative Declaration for a denied commercial center on the southeast corner of Oceanside Boulevard and Melrose Avenue. Staff recommends that the City Council adopt a resolution overturning Planning Commission Resolution No. 2008-P76 and reject the Mitigated Negative Declaration.

BACKGROUND

On November 7, 2008, and for the subsequent 31 days, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Melrose Station project was posted and available for comment. Six letters were received in response to this notice. Staff responded to all comments received in accordance with CEQA Guidelines.

On December 15, 2008, Resolution No. 2008-P76 was adopted by the Planning Commission on a 7-to-0 vote. The Planning Commission adopted the Mitigated Negative Declaration and the mitigation measures for Melrose Station.

On December 15, 2008, the Planning Commission adopted Resolution No. 2008-P77 and denied without prejudice Melrose Station, a Tentative Parcel Map P-1-08, Development Plan D-3-08, and Conditional Use Permits C-2-08, C-3-08, C-4-08 and C-5-08, on a 5-to-2 vote. Denied without prejudice allows the applicant to respond to the Planning Commission's concerns, redesign the project, and have the new design considered by

the Planning Commission. Under these circumstances, the applicant is not required to pay new application fees for consideration of their redesigned project.

On December 22, 2008, an appeal of Planning Commission Resolution No. 2008-P76 was filed with the City Clerk by Mr. Cory Briggs, of the Briggs Law Corporation, on behalf of Citizens for Responsible Equitable Environmental Development (CREED).

On December 24, 2008, the applicant filed an appeal of the Planning Commission's decision to deny the project without prejudice. On January 26, 2009, the applicant withdrew their appeal of the Planning Commission's action to deny the project.

ANALYSIS

Due to the withdrawal of the appeal of the denial of the project, the only item before the Council is the appeal of the adoption of the Mitigated Negative Declaration. The Public Resources Code does not require a public hearing on an environmental document unless the underlying project requires a public hearing.

Staff agrees that adoption of this Mitigated Negative Declaration is moot because the Planning Commission denied the project. The applicant has acknowledged that any revisions to the denied project or any new project on the site would require new environmental review and preparation of a new environmental document pursuant to the California Environmental Quality Act.

Therefore, in accordance with Government Code 15270, staff recommends that the City Council overturn the Planning Commission's adoption of the Mitigated Negative Declaration and reject the Mitigated Negative Declaration. The applicant supports staff's recommendation and has provided a letter acknowledging that a new or modified proposal would be subject to the preparation, review, and approval of a new environmental determination in accordance with CEQA and local regulations.

FISCAL IMPACT

The applicant has paid all fees required for the consideration of this application.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the Mitigated Negative Declaration for Melrose Station on December 15, 2008. Public hearing notices were mailed to the residents of the Peacock Hills Planning Area, and business and residential property owners and occupants within a 1,500-foot radius of the proposed operation. The Planning Commission adopted the Mitigated Negative Declaration on a 7-to-0 vote. The Planning Commission denied the project without prejudice on a 5-to-2 vote.

CITY ATTORNEY'S ANALYSIS

Pursuant to the Public Resources Code and Oceanside Zoning Ordinance Article 46, the City Council is authorized to consider the appeal of the adoption of the Mitigated Negative Declaration. If the decision of the Planning Commission to adopt the Mitigated Negative Declaration is modified or reversed, the City Council is required to state the specific reasons for the modification or reversal.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution overturning the Planning Commission decision and reject the Mitigated Negative Declaration pursuant to Public Resources Code section 15270 based on the findings contained in the attached resolution.

PREPARED BY:

SUBMITTED BY:



Juliana von Hacht
Associate Planner



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner



ATTACHMENTS:

1. City Council Resolution
2. Planning Commission Resolution No. 2008-P76
3. Planning Commission Staff Report dated December 15, 2008
4. Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study
5. Appeal filed by Brigg's Law Corporation on behalf of CREED
6. Applicant's letter of March 2, 2009

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2008-P76 AND REJECTING A MITIGATED NEGATIVE DECLARATION ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

(Market Place Ventures, LLC - Applicant)

WHEREAS, on November 3, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, approved Resolution No. 2008-P76, and adopted a Mitigated Negative Declaration for a commercial center;

WHEREAS, on November 3, 2008, the Planning Commission adopted Resolution No. 2008-P77 denying without prejudice the proposed commercial development and subdivision of land;

WHEREAS, an appeal was filed of the Planning Commission adoption of a Mitigated Negative Declaration for Melrose Station, a commercial center proposed on vacant land located on the southeast corner of Oceanside Boulevard and Melrose Drive, which is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, an appeal of the denial was filed by the applicant on December 24, 2008 and then withdrawn on January 26, 2009;

WHEREAS, on March 18, 2009, the City Council of the City of Oceanside considered only the appeal of the adoption of the Mitigated Negative Declaration pursuant to the provisions of the Public Resources Code and City Ordinances;

WHEREAS, based on such consideration this Council finds that the adoption of the Mitigated Negative Declaration is moot because the Planning Commission denied the associated project and the appeal of the denial was withdrawn;

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The Council overturns the adoption of the Mitigated Negative Declaration and rejects the Mitigated Negative Declaration pursuant to Government Code 15270.

SCHEDULE A

First American Title Insurance Company

Name and Address of Title Insurance Company:
First American Title Insurance Company
1 First American Way
Santa Ana, CA 92707

File No.: **NCS-306467-SD**

Policy No.:

Address Reference: Vacant Land, Oceanside, CA

Date of Policy: January 31, 2008 at 11:54 am

1. Name of Insured:

Market Center Ventures, L.P., a California limited partnership

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Market Center Ventures, L.P., a California limited partnership

4. The Land referred to in this policy is described as follows:

Real property in the Cities of Oceanside, County of San Diego, State of California, described as follows:

PARCEL A:

THE SOUTHWEST QUARTER OF LOT 6, SECTION 13, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

EXCEPTING THEREFROM THAT PORTION OF THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE 200.00 FOOT RIGHT OF WAY DESCRIBED IN DEED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.

ALSO EXCEPTING THEREFROM THE EAST 70.00 FEET.

AND ALSO EXCEPTING THEREFROM THAT PORTION OF THE HEREIN DESCRIBED LAND LYING WITHIN ROAD SURVEY NO. 734 (NORTH MELROSE DRIVE) AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO BY DEED RECORDED JUNE 22, 1959, BOOK 7729, PAGE 403, AND AS FILE NO. 125759.

AND ALSO EXCEPTING THEREFROM THAT PORTION OF THE HEREIN DESCRIBED LAND LYING SOUTH OF THE ATCHISON, TOPEKA AND SANTA FE ROAD RIGHT OF WAY, AS DESCRIBED IN CERTIFICATE OF COMPLIANCE RECORDED JUNE 4, 1987 AS INSTRUMENT NO. 87-311020 OF OFFICIAL RECORDS.

PARCEL B:

PLANNING COMMISSION
RESOLUTION NO. 2008-P76

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA ADOPTING A
MITIGATED NEGATIVE DECLARATION ON CERTAIN
REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-1-08, D-3-08, C-2-08, C-3-08, C-4-08, and C-5-08

APPLICANT: Market Center Ventures, LP

LOCATION: Southeast corner of Melrose Drive and Oceanside Boulevard

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public and agency review and property notification was given in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 15th day of December, 2008, conduct a duly advertised public hearing on the content of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

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

FINDINGS:

For the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration and Initial Study were completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. Pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment.
3. The new mitigation measures are equivalent or more effective in mitigation or avoiding potential significant effects than the proposed draft mitigation measures and would not cause any potentially significant effect on the environment.
4. The Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (M.M.R.P.) have been determined to be accurate and adequate documents,

1 which reflect the independent judgment and analysis of the Planning Commission. On
2 the basis of the entire record before it, the Planning Commission finds that there is no
3 substantial evidence that the project, with implementation of the mitigation measures
4 proposed, will have a significant impact on the environment.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
6 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein
7 subject to the following conditions:

8 **Mitigation and Monitoring and Reporting Program:**

- 9 1. Mitigation Measure Bio 01 - If grubbing, clearing, and/or grading would occur during the
10 breeding season for nesting birds, a pre-construction survey shall be conducted, prior to
11 issuance of a grading permit, by a qualified biologist to determine if these species occur
12 within 500 feet of such activity. If there are no birds nesting (includes nest building or
13 other breeding/nesting behavior) within this area, development shall be allowed to
14 proceed. However, if birds are observed nesting or displaying breeding/nesting behavior
15 within 500 feet of such activity, construction shall (1) be postponed until all nesting (or
16 breeding/nesting behavior) has ceased or until after August 31 (for all breeding birds); or
17 (2) a temporary noise barrier or berm shall be constructed at the development footprint
18 edge to ensure that noise levels are reduced to ambient or below 60 dB Leq whichever is
19 greater. Alternatively, the use of construction equipment could be scheduled to keep noise
20 levels below ambient or 60 dB Leq as appropriate in lieu of or in concert with a wall or
21 other noise barrier.
- 22 2. Mitigation Measure Bio 02 - To ensure Migratory Bird Treaty Act compliance, native
23 vegetation clearing shall occur outside the breeding season of most avian species
24 (February 15 through August 31). Clearing during the breeding season of Migratory Bird
25 Treaty Act covered species could occur if it is determined that no nesting birds (or birds
26 displaying breeding/nesting behavior) are present immediately prior to clearing. As
27 described in Mitigation Measure Bio - 01, a pre-construction survey shall be conducted by
28 a qualified biologist to determine if breeding or nesting avian species occur within areas
29 impacted. This measure shall be satisfied prior to the issuance of a grading permit.

- 1 3. Mitigation Measure Bio 03 - To prevent the spread of non-native vegetation and noxious
2 weeds, landscaping within the development area shall avoid the use of invasive non-native
3 plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant
4 Inventory prepared by the California Invasive Plant Council (2006). The final landscape
5 plan and landscape inspection shall demonstrate compliance with this requirement.
- 6 4. Mitigation Measure Bio 04 - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub
7 and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios,
8 respectively, through off-site restoration and/or acquisition of appropriate habitat within
9 the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the
10 Wildlife Corridor Planning Zone, in consultation with the City and resource agencies. The
11 mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.
12 This measure shall be satisfied prior to the issuance of a grading permit.
- 13 5. Mitigation Measure Paleo 01 - Prior to issuance of a grading permit, the applicant shall
14 provide verification that a qualified paleontologist and paleontological monitor have been
15 retained to implement the monitoring program. A qualified paleontologist is defined as an
16 individual with a Ph.D. or M.S. degree in paleontology or geology who is a recognized
17 expert in the application of paleontological procedures and techniques. A qualified
18 paleontological monitor is defined as an individual who has experience in the collection
19 and salvage of fossil materials and who is working under the supervision of a qualified
20 paleontologist.
- 21 6. Mitigation Measure Paleo 02 - The qualified paleontologist or paleontological monitor
22 shall attend any preconstruction meetings to discuss grading plans with the grading and
23 excavation contractor. The requirement for paleontological monitoring shall be noted on
24 the project construction drawings. This measure shall be satisfied prior to the issuance of
25 a grading permit.
- 26 7. Mitigation Measure Paleo 03 - The paleontologist or paleontological monitor shall be on
27 site full-time during the initial cutting of previously undisturbed areas of the Santiago
28 Formation to inspect for well-preserved fossils. Monitoring may be increased or
29 decreased at the discretion of the qualified paleontologist in consultation with the City,
and shall occur only when excavation activities affect the noted geologic formation.

- 1 8. Mitigation Measure Paleo 04 - In the event that well-preserved fossils are found, the
2 paleontologist shall have the authority to direct the project engineer to divert, direct, or
3 temporarily halt construction activities in the area of discovery to allow evaluation and
4 recovery of fossil remains. Because of the potential for recovery of fossil remains, it may
5 be necessary to set up a screen-washing operation on site. The paleontologist shall
6 immediately notify City staff of such finding at the time of discovery. The City shall
7 respond to the finding within 48 hours and shall approve salvaging procedures to be
8 performed before construction activities in the subject area(s) are allowed to resume.
- 9 9. Mitigation Measure Paleo 05 - Fossil remains shall be cleaned, sorted, catalogued, and
10 then deposited in a scientific institution that houses paleontological collections (such as
11 the San Diego Natural History Museum). The qualified paleontologist shall be
12 responsible for preparation of fossils to a point of identification, and shall submit a copy of
13 a letter of acceptance from a local qualified curation facility to the City. A qualified
14 curation facility is defined as a research institution with a permanent commitment to long-
15 term care of paleontological collections. Such an institution shall have professional
16 curatorial staff. If the fossil collection is not accepted by a local qualified facility for
17 reasons other than inadequate preparation of specimens, the project paleontologist shall
18 contact the City to suggest an alternative disposition of the collection.
- 19 10. Mitigation Measure Paleo 06 - A monitoring results report, with appropriate graphics,
20 summarizing the results, analyses and conclusions of the above program, even if negative,
21 shall be submitted to the City for approval within three months following the termination
22 of the paleontological monitoring program. Any discovered fossil sites shall be recorded
23 at the San Diego Natural History Museum by the qualified paleontologist. This measure
24 shall be shown on plans prior to the issuance of a building permit.
- 25 11. Mitigation Measure Noise 01 – The project applicant shall construct a five-foot high
26 (above the roof peak) parapet wall surrounding rooftop equipment.
- 27 12. Mitigation Measure Noise 02 – Pursuant to the Noise Study, the project applicant shall
28 construct a six-foot high solid block screen-wall along the eastern property line at the top
29 of slope and adjacent to existing residences. The top of wall height on the screen wall
shall be four feet above the first floor level of the residence lots fronting the property line,

1 resulting in an approximate top of wall elevation of 454.7 feet above mean sea level per
2 the contours and residential elevations contained on the site plan. The solid block screen
3 wall shall be a single, solid sound wall that is constructed of masonry, wood, plastic,
4 fiberglass, steel, or a combination of those materials with no cracks or gaps through or
5 below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be
6 tongue and groove and must be at least 1 inch thick or have a surface density of at least 3.5
7 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear
8 plastic may be used on the upper portion if it is desirable to preserve a view. Sheet metal
9 of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported
10 and stiffened so that it does not rattle or create noise itself from vibration or wind. These
11 requirements shall be noted on the plans submitted for Building Permit and Landscape
12 Plans.

13 13. Mitigation Measure – Traffic 01 - Melrose Drive/Meadowbrook Drive intersection: The
14 project applicant shall contribute its fair share towards the city-planned installation of a
15 traffic signal at the intersection. If the signal is not in place at the time of construction, the
16 project applicant shall install the signal and be reimbursed by the City (less its share of the
17 cost for the improvement).

18 14. Mitigation Measure – Traffic 02 - Melrose Drive/Olive Avenue intersection: The project
19 applicant shall contribute its fair share to the City of Vista towards an overlap signal for
20 the eastbound right turn lane at the intersection.

21 15. Mitigation Measure – Traffic 03 - Melrose Drive/Vista Way intersection: The project
22 applicant shall contribute its fair share to the City of Vista towards an overlap signal for
23 the westbound right turn lane at the intersection.

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1 16. Mitigation Measure – Traffic 04 - Main Driveway/West Oceanside Boulevard (Bobier
2 Drive) intersection: The project applicant shall contribute its fair share towards the
3 installation of a traffic signal at the intersection. If the signal is not in place at the time of
4 construction, the project applicant shall install the signal and be reimbursed by the City
5 (less its share of the cost of the improvement). In addition, the project applicant shall
6 provide the following lanes to serve project traffic: Northbound left turn only lane;
7 Northbound through/right turn only lane; Westbound left turn only lane; and Eastbound
8 right turn only lane.

9 PASSED AND ADOPTED Resolution No. 2008-P76 on December 15, 2008 by the
10 following vote, to wit:

11 AYES: Troisi, Balma, Neal, Martinek, Parker, Bertheaud and Rosales

12 NAYS: None

13 ABSENT: None

14 ABSTAIN: None

15 

16 _____
17 Claudia Troisi, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

20 

21 _____
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2008-P76.

25 Dated: December 15, 2008
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AGENDA NO. 3

PLANNING COMMISSION



STAFF REPORT

DATE: December 15, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-1-08), DEVELOPMENT PLAN (D-3-08) AND CONDITIONAL USE PERMITS (C-2-08, C-3-08, C-4-08 AND C-5-08) TO CREATE SEVEN COMMERCIAL LOTS AND CONSTRUCT 49,911 SQUARE FEET OF COMMERCIAL BUILDINGS ON AN EXISTING 7.4-ACRE LOT LOCATED ON THE SOUTHEAST CORNER OF MELROSE DRIVE AND OCEANSIDE BOULEVARD WITHIN THE PEACOCK NEIGHBORHOOD. – MELROSE STATION – APPLICANT: MARKET CENTER VENTURES, LP**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2008-P76 adopting a Mitigated Negative Declaration for Melrose Station, in light of the whole record that the project will not have a significant effect on the environment; and
- (2) Adopt Planning Commission Resolution No. 2008-P77 approving Tentative Parcel Map P-1-08, Development Plan D-3-08, and Conditional Use Permits C-2-08, C-3-08, C-4-08 and C-5-08 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: An application to subdivide land and construct commercial buildings was submitted on January 17, 2008. The original proposal included a variance for wall height. The project was redesigned in October and the need for a variance was eliminated.

Site Review: Zoning and General Plan designation: The project site is situated within a Neighborhood Commercial (CN) District and has a NC General Plan Land Use Designation.

Existing uses and development on the site: The subject property, consisting of 7.4 acres of undeveloped land is situated south of Oceanside Boulevard, east of Melrose Drive, north of a railroad easement and west of an existing residential tract. Currently the site is undeveloped and covered with native and non-native weeds, grasses and brush. A biological assessment (updated June 20, 2008) and an archeological survey (dated February 2008) have been completed. Some mitigation for the loss of coastal sage scrub and non-native grass lands will be required. Given the demonstrated absence of cultural materials, a recommendation for an archeological monitor was not made. Although highly unlikely, it is possible that accidental archaeological discoveries will be made during grading. If this occurs, an evaluation of the significance of the find will take place.

Topography: Site elevations are 456 feet amsl (in the northwesterly port of the site) to 420 feet amsl (at the drainage basing boundary with the railroad easement). Overall surface drainage consists of sheet flow toward a swale and drainage basin located in the central portion of the site.

Surrounding land uses: To the north of the site is undeveloped land designated for residential land uses (Estate B Residential). To the east of the property is an existing residential development and a jurisdictional boundary with the City of Vista. Similarly, to the south of the property is a jurisdictional boundary with the City of Vista, the Sprinter rail line, and industrial land uses. To the west of the project site is the Melrose Train Station and an existing service station with a convenience store. To the north of the existing service station is undeveloped land designated as Commercial Professional (PC).

Project Description: The project application is comprised of three components: a Tentative Parcel Map, Development Plan, and four Conditional Use Permits as follows:

Tentative Parcel Map P-1-08 represents a request to subdivide an existing 7.4-acre site with two existing parcels into seven lots pursuant to Article VI *Subdivisions of four or fewer parcels* of the Subdivision Ordinance.

Development Plan D-3-08 represents a request to construct a 49,911-square foot commercial retail center, including a service station with convenience market, car wash, retail, restaurant, and food and beverage sales pursuant to Section 1130 CN Property Development Regulations. Table 1 details the assignment of floor area for each type of use classification.

Table 1. Building summary

| Building number | Use classification | Building Size | Parcel Size |
|------------------------|---|----------------------|--------------------|
| Building 1 | Retail | 4,500 SF | 0.56 acres |
| Building 2 | Retail | 9,225 SF | 1.05 acres |
| Building 3 | Retail | 10,000 SF | 1.24 acres |
| Building 4 | Service station with convenience store and automobile washing | 2,885 SF | 0.98 acres |
| Building 5 | Retail | 7,380 SF | 0.86 acres |
| Building 6 | Retail with drive-thru | 4,500 SF | 0.58 acres |
| Building 7 | Food and beverage sales | 11,421 SF | 2.12 acres |

Conditional Use Permit C-2-08 represents a request to operate a *service station* (land use classification 450.CC.3) pursuant to Section 1120 CN Land Use Regulations.

Conditional Use Permit C-3-08 represents a request to operate a *convenience market* (land use classification 450.K.1) within the service station building pursuant to Section 1120 CN Land Use Regulations.

Conditional Use Permit C-4-08 represents a request to provide land use classification 450.CC.1 *Automobile washing* pursuant to Section 1120 CN Land Use Regulations.

Conditional Use Permit C-5-08 represents a request to operate land use classification 450.E1 *Banks savings and loans* (or other retail land use classification) *with a drive-through or drive-up service* pursuant to Section 1120 CN Land Use Regulations.

The project proposes to develop the site with a small-format grocery store, service station with a convenience store and automobile washing, retail, restaurants, and banking land uses. The proposal is to subdivide the existing parcels into seven parcels. The proposal encompasses 49,911 total square feet of commercial space and 0.15 FAR on the existing 7.4-acre site. The proposal is to construct single-story structures. Landscaping represents 15 percent of the site or 48,300 square feet of area. Two different bike trails cross the site: (1) the Guajome Regional Park Bike Path and (2) the Sprinter Bike Trail. Both are multi-use trails. One crosses the site along its eastern boundary from the signalized intersection on Oceanside Boulevard to its connection with the Sprinter Bike Trail. The other, which is the Sprinter Bike Trail, connects to the trail at the southwest corner of the project site and follows Melrose Drive northward towards the signalized intersection of Melrose and Oceanside Boulevard.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Subdivision Ordinance
3. Zoning Ordinance
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Compliance

The General Plan Land Use Map designation on the subject property is Neighborhood Commercial (NC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.01 Commercial Subdivision: To assure commercial subdivisions of land shall promote long-term economic efficiency and provide benefits to the community.

Policies:

- A. Commercial parcels shall be of sufficient size and dimensions to allow for the efficient potential reuse of the parcel.
- B. Subdivision of commercial lands shall encourage wherever possible the unification of access and site design with adjacent and surrounding commercial land uses.

The proposed subdivision of the existing 7.4-acre site would create seven lots, each sited with a commercial building. Table 2 lists the size of each of the proposed lots. The site design fosters an efficient use of the existing parcels and encourages vehicle, pedestrian, and bicycle access to the site.

Table 2. Subdivision summary

| Parcel number | Parcel Size | Floor Area Ratio |
|----------------------|--------------------|-------------------------|
| 1 | 0.56 acres | 0.18 FAR |
| 2 | 1.05 acres | 1.20 FAR |
| 3 | 1.23 acres | 0.19 FAR |
| 4 | 0.97 acres | 0.07 FAR |
| 5 | 0.86 acres | 0.20 FAR |
| 6 | 0.56 acres | 0.18 FAR |
| 7 | 2.10 acres | 0.12 FAR |

The long term use of the Neighborhood Commercial designated lands will be enhanced by the site's design, which includes four egress points: one from northbound Melrose Drive and three from eastbound Oceanside Boulevard. The Guajome Regional Park Bike Path crosses the site along its eastern boundary. The bike trail has access to the site at a signalized intersection along Oceanside Boulevard and from the NCTD right-of-way, where it connects to the Sprinter Bike Trail. Two bus pads are located near the property: one is situated near the project intersection on Melrose Drive and the second is on the eastbound side of Oceanside Boulevard. As such, the proposed subdivision of land complies with both Policy A and B of Objective 2.01 of the Community Development goal.

Objective 2.2 Commercial Development: To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

Policies 2.22 Neighborhood Commercial

- A. Neighborhood Commercial shall provide commercial uses which meet the day to day commercial needs of the community. Commercial center development is implicit. Key tenants shall be limited to supermarkets, variety stores, drug stores, specialty stores, and similar businesses. Most retail shops, restaurants and services are permitted as minor tenants and "convenience" businesses may be allowed when well integrated into the center's design.
- B. Since Neighborhood Commercial centers will meet the daily shopping needs of the community, they shall be located near residential areas along major arterials or secondary arterials, preferably at their intersections with collector streets. Consequently, there shall be limits on their intensity to be compatible with nearby residential areas. Areas shall generally be between 10 and 30 acres.

The existing site is currently designated as Neighborhood Commercial and is located adjacent to residential land uses (to the east and north) and commercial uses (to the northwest and west) and industrial land uses to the south. The site is located at the

intersection of Melrose Drive and Oceanside Boulevard. The proposed subdivision, development and land uses would support the day-to-day commercial needs of the community, because it would include the following land uses: food and beverage sales, a convenience market, restaurants, a variety of retail uses, and possibly a bank.

An acoustical analysis of the proposal was prepared (June 24, 2008). It's recommendation to control noise at or below Oceanside Ordinance limits are two fold: (1) The building design should include five-foot parapet walls that shield rooftop equipment. (2) Construction of a noise control wall between the project site and four residences on Waxwing Drive, Vista, is recommended to shield the existing residences from noise generated by the trucks and (un)loading activities.

The current land use designation at the site (NC) pre-dates the submittal of this application; therefore, the possible intensity of use at this 7.4-acre site was previously considered by City Council when the Neighborhood Commercial designation was promulgated. Staff finds the proposed intensity of land uses at this site appropriate. The land uses are conveniently juxtaposed to residential land uses (existing and future), work centers, and transit nodes. As such, the proposal does comply with Policies 2.22 A and B and satisfies Objective 2.2 of the Community Development goal.

2. Subdivision Ordinance Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance, Article VI *Subdivision of Four or Fewer Parcels*. Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.

3. Zoning Ordinance Compliance

The project is located in the Neighborhood Commercial (CN) District and complies with the requirements of that Zone. Table 3 summarizes the proposed land uses and applicable NC land use regulations. Table 4 summarizes the proposed and applicable development standards for the project site.

Table 3. CN District Land Use Regulations

| Land Use Proposed | Permitted | Additional Regulation |
|---|---------------------|--|
| Food and beverage sales | Permitted | Exterior vending machines are prohibited |
| Convenience store | Use permit required | Exterior vending machines are prohibited |
| Retail | Permitted | Subject to Section 3020 Outdoor Activities |
| Bank with drive-thru | Use permit required | -- |
| Service station with automobile washing | Use permit required | Subject to Section 3011 Service Stations and automobile washing and Section 3020 |

The project has been specifically conditioned to comply with these land use regulations of the Zoning Ordinance. For example, Conditional Use Permits (C-2-08 and C-4-08) for the service station with automobile washing requires the site layout to buffer or screen the land use. Conditions limit the hours of automobile washing to avoid adverse impacts on properties in the surrounding area. Outdoor storage of goods and materials is additionally limited by Section 3011.D of the Zoning Ordinance.

Table 4. CN District Property Development Regulations

| Nonresidential development | Required | Proposed |
|-----------------------------------|--------------------|--|
| Minimum lot area | 10,000 SF | 24,394 SF ≤ lot area ≥ 92,347 SF |
| Minimum front yard | 15 | at least 15-feet proposed |
| Minimum side yard | Section 1130(F) | 15-foot side yard on lots adjoining a residential land use |
| Minimum corner side yard | 10 | at least 10-feet proposed |
| Maximum height of structures | 50 | Typical height 29.75-feet |
| Exceptions to height limits | additional 10-feet | Clock tower height 53.5-feet |
| Maximum base FAR | 1.0 | No more than 0.2 FAR. See Table 1 |
| Maximum FAR bonus | 0.2 | -- |
| Off-street parking spaces | 214 | 223 |
| Bicycle parking | 11 | 22 |

The proposal includes exceeding the required off-street parking requirement by providing an additional nine vehicle spaces and twice the required bicycle parking spaces. As proposed, the project meets or exceeds the Neighborhood Commercial District land use and development regulations.

ENVIRONMENTAL DETERMINATION

The proposed project could result in potentially significant impacts, all of which can be mitigated, to the following environmental resources: biological, cultural, noise, air quality, and transportation. A Mitigated Negative Declaration was prepared with mitigation measures pursuant to the provisions of the California Environment Quality Act (CEQA) with the following supplemental reports: biological technical report (June 20, 2008); archaeological resources survey (February, 2008); and acoustical analysis report (June 24, 2008). These reports are attached herein as exhibits to the Mitigated Negative Declaration.

The Planning Division advertised a draft Mitigated Negative Declaration for thirty (30) days commencing on November 7, 2008 and ending on December 8, 2008. Comments were received from the following: Mr. Maurice Rosenberg (labeled as letters E and F), North County Transit District labeled as letter C, Preserve Calaveras (labeled as letter D), San Diego Association of Governments (SANDAG) which is identified as Letter B and a combined comment letter from U.S. Fish & Wildlife Service and CA Dept. of Fish and Game (labeled as Letter A).

The comments received and staff's responses to the comments are attached herein. Each correspondent received a response to their comments on the Mitigated Negative Declaration.

The Mitigated Negative Declaration and Final Initial Study is attached herein. A Mitigation Monitoring and Reporting Program is also attached. Prior to any action on P-1-08, D-3-08, C-2-08, C-3-08, C-4-08 and C-5-08 Melrose Station, it is necessary for the Planning Commission to review and adopt the Mitigated Negative Declaration. Staff is recommending that the Mitigated Negative Declaration be approved.

PUBLIC NOTIFICATION

Legal notice for the Intent to Adopt a Mitigated Negative Declaration was published in the North County Times on November 7, 2008, and notices were sent to property owners of record within a 1,500-foot radius of the subject property.

Legal notice for the Planning Commission Meeting was published in the North County Times on December 5, 2008. On the same date, notices were sent to residents of the Peacock Hills Planning Area; property owners of record within a 1,500-foot radius of the subject property; individuals/organizations requesting notification; the applicant and interested parties. As of December 10, 2008, communications opposing the application had been received and are attached herein and labeled as "Comments on the Application" and numbers 1 through 7.

SUMMARY

The proposed Tentative Parcel Map (P-1-08), Development Plan (D-3-08) and Conditional Use Permits (C-2-08, C-3-08, C-4-08 and C-5-08) are consistent with the land use policies of the General Plan, the requirements of the Subdivision Ordinance and the Zoning Ordinance. The project meets or exceeds all applicable development standards. The project is compatible in terms of product type and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached draft resolution. Staff recommends that the Planning Commission:

- Consider the Mitigated Negative Declaration for Melrose Station in light of the whole record that the project will not have a significant effect on the environment and approve the Mitigated Negative Declaration by adopting Planning Commission Resolution 2008-P76; and

- Move to approve Tentative Parcel Map (P-1-08), Development Plan (D-3-08) and Conditional Use Permits (C-2-08, C-3-08, C-4-08 and C-5-08) and adopt Planning Commission Resolution 2008-P77.

PREPARED BY:


Juliana von Hacht
Associate Planner

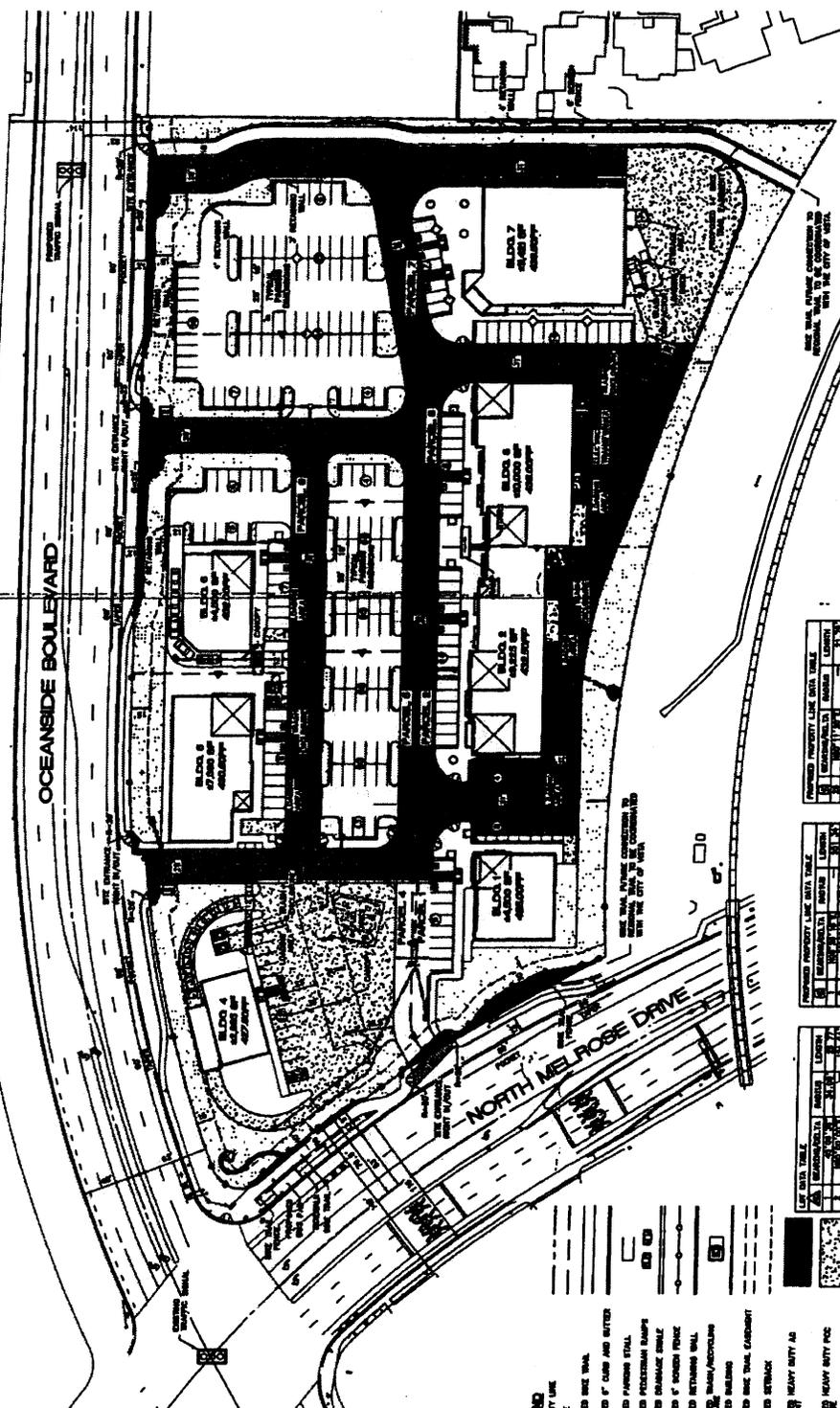
SUBMITTED BY:


Jerry Hittleman
City Planner

JH/JH/fil

Attachments:

1. Site Plans, Maps, Elevations, Landscape Plans, and Management Plan
2. Planning Commission Resolution No. 2008-P76
3. Planning Commission Resolution No. 2008-P77
4. Final Mitigated Negative Declaration and Initial Study, December 2008
5. Comments on the Mitigated Negative Declaration and Labeled A through F
6. Response to comments on the Mitigated Negative Declaration
7. Comments on the Application Labeled 1 through 7



DEVELOPER PARCEL:
 34,000 SQ. FT. PARCEL
 1/4 ACRES
 7.38 ACRES

PROPOSED BUILDING DATA

| | |
|---------|-------|
| BLDG. 1 | 1/178 |
| BLDG. 2 | 1/178 |
| BLDG. 3 | 1/178 |
| BLDG. 4 | 1/178 |
| BLDG. 5 | 1/178 |
| BLDG. 6 | 1/178 |
| BLDG. 7 | 1/178 |
| TOTAL | 7/178 |

PROPOSED PARKING DATA

| | |
|---------|-----|
| BLDG. 1 | 120 |
| BLDG. 2 | 120 |
| BLDG. 3 | 120 |
| BLDG. 4 | 120 |
| BLDG. 5 | 120 |
| BLDG. 6 | 120 |
| BLDG. 7 | 120 |
| TOTAL | 840 |

PARKING REQUIREMENTS

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| BLDG. 1 | 120 |
| BLDG. 2 | 120 |
| BLDG. 3 | 120 |
| BLDG. 4 | 120 |
| BLDG. 5 | 120 |
| BLDG. 6 | 120 |
| BLDG. 7 | 120 |
| TOTAL | 840 |

PARKING METERS

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| BLDG. 1 | 120 |
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| BLDG. 4 | 120 |
| BLDG. 5 | 120 |
| BLDG. 6 | 120 |
| BLDG. 7 | 120 |
| TOTAL | 840 |

LANDSCAPE REQUIREMENTS

ALL CALCULATIONS ARE BASED ON TOTAL AREA OF THE PARCEL AND NOT ON THE AREA OF THE BUILDING FOOTPRINTS.

NOTES:

- ALL CALCULATIONS ARE BASED ON TOTAL AREA OF THE PARCEL AND NOT ON THE AREA OF THE BUILDING FOOTPRINTS.
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- ALL CALCULATIONS ARE BASED ON TOTAL AREA OF THE PARCEL AND NOT ON THE AREA OF THE BUILDING FOOTPRINTS.

LEGEND:

- PROPERTY LINE
- LOT LINE
- PROPOSED SIDE WALK
- PROPOSED 8' CURB AND GUTTER
- PROPOSED PARKING LOT
- PROPOSED PEDESTRIAN WALKWAY
- PROPOSED BIKEWAY
- PROPOSED 6' SIDEWALK
- PROPOSED 8' SIDEWALK
- PROPOSED 10' SIDEWALK
- PROPOSED 12' SIDEWALK
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- PROPOSED 100' SIDEWALK

PROPOSED PROPERTY LINE DATA TABLE

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PROPOSED LOT DATA TABLE

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PROPOSED LOT DATA TABLE

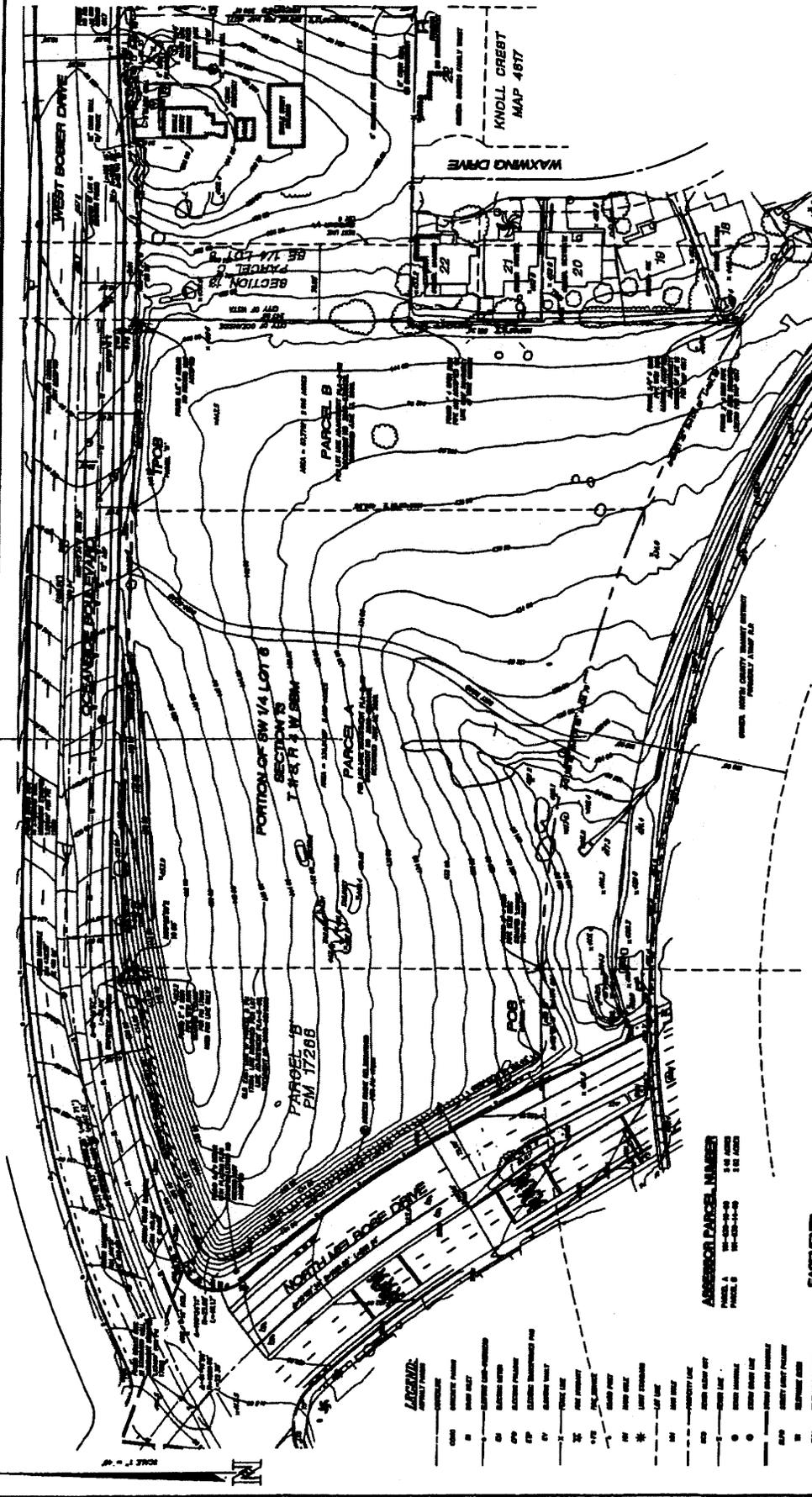
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- LEGEND:**
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EXISTING CONDITIONS
 CITY OF OCEANSIDE
 PLANNING DEPARTMENT
 1500 GARDEN VIEW AVENUE, SUITE 100
 OCEANSIDE, CALIFORNIA 92054
 APPROVED: _____ DATE: _____
 PREPARED BY: _____ DATE: _____

NASLAND ENGINEERING
 1100 GARDEN VIEW AVENUE, SUITE 100
 OCEANSIDE, CALIFORNIA 92054
 PHONE: (619) 435-1111
 FAX: (619) 435-1112
 SCALE: 1" = 40'
 SHEET NO. 101-101.1

MILROSE STATION COMMERCIAL CENTER
 SAN DIEGO COUNTY, CALIFORNIA

EASEMENTS

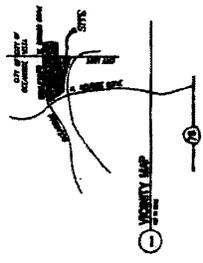
1. AN EASEMENT FOR THE PUBLIC UTILITY COMPANY, INCLUDING THE RIGHT OF WAY, TO INSTALL, MAINTAIN, OPERATE, AND REPAIR OVERHEAD AND UNDERGROUND POWER LINES, TELEPHONE LINES, AND CABLES, AND TO CONDUCT BUSINESS AS USUAL, SHALL BE GRANTED TO THE PUBLIC UTILITY COMPANY BY THE CITY OF OCEANSIDE.
2. AN EASEMENT FOR THE PUBLIC UTILITY COMPANY, INCLUDING THE RIGHT OF WAY, TO INSTALL, MAINTAIN, OPERATE, AND REPAIR OVERHEAD AND UNDERGROUND WATER MAINS, SEWER MAINS, AND GAS MAINS, SHALL BE GRANTED TO THE PUBLIC UTILITY COMPANY BY THE CITY OF OCEANSIDE.
3. AN EASEMENT FOR THE PUBLIC UTILITY COMPANY, INCLUDING THE RIGHT OF WAY, TO INSTALL, MAINTAIN, OPERATE, AND REPAIR OVERHEAD AND UNDERGROUND TELEPHONE LINES, CABLES, AND OPTICAL FIBER OPTIC CABLES, SHALL BE GRANTED TO THE PUBLIC UTILITY COMPANY BY THE CITY OF OCEANSIDE.

AMERICAN PARCEL NUMBER

PARCEL A: 100-000-00-00
 PARCEL B: 100-000-00-00

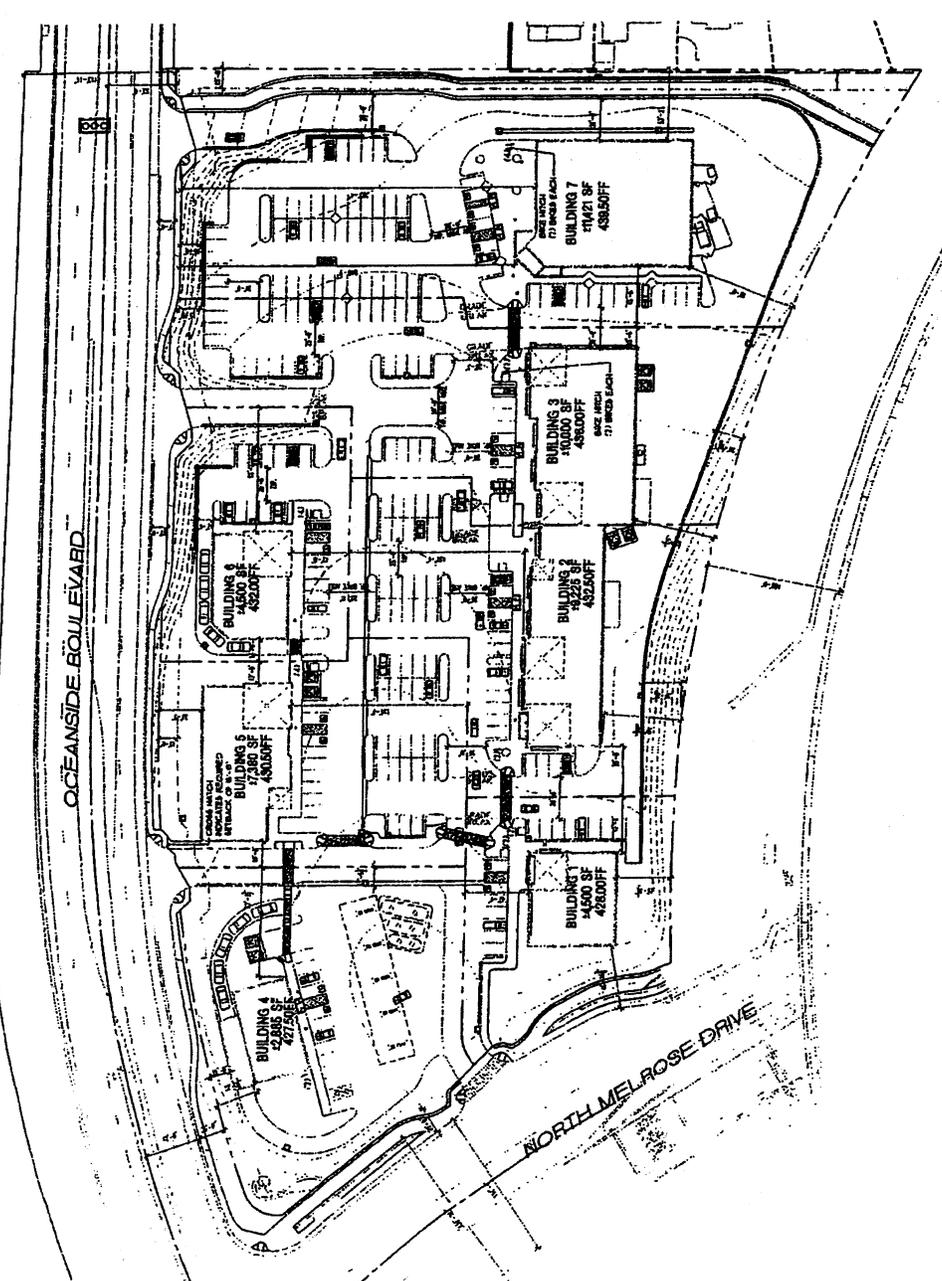
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|--|---|---------------------------------|---------------------------------|---------------------------------|
| <p>NUDELL ARCHITECTS 400 S. Coast Street, Suite 200 Costa Mesa, California 92626 714 440 0800 1714 440 0800</p> | <p>PROJECT NO. 2007-256</p> | <p>DATE: 08/20/08</p> | <p>BY: [Signature]</p> | <p>SCALE: 1" = 10'</p> |
| | <p>PROJECT NAME: Metrose Station Market</p> | <p>LOCATION: COSTA MESA, CA</p> | <p>PROJECT NUMBER: 2007-256</p> | <p>DESIGNED BY: [Signature]</p> |
| <p>NOTICE: THIS PLAN IS THE PROPERTY OF NUDELL ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF NUDELL ARCHITECTS.</p> | <p>PROJECT NO. 2007-256</p> | <p>DATE: 08/20/08</p> | <p>BY: [Signature]</p> | <p>SCALE: 1" = 10'</p> |
| <p>PROJECT NO. 2007-256</p> | <p>DATE: 08/20/08</p> | <p>BY: [Signature]</p> | <p>SCALE: 1" = 10'</p> | <p>SCALE: 1" = 10'</p> |



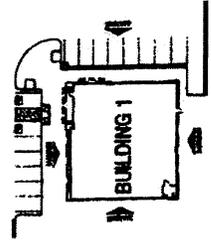
SITE INFORMATION

| | |
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| TRACT 1 - MARKET TRACT | 33 ACRES |
| TRACT 2 - COMMERCIAL TRACT | 5.7 ACRES |
| TRACT 3 - COMMERCIAL TRACT | 5.7 ACRES |
| TRACT 4 - COMMERCIAL TRACT | 5.7 ACRES |
| TRACT 5 - COMMERCIAL TRACT | 5.7 ACRES |
| TRACT 6 - COMMERCIAL TRACT | 5.7 ACRES |
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| TRACT 43 - COMMERCIAL TRACT | 5.7 ACRES |
| TRACT 44 - COMMERCIAL TRACT | 5.7 ACRES |

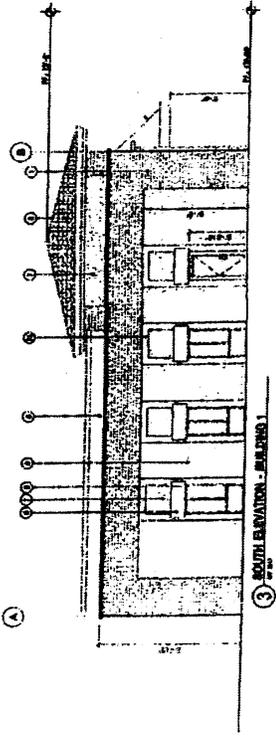
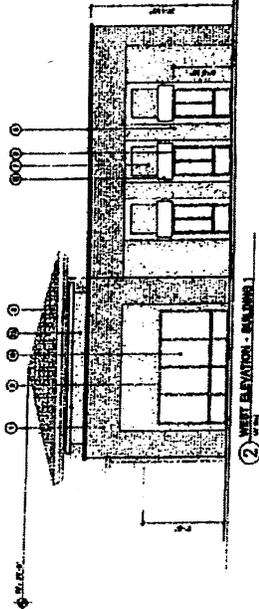
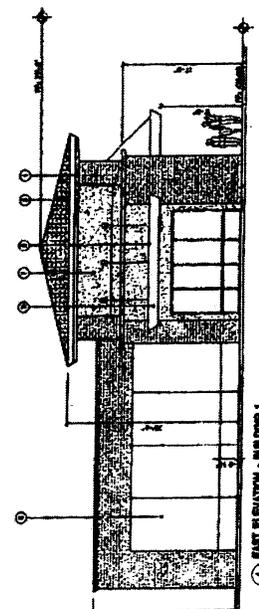
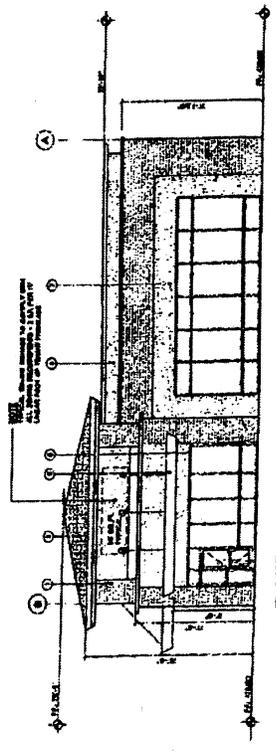


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| | | | | checked: _____ reviewed: _____ date: _____ |

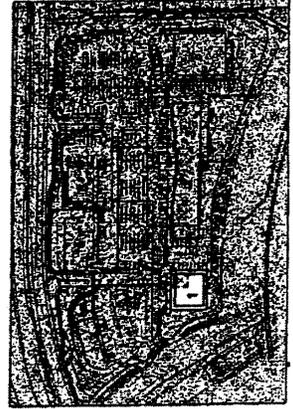


① FLOOR PLAN - BUILDING 1



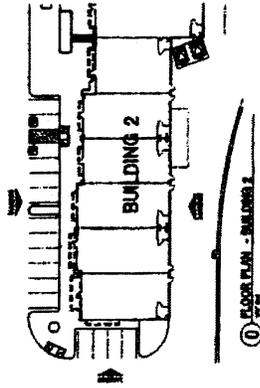
EXTERIOR FINISH LEGEND

| | | | |
|---|-----------------|---|-----------|
| ① | CONCRETE | ② | PAINT |
| ② | BRICK | ③ | GLASS |
| ③ | WOOD | ④ | ROOFING |
| ④ | ASPH/FLT | ⑤ | LANDSCAPE |
| ⑤ | STAINLESS STEEL | ⑥ | OTHER |



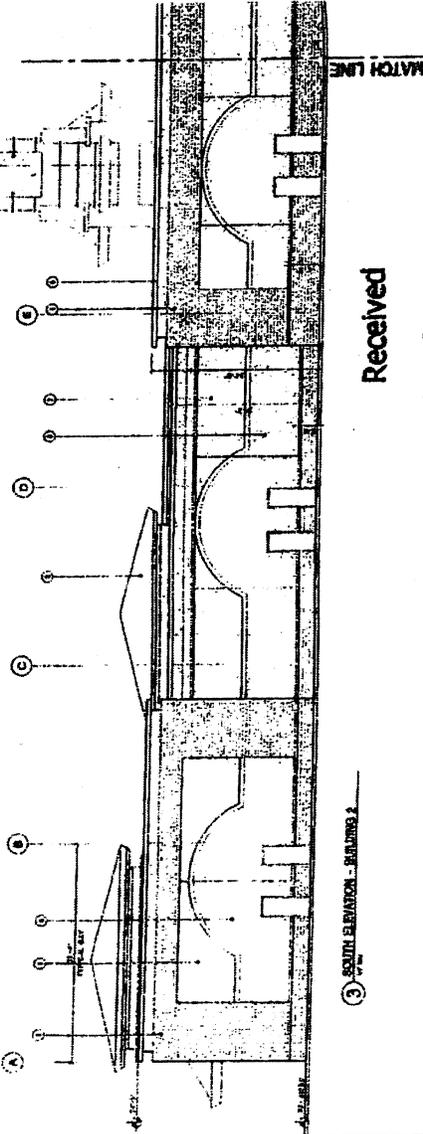
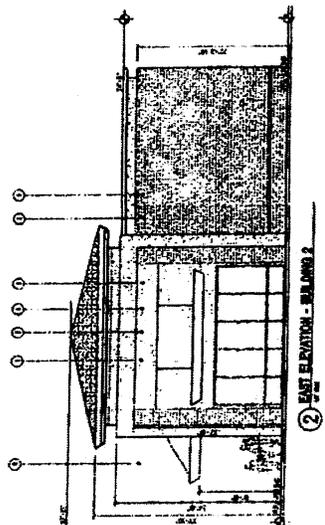
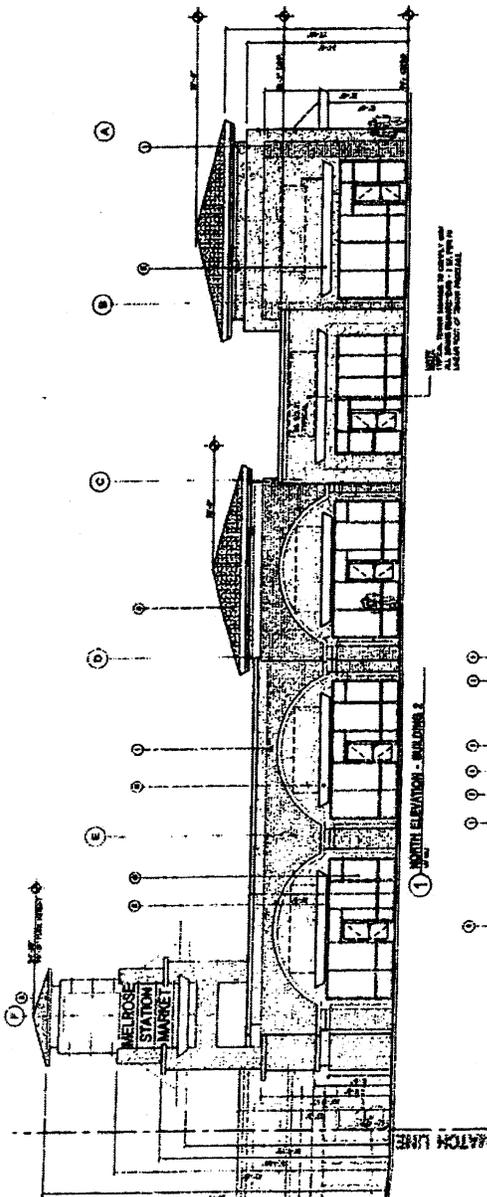
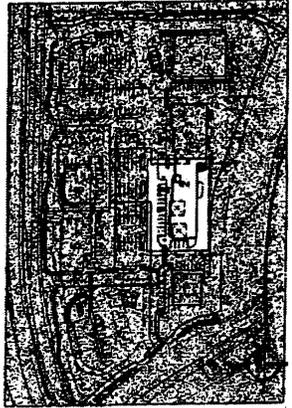
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| | <p>DATE: _____ CHECKED BY: _____ APPROVED BY: _____</p> | <p>DESIGNED BY: _____ DRAWN BY: _____ DATE: _____ PROJECT NO.: _____ SHEET NO.: _____</p> | | |



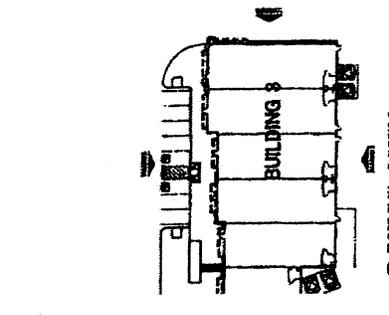
EXTERIOR FINISH LEGEND

| | | | |
|---|-------------------------------------|---|-------------------------------------|
| ① | EXT. WALL - 12" CMU | ② | EXT. WALL - 8" CMU |
| ③ | EXT. WALL - 4" CMU | ④ | EXT. WALL - 2" CMU |
| ⑤ | EXT. WALL - 1" CMU | ⑥ | EXT. WALL - 1/2" CMU |
| ⑦ | EXT. WALL - 1/4" CMU | ⑧ | EXT. WALL - 1/8" CMU |
| ⑨ | EXT. WALL - 1/16" CMU | ⑩ | EXT. WALL - 1/32" CMU |
| ⑪ | EXT. WALL - 1/64" CMU | ⑫ | EXT. WALL - 1/128" CMU |
| ⑬ | EXT. WALL - 1/256" CMU | ⑭ | EXT. WALL - 1/512" CMU |
| ⑮ | EXT. WALL - 1/1024" CMU | ⑯ | EXT. WALL - 1/2048" CMU |
| ⑰ | EXT. WALL - 1/4096" CMU | ⑱ | EXT. WALL - 1/8192" CMU |
| ⑲ | EXT. WALL - 1/16384" CMU | ⑳ | EXT. WALL - 1/32768" CMU |
| ㉑ | EXT. WALL - 1/65536" CMU | ㉒ | EXT. WALL - 1/131072" CMU |
| ㉓ | EXT. WALL - 1/262144" CMU | ㉔ | EXT. WALL - 1/524288" CMU |
| ㉕ | EXT. WALL - 1/1048576" CMU | ㉖ | EXT. WALL - 1/2097152" CMU |
| ㉗ | EXT. WALL - 1/4194304" CMU | ㉘ | EXT. WALL - 1/8388608" CMU |
| ㉙ | EXT. WALL - 1/16771520" CMU | ㉚ | EXT. WALL - 1/33543040" CMU |
| ㉛ | EXT. WALL - 1/67172096" CMU | ㉜ | EXT. WALL - 1/134344192" CMU |
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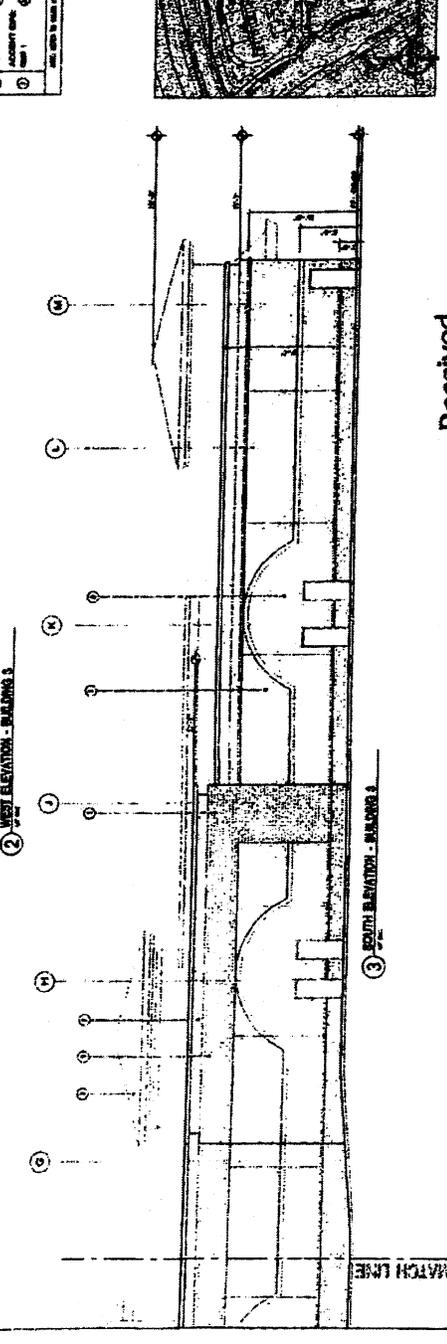
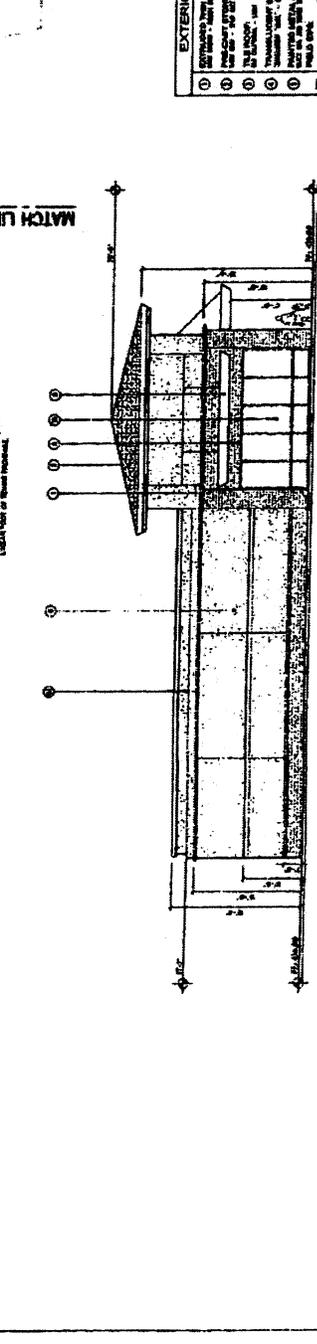
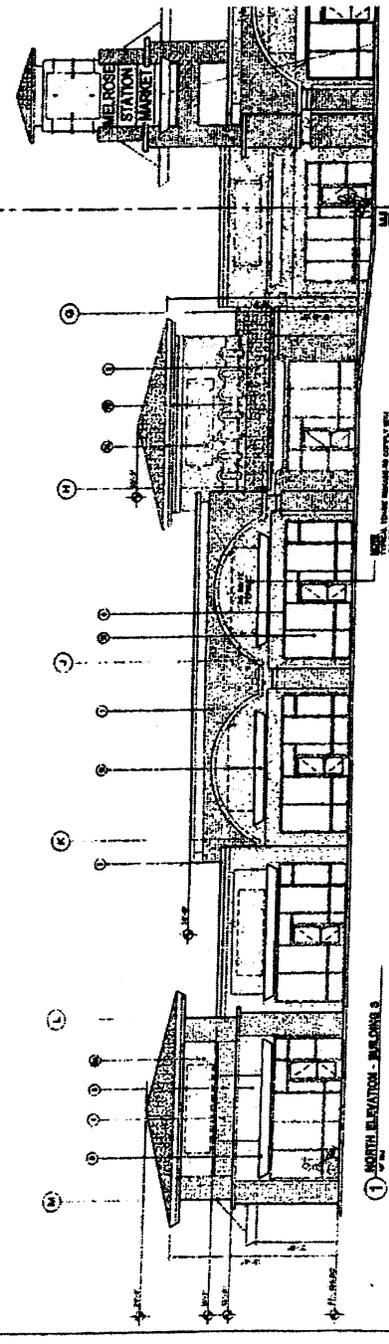
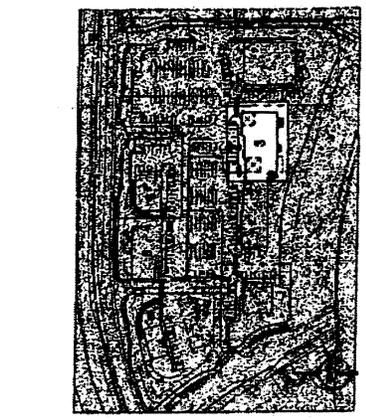
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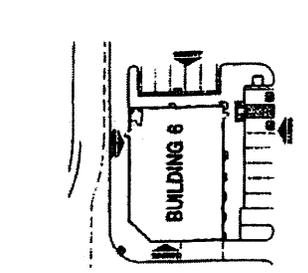
EXTERIOR FINISH LEGEND

| | | | |
|---|----------|---|-----------|
| ① | CONCRETE | ⑥ | WOOD |
| ② | BRICK | ⑦ | GLASS |
| ③ | PAINT | ⑧ | ROOFING |
| ④ | STUCCO | ⑨ | LANDSCAPE |
| ⑤ | ASPHALT | ⑩ | OTHER |

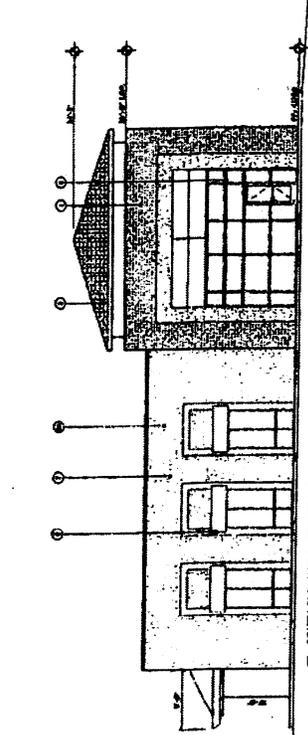


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 Planning Division

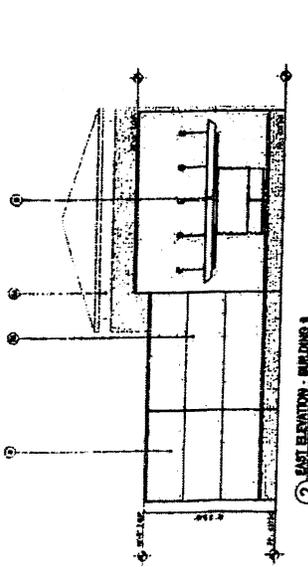
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|--|---|--|--|---|---|
| <p>NUDELL ARCHITECTS 1000 S. Grand Central Station Suite 1000, Chicago, Illinois 60605 Tel: 312.467.1700 Fax: 312.467.1701 www.nudell.com</p> | <p>NOTICE THIS DOCUMENT IS THE PROPERTY OF NUDELL ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF NUDELL ARCHITECTS.</p> | <p>project title Metrose Station Market CHICAGO, IL</p> | <p>sheet title BUILDING 6 Floor Plan and Elevations</p> | <p>project number 2007-266</p> | <p>DATE: _____</p> <p>DESIGNED BY: _____</p> <p>CHECKED BY: _____</p> <p>APPROVED BY: _____</p> |
| | | | | | <p>DATE: _____</p> <p>DESIGNED BY: _____</p> <p>CHECKED BY: _____</p> <p>APPROVED BY: _____</p> |



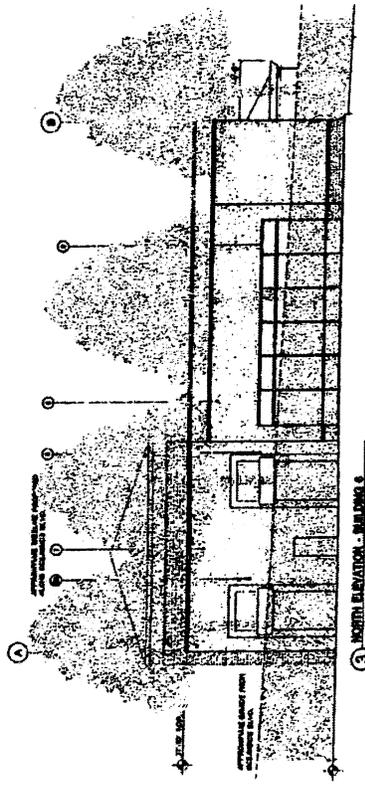
① **SITE PLAN - BUILDING 6**



① **SOUTH ELEVATION - BUILDING 6**



② **EAST ELEVATION - BUILDING 6**

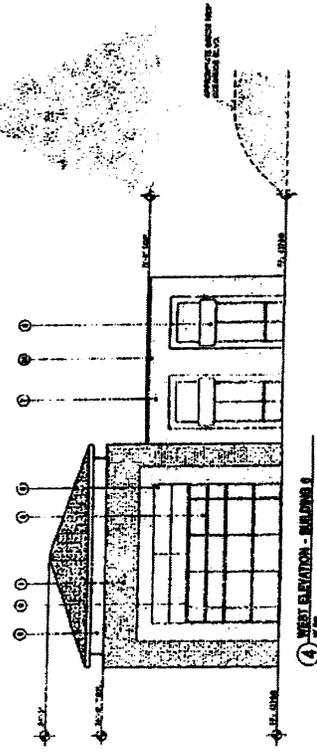


③ **NORTH ELEVATION - BUILDING 6**

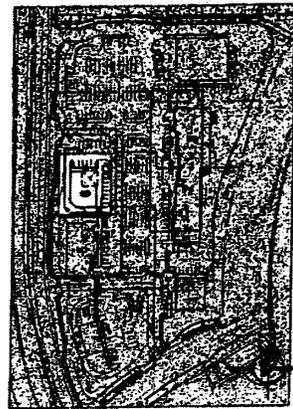
EXTERIOR FINISH LEGEND

| | |
|---------------------------|--------------------------|
| ① Synthetic stone panels | ⑤ Dark grey stone panels |
| ② Light grey stone panels | ⑥ Dark grey stone panels |
| ③ Light grey stone panels | ⑦ Dark grey stone panels |
| ④ Light grey stone panels | ⑧ Dark grey stone panels |

NOTE: SEE EXTERIOR FINISH LEGEND FOR MATERIALS AND FINISHES.



④ **WEST ELEVATION - BUILDING 6**



⑤ **SITE PLAN**

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4M

NUDELL ARCHITECTS

1000 & Grand Street, Suite 100
 New York, New York, 10002
 Tel: 212 333 1111 Fax: 212 333 1112

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DESIGNED BY:

4M

part of

project title
Metrose Station Market

location, n.y.

sheet title
**BUILDING 7
 Roof Plan and Elevation**

of 10 sheets

project number
2007-268

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| sheet | date |
| checked | by |
| revised | date |
| DRAWN BY: 4M CHECKED BY: 4M REVISIONS: 1. 4M 2. 4M 3. 4M 4. 4M 5. 4M 6. 4M 7. 4M 8. 4M 9. 4M 10. 4M | |

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 REFERENCE ONLY
 NOT TO SCALE**

EXTENSION PRIMA SCHEDULE

| NO. | DESCRIPTION | DATE |
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| 10 | | |

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

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5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

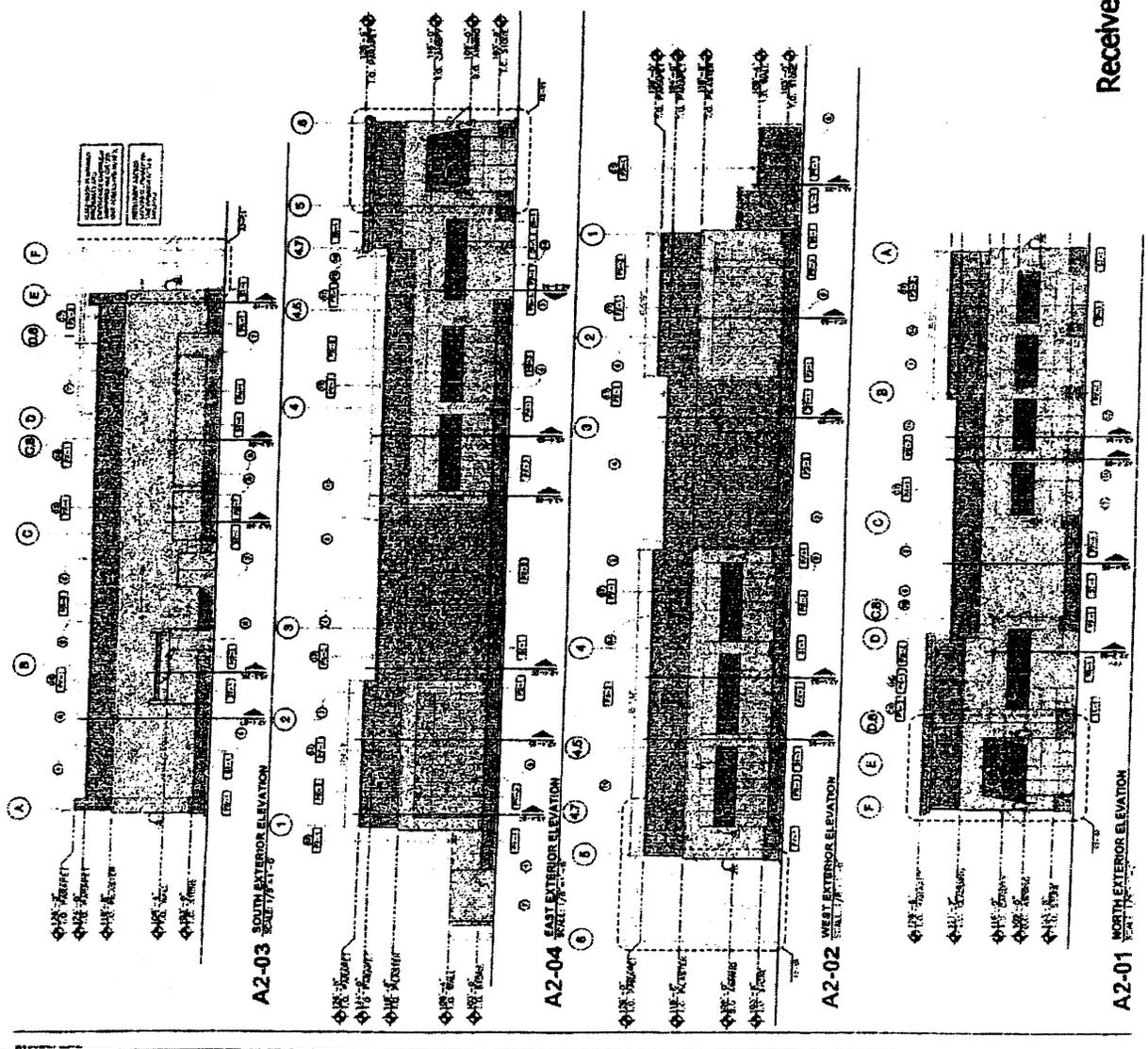
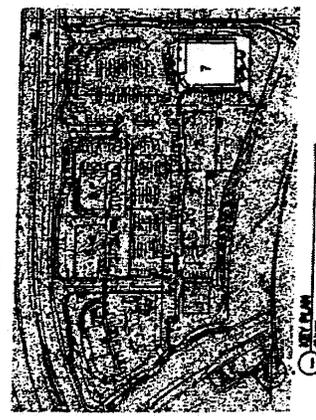
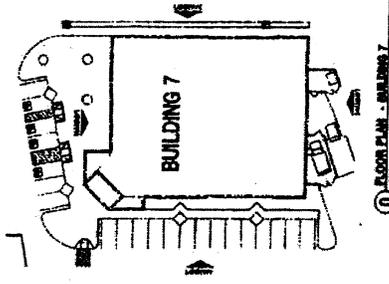
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.

10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS AND THE CITY OF NEW YORK DEPARTMENT OF CITY PLANNING AND CONSTRUCTION (DCPC) REGULATIONS.



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 SEP 26 2008
 Planning Division

MELROSE STATION

OPERATION & MANAGEMENT PLAN

Revised November 3, 2008

INTRODUCTION

This Management Plan is provided for the Melrose Station Shopping Center, located in the City of Oceanside at the southeast corner of Melrose Drive and Oceanside Boulevard. It is intended to assist in creating and maintaining a desirable shopping environment for customers and merchants within the shopping center, as well as for the surrounding residential areas. Maintenance shall be provided for the entire shopping center, including the buildings and all common areas. This plan provides for general management and maintenance responsibilities associated with the shopping center.

SHOPPING CENTER MANAGEMENT

1. Property management for the Melrose Station Shopping Center will be provided by a Maintenance Director of the common area and the parcel owners, or their successors, assignees or authorized agents with respect to the individual buildings.
2. The City of Oceanside Planning Department shall be provided, in writing, with a contact person, address and phone number for the Maintenance Director and for each parcel owner.
3. In the event there is any change in the Maintenance Director or any material change in the scope of duties, or if any parcel owner assumes the responsibilities of the Maintenance Director, the City will be informed. The contact person(s), address(s) and/or phone number(s) shall be provided to the City Planning Department in writing.
4. Each parcel owner and tenant shall be provided a copy of this management plan, as well as a copy of the City of Oceanside's Conditions and Resolution of Approval for this shopping center.
5. The Maintenance Director shall be responsible for implementation of all items in this management plan except those reserved to parcel owners.

SHOPPING CENTER SECURITY

1. The following security program is provided, as a requirement of and in compliance with the City of Oceanside's Conditions of Approval for the shopping center, for reasonable on-site security in accordance with demonstrated needs, which may include security and control measures deemed necessary by the parcel owners, the City of Oceanside, and the Oceanside Police Department, such as control of loitering, vandalism, malicious mischief and unauthorized use of the common area. The type and amount of security will be determined by occupancy, types of uses, and necessity, based on types of offenses and disturbances, and as deemed necessary by the City of Oceanside and the Oceanside Police Department.
2. The security program for the shopping center will include a variety of elements as necessary to provide adequate on-site security. Examples of the type of security elements are as follows:
 - Alarm systems
 - Passive surveillance (such as cameras, video or audio monitors)
 - Patrol services

SHOPPING CENTER MAINTENANCE

1. **Buildings**

All buildings shall be maintained, including repairs and repainting as necessary to maintain the shopping center appearance. Maintenance of buildings and structures shall include work necessary to repair damage (including weather or water damage) and to remove graffiti from structural surfaces, as well as repair due to normal wear and tear.

2. **Other Structures**

All fencing, walls and other structures within the shopping center shall be maintained including repairs and repainting as necessary to maintain the shopping center's first class appearance. Fencing, walls and other structures within the common area of the shopping center shall be the responsibility of the overall shopping center through the Maintenance Director. Maintenance of common area structures shall include work necessary to repair damage (including weather or water damage) and to remove graffiti from structural surfaces, as well as repair due to normal wear and tear.

3. **Storm Water Pollution Control**

The drainage and filtration system for the shopping center shall be inspected on no less than a quarterly basis with any and all functional failure(s) corrected within a prudent and

reasonable time frame, not to exceed 30 days.

All pre-construction stabilization and structural controls shall be inspected after every storm and repaired or maintained as needed to reduce sediment discharge from the site. At a minimum, all post-construction storm water Best Management Practices shall be inspected monthly during the months of October through April.

4. Common Area Improvements

Common area improvements, including parking lots, drives, utilities, lighting, landscaping, sidewalks, slopes, etc. throughout the shopping center will be maintained or caused to be maintained by Maintenance Director. Specific areas of responsibility include the following:

4.1 Landscaping

All common area landscaping shall be regularly maintained including, but not limited to, regular watering, fertilizing, trimming and weed control, as well as tree trimming, replacement of dead or dying material, and maintenance of irrigation systems as detailed below.

Landscaping duties shall be performed weekly with a landscape maintenance crew, including trash pick-up and monitoring to insure proper appearance and proper functioning of irrigation systems. The landscape contractor shall provide 24-hour emergency service to the Maintenance Director, 7 days a week, as necessary.

A. Insecticides:

Evidence of insect damage or infestation shall be immediately taken care of by appropriate applications of insecticides and fungicides. The use of chemicals shall conform to current State of California agricultural regulations. Chemical use shall be based on the recommendations of a licensed pest control advisor.

B. Ground Cover and Slope Care:

- (i) Ground cover shall be inspected no less than twice a month. Maintenance shall include removal of all debris, including leaves, branches and papers.
- (ii) Weeds shall be removed on a regular basis, chemically or manually, no less than twice a month. Weeds will be controlled with pre-emergent herbicides.

- (iii) Ground cover shall be fertilized as needed and in accordance with manufacturer's directions, to promote healthy growth and color.
- (iv) All ground cover shall be neatly pruned or trimmed away from shrubs, trees, walks, header boards, etc.

C. Shrubs and Vines:

- (i) Weeds shall be chemically or manually removed from beds regularly, no less than twice a month. Bermuda grass and other noxious weeds shall not be allowed to become established. Chemical control for Bermuda grass will be the only approved method.
- (ii) Plants which are not located in ground cover areas shall be fertilized with commercial fertilizer to promote healthy growth and color at least three (3) times annually. All fertilizers are to be applied in accordance with manufacturers directions.
- (iii) Pruning shall be done on a continuing basis to maintain a natural shape, but not when plants are blooming. Branches shall be cut individually and all cuts shall be inside the outline of foliage.
- (iv) Vines shall be maintained in their intended form. Pruning shall be performed as a continuous operation so plants will not be allowed to develop stray, undesirable growth. Vines will be trained and attached to buildings, fences, walls, posts, etc., where required, using methods acceptable to Maintenance Director.

D. Trees:

- (i) All trees on the site shall be maintained in their natural shape. Trees shall be pruned in a manner to select and develop permanent scaffold branches that are smaller in diameter than the trunk or branch to which they are attached; to provide radial orientation so as not to overlay one another; to eliminate dead, diseased or damaged growth; to eliminate narrow V-shaped branch forks that lack strength; to reduce toppling and wing damage by thinning out crown, to maintain growth within space limitations and to balance crown with roots.
- (ii) All pruning cuts shall be made flush. "Stubbing" will not be permitted.

- (iii) Trees shall be properly staked and tied as necessary. Tree ties shall be inspected at least four times a year to prevent girding of trunks or branches and to prevent bark wounds caused by abrasion. Removal of tree stakes will be considered as soon as possible to encourage tree development.
- (iv) A clear circle of 12" to 18" in diameter shall be maintained at the base of trees to reduce competition for nutrients by ground covers.
- (v) The Maintenance Director shall promptly be informed of dead trees and those in a state of decline, for replacement as necessary.

E. Irrigation System:

- (i) The Landscape Contractor shall continually inspect and repair, as required, all sprinkler heads for full coverage and adjustment. Sprinkler heads shall be adjusted as necessary to prevent over spray on buildings, sidewalks, or other un-landscaped areas.
- (ii) The Maintenance Director shall adjust or cause the controllers and clocks to be adjusted for seasonal conditions.

F. Foreign Debris:

- (i) Paper, grass, cans, leaves and debris shall be removed from the site on a daily basis. The planter boxes, slopes, flower beds, parking areas, sidewalks and driveways will be kept clear of trash or other discarded materials during each visit by the Landscape Contractor, specifically Monday through Friday of each week.
- (ii) The Landscape Contractor shall promptly remove from the work area all debris generated by his performance of the work.
- (iii) Walkways shall be kept clear of debris from maintenance operations, erosion run-off from rain and/or irrigation and wind-blown debris.

4.2 Parking Lots

All parking lots will be regularly maintained including repair and replacement of asphalt paving to maintain a smooth and level surface, bumpers, curbs, gutters, parking lot shopping cart ports and corrals. Supplemental litter pickup, and incidental cleaning shall be provided on an as needed basis to maintain a clean and neat appearance.

Parking lot striping shall be done on an annual basis, as needed. Re-sealing of the parking areas shall be done every three years as needed.

Parking lot sweeping of the entire shopping center parking areas shall occur at a minimum of once a month.

4.3 Lighting

Maintenance of common area lighting shall be provided including routine inspection, repair and/or replacement as necessary, for parking lot lights, signage and security lighting.

Shopping center lighting, except for security lighting, and signage shall be turned off at the close of business as determined by the tenants of the shopping center and shall be in accordance with the lighting ordinance having jurisdiction over the project.

4.4 Trash Collection

All trash bins shall be maintained in their containment/enclosure area. Trash shall be removed from the site on a regular basis, with supplemental removal and cleaning of dumpster enclosures, as necessary, through contract with the project maintenance personnel, landscaper or trash removal company.

Accumulated trash from the parking lot and landscaped areas shall be removed on a daily basis as needed by the projects maintenance personnel.

4.5 Graffiti

Daily site inspection for graffiti and other evidence of vandalism shall be performed by the project maintenance personnel. Graffiti shall be removed or covered within 24 hours of occurrence. Individual parcel owners are also required to remove or cover graffiti within 24 hours of occurrence. In the event an individual parcel owner fails to perform graffiti removal within the 24-hour period, the Maintenance Director shall have authority to perform the work. The cost of said work shall remain the responsibility of the parcel owner and shall be due and payable within thirty days of invoice.

LOADING AND UNLOADING OF DELIVERY TRUCKS

The loading and unloading of delivery trucks and vehicles, including trash removal services and landscape maintenance are limited to the hours 7:00 a.m. to 10:00 p.m. seven days a week. Deliveries shall not exceed the general sound level limits, pursuant to Section 38.12(c) of the

Municipal Code.

OUTDOOR STORAGE OR DISPLAY OF MERCHANDISE

Outdoor storage or display of merchandise or materials, as well as parking lot sales, are allowed in conformance with City Code.

TRAFFIC MANAGEMENT

The Maintenance Director shall implement traffic management control tactics on-site as determined to be necessary to address any Melrose Station Shopping Center traffic problems on adjacent surrounding roadways. This shall include appropriate signage and notification in advance if any closures of the interim access are required during construction as well as any traffic impacts generated by the center.

BIKE TRAIL MANAGEMENT

The Maintenance Director shall insure that the bike trail and associated fencing and landscape are in a safe and usable condition in coordination with NCTD and the City of Oceanside Parks and Recreation Department.

SIGNS

All signage on-site must comply with the Comprehensive Sign Program for the Melrose Station Shopping Center as approved by the City of Oceanside.

NOTIFICATION/IMPLEMENTATION

In the event any aforementioned item is not performed or maintained to standards consistent with a well-kept shopping center, the City of Oceanside shall immediately notify the Maintenance Director of the failure(s) in writing. The Maintenance Director shall work to resolve the specific item(s) in a prudent and reasonable time frame, not to exceed 30 days.

All of the above listed items of repair, maintenance and security shall be a function of common area maintenance and shall be billed to the shopping center tenants and parcel owners accordingly.

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PLANNING COMMISSION
RESOLUTION NO. 2008-P76

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA ADOPTING A
MITIGATED NEGATIVE DECLARATION ON CERTAIN
REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-1-08, D-3-08, C-2-08, C-3-08, C-4-08, and C-5-08
APPLICANT: Market Center Ventures, LP
LOCATION: Southeast corner of Melrose Drive and Oceanside Boulevard

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public and agency review and property notification was given in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 15th day of December, 2008, conduct a duly advertised public hearing on the content of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

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

FINDINGS:

For the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration and Initial Study were completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. Pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment.
3. The new mitigation measures are equivalent or more effective in mitigation or avoiding potential significant effects than the proposed draft mitigation measures and would not cause any potentially significant effect on the environment.
4. The Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (M.M.R.P.) have been determined to be accurate and adequate documents,

1 which reflect the independent judgment and analysis of the Planning Commission. On
2 the basis of the entire record before it, the Planning Commission finds that there is no
3 substantial evidence that the project, with implementation of the mitigation measures
4 proposed, will have a significant impact on the environment.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
6 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein
7 subject to the following conditions:

8 **Mitigation and Monitoring and Reporting Program:**

9 1. Mitigation Measure Bio 01 - If grubbing, clearing, and/or grading would occur during the
10 breeding season for nesting birds, a pre-construction survey shall be conducted, prior to
11 issuance of a grading permit, by a qualified biologist to determine if these species occur
12 within 500 feet of such activity. If there are no birds nesting (includes nest building or
13 other breeding/nesting behavior) within this area, development shall be allowed to
14 proceed. However, if birds are observed nesting or displaying breeding/nesting behavior
15 within 500 feet of such activity, construction shall (1) be postponed until all nesting (or
16 breeding/nesting behavior) has ceased or until after August 31 (for all breeding birds); or
17 (2) a temporary noise barrier or berm shall be constructed at the development footprint
18 edge to ensure that noise levels are reduced to ambient or below 60 dB Leq whichever is
19 greater. Alternatively, the use of construction equipment could be scheduled to keep noise
20 levels below ambient or 60 dB Leq as appropriate in lieu of or in concert with a wall or
21 other noise barrier.

22 2. Mitigation Measure Bio 02 - To ensure Migratory Bird Treaty Act compliance, native
23 vegetation clearing shall occur outside the breeding season of most avian species
24 (February 15 through August 31). Clearing during the breeding season of Migratory Bird
25 Treaty Act covered species could occur if it is determined that no nesting birds (or birds
26 displaying breeding/nesting behavior) are present immediately prior to clearing. As
27 described in Mitigation Measure Bio - 01, a pre-construction survey shall be conducted by
28 a qualified biologist to determine if breeding or nesting avian species occur within areas
29 impacted. This measure shall be satisfied prior to the issuance of a grading permit.

- 1 3. Mitigation Measure Bio 03 - To prevent the spread of non-native vegetation and noxious
2 weeds, landscaping within the development area shall avoid the use of invasive non-native
3 plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant
4 Inventory prepared by the California Invasive Plant Council (2006). The final landscape
5 plan and landscape inspection shall demonstrate compliance with this requirement.
- 6 4. Mitigation Measure Bio 04 - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub
7 and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios,
8 respectively, through off-site restoration and/or acquisition of appropriate habitat within
9 the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the
10 Wildlife Corridor Planning Zone, in consultation with the City and resource agencies. The
11 mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.
12 This measure shall be satisfied prior to the issuance of a grading permit.
- 13 5. Mitigation Measure Paleo 01 - Prior to issuance of a grading permit, the applicant shall
14 provide verification that a qualified paleontologist and paleontological monitor have been
15 retained to implement the monitoring program. A qualified paleontologist is defined as an
16 individual with a Ph.D. or M.S. degree in paleontology or geology who is a recognized
17 expert in the application of paleontological procedures and techniques. A qualified
18 paleontological monitor is defined as an individual who has experience in the collection
19 and salvage of fossil materials and who is working under the supervision of a qualified
20 paleontologist.
- 21 6. Mitigation Measure Paleo 02 - The qualified paleontologist or paleontological monitor
22 shall attend any preconstruction meetings to discuss grading plans with the grading and
23 excavation contractor. The requirement for paleontological monitoring shall be noted on
24 the project construction drawings. This measure shall be satisfied prior to the issuance of
25 a grading permit.
- 26 7. Mitigation Measure Paleo 03 - The paleontologist or paleontological monitor shall be on
27 site full-time during the initial cutting of previously undisturbed areas of the Santiago
28 Formation to inspect for well-preserved fossils. Monitoring may be increased or
29 decreased at the discretion of the qualified paleontologist in consultation with the City,
and shall occur only when excavation activities affect the noted geologic formation.

- 1 8. Mitigation Measure Paleo 04 - In the event that well-preserved fossils are found, the
2 paleontologist shall have the authority to direct the project engineer to divert, direct, or
3 temporarily halt construction activities in the area of discovery to allow evaluation and
4 recovery of fossil remains. Because of the potential for recovery of fossil remains, it may
5 be necessary to set up a screen-washing operation on site. The paleontologist shall
6 immediately notify City staff of such finding at the time of discovery. The City shall
7 respond to the finding within 48 hours and shall approve salvaging procedures to be
8 performed before construction activities in the subject area(s) are allowed to resume.
- 9 9. Mitigation Measure Paleo 05 - Fossil remains shall be cleaned, sorted, catalogued, and
10 then deposited in a scientific institution that houses paleontological collections (such as
11 the San Diego Natural History Museum). The qualified paleontologist shall be
12 responsible for preparation of fossils to a point of identification, and shall submit a copy of
13 a letter of acceptance from a local qualified curation facility to the City. A qualified
14 curation facility is defined as a research institution with a permanent commitment to long-
15 term care of paleontological collections. Such an institution shall have professional
16 curatorial staff. If the fossil collection is not accepted by a local qualified facility for
17 reasons other than inadequate preparation of specimens, the project paleontologist shall
18 contact the City to suggest an alternative disposition of the collection.
- 19 10. Mitigation Measure Paleo 06 - A monitoring results report, with appropriate graphics,
20 summarizing the results, analyses and conclusions of the above program, even if negative,
21 shall be submitted to the City for approval within three months following the termination
22 of the paleontological monitoring program. Any discovered fossil sites shall be recorded
23 at the San Diego Natural History Museum by the qualified paleontologist. This measure
24 shall be shown on plans prior to the issuance of a building permit.
- 25 11. Mitigation Measure Noise 01 - The project applicant shall construct a five-foot high
26 (above the roof peak) parapet wall surrounding rooftop equipment.
- 27 12. Mitigation Measure Noise 02 - Pursuant to the Noise Study, the project applicant shall
28 construct a six-foot high solid block screen-wall along the eastern property line at the top
29 of slope and adjacent to existing residences. The top of wall height on the screen wall
shall be four feet above the first floor level of the residence lots fronting the property line,

1 resulting in an approximate top of wall elevation of 454.7 feet above mean sea level per
2 the contours and residential elevations contained on the site plan. The solid block screen
3 wall shall be a single, solid sound wall that is constructed of masonry, wood, plastic,
4 fiberglass, steel, or a combination of those materials with no cracks or gaps through or
5 below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be
6 tongue and groove and must be at least 1 inch thick or have a surface density of at least 3.5
7 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear
8 plastic may be used on the upper portion if it is desirable to preserve a view. Sheet metal
9 of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported
10 and stiffened so that it does not rattle or create noise itself from vibration or wind. These
11 requirements shall be noted on the plans submitted for Building Permit and Landscape
12 Plans.

13 13. Mitigation Measure – Traffic 01 - Melrose Drive/Meadowbrook Drive intersection: The
14 project applicant shall contribute its fair share towards the city-planned installation of a
15 traffic signal at the intersection. If the signal is not in place at the time of construction, the
16 project applicant shall install the signal and be reimbursed by the City (less its share of the
17 cost for the improvement).

18 14. Mitigation Measure – Traffic 02 - Melrose Drive/Olive Avenue intersection: The project
19 applicant shall contribute its fair share to the City of Vista towards an overlap signal for
20 the eastbound right turn lane at the intersection.

21 15. Mitigation Measure – Traffic 03 - Melrose Drive/Vista Way intersection: The project
22 applicant shall contribute its fair share to the City of Vista towards an overlap signal for
23 the westbound right turn lane at the intersection.

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1 16. Mitigation Measure – Traffic 04 - Main Driveway/West Oceanside Boulevard (Bobier
2 Drive) intersection: The project applicant shall contribute its fair share towards the
3 installation of a traffic signal at the intersection. If the signal is not in place at the time of
4 construction, the project applicant shall install the signal and be reimbursed by the City
5 (less its share of the cost of the improvement). In addition, the project applicant shall
6 provide the following lanes to serve project traffic: Northbound left turn only lane;
7 Northbound through/right turn only lane; Westbound left turn only lane; and Eastbound
8 right turn only lane.

9 PASSED AND ADOPTED Resolution No. 2008-P76 on December 15, 2008 by the

10 following vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15
16 _____
17 Claudia Troisi, Chairperson
18 Oceanside Planning Commission

18 ATTEST:

19
20 _____
21 Jerry Hittleman, Secretary

22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2008-P76.

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25 Dated: December 15, 2008
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PLANNING COMMISSION
RESOLUTION NO. 2008-P77

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP, DEVELOPMENT PLAN, AND FOUR CONDITIONAL USE PERMITS ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-1-08, D-3-08, C-2-08, C-3-08, C-4-08 and C-5-08

APPLICANT: Market Center Ventures, LP

LOCATION: Southeast corner of Melrose Drive and Oceanside Boulevard

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Parcel Map, Development Plan and four Conditional Use Permits under the provisions of Articles 11, 30, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside and Article VI of the Subdivision Ordinance to permit the following:

a seven-lot subdivision of a 7.4-acre site, construction of seven buildings totaling 49,911 square feet of commercial land uses, including a service station, convenience store, automobile washing, banking (or retail) with drive-through service, general retail, and food and beverage sales;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 15th day of December, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

1 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that
 2 the project is subject to certain fees, dedications, reservations and other exactions as provided
 3 below:

| <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|---|--|---|
| Parkland Dedication/Fee | Ordinance No. 91-10 Resolution No. 06-R0334-1 | \$3,503 per unit |
| Drainage Fee | Ordinance No. 85-23 Resolution No. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| Public Facility Fee | Ordinance No. 91-09 Resolution No. 06-R0334-1 | \$.713 per square foot or \$713 per thousand square feet for non-residential uses |
| School Facilities Mitigation Fee | Ordinance No. 91-34 | \$.42 per square foot non-residential for Vista |
| Traffic Signal Fee | Ordinance No. 87-19 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| Thoroughfare Fee (For commercial note the 75 percent discount) | Ordinance No. 83-01 Resolution No. 06-R0334-1 | \$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| Water System Buy-in Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1 | Fee based on water meter size. Non-residential is \$35,160 for a 2" meter |
| Wastewater System Buy-in fees | Oceanside City Code §29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter |
| San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Non-residential is \$21,599 for a 2" meter |

28 WHEREAS, the current fees referenced above are merely fee amount estimates of the
 29 impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

3 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
4 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside
5 City Code and the City expressly reserves the right to amend the fees and fee calculations
6 consistent with applicable law;

7 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
8 dedication, reservation or other exaction to the extent permitted and as authorized by law;

9 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
10 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
11 described in this resolution begins on the effective date of this resolution and any such protest
12 must be in a manner that complies with Section 66020;

13 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
14 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

15 WHEREAS, the Mitigated Negative Declaration together with any comments received,
16 and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the
17 conditions of approval for the project, were presented to the Planning Commission, and the
18 Planning Commission reviewed and considered the information contained in these documents
19 prior to making a decision on the project.

20 WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and
21 Reporting Program (MMRP) have been determined to be accurate and adequate documents,
22 which reflect the independent judgment and analysis of the Planning Commission. On the
23 basis of the entire record before it, the Planning Commission finds that there is no substantial
24 evidence that the project, with implementation of the mitigation measures proposed, will have
25 a significant impact on the environment.

26 WHEREAS, the documents or other material which constitute the record of
27 proceedings upon which the decision is based will be maintained by the City of Oceanside
28 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

1 FINDINGS:

2 For the Tentative Parcel Map P-1-08:

- 3 1. The proposed seven-lot subdivision is consistent with the General Plan, including Land
4 Use Element Objectives 2.01 and 2.2, and it is consistent with the provisions of the
5 Subdivision Ordinance.
- 6 2. The 7.4-acre site is physically suitable for the proposed 49,911-square foot commercial
7 development, including a service station, convenience store, automobile washing, banking
8 (or retail) with drive-through service, general retail, and food and beverage sales.
- 9 3. The 7.4-acre site is physically suitable for the proposed intensity of development. The
10 land uses are conveniently juxtaposed to residential land uses (existing and future), work
11 centers, and transit nodes. As such, the proposal satisfies General Plan Land Use Element
12 Objective 2.2, which is to promote and preserve a balance of successful markets and
13 services that are compatible and organized to surrounding land uses.
- 14 4. The design of the seven lot subdivision will not cause substantial environmental damage
15 or substantially and avoidably injure fish or wildlife or their habitat. The Planning
16 Commission has previously considered an Initial Study and Mitigated Negative
17 Declaration and found that cultural resource, noise, and transportation impacts could be
18 mitigated to a less than significant level.
- 19 5. The design of the seven lot subdivision and the types of improves will not conflict with
20 easements, acquired by the public at large, for access through or use of, property within
21 the proposed subdivision. The site is bisected by the Guajome Park Bike Trail, which
22 connects to the Sprinter Rail Bike Trail to the south of the project site.
- 23 6. The application complies will all other applicable ordinances, regulations, and guidelines
of the City of Oceanside, including the Local Floodplain Ordinance.

24 For the Development Plan D-3-08:

- 25 1. As proposed, the site plan and physical design of the seven commercial buildings,
26 totaling 49,911 square feet of floor area, is consistent with the purposes of the Zoning
27 Ordinance, including Articles 11, 30, 31 and 43.
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- 1 2. The Development Plan, as proposed, conforms to the General Plan of the City and
2 satisfies the Community Development Goals of the Land Use Element, including
3 Policies 2.01 and 2.22.
- 4 3. The area covered by the Development Plan can be adequately, reasonably and
5 conveniently served by existing and planned public services, utilities, and public
6 facilities. The site development would include 22 bike parking spaces, two bus pads
7 and shelters, a connection to both the Guajome Regional Park Bike Trail and the
8 Sprinter Bike Trail, and is across the street from the Melrose Train Station.
- 9 4. The project as proposed is compatible with the existing and potential development on
10 adjoining properties or in the surrounding neighborhood. The proposed subdivision,
11 development plan, and land uses would support the day-to-day commercial needs of the
12 community. Mitigation measures for noise impacts from trucks and deliveries would
13 control noise at or below Oceanside Ordinance limits. The building setbacks along the
14 easterly property boundary comply with development regulations.
- 15 5. The site plan and physical design of the project is consistent with the policies contained
16 within Section 2.01 and 2.22 of the Land Use Element of the General Plan.

17 For Conditional Use Permit C-2-08 to operate a service station:

- 18 1. The proposed location of the service station is in accord with the objectives of the
19 Zoning Ordinance and the purposes of the Neighborhood Commercial District in which
20 the site is located. The service station is adjacent to the intersection, in conformance
21 with Section 3011 of the Zoning Ordinance.
- 22 2. The proposed location of the service station and the proposed conditions under which it
23 would be operated or maintained will be consistent with the General Plan; will not be
24 detrimental to the public health, safety or welfare of persons residing or working in or
25 adjacent to the neighborhood of such use; and will not be detrimental to properties or
26 improvements in the vicinity or the general welfare of the city. The proposal complies
27 with General Plan Policies 2.01 and 2.22.
- 28 3. The proposed service station will comply with the provisions of the Zoning Ordinance,
29 including any specific condition required for the proposed conditional use in the

1 Neighborhood Commercial District. The project is conditioned to comply with Section
2 3011 and Article 11 of the Zoning Ordinance.

3 For Conditional Use Permit C-3-08 to operate a convenience market:

- 4 1. The proposed location of the convenience market, within the service station, is in accord
5 with the objectives of the Zoning Ordinance and purposes of the Neighborhood
6 Commercial District. The convenience market, by condition, has limitations on alcohol
7 sales.
- 8 2. The proposed location of the convenience market and the proposed conditions under
9 which it would be operated or maintained will be consistent with the General Plan
10 Policy 2.22; will not be detrimental to the public health, safety or welfare of persons
11 residing or working in or adjacent to the neighborhood of the convenience market; and
12 will not be detrimental to properties or improvements in the vicinity or to the general
13 welfare of the city. The proposed conditional use would support the day-to-day
14 commercial needs of the nearby residents and employees.
- 15 3. The proposed convenience market will comply with the provisions of the Zoning
16 Ordinance, including Articles 11, 30, and 41, and any specific condition required for the
17 proposed conditional use in the Neighborhood Commercial District.

18 For Conditional Use Permit C-4-08 to provide automobile washing:

- 19 1. The proposed location of the automobile washing, within the service station, is in
20 accord with the objectives of the Zoning Ordinance and purposes of the Neighborhood
21 Commercial District. The automobile washing, by condition, has limited hours-of-
22 operation.
- 23 2. The proposed location of the automobile washing and the proposed conditions under
24 which it would be operated or maintained will be consistent with the General Plan
25 Policies 2.01 and 2.22; will not be detrimental to the public health, safety or welfare of
26 persons residing or working in or adjacent to the neighborhood of the conditional use;
27 and will not be detrimental to properties or improvements in the vicinity or to the
28 general welfare of the city. The proposed automobile washing land use would support
29 the day-to-day commercial needs of vehicle owners.

1 3. The proposed convenience market will comply with the provisions of the Zoning
2 Ordinance, including Articles 11, 30, and 41, and any specific condition required for the
3 proposed conditional use in the Neighborhood Commercial District.

4 For Conditional Use Permit C-5-08 to operate a bank (or other retail) with a drive-through or
5 drive-up service:

6 1. The proposed location of the drive-through bank (or other retail) is in accord with the
7 objectives of the Zoning Ordinance and purposes of the Neighborhood Commercial
8 District. The proposed conditional use is well sited within the commercial center and
9 fosters the daily shopping needs of persons living and working in the area.

10 2. The proposed location of the drive-through land use and the proposed conditions under
11 which it would be operated or maintained will be consistent with the General Plan
12 Policies 2.01 and 2.22; will not be detrimental to the public health, safety or welfare of
13 persons residing or working in or adjacent to the neighborhood of the conditional use;
14 and will not be detrimental to properties or improvements in the vicinity or to the
15 general welfare of the city. The proposed conditional use would support the day-to-day
16 commercial needs of the nearby residents and employees.

17 3. The proposed bank or other retail will comply with the provisions of the Zoning
18 Ordinance, including Articles 11, 30, and 41, and any specific condition required for the
19 proposed conditional use in the Neighborhood Commercial District.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
21 approve Tentative Parcel Map P-1-08, Development Plan D-3-08, and Conditional Use Permits
22 C-2-08, C-3-08, C-4-08 and C-5-08 subject to the following conditions:

23 **Building:**

24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check. (As of January 1, 2008 the 2007 California Building Code,
26 and 2007 California Electrical Code)

27 2. The granting of approval under this action shall in no way relieve the applicant/project
28 from compliance with all State and Local building codes.
29

- 1 3. Site development, parking, access into buildings and building interiors shall comply with
2 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
3 Chapter 11B)
- 4 4. The building plans for this project are required by State law to be prepared by a licensed
5 architect or engineer and must comply with this requirement prior to submittal for building
6 plan review.
- 7 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
8 property shall be underground (City Code Sec. 6.30).
- 9 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
10 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
11 other such lights may be utilized and shall be shown on building and electrical plans.
- 12 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
13 plans.
- 14 8. The developer shall monitor, supervise and control all building construction and
15 supporting activities so as to prevent these activities from causing a public nuisance,
16 including, but not limited to, strict adherence to the following:
- 17 9. Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m.
18 Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not
19 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
20 grout pours, roof nailing and activities of similar noise-producing nature. No work shall
21 be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th,
22 Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work
23 under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 24 10. The construction site shall be kept reasonably free of construction debris as specified in
25 Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste
26 containers shall be considered compliance with this requirement. Small amounts of
27 construction debris may be stored on-site in a neat, safe manner for short periods of time
28 pending disposal.
29

- 1 11. Separate/unique addresses will/may be required to facilitate utility releases. Verification
2 that the addresses have been properly assigned by the City's Planning Division must
3 accompany the Building Permit application.
- 4 12. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
5 will be required at time of plans submittal to the Building Division for plan check.
- 6 13. Retaining walls that will be installed as a part of this design must be designed per the Soils
7 report for the whole project.
- 8 14. Setbacks and Type of Construction must comply with the 2007 California Building Code.
9 Exterior openings less than five feet from the property line must be protected per table
10 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour
11 rated per Table 602 of the CBC.
- 12 15. Plan submittal to the Building Division must include a Pedestrian Protection Plan
13 complying with the requirements of CBC 3306 and Table 3306.1
- 14 16. Tenant Improvements or other construction to the existing building requires permits
15 (including all required Inspections and approvals, and Issuance of Certificate of
16 Occupancy) from the Building Division.
- 17 17. A photometric plan must be submitted at time of plan submittal to the Building Division
18 to show the parking/site lighting.

Engineering:

- 19 18. With the exception of the access points approved by the City Engineer, vehicular access
20 rights to North Melrose Drive and Oceanside Boulevard shall be relinquished by the
21 property owner to the City.
- 22 19. All right-of-way alignments, street dedications, exact geometrics and widths shall be
23 dedicated and improved (constructed or replaced) as required by the City Engineer.
- 24 20. Design and construction of all improvements shall be in accordance with standard plans,
25 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 26 21. For the demolition of any existing structures or surface improvements, grading plans
27 shall be submitted and erosion control plans be approved by the City Engineer prior to
28 the issuance of a demolition permit. No demolition shall be permitted without an
29 approved erosion control plan.

1 22. Prior to issuance of a building permit, unless already fully covered by an appropriately
2 binding subdivision agreement, all improvement requirements shall be covered by a
3 development agreement and secured with sufficient improvement securities or bonds
4 guaranteeing performance and payment for labor and materials, setting of monuments,
5 and warranty against defective materials and workmanship.

6 23. Prior to issuance of a building permit a phasing plan for the construction of public and
7 private improvements including landscaping, shall be approved by the City Engineer.

8 24. Legal access shall be provided to North Melrose Drive and Oceanside Boulevard prior
9 to the filing of the final/parcel map.

10 25. The developer shall provide public street dedication as required to serve the property.

11 26. Prior to approval of the final/parcel map or any increment, all improvement
12 requirements, within such increment or outside of it if required by the City Engineer,
13 shall be covered by a subdivision agreement and secured with sufficient improvement
14 securities or bonds guaranteeing performance and payment for labor and materials,
15 setting of monuments, and warranty against defective materials and workmanship.

16 27. The subdivision shall be recorded as one. The subdivision may be developed in phases.
17 A phasing plan for the construction of public and private improvements, including
18 landscaping, streets and arterials, shall be reviewed and approved by the City Engineer
19 prior to the recordation of the final/parcel map. Prior to the issuance of any building
20 permits, all improvements including but not limited to landscaping and frontage
21 improvements shall be under construction to the satisfaction of the City Engineer. All
22 improvements shall be completed prior to issuance of any certificates of occupancy,
23 together with the dedication and construction of necessary utilities, and streets and other
24 improvements outside the area of any particular final/parcel map, if such is needed for
25 circulation, parking, access, or for the welfare or safety of future occupants of the
26 development. The boundaries of any multiple final/parcel map increment shall be
subject to the approval of the City Engineer.

27 28. Where off-site public or private improvements, including but not limited to slopes,
28 utility facilities, and drainage facilities, or on-site public facilities are to be constructed
29 and/or maintained, the developer shall, at his own expense, obtain all necessary

1 easements or other interests in real property and, in case of public facilities, shall
2 dedicate the same to the City of Oceanside or to the appropriate utility company as
3 required. The developer shall provide documentary proof satisfactory to the City of
4 Oceanside that such easements or other interest in real property have been obtained
5 prior to the approval of the final/parcel map or issuance of appropriate grading, building
6 or improvement permit for the development to the satisfaction of the City Engineer.
7 Additionally, the City of Oceanside, may at its sole discretion, require that the developer
8 obtain at his sole expense a title policy insuring the necessary title for the easement or
9 other interest in real property to have vested with the City of Oceanside or the
10 developer, as applicable.

11 29. Pursuant to the State Map Act, improvements shall be required at the time of
12 development. A covenant, reviewed and approved by the City Attorney, shall be
13 recorded attesting to these improvement conditions and a certificate setting forth the
14 recordation shall be placed on the map. (DCC&R)

15 30. Prior to the issuance of a grading permit, the developer shall notify and host a
16 neighborhood meeting with all of the area residents located within 300 feet of the
17 project site, and residents of property along any residential streets to be used as a "haul
18 route", to inform them of the grading and construction schedule, haul routes, and to
19 answer questions.

20 31. The developer shall monitor, supervise and control all construction and construction-
21 supportive activities, so as to prevent these activities from causing a public nuisance,
22 including but not limited to, insuring strict adherence to the following:

23 a) Dirt, debris and other construction material shall not be deposited on any public
24 street or within the City's stormwater conveyance system.

25 b) All grading and related site preparation and construction activities shall be
26 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
27 engineering related construction activities shall be conducted on Saturdays,
28 Sundays or legal holidays unless written permission is granted by the City
29 Engineer with specific limitations to the working hours and types of permitted
operations. All on-site construction staging areas shall be as far as possible

1 (minimum 100 feet) from any existing residential development. Because
2 construction noise may still be intrusive in the evening or on holidays, the City
3 of Oceanside Noise Ordinance also prohibits "any disturbing excessive or
4 offensive noise which causes discomfort or annoyance to reasonable persons of
5 normal sensitivity."

6 c) The construction site shall accommodate the parking of all motor vehicles used
7 by persons working at or providing deliveries to the site.

8 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
9 and must be approved by the City Engineer. Hauling operations shall be 8:00
10 a.m. to 3:30 p.m. unless approved otherwise.

11 32. It is the responsibility of the owner/developer to evaluate and determine that all soil
12 imported as part of this development is free of hazardous and/or contaminated material
13 as defined by the City and the County of San Diego Department of Environmental
14 Health. Exported or imported soils shall be properly screened, tested, and documented
15 regarding hazardous contamination.

16 33. A traffic control plan shall be prepared according to the City traffic control guidelines
17 and be submitted to and approved by the City Engineer prior to the start of work within
18 open City rights-of-way. Traffic control during construction of streets that have been
19 opened to public traffic shall be in accordance with construction signing, marking and
20 other protection as required by the Caltrans Traffic Manual and City Traffic Control
21 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
22 approved otherwise.

23 34. Approval of this development project is conditioned upon payment of all applicable
24 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
25 City Code. All drainage fees, traffic signal fees and contributions, highway
26 thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and
27 deposits shall be paid prior to recordation of the map or the issuance of any building
28 permits (whichever occurs first), in accordance with City Ordinances and policies. The
29 subdivider/developer shall also be required to join into, contribute, or participate in any
improvement, lighting, or other special district affecting or affected by this project.

1 Approval of the tentative map and development plan shall constitute the developer's
2 approval of such payments, and his agreement to pay for any other similar assessments
3 or charges in effect when any increment is submitted for final/parcel map or building
4 permit approval, and to join, contribute, and/or participate in such districts.

5 35. North Melrose Drive and Oceanside Boulevard, along the frontages of the subject
6 property, shall be improved with portland cement concrete curb and gutter.

7 36. The subdivider shall provide a minimum of 10 feet parkway between the face of curb
8 and the right-of-way line along the project's frontages on North Melrose Drive and
9 Oceanside Boulevard. All improvements, structures, including retaining wall(s), and
10 the landscaping of the unpaved portion of the parkway shall be maintained by the owner
11 of the subject property or by a Property Owners' Association in perpetuity.

12 37. Sidewalk improvements (construct/replace) shall comply with ADA requirements and
13 all pedestrian ramps for public access must be fully located within public right-of-way.

14 38. Sight distance and clear space easement requirements at intersections and vehicular
15 access points shall conform to the corner sight distance criteria as provided by SDRSD
16 DS-20A and or DS-20B for each direction of traffic. The project's civil engineer shall
17 submit an appropriate "Sight Distance Letter" to the City Engineer certifying
18 compliance with this requirement.

19 39. Streetlights shall be maintained and installed on all public streets along the project's
20 frontage per City Standards. The system shall provide uniform lighting, and be secured
21 prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or
22 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
23 agree to the formulation of, or the annexation to, any appropriate street lighting district.

24 40. This project's interior circulation shall remain private and shall be maintained by an
25 association or an appropriate private road maintenance agreement binding on the owners
26 of all proposed lots. Such agreement shall be submitted for review and approval by the
27 City Attorney and the City Engineer and shall be recorded prior to or concurrent with
28 the final/parcel map. The pavement sections, traffic indices, alignments, and all
29 geometrics shall meet appropriate City street standards.

1 41. Prior to approval of the grading plans, the developer shall contract with a geotechnical
2 engineer to perform a field investigation of the existing pavement on all streets adjacent
3 to the project boundary. The limits of the study shall be half-street (including median,
4 where applicable) plus 12 feet along the project's frontage. The field investigation shall
5 be performed according to a specific boring plan prepared by a geotechnical engineer
6 and approved by the City Engineer. In the absence of such approved boring plan, the
7 field investigation shall include a minimum of one pavement boring per every 100 linear
8 feet of street frontage. Should the existing AC thickness be determined to be less than
9 the current minimum standard for AC and Class II Base as set forth in the table for City
10 of Oceanside Pavement Design Guidelines in the City's Engineers Manual, the
11 developer shall remove and reconstruct the pavement section as determined by the
12 pavement analysis submittal process detailed below.

13 42. Upon review of the pavement investigation, the City Engineer shall determine whether
14 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
15 direction of the City Engineer, and construct a two (2) inch thick rubberized AC
16 overlay; or 2) Perform R-value testing and submit a study that determines if the existing
17 pavement meets current City standards/traffic indices. Should the study conclude that
18 the pavement does not meet current requirements, rehabilitation/mitigation
19 recommendations shall be provided in a pavement analysis report, and the developer
20 shall reconstruct the pavement per these recommendations, subject to approval by the
21 City Engineer.

22 43. Pavement sections for all streets, alleys, driveways and parking areas shall be based
23 upon approved soil tests and traffic indices. The pavement design is to be prepared by
24 the developer's/owner's soil engineer and must be approved by the City Engineer, prior
25 to paving.

26 44. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
27 construction of the project, shall be repaired or replaced as directed by the City
28 Engineer.

29 45. All existing overhead utility lines within the subdivision/development and within any
full width street or right-of-way abutting a new subdivision/development, and all new

1 extension services for the development of the project, including but not limited to,
2 electrical, cable and telephone, shall be placed underground per Section 901.G. of the
3 Subdivision Ordinance (R91-166) and as required by the City Engineer and current City
4 policy.

5 46. The developer/owner shall comply with all the provisions of the City's cable television
6 ordinances including those relating to notification as required by the City Engineer.

7 47. The developer/owner shall install 2 inch PVC conduit, together with 1/4-inch pull- rope
8 and pull-boxes at 400 feet intervals for future signal interconnect cable on all arterial-
9 level or above, streets.

10 48. Grading and drainage facilities shall be designed and installed to adequately
11 accommodate the local stormwater runoff and shall be in accordance with the City's
12 Engineers Manual and as directed by the City Engineer.

13 49. All storm drains shall be designed and constructed per current editions of the City's
14 Engineers Design and Processing Manual, the San Diego County Hydrology and
15 Drainage Design Manuals, and San Diego Area Regional Standard Drawings.

16 50. For any increase of stormwater flows from the development site to other properties, the
17 developer shall secure appropriate easement(s) from and maintenance agreement(s) with
18 the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon
19 approval by City Engineer and the City Attorney, the appropriate documents shall be
20 recorded prior to issuance of any permits for the development. Should the developer be
21 unable to secure such easement(s) or agreement(s), the resulting changes to the
22 Development Plan shall be subject to a Substantial Conformity review. Changes not
23 meeting substantial conformity requirements shall be submitted for appropriate public
24 hearing action.

25 51. The developer/owner shall obtain any necessary permits and clearances from all public
26 agencies having jurisdiction over the project due to its type, size, or location, including
27 but not limited to the U. S. Army Corps of Engineers, California Department of Fish &
28 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality
29 Control Board (including NPDES), San Diego County Health Department, prior to the
issuance of grading permits.

1 52. The approval of the tentative parcel map shall not mean that any grading or
2 improvements on adjacent properties (including any City properties/right-of-way or
3 easements) is granted or guaranteed to the developer/owner. The developer/owner is
4 responsible for obtaining permission to grade to construct on adjacent properties. Prior
5 to any grading of any part of the subdivision or project, a comprehensive soils and
6 geologic investigation shall be conducted of the soils, slopes, and formations in the
7 project. All necessary measures shall be taken and implemented to assure slope
8 stability, erosion control, and soil integrity. No grading shall occur until a detailed
9 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning
10 Ordinance, is approved by the City Engineer.

11 53. This project shall provide year-round erosion control including measures for the site
12 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
13 control plan, designed for all proposed stages of construction, shall be reviewed, secured
14 by the applicant with cash securities and approved by the City Engineer.

15 54. A precise grading and private improvement plan shall be prepared, reviewed, secured
16 and approved prior to the issuance of any building permits. The plan shall reflect all
17 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
18 and signage, footprints of all structures, walls, drainage devices and utility services.
19 Parking lot striping and any on-site traffic calming devices shall be shown on all Precise
20 Grading and Private Improvement Plans.

21 55. Landscaping plans, including plans for the construction of walls, fences or other
22 structures at or near intersections, must conform to intersection sight distance
23 requirements. Landscape and irrigation plans shall be approved by the City Engineer
24 prior to the issuance of occupancy permits, and a pre-construction meeting held, prior to
the start of any improvements.

25 56. Landscaping plans, including plans for the construction of walls, fences or other
26 structures at or near intersections, must conform to intersection sight distance
27 requirements. Landscape and irrigation plans for disturbed areas must be submitted to
28 the City Engineer prior to the issuance of a preliminary grading permit and approved by
29 the City Engineer prior to the issuance of occupancy permits. Frontage and median

1 landscaping shall be installed prior to the issuance of any certificates of occupancy.
2 Any project fences, sound or privacy walls and monument entry walls/signs shall be
3 shown on, bonded for and built from the landscape plans. These features shall also be
4 shown on the precise grading plans for purposes of location only. Plantable, segmental
5 walls shall be designed, reviewed and constructed by the grading plans and
6 landscaped/irrigated through project landscape plans. All plans must be approved by
7 the City Engineer and a pre-construction meeting held, prior to the start of any
8 improvements.

9 57. Open space areas and down-sloped areas visible from a collector-level or above
10 roadway and not readily maintained by the property owner, shall be maintained by an
11 property owners' association that will insure installation and maintenance of landscaping
12 in perpetuity. These areas shall be indicated on the final/parcel map and reserved for an
13 association. Future buyers shall be made aware of any estimated monthly costs. The
14 disclosure, together with the CC&R's, shall be submitted to the City Engineer for review
15 prior to the recordation of final/parcel map.

16 58. The drainage design on the development plan/tentative parcel map is conceptual only.
17 The final design shall be based upon a hydrologic/hydraulic study to be approved by the
18 City Engineer during final engineering. All drainage picked up in an underground
19 system shall remain underground until it is discharged into an approved channel, or as
20 otherwise approved by the City Engineer. All public storm drains shall be shown on
21 City standard plan and profile sheets. All storm drain easements shall be dedicated
22 where required. The applicant shall be responsible for obtaining any off-site easements
23 for storm drainage facilities.

24 59. Storm drain facilities shall be designed and located such that the inside travel lanes on
25 streets with Collector or above design criteria shall be passable during conditions of a
26 100-year frequency storm.

27 60. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
28 disposed of in accordance with all state and federal requirements, prior to stormwater
29 discharge either off-site or into the City drainage system.

1 61. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
2 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
3 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial
4 street or state highway.

5 62. The Landowner shall comply with the provisions of National Pollution Discharge
6 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
7 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
8 General Permit continues in force and effect until a new General Permit is issued or the
9 SWRCB rescinds this General Permit. Only those Landowners authorized to discharge
10 under the expiring General Permit are covered by the continued General Permit.
11 Construction activity subject to the General Permit includes clearing, grading, and
12 disturbances to the ground such as stockpiling, or excavation that results in soil
13 disturbances of at least one acre of total land area. The Landowner shall obtain
14 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining
15 a Waste Discharge Identification Number (WDID#) from the State Water Resources
16 Control Board (SWRCB). In addition, coverage under the General Permit shall not
17 occur until an adequate SWPPP is developed for the project as outlined in Section A of
18 the General Permit. The site specific SWPPP and associated NOI shall be maintained
19 on the project site at all times. The SWPPP shall be provided, upon request, to the
20 United States Environmental Protection Agency (USEPA), SWRCB, Regional Water
21 Quality Control Board (RWQCB), City of Oceanside, and other applicable governing
22 regulatory agencies. The SWPPP is considered a report that shall be available to the
23 public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of
24 the General Permit and the site specific SWPPP shall be continuously implemented and
25 enforced until the Landowner obtains a Notice of Termination (NOT) for the SWRCB.
26 The Landowner is required to retain records of all monitoring information, copies of all
27 reports required by this General Permit, and records of all data used to complete the
28 NOI for all construction activities to be covered by the General Permit for a period of at
29 least three years from the date generated. This period may be extended by request of the
SWRCB and/or RWQCB.

1 63. Upon acceptance of any fee waiver or reduction by the developer/owner, the entire
2 project will be subject to prevailing wage requirements as specified by Labor Code
3 section 1720(b) (4). The developer/owner shall agree to execute a form acknowledging
4 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

5 64. Following approval of the SWMP by the City Engineer and prior to issuance of grading
6 permits, the Project Proponent shall submit and obtain approval of an Operation &
7 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
8 Plan shall include an approved and executed Maintenance Mechanism pursuant to
9 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).
10 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section
11 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated
12 responsible party to manage the stormwater BMP(s), employee training program and
13 duties, operating schedule, maintenance frequency, routine service schedule, specific
14 maintenance activities, copies of resource agency permits, cost estimate for
15 implementation of the O&M Plan, a security to provide maintenance in the event of
16 noncompliance to the O&M Plan, and any other necessary elements. The Project
17 Proponent shall provide the City with access to site for the purpose of BMP inspection
18 and maintenance by entering into an Access Rights Agreement with the City. The
19 Project Proponent shall complete and maintain O&M forms to document all operation,
20 inspection, and maintenance activities. The Project Proponent shall retain records for a
21 minimum of 5 years. The records shall be made available to the City upon request.

22 65. The developer/owner shall enter into a City-Standard Stormwater Facilities
23 Maintenance Agreement with the City obliging the project proponent to maintain, repair
24 and replace the Storm Water Best Management Practices (BMPs) identified in the
25 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The
26 Agreement shall be approved by the City Attorney prior to issuance of any precise
27 grading permit and shall be recorded at the County Recorder's Office prior to issuance
28 of any building permit. Security in the form of cash (or certificate of deposit payable to
29 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to
issuance of a precise grading permit. The amount of the security shall be equal to 10

1 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
2 \$25,000. The applicant's Civil Engineer shall prepare the O&M cost estimate.

3 66. At a minimum, maintenance agreements shall require the staff training, inspection and
4 maintenance of all BMPs on an annual basis. The developer/owner shall complete and
5 maintain O&M forms to document all maintenance activities. Parties responsible for
6 the O&M plan shall retain records at the subject property for at least 5 years. These
7 documents shall be made available to the City for inspection upon request at any time.

8 67. The Agreement shall include a copy of executed on-site and off-site access easements
9 necessary for the operation and maintenance of BMPs that shall be binding on the land
10 throughout the life of the project to the benefit of the party responsible for the O&M of
11 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
12 O&M Plan approved by the City Engineer.

13 68. The BMPs described in the project's approved SWMP shall not be altered in any way,
14 unless reviewed and approved to the satisfaction of the City Engineer. The
15 determination of whatever action is required for changes to a project's approved SWMP
16 shall be made by the City Engineer.

17 69. The developer/owner shall provide a copy of the title/cover page of the approved
18 SWMP with the first engineering submittal package. All Stormwater documents shall
19 be in compliance with the latest edition of submission requirements.

20 70. Right-of-way or easement vacations shall be recorded prior to issuance of grading
21 permit or approval of final/parcel map, whichever comes first. Application(s) for right-
22 of-way or easement vacations shall be reviewed and approved or rejected by the City of
23 Oceanside under separate process (es) per codes, ordinances, and policies in effect at the
24 time of the application. The City of Oceanside retains its full legislative discretion to
25 consider any application to vacate a public street, right of way, or easement.

26 71. In the event that the conceptual plan does not match the conditions of approval, the
27 resolution of approval shall govern.

28 72. The subdivider shall provide the City of Oceanside with a certification from each public
29 utility and each public entity owning easements within the proposed project stating
that: (a) they have received from the developer a copy of the proposed map; (b) they

1 object or do not object to the filing of the map without their signature; (c) in case of a
2 street dedication affected by their existing easement, they will sign a "subordination
3 certificate" or "joint-use certificate" on the map when required by the governing body.
4 In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer
5 that no new encumbrances have been created that would subordinate the City's interest
6 over areas to be dedicated for public road purposes since submittal of the project.

7 73. Letter of permission for off-site grading is required prior to issuance of any grading
8 permit.

9 74. The project shall create a 14-foot wide Bike Trail Easement on the eastern most portion
10 of the property from Oceanside Boulevard to the Inland Rail Trail.

11 75. The project shall construct the bike trail as part of the project. The bike trail shall be a
12 10-foot wide asphalt pavement surface with two-foot shoulders on each side of the trail
13 free of obstructions. The bike path shall be a three-inch of asphalt pavement over six-
14 inch of class II base pavement section. The shoulders shall be nine-inch class II base
15 section.

16 76. The trail shall include striping and signage. Trail striping shall include a center line
17 stripe, edge striping and all appropriate stop and yield striping. Signage shall be
18 determined during the improvement plan check process but shall meet the requirement
19 of Chapter 100 of the Highway Design Manual.

20 77. The project shall coordinate with the City of Vista to insure connection to Inland Rail
21 Trail project. The project shall coordinate with the City of Vista to insure the
22 connection of the Inland Rail Trail along Melrose to Oceanside Boulevard.

23 78. The bike and pedestrian ramps at the western driveway on Melrose shall be reviewed at
24 the time of Improvement Plan Submittal to the City. The access ramps need to
25 accommodate the large volume of users and eliminate conflict between pedestrians and
26 bicycle traffic.

27 79. The project shall be required to install a new traffic signal at the intersection of Melrose
28 Drive at Meadowbrook Drive. The project's fair share percent contribution toward the
29 new traffic signal is 10%. The new traffic signal on Melrose Drive at Meadowbrook
Drive is currently in the City's Capital Improvement Program. If the new traffic signal

1 has been installed by the City or another project, then this project shall pay the City their
2 share of 10 percent of the total cost of the new traffic signal. If the new traffic signal
3 has not been installed by the City or another project, then this project shall install it and
4 will be reimbursed 90 percent of the total cost of the new traffic signal from the City of
5 Oceanside. This improvement shall be completed prior to the issuance of Certificate of
6 Occupancy and to the satisfaction of the City Traffic Engineer.

7 80. The project shall contribute to the City of Vista their fair share of 11 percent toward
8 installation of a new eastbound right turn lane overlap signal at the intersection of
9 Melrose Drive at Olive Avenue. The cost of the new eastbound right turn overlap signal
10 shall be developed by the project and submitted to the City of Vista for their review and
11 approval prior to payment. Proof of payment to the City of Vista shall be provided to
12 the City of Oceanside prior to the issuance of building permits.

13 81. The project shall contribute to the City of Vista their fair share of 10 percent toward
14 installation of a new westbound right turn lane overlap signal at the intersection of
15 Melrose Drive at Vista Way. The cost of the new westbound right turn overlap signal
16 shall be developed by the project and submitted to the City of Vista for their review and
17 approval prior to payment. Proof of payment to the City of Vista shall be provided to
18 the City of Oceanside prior to the issuance of building permits.

19 82. The project shall install a new traffic signal on Oceanside Boulevard at the primary
20 project driveway access. Installation of the new traffic signal shall include a northbound
21 left turn only lane; a northbound shared through and right turn lane; a westbound left
22 turn only lane; and an eastbound right turn only lane. If the has already been installed
23 by the Adobe Estates project within the City of Vista, then the project shall modify the
24 traffic signal as described above. The installation of the new traffic signal shall be
25 completed prior to the issuance of Certificate of Occupancy and to the satisfaction of the
26 City Traffic Engineer and to the satisfaction of the City of Vista.

27 83. The project shall improve the southbound approach of the intersection of Melrose Drive
28 at Oceanside Boulevard. This improvement shall include an additional southbound left
29 turn pocket to be installed within the existing right of way with appropriate traffic signal
modifications to serve the additional left turn pocket. This improvement shall be

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completed prior to the issuance of Certificate of Occupancy and to the satisfaction of the City Traffic Engineer.

84. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

85. Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

86. Landscape Architect shall be aware of all utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.

87. All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.

88. Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.

89. All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

90. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.

91. The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

- 1 92. Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is
2 located within six feet of a trees trunk on site (private) and within 10 feet of a trees
3 trunk in the right-of-way (public). Root barriers shall extend five feet in each direction
4 from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24
5 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.
- 6 93. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain
7 Planning Division approval for these items in the conditions or application stage prior to
8 first submittal of working drawings.
- 9 94. For the planting and placement of trees and their distances from hardscape and other
10 utilities/structures the landscape plans shall follow the City of Oceanside's (current)
11 Tree Planting Distances and Spacing Standards.
- 12 95. An automatic irrigation system shall be installed to provide coverage for all planting
13 areas shown on the plan. Low precipitation equipment shall provide sufficient water for
14 plant growth with a minimum water loss due to water run-off.
- 15 96. Irrigation systems shall use high quality, automatic control valves, controllers and other
16 necessary irrigation equipment. All components shall be of non-corrosive material. All
17 drip systems shall be adequately filtered and regulated per the manufacturer's
18 recommended design parameters.
- 19 97. All irrigation improvements shall follow the City of Oceanside Guidelines and Water
20 Conservation Ordinance.
- 21 98. The landscape plans shall match all plans affiliated with the project.
- 22 99. Landscape plans shall comply with Biological and/or Geotechnical reports, as required,
23 shall match the grading and improvement plans, comply with SWMP Best Management
24 Practices and meet the satisfaction of the City Engineer.
- 25 100. Existing landscaping on and adjacent to the site shall be protected in place and
26 supplemented or replaced to meet the satisfaction of the City Engineer.
- 27 101. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
28 and within any adjoining public parkways shall be permanently maintained by the
29 owner, his assigns or any successors-in-interest in the property. The maintenance
program shall include: a) normal care and irrigation of the landscaping b) repair and

1 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
2 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
3 to maintain landscaping shall result in the City taking all appropriate enforcement
4 actions including but not limited to citations. This maintenance program condition shall
5 be recorded with a covenant as required by this resolution.

6 102. In the event that the conceptual landscape plan (CLP) does not match the conditions of
7 approval, the resolution of approval shall govern.

8 **Fire:**

9 103. Submit a copy of as-built plans on a CD for all projects on the job site.

10 104. Fire Department requirements shall be placed on plans in the notes section.

11 105. A minimum fire flow of 2,500 gallons per minute shall be provided.

12 106. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ " X 4".

13 107. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
14 the site plan.

15 108. The fire hydrants shall be installed and tested prior to placing any combustible materials
16 on the job site.

17 109. Provide on-site hydrants and mains capable of supplying the required fire flow.

18 110. The developer shall supply the Fire Department with updated map and hydrant locations
19 in a digital format compatible with the Fire Department's mapping program upon
20 approval of final improvements plans.

21 111. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
22 and Processing Manual Standard Drawing No. M-13.

23 112. All weather access roads shall be installed and made serviceable prior to and maintained
24 during time of construction.

25 113. The Fire Department access roadway shall be provided with adequate turning radius for
26 Fire Department apparatus a 50-foot outside and 30-foot inside radius.

27 114. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
28 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
29 Guidelines for Emergency Access.

115. A "Knox" key storage box shall be provided for all new construction.

- 1 116. Fire extinguishers are required and shall be included on the plans submitted for plan
2 check.
- 3 117. An approved fire sprinkler system must be installed throughout the building. The
4 system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler
5 system requires 24-hour supervision.
- 6 118. The Fire Department connection shall be located on the address side of the building –
7 unless otherwise determined by the Fire Department. The hydrant shall be located on
8 the same side of the street as the Fire Department connection.
- 9 119. In accordance with the California Fire Code Sec. 505, approved address for commercial,
10 industrial, and residential occupancies shall be placed on the structure in such a position
11 as to be plainly visible and legible from the street or roadway fronting the property.
12 Numbers shall be contrasting with their background.
- 13 120. Commercial buildings and multi-family dwellings require 6-inch address numbers.
- 14 121. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
15 approval prior to the issuance of building permits. A site plan indicating the fire access
16 and hydrant locations must also be submitted on CD Rom.

17 **Planning:**

- 18 122. This Tentative Parcel Map (P-1-08) approves only a seven-lot subdivision as shown on
19 the September 19, 2008 plans and exhibits presented to the Planning Commission for
20 review and approval. This Tentative Parcel Map (P-1-08) approval shall lapse two years
21 after the effective date of approval, unless the subdivider requests an extension of the
22 expiration date of the approved tentative map pursuant to Section 409 of the
23 Subdivision Ordinance.
- 24 123. This Development Plan (D-3-08) approves only the construction of seven buildings
25 totaling 49,911 square feet. This Development Plan (D-3-08) approval shall lapse two
26 years after the effective date of approval unless implemented as provided in Section
27 4308.B of the Zoning Ordinance.
- 28 124. Conditional Use Permit (C-2-08) approves the operation of a service station (land use
29 classification 450.CC.3) as shown on the site plans, described in the *Description and*

1 *justification*, and limited by the Management Plan, as presented to the Planning
2 Commission for review and approval.

3 125. Conditional Use Permit (C-3-08) approves the operation of a convenience market (land
4 use classification 450.K.1), as shown on the site plans, described in the *Description and*
5 *justification*, and limited by the Management Plan, as presented to the Planning
6 Commission for review and approval.

7 126. Conditional Use Permit (C-4-08) approves land use classification 450.CC.1 *Automobile*
8 *Washing* between 6:00 a.m. and 10:00 p.m., seven days a week, as shown on the site
9 plans, described in the *Description and justification*, and limited by the Management
10 Plan, as presented to the Planning Commission for review and approval.

11 127. Conditional Use Permit (C-5-08) approves land use classification 450.E.1 *Banks*
12 *savings and loans* or other retail land use classification having a drive through or drive-
13 up service pursuant to Section 1120 CN Land Use Regulations, as shown on the site
14 plans, described in the *Description and justification* and the Management Plan, and as
15 presented to the Planning Commission for review and approval.

16 128. These Conditional Use Permits (C-2-08, C-3-08, C-4-08 and C-5-08) shall lapse two
17 years after the effective date of approval or conditional approval unless implemented as
18 provided in Section 4108.A of the Zoning Ordinance.

19 129. Conditional Use Permits C-2-08, C-3-08, C-4-08, C-5-08 shall be called for review by
20 the Planning Commission if complaints are filed and verified as valid by the City
21 Planner or the Code Enforcement Officer concerning the violation of any of the
22 approved conditions or the project assumptions demonstrated under the application
23 approval. Any apparent inconsistency resulting from the construction of the approved
24 facility shall be a basis for a call for the review of the Conditional Use Permit.

25 130. The validity of Conditional Use Permits C-2-08, C-3-08, C-4-08, and C-5-08 shall not
26 be affected by changes in ownership or tenants.

27 131. Conditional Use Permits C-2-08, C-3-08, C-4-08, C-5-08 shall individually lapse if the
28 exercise of rights granted by this resolution are discontinued for six consecutive months.

29 132. Conditional Use Permits C-2-08, C-3-08, C-4-08, C-5-08 that are exercised in violation
of a condition of approval or a provision of the Zoning Ordinance may be revoked, as

1 provided in Section 4706. Failure to meet any conditions of approval for this
2 development shall constitute a violation of the Conditional Use Permit(s).

3 133. A request for changes in conditions of approval of the tentative parcel map,
4 development plan, or conditional use permits, or a change to the tentative parcel map,
5 development or conditional use permits that would affect a condition of approval, shall
6 be treated as a new application. The City Planner may waive the requirement for a new
7 application if the changes requested are minor, do not involve substantial alterations or
8 addition to the plan or the conditions of approval, and are consistent with the intent of
9 the project's approval or otherwise found to be in substantial conformance.

10 134. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
11 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
12 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
13 annul an approval of the City, concerning Tentative Parcel Map P-1-08, Development
14 Plan D-3-08, and Conditional Use Permits C-2-08, C-3-08, C-4-08, and C-5-08. The City
15 will promptly notify the applicant of any such claim, action or proceeding against the
16 city and will cooperate fully in the defense. If the City fails to promptly notify the
17 applicant of any such claim action or proceeding or fails to cooperate fully in the
18 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
19 harmless the City.

20 135. All mechanical rooftop and ground equipment shall be screened from public view as
21 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
22 mechanical equipment, screen and vents shall be painted with non-reflective paint to
23 match the roof. This information shall be shown on the building plans.

24 136. Each building shall be designed with a minimum five-foot building parapet wall to shield
25 the noise output from roof top equipment.

26 137. Construction of a noise control wall between the project site and the four residence on
27 Waxwing Drive is required.

28 138. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of the
29 City Code and shall include additional space for storage and collection of recyclable
materials per City standards. Recycling is required by City Ordinance. The enclosure (or

1 enclosures) must be built in a flat, accessible location as determined by the City Engineer.
2 The enclosure (or enclosures) shall meet City standards including being constructed of
3 concrete block, reinforced with rebar and filled with cement. A concrete slab must be
4 poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the
5 block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel
6 posts must be set in front of the enclosure with solid metal gates. All driveways and
7 service access areas must be designed to sustain the weight of a 50,000-pound service
8 vehicle. Trash enclosures and driveways and service access areas shall be shown on both
9 the improvement and landscape plans submitted to the City Engineer. The specifications
10 shall be reviewed and approved by the City Engineer. The City's waste disposal contractor
11 is required to access private property to service the trash enclosures, a service agreement
12 must be signed by the property owner and shall remain in effect for the life of the project.
13 All trash enclosures shall be designed to provide user access without the use and opening
14 of the service doors for the bins. Trash enclosures shall have design features such as
15 materials and trim similar to that of the rest of the project. This design shall be shown on
16 the landscape plans and shall be approved by the City Planner.

17 139. A covenant or other recordable document approved by the City Attorney shall be prepared
18 by the applicant and recorded prior to the approval of the Final Parcel Map or prior to
19 issuance of building permits where no Final Parcel Map is required. The covenant shall
20 provide that the property is subject to this resolution, and shall generally list the conditions
21 of approval.

22 140. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
23 written copy of the applications, staff report and resolutions for the project to the new
24 owner and or operator. This notification's provision shall run with the life of the project
25 and shall be recorded as a covenant on the property.

26 141. The project shall prepare a Management Plan. The Management Plan is subject to the
27 review and approval of the City Planner and the Police Chief prior to the occupancy of the
28 project, and shall be recorded as CC&R's against the property. The Management Plan
29 shall cover the following:

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- a) Security - The Management Plan, at a minimum, shall address on-site management, hours-of-operation and measures for providing appropriate security for the project site.
- b) Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti and site and exterior building, landscaping, parking lots, sidewalks, walkways and overall site maintenance measures and shall ensure that a high standard of maintenance at this site exists at all times. The maintenance portion of the management plan shall include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.
- c) Any graffiti within the center shall be removed by the center management or its designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.
- d) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.
- e) Specify the hours of operation.
- f) Specify noise abatement activities and delivery hours.
- g) The minimum number of vehicle and bicycle parking spaces to be provided on site.
- h) Identify that exterior vending machines are prohibited.
- i) Identify the limitation of regulated uses, including alcohol sales, without an approved conditional use permit.
- j) Maintenance of 223 off-street vehicle parking spaces and 22 off-street bicycle parking spaces.

142. The site shall provide 214 off-street vehicle parking spaces.

143. The site shall provide 11 off-street bicycle parking spaces.

- 1 144. Prior to the issuance of building permits, compliance with the applicable provisions of the
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
3 reviewed and approved by the Planning Division. These requirements, including the
4 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
5 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
6 subject property.
- 7 145. Failure to meet any conditions of approval for this development shall constitute a violation
8 of the Conditional Use Permits and Development Plan.
- 9 146. Unless expressly waived, all current zoning standards and City ordinances and policies in
10 effect at the time building permits are issued are required to be met by this project. The
11 approval of this project constitutes the applicant's agreement with all statements in the
12 *Description and justification*, Management Plan and other materials and information
13 submitted with this application, unless specifically waived by an adopted condition of
14 approval.
- 15 147. Conditional Use Permits shall be called for review by the Planning Commission if
16 complaints are filed and verified as valid by the Code Enforcement Office concerning the
17 violation of any of the approved conditions or does not conform with the information
18 contained in or representations made in the application, any supporting material submitted
19 to the City or during any hearing on the application.
- 20 148. The car wash hours-of-operation are limited to 6:00 a.m. to 10:00 p.m. and may be
21 reviewed and further limited by the Planning Commission when valid issues or complaints
22 pertaining to the hours-of-operation arise.
- 23 149. The food and beverage sales hours-of-operation are not limited, but may be limited in the
24 future and shall be reviewed by the Planning Commission when valid issues or complaints
25 pertaining to the hours-of-operation arise.
- 26 150. The convenience store hours-of-operation are not limited, but may be limited in the future
27 and shall be reviewed by the Planning Commission when valid issues or complaints
28 pertaining to the hours-of-operation arise.
- 29 151. The developer's construction of all fencing and walls associated with the project shall be
in conformance with the approved Development Plan. Any substantial change in any

1 aspect of fencing or wall design from the approved Development Plan shall require a
2 revision to the Development Plan or a new Development Plan.

3 152. If any aspect of the project fencing and walls is not covered by an approved Development
4 Plan, the construction of fencing and walls shall conform to the development standards of
5 the City Zoning Ordinance. In no case, shall the construction of fences and walls
6 (including combinations thereof) exceed the limitations of the zoning code, unless
7 expressly granted by a Variance or other development approval.

8 153. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's)
9 shall provide for the maintenance of all common open space, medians and commonly
10 owned fences and walls and adjacent parkways. The maintenance shall include normal
11 care and irrigation of landscaping, repair and replacement of plant material and irrigation
12 systems as necessary; and general cleanup of the landscaped and open area, parking lots
13 and walkways. The C.C. & R's shall be subject to the review and approval of the City
14 Attorney prior to the recordation of the Final Parcel Map. The C.C. & R's are required to
15 be recorded prior to or concurrently with the Final Parcel Map. Any amendments to the
16 C.C. & R's in which the association relinquishes responsibility for the maintenance of any
17 common open space shall not be permitted without the specific approval of the City of
18 Oceanside. Such a clause shall be a part of the C.C. & R's. The C.C. & R's shall also
19 contain provisions for the following:

- 20 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 21 b) Provisions for the maintenance of all common open space and open space
22 easements on private lots, including provisions establishing mechanisms to ensure
23 adequate and continued monetary funding for such maintenance by the
24 homeowners' association.
- 25 c) Provisions that restrict any private use of open space easement areas. Restrictions
26 shall include, but are not limited to, removing retaining walls, installing structures
27 such as trellises, decks, retaining walls and other hardscape and any individual
28 landscape improvements.
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1 d) Provisions prohibiting the Association from relinquishing its obligation to
2 maintain the common open space and open space easement areas without prior
3 consent of the City of Oceanside.

4 154. Any project entrance signs shall meet the requirements of the Comprehensive Sign
5 Package and Sign Ordinance and be approved by the City Planner.

6 155. A Comprehensive Sign Program (CSP) shall be submitted to the City Planner and
7 approved prior to the issuance of sign permits. This CSP may be more restrictive than the
8 standards outlined in the Sign Ordinance.

9 156. Side and rear elevations and window treatments shall be trimmed to substantially match
10 the front elevations. A set of building plans shall be reviewed and approved by the
11 Planning Division prior to the issuance of building permits.

12 157. Elevations, siding materials, colors, roofing materials and floor plans shall be
13 substantially the same as those approved by the Planning Commission. These shall be
14 shown on plans submitted to the Building Division and Planning Division.

15 158. All lighting showcasing building architecture shall be shown on the building plans.

16 **Water Utilities:**

17 159. The developer will be responsible for developing all water and sewer utilities necessary to
18 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
19 the developer and shall be done by an approved licensed contractor at the developer's
20 expense.

21 160. The property owner shall maintain private water and wastewater utilities located on
22 private property.

23 161. Water services and sewer laterals constructed in existing right-of-way locations are to be
24 constructed by approved and licensed contractors at developer's expense.

25 162. All Water and Wastewater construction shall conform to the most recent edition of the
26 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
27 the Water Utilities Director.

28 163. The following conditions shall be met prior to the approval of engineering design plans:

29 a) All on-site utilities shall be private and maintained by the property owner/s.

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- b) All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
- c) No trees, structures or building overhang shall be located within any water or wastewater utility easement.
- d) All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- e) The developer shall construct a public reclamation water system that will serve each lot and or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.
- f) A separate irrigation meter and approved backflow prevention device is required and shall be displayed on the plans.
- g) An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved Improvement Plans.
- h) A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to automobile washing shall be installed in each building sewer in an appropriate location and shall be maintained by the property owner. The location shall be called out on the approved Improvement Plans.

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1 164. The following conditions of approval shall be met prior to building permit issuance:

2 a) If a restaurant or food service tenant occupies the property; a Grease, Oil, and Sand
3 Interceptor shall be installed in each building sewer in an appropriate location and
4 shall be maintained by the property owner. The location shall be called out on the
5 approved Building Plans.

6 b) Water and Wastewater Buy-in fees and the San Diego County Water Authority
7 Fees are to be paid to the City and collected by the Water Utilities Department at
8 the time of Building Permit issuance.

9 PASSED AND ADOPTED Resolution No. 2008-P77 on December 15, 2008 by the

10 following vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15
16 _____
17 Claudia Troisi, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

20 _____
21 Jerry Hittleman, Secretary

22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2008-P77.

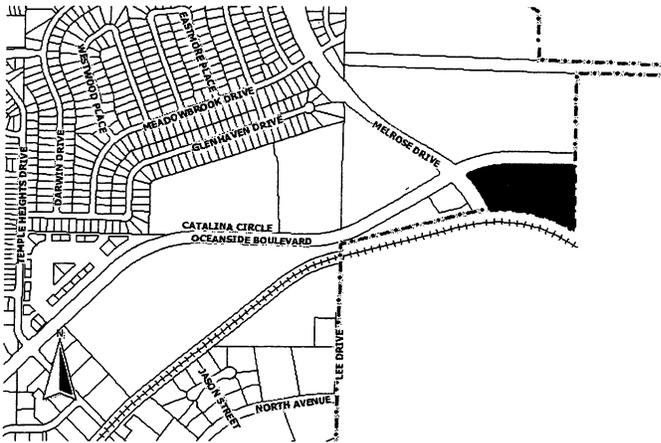
24
25 Dated: December 15, 2008
26
27
28
29



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
City of Oceanside

Subject: P-1-08, D-3-08, C-2-08, C-3-08, C-4-08, and C-5-08 Melrose Station

NOTICE IS HEREBY GIVEN that the City of Oceanside has prepared and intends to adopt a Mitigated Negative Declaration in connection with the subject project. The Mitigated Negative Declaration identifies potential effects with respect to Biological, Cultural Resources, Noise, Air quality, and Transportation. The Mitigated Negative Declaration also includes proposed mitigation measures that will ensure that the proposed project will not result in any significant, adverse effects on the environment. The City's decision to prepare a Mitigated Negative Declaration should not be construed as a recommendation of either approval or denial of this project.



PROJECT DESCRIPTION: Consideration of a TENTATIVE PARCEL MAP P-1-08, DEVELOPMENT PLAN D-3-08, AND CONDITIONAL USE PERMITS C-2-08, C-3-08, C-4-08 AND C-5-08 to create 7 commercial lots and construct 49,911 square-feet of commercial buildings on an existing 7.4-acre site located on the southeast corner of Melrose Drive and Oceanside Boulevard and situated within the CN District and the Peacock Neighborhood.

PUBLIC REVIEW PERIOD: the public review period is from Friday, November 7, 2008 to Monday, December 8, 2008.

PROJECT MANAGER: Juliana von Hacht, Associate Planner. Phone: 760-435-3520; Fax number: (760) 754-2958; mailing address: Planning Division, 300 N. Coast Hwy., Oceanside, CA 92054.

NOTICE IS FURTHER GIVEN that the City invites members of the general public to review and comment on this environmental documentation. Written comments may be mailed or faxed to the project manager. Copies of the Negative Declaration and supporting documents are available for public review and inspection at the Planning Division located in City Hall at, 300 N. Coast Hwy., Oceanside, CA 92054. The City's Planning Commission and City Council will conduct public hearings at future dates to be determined. You will receive a separate public notice for those hearings. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised during the public review period on the proposed Mitigated Negative Declaration (MND) or at the future public hearings.

Sally Schizman for
 By order of Juliana von Hacht, Associate Planner

MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

Mitigation Monitoring and Reporting Programs (MMRPs) are required by CEQA Section 21081.6 to be incorporated into project Environmental Impact Reports (EIRs) or Mitigated Negative Declarations (MNDs) to ensure that the identified mitigation measures are implemented. The MMRP describes changes to the project or conditions of project approval that mitigate or avoid significant effects on the environment. This Section of the MND provides the MMRP which addresses the current Melrose Station Commercial Center project proposed by Gatlin Development Corporation. A brief description of the project is located below. The proposed project is located within the City of Oceanside and the City is the Lead Agency under CEQA and has approval authority over the proposed project.

Project Description Summary

The Melrose Station Commercial Center project would develop a 49,911 square foot (SF) neighborhood commercial center with a total of seven buildings which are intended to serve various retail uses. The proposed project would include an 11,421 SF small-format grocery store, a 2,885 SF service station with approximately 10 pump stations and a drive-thru car wash, a 4,500 SF retail/bank building with a drive-thru, and an additional 31,105 SF of general retail space. The proposed project also would include a centralized parking lot with a total of 239 surface parking spaces of which 223 would be standard spaces and 16 would be handicap accessible spaces. The total site area is approximately 7.4 acres and is currently subdivided into two parcels. Using the proposed tentative map, the project would subdivide these two existing parcels into a total of seven parcels, ranging in size from 0.56 acres to 2.12 acres.

The architectural style of the proposed neighborhood commercial center would be drawn from traditional California train stations. Landscaping on-site would be provided in accordance with the City's Zoning Ordinance for Neighborhood Commercial projects and would be installed around the perimeter of the project site, as well as internally in the parking areas. Access to the proposed project would be provided from four different points. One access point would be located along Melrose Drive, and three access points would be provided along Oceanside Boulevard. A bike trail would be constructed parallel to Melrose Drive near the western property line and also along the eastern property line of the project site.

MMRP Format And Implementation

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project were identified in the Initial Study. The project mitigation measures will become conditions of project approval, and 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, Community Service (Engineering), and Building (Code Enforcement) departments. 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 the applicant, 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 STATION COMMERCIAL CENTER – MITIGATION MONITORING CHECKLIST**

| MITIGATION MEASURE | | TYPE | MONITOR | SCHEDULE |
|--|--|------|---|---|
| AESTHETICS | | | | |
| No mitigation measures are necessary. | | N/A | N/A | N/A |
| AIR QUALITY | | | | |
| No mitigation measures are necessary. | | N/A | N/A | N/A |
| AGRICULTURAL RESOURCES | | | | |
| No mitigation measures are necessary. | | N/A | N/A | N/A |
| BIOLOGICAL RESOURCES | | | | |
| <p>Bio 01 If grubbing, clearing, and/or grading would occur during the breeding season for nesting birds, a pre-construction survey shall be conducted by a qualified biologist to determine if these species occur within 500 feet of such activity. If there are no birds nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if birds are observed nesting or displaying breeding/nesting behavior within 500 feet of such activity of such activity, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 31 (for all breeding birds); or (2) a temporary noise barrier or berm shall be constructed at the development footprint edge to ensure that noise levels are reduced to ambient or below 60 dB L_{eq} whichever is greater. Alternatively, the use of construction equipment could be scheduled to keep noise levels below ambient or 60 dB L_{eq} as appropriate in lieu of or in concert with a wall or other noise barrier.</p> | | CM | City Planner; Engineering Department; Wildlife Agencies; Biological Monitor | Prior to project grading. |
| <p>Bio 02 To ensure Migratory Bird Treaty Act (MBTA) compliance, native vegetation clearing shall occur outside the breeding season of most avian species (February 15 through August 31). Clearing during the breeding season of MBTA covered species could occur if it is determined that no nesting birds (or birds displaying breeding/nesting behavior) are present immediately prior to clearing. As described in Mitigation Measure Bio – 01, a pre-construction survey shall be conducted to determine if breeding or nesting avian species occur within areas impacted.</p> | | CM | City Planner; Engineering Department; Biological Monitor | Ensure compliance prior to clearing. |
| <p>Bio 03 To prevent the spread of non-native vegetation and noxious weeds, landscaping within the development area shall avoid the use of invasive non-native plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant Inventory prepared by the California Invasive Plant Council (2006).</p> | | CM | City Planner; City Engineer; Biological Monitor | Prior to approval of final landscape plans. |

**Table 1 (cont.)
MELROSE STATION COMMERCIAL CENTER – MITIGATION MONITORING CHECKLIST**

| MITIGATION MEASURE | | TYPE | MONITOR | SCHEDULE |
|---|--|------|--|--|
| BIOLOGICAL RESOURCES (cont.) | | | | |
| <p><u>Bio.04</u> - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios, respectively, through off-site restoration and/or acquisition of appropriate habitat within the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the Wildlife Corridor Planning Zone, in consultation with the City and resource agencies. The mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.</p> | | | <p>City Planner; Engineering Department; Resource Agencies; Biological Monitor</p> | <p>Prior to project grading</p> |
| <p><u>Bio.05</u> Impacts to 0.8 acre of disturbed habitat shall be subject to a Habitat Development Fee pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval.</p> | | CM | <p>City Planner; Engineering Department; Resource Agencies; Biological Monitor</p> | <p>Prior to project grading.</p> |
| CULTURAL RESOURCES | | | | |
| <p><u>Paleo.01</u> Prior to issuance of a grading permit, the applicant shall provide verification that a qualified paleontologist and paleontological monitor have been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques. A qualified paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist.</p> | | CM | <p>City Planner</p> | <p>Prior to the issuance of a grading permit.</p> |
| <p><u>Paleo.02</u> The qualified paleontologist or paleontological monitor shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for paleontological monitoring shall be noted on the project construction drawings.</p> | | CM | <p>City Planner; Qualified Paleontologist; Paleontological Monitor</p> | <p>Prior to project grading (preconstruction meetings).</p> |
| <p><u>Paleo.03</u> The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas of the Santiago Formation to inspect for well-preserved fossils. Monitoring may be increased or decreased at the discretion of the qualified paleontologist in consultation with the City, and shall occur only when excavation activities affect the noted geologic formation.</p> | | CM | <p>City Planner; Qualified Paleontologist; Paleontological Monitor</p> | <p>Periodic verification of compliance throughout grading.</p> |

| CULTURAL RESOURCES (cont.) | CM | City Planner; Qualified Paleontologist or Paleontological Monitor | Periodic verification of compliance throughout grading. |
|--|-----|---|--|
| <p>Paleo 04 In the event that well-preserved fossils are found, the paleontologist shall have the authority to direct the project engineer to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains. Because of the potential for recovery of fossil remains, it may be necessary to set up a screen-washing operation on site. The paleontologist shall immediately notify City staff of such finding at the time of discovery. The City shall respond to the finding within 48 hours and shall approve salvaging procedures to be performed before construction activities in the subject area(s) are allowed to resume.</p> | CM | City Planner; Qualified Paleontologist or Paleontological Monitor | Periodic verification of compliance throughout grading. |
| <p>Paleo 05 Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum). The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and shall submit a copy of a letter of acceptance from a local qualified curation facility to the City. A qualified curation facility is defined as a research institution with a permanent commitment to long-term care of paleontological collections. Such an institution shall have professional curatorial staff. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact the City to suggest an alternative disposition of the collection.</p> | CM | City Planner; Qualified Paleontologist or Paleontological Monitor | Periodic verification of compliance throughout grading. |
| <p>Paleo 06 A monitoring results report, with appropriate graphics, summarizing the results, analyses and conclusions of the above program, even if negative, shall be submitted to the City for approval within three months following the termination of the paleontological monitoring program. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum by the qualified paleontologist.</p> | CM | City Planner; Qualified Paleontologist or Paleontological Monitor | Verify compliance within three months of completion of project grading. |
| GEOLOGY AND SOILS | N/A | N/A | N/A |
| No mitigation measures are necessary. | N/A | N/A | N/A |
| HAZARDS AND HAZARDOUS MATERIALS | N/A | N/A | N/A |
| No mitigation measures are necessary. | N/A | N/A | N/A |
| HYDROLOGY AND WATER QUALITY | N/A | N/A | N/A |
| No mitigation measures are necessary. | N/A | N/A | N/A |
| LAND USE AND PLANNING | N/A | N/A | N/A |
| Refer to mitigation measures Bio 01 through Bio 05 for relevant mitigation measures. | N/A | N/A | N/A |
| MINERAL RESOURCES | N/A | N/A | N/A |
| No mitigation measures are necessary. | N/A | N/A | N/A |

| NOISE | CM | Engineering Division | Review final architectural drawings for presence of parapet wall. Implement wall during building construction. Review final grading plan for presence of screen-wall. Implement wall during grading and construction. |
|---|-----|----------------------|--|
| <p>Noise 01 The project applicant shall construct a 5-foot high (above the roof peak) parapet wall surrounding rooftop HVAC equipment units in accordance with City standards.</p> | | | |
| <p>Noise 02 The project applicant shall construct a 6-foot high solid block screen-wall along the eastern property line at the top of slope (as shown on site plan) between the Market and the adjacent residences. The top of wall height on the screen wall shall be 4 feet above the first floor level of the residence lots fronting the property line, resulting in a top of wall elevation of 454.7 feet above mean sea level per the contours and residential elevations contained on the site plan.</p> <p>The solid block screen wall shall be a single, solid sound wall that is constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials with no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least 1 inch thick or have a surface density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic may be used on the upper portion if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any doors or gates must be designed with overlapping closures on the bottom and sides and meet minimum specifications of the wall materials described above. The gate(s) located on the west side may be of 0.75 inch or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated door jambs.</p> | CM | Engineering Division | |
| POPULATION AND HOUSING | | | |
| No mitigation measures are necessary. | N/A | N/A | N/A |
| PUBLIC SERVICES | | | |
| No mitigation measures are necessary. | N/A | N/A | N/A |
| RECREATION | | | |
| No mitigation measures are necessary. | N/A | N/A | N/A |

| TRANSPORTATION/TRAFFIC | | | |
|--|-----|----------------------|---------------------------------|
| <u>Traffic 01</u> Melrose Drive/Meadowbrook Drive intersection: The project applicant shall contribute its fair share towards the city-planned installation of a traffic signal at the intersection. If the signal is not in place at the time of construction, the project applicant shall install the signal and be reimbursed by the City (less its share of the cost for the improvement). | OM | Engineering Division | At the time of building permit. |
| <u>Traffic 02</u> Melrose Drive/Olive Avenue intersection: The project applicant shall contribute its fair share to the City of Vista towards an overlap signal for the eastbound right turn lane at the intersection. | OM | Engineering Division | At the time of building permit. |
| <u>Traffic 03</u> Melrose Drive/Vista Way intersection: The project applicant shall contribute its fair share to the City of Vista towards an overlap signal for the westbound right turn lane at the intersection. | OM | Engineering Division | At the time of building permit. |
| <u>Traffic 04</u> Main Driveway/West Oceanside Boulevard (Bobier Drive) intersection: The project applicant shall contribute its fair share towards the installation of a traffic signal at the intersection. If the signal is not in place at the time of construction, the project applicant shall install the signal and be reimbursed by the City (less its share of the cost of the improvement). In addition, the project applicant shall provide the following lanes to serve project traffic: <ul style="list-style-type: none"> • Northbound left turn only lane • Northbound through/right turn only lane • Westbound left turn only lane • Eastbound right turn only lane | OM | Engineering Division | At the time of building permit. |
| UTILITIES AND SERVICE SYSTEMS | | | |
| No mitigation measures are necessary. | | | |
| | N/A | N/A | N/A |

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INITIAL STUDY

City of Oceanside, California

- 1. PROJECT:** MELROSE STATION COMMERCIAL CENTER P-1-08, D-3-08, C-2-08, C-3-08, C-4-08, and C-5-08
- 2. LEAD AGENCY:** City of Oceanside
- 3. CONTACT PERSON & PHONE:**
Juliana von Hacht
(760) 435-3520
- 4. PROJECT LOCATION:** The 7.4-acre proposed project site is located in the City of Oceanside, North San Diego County. The site is located southeast of the intersection of Oceanside Boulevard and North Melrose Drive. The corporate limit of the Cities of Oceanside and Vista forms the southern and eastern boundaries of the proposed site. For clarification purposes, Oceanside Boulevard becomes West Bobier Avenue at the Oceanside-Vista city boundary, located along the eastern edge of the project site.
- 5. APPLICANT:**
Gatlin Development Corporation
3840 Via de la Valle, Suite 300
Del Mar, CA 92130
Kerry Bentin
- 6. GENERAL PLAN DESIGNATION:** Neighborhood Commercial.
- 7. ZONING:** Neighborhood Commercial (CN) District.
- 8. PROJECT DESCRIPTION:**

The project proposes to develop a 49,911 square foot (SF) neighborhood commercial center with a total of seven buildings which are intended to serve various retail uses. The proposed project would include an 11,421 SF small-format grocery store, a 2,885 SF service station with approximately 10 pump stations and a drive-thru car wash, a 4,500 SF retail/bank building with a drive-thru, and an additional 31,105 SF of general retail space.

The architectural style of the proposed neighborhood commercial center would be drawn from traditional California train stations. The architectural materials include a mix of brick and stucco materials with clay tile roof lines, and a signature clock tower providing a central focus to the site. The color palette is proposed to be a blend of natural dark brick tones and light stucco colors with metal work accents and contemporary storefronts for retail tenants. The proposed buildings would include roof lines of varying heights with architectural details to break up large areas of the building facades.

Landscaping on-site would be provided in accordance with the City's Zoning Ordinance for Neighborhood Commercial projects and would be installed around the perimeter of the project site, as well as internally in the parking areas. Along Melrose Drive, landscaping would include low profile screening shrubs and groundcover with deciduous and evergreen

street trees. Landscaping along the Oceanside Boulevard frontage of the project site would also include low profile screening shrubs, groundcover, and deciduous and evergreen street trees. From the intersection of Melrose Drive to the first project driveway on Oceanside Boulevard, landscaping would be limited to groundcover. Landscaping along the remainder of the Oceanside Boulevard frontage would include groundcover, vertical accent trees, and deciduous and evergreen street trees. Landscaping on the internal portion of the project site would include parking lot shade trees, groundcover, and vertical accent trees.

The total site area is approximately 7.4 acres and is currently subdivided into two parcels. Using the proposed tentative map, the project would subdivide these two existing parcels into a total of seven parcels, ranging in size from 0.56 acres to 2.12 acres.

The proposed project would include a centralized parking lot with a total of 239 surface parking spaces of which 223 would be standard spaces and 16 would be handicap accessible spaces.

Access to the proposed project would be provided from four different points. One access point would be located along Melrose Drive. It would be designed as a right-in, right-out with a short deceleration lane. Three access points would be provided along Oceanside Boulevard. The first and farthest west would be designed as a right-in, right-out and a short deceleration lane. It would be located in between the gas station and building 5. The second access point along Oceanside Boulevard would be located just east of building 6. It would also be designed as a right-in, right-out with a short deceleration lane. The third and most eastern access point along Oceanside Boulevard would be located along the eastern project boundary. It would be designed as a full-signalized intersection with a dedicated right turn lane leading into the proposed site. Additional lanes would be provided at the intersection, including a northbound left turn only lane, a northbound through/right turn only lane, a westbound left turn only lane and an eastbound right turn only lane. A bike trail would be constructed parallel to Melrose Drive near the western property line and also along the eastern property line of the project site.

A drainage and retention area exists offsite of the southwest site boundary; drainage from the property would be directed to that area. Currently, train tracks lie along the southern edge of the project site to serve the Sprinter station which is operated by the North County Transit District and has been operating since January 2008. The closest Sprinter station is easily accessible and located across the street from the site on the southwestern corner of the Melrose Drive and Oceanside Boulevard intersection.

9. SURROUNDING LAND USE(S) AND PROJECT SETTING:

Onsite

The proposed project site is currently undeveloped and covered mostly with non-native grassland that appears to be regularly disked as part of a fire maintenance program.

Offsite

Surrounding land uses include residential development to the east in the City of Vista, with Oceanside Boulevard and Melrose Drive bordering the proposed site to the north and west.

Commercial development lies west of Melrose Drive, and non-native grassland occurs north of Oceanside Boulevard. The North County Transit District rail line and right-of-way for the Sprinter light rail borders the property to the south. Additional residential development exists in every direction on the outskirts of the immediate project vicinity. Additionally, industrial development lies on the southern side of the project boundary, just south of the rail line.

10. OTHER REQUIRED AGENCY APPROVALS:

None

11. PREVIOUS ENVIRONMENTAL DOCUMENTATION:

None

12. CONSULTATION:

The following documents were consulted in the preparation of this Initial Study.

- Tentative Map & Site Development Plans, October, 2008, Nasland Engineering
- Architecture package, September 19, 2008, Nudell Architects
- Landscape Concept Plan, June 27, 2008, Parterre
- City of Oceanside General Plan, 2002, Cotton/Bridges/Associates
- City of Oceanside Zoning Ordinance
- City of Oceanside Subdivision Ordinance, February 27, 1991
- Traffic Impact Analysis, February 29, 2008, Linscott, Law & Greenspan Engineers
- Traffic Impact Analysis Update Letter, June 18, 2008, Linscott, Law & Greenspan Engineers
- Acoustical Analysis Report, June 24, 2008, HELIX Environmental Planning
- Storm Water Mitigation Plan, October 2008, Nasland Engineering
- Preliminary Hydrology Study, September 19, 2008, Nasland Engineering
- Archaeological Survey Report, February 2008, ASM Affiliates
- Sewer Study, July 14, 2008, Nasland Engineering
- Biological Technical Report, June 20, 2008, HELIX Environmental Planning
- Preliminary Geotechnical Evaluation, September 18, 2007, EEI
- Geotechnical Update for 2007 California Building Code, July 29, 2008, EEI
- Phase I Environmental Site Assessment, February 27, 2008, EEI

13. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The project would not affect any environmental factors resulting in a Potentially Significant Impact or Potentially Significant Impact Unless Mitigated. A summary of the environmental factors potentially affected by this project, consisting of a Potentially Significant Impact or Potentially Significant Impact Unless Mitigated, include:

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality | <input checked="" type="checkbox"/> Land Use & Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities and Service Systems | | |

14. ENVIRONMENTAL CHECKLIST

This section analyzes the potential environmental impacts which may result from the proposed project. For the evaluation of potential impacts, the questions in the Initial Study Checklist (Section 2) are stated and answers are provided according to the analysis undertaken as part of the Initial Study. The analysis considers the project's short-term impacts (construction-related), and its operational or day-to-day impacts. For each question, there are four possible responses. They include:

1. **No Impact.** Future development arising from the project's implementation will not have any measurable environmental impact on the environment and no additional analysis is required.
2. **Less Than Significant Impact.** The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.
3. **Potentially Significant Unless Mitigated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
4. **Potentially Significant Impact.** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.1 AESTHETICS. Would the project: | | | | |
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) *Have a substantial adverse effect on a scenic vista?* **No Impact.** The project site is not located within a scenic area. The site is surrounded on three sides by development, including; residential uses adjacent to the proposed site to the east, a large industrial factory building to the south, as well as a gas station, residential uses and current construction to the west.

The site of the proposed development has been previously and continually disked. The only natural area within the immediate area of the project is the northeast parcel of the Melrose Drive/Oceanside Boulevard intersection. While this area has some scenic qualities, they are minimal in nature. Furthermore, neither Melrose Drive nor Oceanside Boulevard has been designated as a scenic highway under the City of Oceanside's General Plan. Consequently, development of the subject property would not have a substantial adverse impact on a scenic vista. No impact would occur.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* **No Impact.** No scenic resources, such as trees, rock outcroppings or historic buildings are situated on-site. In addition, the project site is not situated within the view shed of any designated scenic highway. Thus, no impacts to scenic resources would occur with development of the proposed project.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?* **Less than Significant.** The proposed project is an infill development that

would continue the urban development that is characteristic of adjacent properties. The proposed project would feature commercial-scale structures constructed of stucco, brick and wood materials in the early train-era architectural style. Natural colors would be used. Landscaping would be provided to complement the architecture and provide a cohesive design. Development of the project would involve a moderate amount of grading with the export of approximately 36,532 cubic yards of soil. The exported soil would be trucked to an appropriate site per City of Oceanside engineering standards. The physical attributes of the project would be compatible with the surrounding landscape and development patterns in the area. Thus, although the project site would appear different from its existing condition, the aesthetic impacts would be minimized by design and considered less than significant.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* **Less than Significant.** The proposed project would involve the addition of overhead parking lot lighting and structure lighting; however it would not be substantial in character because the intensity and type of lighting fixtures would be comparable to other urban development nearby. The City's Light Pollution Ordinance requires that all lighting be directed on-site to prevent light spillover onto adjacent areas. The proposed project would be required to comply with this requirement per standard City practice and thus, the proposed project would have a less than significant impact.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|--------------------------|-------------------------------------|
| 14.2 AGRICULTURAL RESOURCES. Would the project: | | | | |
| a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance as depicted on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA. Resources Agency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* **No Impact.** The proposed project site is composed of the following soils mapping units; Tujunga sand, 0 to 5 percent slopes and Diablo clay, 2 to 9 percent slopes. Both of these soil types meet the criteria for Farmland of Statewide Importance, as outlined in the U.S.

Department of Agriculture's Land Inventory and Monitoring Project for the San Diego area soil survey. However, designated land uses within the project area do not currently support agricultural uses and the proposed project site is not conducive to agricultural uses because of the surrounding residential and commercial developments. Therefore, even though the soil mapping units correspond to Farmland of Statewide Importance, implementation of the project would not result in conflicts with potential agricultural uses for the proposed site. Thus, no impact would occur.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?* **No Impact.** The proposed project is located in an area zoned for Neighborhood Commercial uses; agricultural designations do not occur within the project area and no Williamson Act contracts apply. Therefore, implementation of the proposed project would not result in any conflicts with existing zoning for agricultural use or a Williamson Act Contract and no impact would occur.
- c) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?* **No Impact.** As previously stated, neither the proposed project site nor any of the immediately surrounding parcels are being used for agriculture purposes. Furthermore, the site or its surroundings do not support any designated farmland. Thus, the proposed development would not impact agriculture.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.3 AIR QUALITY. Would the project: | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Violate an air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under the applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|--------------------------|
| 14.3 AIR QUALITY (cont.) Would the project: | | | | |
| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) *Conflict with or obstruct implementation of the applicable air quality plan?* **No Impact.** The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego Air Pollution Control Board (SDAPCD). In order to reduce emissions within the air basin, The SDAPCD has developed a series of policies and guidelines collectively known as the Regional Air Quality Strategy (RAQS). As emission control is generally beyond the control of individual projects, the RAQS are intended to be implemented by local governments. Because the RAQS are based on population projections provided by local agencies, individual developments are covered by the RAQS provided the developments are consistent with the population projections. As the proposed project would be consistent with the City's General Plan and Zoning, it would not conflict with the RAQS and no impact would occur.
- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* **Less than Significant.** Neither construction nor long-term use of the site would contribute substantially to air quality problems currently experienced in the San Diego Air Basin. While construction would generate temporary air emissions related to equipment operation and dust generation, several factors serve to reduce these impacts to less than significant levels. Rough grading is the biggest generator of dust and construction equipment emissions. However, the project site is not large and construction process would implement dust control measures in accordance with the City of Oceanside's Grading Ordinance (Ordinance Nos. 81-20, 92-15, and 82-43), which require discretionary approval of applicable grading and excavation activities.

The primary long-term source of air emissions will be automobile trips related to the commercial retail use. Although the project-generated traffic would contribute emissions to the SDAB, the contribution would be minimal and constitute a less than significant impact. In addition, the project site is located near a Sprinter station and would feature a bike trail along its eastern property line and along its western property line, parallel to Melrose Drive that would connect with the regional and City trail systems; these features would provide employees and patrons access to the alternative transportation network, which could assist in reducing project-related trips.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* **Less than Significant.** Although the SDAB is in non-attainment for ozone and PM-10, the proposed project is consistent with the RAQS; therefore the projects' contribution to cumulative air emissions impacts in the SDAB would be less than significant.

The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego Air Pollution Control Board (SDAPCD). In order to reduce emissions within the air basin, The SDAPCD has developed a series of policies and guidelines collectively known as the Regional Air Quality Strategy (RAQS). As emission control is generally beyond the control of individual projects, the RAQS are intended to be implemented by local governments. Because the RAQS are based on population projections provided by local agencies, individual developments are covered by the RAQS provided the developments are consistent with the population projections. As the proposed project would be consistent with the City's General Plan and Zoning, it would not conflict with the RAQS and no impact would occur.

Neither construction nor long-term use of the site would contribute substantially to air quality problems currently experienced in the San Diego Air Basin. While construction would generate temporary air emissions related to equipment operation and dust generation, several factors serve to reduce these impacts to less than significant levels. Rough grading is the biggest generator of dust and construction equipment emissions. However, the project site is not large and construction process would implement dust control measures in accordance with the City of Oceanside's Grading Ordinance (Ordinance Nos. 81-20, 92-15, and 82-43), which require discretionary approval of applicable grading and excavation activities.

The primary long-term source of air emissions will be automobile trips related to the commercial retail use. Although the project-generated traffic would contribute emissions to the SDAB, the contribution would be minimal and constitute a less than significant impact. In addition, the project site is located near a Sprinter station and would feature a bike trail along its eastern property line and along its western property line, parallel to Melrose Drive that would connect with the regional and City trail systems; these features would provide employees and patrons access to the alternative transportation network, which could assist in reducing project-related trips.

- d) *Expose sensitive receptors to substantial pollutant concentrations?* **Less than Significant.** Although construction and operation of the project would increase vehicle trips on local roadways and result in associated air pollutants, these increases would not significantly contribute to increased pollution levels because with project traffic accounted for none of the studied intersections would operate at degraded levels of service (i.e., LOS E or F) after mitigation is implemented and there is no potential for elevated concentrations of carbon monoxide (or hotspots) in the vicinity of nearby sensitive receptors, such as residences. In addition, the increases in emissions were planned by the City per the site's Land Use designation in the General Plan, with which the project complies. Thus, no sensitive receptors would be exposed to substantial pollutant levels related to the proposed project.

e) *Create objectionable odors affecting a substantial number of people?* **Less than Significant.** Although odors associated with construction equipment exhaust, asphalt, and architectural coatings would be generated during construction, these odors would be temporary and are not likely to be noticed beyond the project boundaries. During long-term operation of the proposed project, odors associated with proposed uses, such as the gas station and the market, would occur. The proposed gas station is located in the northwestern corner of the project site, and is not located adjacent to the residences to the east of the project site. Given the distance between the proposed gas station and the residences, odors associated with the gas station would not likely be noticed by these residents. Objectionable odors associated with the proposed market uses could occur from produce/meat that has been discarded in outdoor solid waste receptacles. However, trash on-site would be disposed of in approved containers and enclosed properly. Solid waste generated by the proposed on-site uses would be collected by a contracted waste hauler, ensuring that any potential odors resulting from the proposed uses would be adequately managed, resulting in a less than significant impact.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|--------------------------|--------------------------|
| 14.4 BIOLOGICAL RESOURCES. Would the project: | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|--------------------------|-------------------------------------|
| 14.4 BIOLOGICAL RESOURCES (cont.) Would the project: | | | | |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS? Potentially Significant Unless Mitigated.* The biological resources that are present on the approximately 7.4 acre project site were mapped and detailed in a Biological Technical Report completed by HELIX in June 2008.

All areas proposed for development within the site have been regularly disked as part of a fire maintenance program. No federally or state listed plant or animal species occur on the property because of the repeated diskings. Although there is a small amount (0.2 acre) of disturbed Diegan coastal sage scrub on site, it is of poor habitat quality, too small in size, and too isolated to support the federally listed threatened coastal California gnatcatcher.

Additionally, the property is outside of the U.S. Fish and Wildlife Service (USFWS) federally listed endangered Quino checkerspot butterfly recommended survey area. Thus, the proposed project would have a less than significant direct impact on candidate, sensitive, or special status species.

Indirect impacts to sensitive biological resources could result from noise associated with grubbing, clearing, and/or grading. Noise-related impacts would be considered significant if sensitive avian species were displaced from their nests and failed to breed. Birds nesting within any area exposed to noise exceeding ambient levels or 60 dB L_{eq} (whichever is greater) may be significantly impacted. Implementation of mitigation would reduce indirect impacts to avian species associated with noise to a less than significant level.

The use of invasive non-native species in project landscaping could result in the spread of non-natives into the habitat to the north of the project site. This is a significant impact, requiring mitigation. Implementation of mitigation would reduce indirect impacts associated with invasive species to a less than significant level.

Mitigation Measures

The following mitigation measures are required to mitigate significant indirect impacts to a less than significant level.

Mitigation Measure Bio 01 - If grubbing, clearing, and/or grading would occur during the breeding season for ~~raptors~~ nesting birds, a pre-construction survey shall be conducted by a qualified biologist to determine if these species occur within 500 feet of such activity. If there are no ~~raptors~~ birds nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if ~~raptors~~ birds are observed nesting or displaying breeding/nesting behavior within 500 feet of such activity of such activity, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after ~~July-August 31~~ (for ~~raptors~~ all breeding birds); or (2) a temporary noise barrier or berm shall be constructed at the development footprint edge to ensure that noise levels are reduced to ambient or below 60 dB L_{eq} whichever is greater. Alternatively, the use of construction equipment could be scheduled to keep noise levels below ambient or 60 dB L_{eq} as appropriate in lieu of or in concert with a wall or other noise barrier.

Mitigation Measure Bio 02 - To ensure MBTA compliance, native vegetation clearing shall occur outside the breeding season of most avian species (February 15 through ~~July-August 31~~). Clearing during the breeding season of MBTA covered species could occur if it is determined that no nesting birds (or birds displaying breeding/nesting behavior) are present immediately prior to clearing. As described in Mitigation Measure Bio - 01, a pre-construction survey shall be conducted to determine if breeding or nesting avian species occur within areas impacted.

Mitigation Measure Bio 03 - To prevent the spread of non-native vegetation and noxious weeds, landscaping within the development area shall avoid the use of invasive non-native plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant Inventory prepared by the California Invasive Plant Council (2006).

- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service? Potentially Significant Unless Mitigated.* No jurisdictional wetland/riparian communities, Waters of the U.S. or streambeds occur on the project site. Vegetation on-site consists of disturbed Diegan coastal sage scrub, non-native grassland, disturbed habitat, and developed land. Of these four vegetation types, disturbed Diegan coastal sage scrub and non-native grassland are considered sensitive habitat by the City. Implementation of the proposed project would result in direct on-site impacts to 0.2 acre of disturbed Diegan coastal sage scrub and 6.7 acres of non-native grassland. The proposed project would also result in direct off-site impacts to 0.1 acre of disturbed Diegan coastal sage scrub and less than 0.1 acre of non-native grassland. Impacts to these two sensitive communities are considered significant, requiring mitigation. The proposed project would also result in direct on-site impacts to 0.4 acre of disturbed habitat and direct off-site impacts to 0.4 acre of disturbed habitat. The project site is located within Off Site Mitigation Zone II of the Draft Subarea Plan (AMEC Earth & Environmental and Conservation Biology Institute, April 2004). The loss of disturbed habitat within Off Site Mitigation Zone II is a significant impact, requiring mitigation.

Mitigation Measures

The following addresses significant impacts to disturbed Diegan coastal sage scrub, non-native grassland and disturbed habitat and would reduce them to a less than significant level. The measures comply with the Draft Subarea Plan.

Mitigation Measure Bio 04 - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios, respectively, through off-site acquisition-restoration and/or acquisition of appropriate habitat within the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the Wildlife Corridor Planning Zone, in consultation with the City and resource agencies, or through payment of all applicable Habitat Development Fees pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval. The mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.

Mitigation Measure Bio 05 - Impacts to 0.8 acre of disturbed habitat shall be subject to a Habitat Development Fee pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval.

- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No Impact.* No jurisdictional wetland/riparian communities, Waters of the U.S. or streambeds are present on-site. As a result, no impacts would occur in this regard.
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? No Impact.* Project implementation would not interfere with the movement of any native resident or migratory fish or wildlife species, with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The project site is not located within the boundaries of the Wildlife Corridor Planning

Zone identified in the Draft Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan for the Multiple Habitat Conservation Program. The project site is also not located within the regional corridor for coastal California gnatcatcher. The highly disturbed nature of the project site, coupled with the lack of drainage features present on site limits the site's potential to function as a local corridor. For these reasons, no impacts associated with wildlife corridors would occur.

- e. *Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance?* **No Impact.** As indicated earlier, the development will be confined to a regularly disked area which does not support biological resources and no impacts would occur.
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?* **Potentially Significant Unless Mitigated.** The project site is located in Off-site Mitigation Zone II of the Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP), which states that natural vegetation may be removed in this zone subject to plan guidelines and compliance with off-site mitigation requirements. Impacts may be mitigated in any appropriate mitigation area within the City, including existing mitigation banks, Pre-Approved Mitigation Areas, or vacant lands within the Wildlife Corridor Planning Zone.

The biological resources that are present on the approximately 7.4 acre project site were mapped and detailed in a Biological Technical Report completed by HELIX in June 2008.

All areas proposed for development within the site have been regularly disked as part of a fire maintenance program. No federally or state listed plant or animal species occur on the property because of the repeated diskings. Although there is a small amount (0.2 acre) of disturbed Diegan coastal sage scrub on site, it is of poor habitat quality, too small in size, and too isolated to support the federally listed threatened coastal California gnatcatcher.

Additionally, the property is outside of the U.S. Fish and Wildlife Service (USFWS) federally listed endangered Quino checkerspot butterfly recommended survey area. Thus, the proposed project would have a less than significant direct impact on candidate, sensitive, or special status species.

Indirect impacts to sensitive biological resources could result from noise associated with grubbing, clearing, and/or grading. Noise-related impacts would be considered significant if sensitive avian species were displaced from their nests and failed to breed. Birds nesting within any area exposed to noise exceeding ambient levels or 60 dB L_{eq} (whichever is greater) may be significantly impacted. Implementation of mitigation would reduce indirect impacts to avian species associated with noise to a less than significant level.

The use of invasive non-native species in project landscaping could result in the spread of non-natives into the habitat to the north of the project site. This is a significant impact, requiring mitigation. Implementation of mitigation would reduce indirect impacts associated with invasive species to a less than significant level.

No jurisdictional wetland/riparian communities, Waters of the U.S. or streambeds occur on the project site. Vegetation on-site consists of disturbed Diegan coastal sage scrub, non-native grassland, disturbed habitat, and developed land. Of these four vegetation types, disturbed Diegan coastal sage scrub and non-native grassland are considered sensitive habitat by the City. Implementation of the proposed project would result in direct on-site impacts to 0.2 acre of disturbed Diegan coastal sage scrub and 6.7 acres of non-native grassland. The proposed project would also result in direct off-site impacts to 0.1 acre of disturbed Diegan coastal sage scrub and less than 0.1 acre of non-native grassland. Impacts to these two sensitive communities are considered significant, requiring mitigation. The proposed project would also result in direct on-site impacts to 0.4 acre of disturbed habitat and direct off-site impacts to 0.4 acre of disturbed habitat.

Mitigation Measures

The following mitigation measures are required to mitigate significant direct and indirect impacts to a less than significant level. The measures comply with the Draft Subarea Plan (AMEC Earth & Environmental and Conservation Biology Institute, April 2004).

Mitigation Measure Bio 01 - If grubbing, clearing, and/or grading would occur during the breeding season for ~~raptors~~ nesting birds, a pre-construction survey shall be conducted by a qualified biologist to determine if these species occur within 500 feet of such activity. If there are no ~~raptors~~ birds nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if ~~raptors~~ birds are observed nesting or displaying breeding/nesting behavior within 500 feet of such activity, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after ~~July-August~~ 31 (for ~~raptors~~ all breeding birds); or (2) a temporary noise barrier or berm shall be constructed at the development footprint edge to ensure that noise levels are reduced to ambient or below 60 dB L_{eq} whichever is greater. Alternatively, the use of construction equipment could be scheduled to keep noise levels below ambient or 60 dB L_{eq} as appropriate in lieu of or in concert with a wall or other noise barrier.

Mitigation Measure Bio 02 - To ensure MBTA compliance, native vegetation clearing shall occur outside the breeding season of most avian species (February 15 through ~~July-August~~ 31). Clearing during the breeding season of MBTA covered species could occur if it is determined that no nesting birds (or birds displaying breeding/nesting behavior) are present immediately prior to clearing. As described in Mitigation Measure Bio 01, a pre-construction survey shall be conducted to determine if breeding or nesting avian species occur within areas impacted.

Mitigation Measure Bio 03 - To prevent the spread of non-native vegetation and noxious weeds, landscaping within the development area shall avoid the use of invasive non-native plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant Inventory prepared by the California Invasive Plant Council (2006).

Mitigation Measure Bio 04 - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios, respectively, through off-site ~~acquisition~~ restoration and/or acquisition of appropriate habitat within the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the Wildlife

Corridor Planning Zone, in consultation with the City and resource agencies, ~~or through payment of all applicable Habitat Development Fees pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval.~~ The mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.

Mitigation Measure Bio 05 - Impacts to 0.8 acre of disturbed habitat shall be subject to a Habitat Development Fee pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.5 CULTURAL RESOURCES. Would the project: | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of CEQA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of CEQA? No Impact.* The cultural resources that are present on the 7.4 acre project site were detailed in an *Archaeological Resources Survey* by ASM Affiliates in February 2008. A records search and pedestrian survey of the project site did not reveal any potentially significant historic resources within or near the proposed project site. No impact to historical resources would occur as a result of project implementation.
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA? Less than Significant.* A records search conducted for the project determined that one prehistoric site has previously been recorded partially within the project site; however, records for the recorded site did not delineate site boundaries and were not to scale. The actual location of the recorded resource and whether or not it was located within the project site was not clear from the records search. A field survey was

conducted to determine the presence or absence of the previously recorded site within the project boundaries. While a milling feature (located on a boulder) was present near the documented resource location, further analysis indicated that the boulder containing the feature was not in its original location and had been moved onto the project site. Subsurface excavations were conducted within the boundaries of the previously documented resource; however, no other evidence of any buried cultural material was found. Thus, it was determined that the prehistoric milling feature identified during the field visit had been moved to its location on the project site, and that the previously recorded prehistoric site was not actually located within the project boundaries. Impacts to archaeological resources would be less than significant.

- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Potentially Significant Unless Mitigated.* The proposed project site is located within a natural geomorphic province in southwestern California known as the Peninsular Ranges. The formation underlying the project site is the middle Eocene-age Santiago Formation. In this location the formation consists of claystone units and sandstone deposits, likely making it a part of Member "A" of the Santiago Formation. Member "A" of the Santiago Formation is assigned a moderate paleontological resource sensitivity rating. Grading of the formation has the potential to impact fossil resources and therefore, impacts are potentially significant unless mitigated.

Mitigation Measures

Implementation of the following mitigation measures would reduce the described potential impacts to paleontological resources below a level of significance.

Mitigation Measure Paleo 01 - Prior to issuance of a grading permit, the applicant shall provide verification that a qualified paleontologist and paleontological monitor have been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques. A qualified paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist.

Mitigation Measure Paleo 02 - The qualified paleontologist or paleontological monitor shall attend any preconstruction meetings to discuss grading plans with the grading and excavation contractor. The requirement for paleontological monitoring shall be noted on the project construction drawings.

Mitigation Measure Paleo 03 - The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas of the Santiago Formation to inspect for well-preserved fossils. Monitoring may be increased or decreased at the discretion of the qualified paleontologist in consultation with the City, and shall occur only when excavation activities affect the noted geologic formation.

Mitigation Measure Paleo 04 - In the event that well-preserved fossils are found, the paleontologist shall have the authority to direct the project engineer to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains. Because of the potential for recovery of fossil remains, it may be

necessary to set up a screen-washing operation on site. The paleontologist shall immediately notify City staff of such finding at the time of discovery. The City shall respond to the finding within 48 hours and shall approve salvaging procedures to be performed before construction activities in the subject area(s) are allowed to resume.

Mitigation Measure Paleo 05 - Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum). The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and shall submit a copy of a letter of acceptance from a local qualified curation facility to the City. A qualified curation facility is defined as a research institution with a permanent commitment to long-term care of paleontological collections. Such an institution shall have professional curatorial staff. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact the City to suggest an alternative disposition of the collection.

Mitigation Measure Paleo 06 - A monitoring results report, with appropriate graphics, summarizing the results, analyses and conclusions of the above program, even if negative, shall be submitted to the City for approval within three months following the termination of the paleontological monitoring program. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum by the qualified paleontologist.

Implementation of the proposed project would result in significant potential impacts to paleontological resources in association with proposed grading and excavation in previously undisturbed areas of the Santiago Formation. With implementation of the above mitigation measures, the described impacts to sensitive paleontological resources would be reduced below a level of significance. Thus, development of the property would not have a significant impact on paleontological resources.

- d. *Disturb any human remains, including those interred outside of formal cemeteries?* **No Impact.** There are no known grave sites within the project limits. Therefore, the disturbance of human remains is not anticipated. However, in the unlikely event that human remains are encountered during project construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of any human remains find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC) which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery, and shall complete the inspection within 24 hours of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.6 GEOLOGY AND SOILS. Would the project: | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (i.) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, or based on other substantial evidence of a known fault (Refer to DM&G Pub. 42)?; or, (ii) strong seismic ground shaking?; or, (iii) seismic-related ground failure, including liquefaction?; or, (iv) landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Be located on expansive soil, as defined in Table 18- 1-B of the 1994 UBC, creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- ai-aii) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault or to strong seismic ground shaking? Less than Significant.* According to the Preliminary Geotechnical Evaluation, (EEI Geotechnical & Environmental Solutions, September 2007), the subject property is not located within a California Geological Survey (CGS) Earthquake Fault Zone.

However, southern California is a seismically active region likely to experience, on average, one earthquake of Magnitude 7.0, and ten (10) earthquakes of Magnitude 6.0 over a period of 10 years. Active faults are those faults that are considered likely to undergo renewed movement within a period of concern to humans. These include faults that are currently slipping, those that display earthquake activity, and those that have historical surface rupture. The California Geological Survey (CGS) defines active faults as those which have had surface displacement within Holocene times (about the last 11,000 years).

There are several active and potentially active fault zones that could affect the project site. The faults within these zones include the Newport-Inglewood-Rose Canyon Fault zone, the Elsinore Fault zone, the San Jacinto Fault zone and the San Andreas Fault zone. The proposed project would be required to be in conformance with the Uniform Building Code (UBC), the City's Seismic Hazard Mitigation Ordinance, and other applicable standards. Conformance with these regulations as well as standard engineering practices and design criteria would reduce the effects of seismic groundshaking to less than significant levels.

- aiii) *Seismic-related ground failure, including liquefaction? Less than Significant.* Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong groundshaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of groundshaking. According to the *City of Oceanside General Plan*, the project area is not susceptible to liquefaction hazards. Additionally, the geotechnical evaluation indicates that due to the relatively dense nature of earth materials exposed at the surface or underlying the site at shallow depths, the potential for liquefaction occurring at the site is considered very low to low. Thus, impacts in this regard would be less than significant.
- aiv) *Landslides? Less than Significant.* According to the Phase I Environmental Site Assessment (EEI Geotechnical & Environmental Solutions, August 2007), the proposed project site appears to be underlain by the lower to middle member of the middle Eocene-age Satiago formation. Although this member is prone to landslides in north San Diego County, regional mapping does not exhibit slope instability in the immediate vicinity. Further, site stabilization and soil compaction requirements required by project geotechnical investigation and design parameters established by the most recent UBC and the City's Seismic Hazard Mitigation Ordinance would reduce any potential impacts to less than significant levels.
- b) *Result in substantial soil erosion or the loss of topsoil? Less than Significant.* The dominant soil unit of the subject property is the Tujunga sand which covers the majority

of the Melrose Station Market site. The Diablo clay was mapped covering the northeast corner and eastern edge of the Market site and the future residential parcel.

The Tujunga Series soils consist of deep, excessively drained sands derived from granitic bedrock. This soil forms on alluvial fans and flood plains. Permeability is rapid. Runoff is very slow to slow and the erosion hazard is slight.

The Diablo Series soil consists of well-drained, moderately deep to deep clays derived from soft, calcareous sandstone and shale. Permeability is slow. Runoff is slow to medium and the erosion hazard is slight to moderate. As such, significant impacts are not anticipated in this regard.

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? **Less than Significant.*** According to the Preliminary Geotechnical Evaluation and as previously discussed, the nature of the geologic units that underlie the proposed project site include relatively dense claystone units, massive sandstone deposits and middle Cretaceous-age granitic bedrock, which all correspond to a low potential for liquefaction. Additionally, conformance with the Uniform Building Code/California Building Code (UBC/CBC) standards would ensure that stability of the completed project. Accordingly, significant impacts are not anticipated in this regard.
- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property? **Less than Significant.*** Based on the Preliminary Geotechnical Evaluation, it is anticipated that the site is underlain by claystones and sandstones typically associated with the Satiago Formation. The Expansion Index of tested onsite soils is generally low to high. Adherence to standard engineering practices contained within the most recent UBC will reduce any potential impacts to less than significant levels.
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? **No Impact.*** The proposed project will utilize the public sewer system. Thus, no impact would occur.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.7 HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|--------------------------|-------------------------------------|
| 14.7 HAZARDS AND HAZARDOUS MATERIALS (cont.) Would the project: | | | | |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* **Less than Significant.** The proposed project would involve the installation of a ten-pump gas station. As such, gasoline would be routinely delivered to the site. The gas station would comply with all applicable regulations related to storage, transportation and disposal of hazardous materials. Compliance with such regulations would reduce impacts to less than significant levels.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?* **Less than Significant.** The proposed project is not anticipated to result in a substantial release of hazardous materials into the environment. During the short-term period of project construction, there is the possibility of accidental release of hazardous substances such as spilling of hydraulic fluid or diesel fuel associated with construction equipment maintenance. The level of risk associated with the accidental release of these hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials. Furthermore, the contractor will be required to use standard construction controls and safety procedures which would avoid and minimize the potential for accidental release of such substances into the environment.

Long-term use of the property for commercial purposes could generate hazardous materials related to the application of pesticides and fertilizers to landscaping as well as the release of pollutants related to automobiles (e.g. oil, gas and brake lining). However, as discussed earlier, conformance with the applicable regulations would reduce and treat the associated hazardous materials resulting from use of the completed project. Thus, significant impacts are not anticipated in this regard and impacts would be less than significant.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* **No Impact.** No existing

or proposed school facilities are located within a one-quarter mile radius of the project site. No impact would occur.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? No Impact.* The proposed project site is not included on a list of sites containing hazardous materials, and would not result in a significant hazard to the public or to the environment; thus, no impact would occur.
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? No Impact.* The proposed project site is not located within an airport land use plan or within two miles of a public airport and would not result in a safety hazard for people residing or working in the project area. The nearest airport, Oceanside Municipal Airport, is located approximately seven miles to the southeast and, given the project's distance from that airport, no significant impacts are anticipated. No impact would occur.
- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? No Impact.* The proposed project site is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area. No impact would occur.
- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No Impact.* The proposed project would have no impacts on emergency response plans or emergency evacuation plans. No revisions to adopted emergency plans would be required as a result of the proposed project.
- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? No Impact.* The proposed project would not expose people or structures to a significant risk of wildland fires because the project site does not adjoin designated wildland areas and would be developed with concrete and paved surfaces that are not flammable.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.8 HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
| a. Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off- site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.8 HYDROLOGY AND WATER QUALITY (cont.) Would the project: | | | | |
| g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| l. Result in significant alternation of receiving water quality during or following construction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| m. Could the proposed project result in increased erosion downstream? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| n. Result in increased impervious surfaces and associated increased runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.8 HYDROLOGY AND WATER QUALITY (cont.) Would the project: | | | | |
| o. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| p. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| q. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| r. Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| s. Have a potentially significant adverse impact on groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| u. Impact aquatic, wetland, or riparian habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v. Potentially impact stormwater runoff from construction or post construction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.8 HYDROLOGY AND WATER QUALITY (cont.) Would the project: | | | | |
| w. Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| x. Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| y. Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| z. Create significant increases in erosion of the project site or surrounding areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) *Violate any water quality standards or waste discharge requirements?* A Preliminary Hydrology Study was completed by Nasland Engineering in September 2008; a Stormwater Mitigation Plan was completed by Nasland Engineering in October 2008.

Less than Significant. In light of the current information that has been provided, impacts related to water quality would range over three different phases of project implementation: 1) during the earthwork and construction phase, when the potential for erosion, siltation and sedimentation into on-site drainages would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with site runoff would increase.

The City of Oceanside Storm Water Mitigation Plan (SUSMP) dictates that the proposed Best Management Practices (BMPs) shall follow the requirements outlined in the SUSMP and shall be designed as to remove pollutants to the maximum extent practicable and minimize the introduction of pollutants into the Receiving Water to the Maximum Extent

Practicable. The proposed project would be required to provide hydrologic project design that "attempts to mimic" the natural hydrology.

Long-term water quality impacts associated with the project would include generation of minor quantities of urban contaminants such as sediment, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron, may lead to the degradation of stormwater in downstream channels. Long-term water quality impacts would be addressed through compliance with NPDES guidelines for municipal storm water runoff in accordance with the San Diego RWQCB Order No. 2001-01. This order requires that pollutant discharges and runoff from development are reduced to the maximum extent practicable and that receiving water quality objectives are not violated throughout the life of project through implementation of source control and structural post-construction BMPs. Implementation of required BMPs would ensure that long-term water quality impacts associated with the proposed project would be less than significant.

Because the proposed project would comply with the requirements of the SUSMP and San Diego RWQCB Order No. 2001-01, significant impacts are not anticipated in this regard.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?* **No Impact.** Future development would be served through a public water agency and would not utilize groundwater. While development would increase the amount of impermeable surfaces and eliminate the recharge potential over the 7-acre development area, this loss would not have a substantial impact on groundwater levels. Thus, no impact on groundwater supplies would occur.
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* **Less than Significant.** Implementation of the proposed project would result in an increase of impervious surface on the project site, and thus, would alter the existing drainage pattern of the site.

The existing drainage pattern of the project site consists of three drainage basins. Currently, approximately five percent of the runoff (northeast corner of the site) at the project site is discharged onto Oceanside Boulevard via surface flow, and the remaining 95 percent of the runoff is discharged to the existing basin directly southwest of the site. Runoff from existing property basins is discharged into an existing 48-inch RCP storm drain that conveys stormwater from the railroad basin to the south. Two additional basins (outside of the project site) are discharged into the same location.

The existing 100-year storm runoff is 14.88 cubic feet per second (cfs). The increase in impervious surfaces associated with the project would increase the 100-year storm flow to 34.01 cfs. The existing three drainage basins would need to be divided into twenty-five basins to achieve proper drainage. The increased runoff of 19.1 cfs would discharge to a storm water detention system located in proposed basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing

storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site.

With regard to the on-site erosion potential, the dominant soil unit of the subject property is the Tujunga sand which covers the majority of the Melrose Station Market site. The Diablo clay was mapped covering the northeast corner and eastern edge of the Market site and the future residential parcel. The Tujunga Series soils consist of deep, excessively drained sands derived from granitic bedrock. This soil forms on alluvial fans and flood plains. Permeability is rapid. Runoff is very slow to slow and the erosion hazard is slight.

The Diablo Series soil consists of well-drained, moderately deep to deep clays derived from soft, calcareous sandstone and shale. Permeability is slow. Runoff is slow to medium and the erosion hazard is slight to moderate. No substantial erosion or sedimentation is anticipated with development of the site because all disturbed soils would be developed or stabilized with vegetation in accordance with the proposed landscape plan. As such, significant impacts are not anticipated in this regard.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* **Less than Significant.** A comparison of the onsite pre-development and post-development drainage scenarios indicates a net increase of 19.1 cfs for the post development condition. This increase would occur as a result of the change in runoff associated with developing natural terrain into commercial uses with an 85 percent impervious area.

The increased runoff of 19.1 cfs would discharge to the proposed storm water detention system located in basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site. In addition, the varying peak times for the onsite storm event to the entire watershed storm event is such that the on site flows will have peaked and dissipated prior to the overall watershed reaching its peak. Therefore, on site post-development flows will not result in onsite or downstream flooding. Impacts would be less than significant.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* **Less than Significant.** As indicated earlier, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, the proposed storm drain system that would be located in proposed basin 5 has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Therefore, increased runoff would be retained on-site, and runoff entering the drainage system would occur at the same rate as the existing runoff. Additionally, the project would comply with SUSMP and NPDES requirements, ensuring that no substantial additional sources of polluted runoff would result from the proposed project. Impacts would be less than significant.

- f) *Otherwise substantially degrade water quality?* **Less than Significant.** No other sources of water quality degradation are associated with the proposed development. Construction and operation-related run-off would be required to comply with SUSMP and NPDES permit requirements. Impacts would be less than significant.
- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* **No Impact.** The proposed project area is not located within a 100-year flood hazard area. Therefore, no flood related impacts would occur.
- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?* **No Impact.** The project site is not located within a 100-year flood hazard area. Therefore, no flood related impacts would occur.
- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* **No Impact.** As previously stated, the project does not propose any new housing or building structures within the 100-year flood plain. Furthermore, there is no large dam facility located upstream from the proposed project. No impact would occur.
- j) *Inundation by seiche, tsunami, or mudflow?* **No Impact.** There are no anticipated impacts to the proposed project from seiche, tsunami or mudflow, as no topographical features or water bodies capable of producing such events occur within the immediate project site vicinity. No impact would occur.
- k) *Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?* **Less than Significant.** The downstream body of water associated with this project is the Loma Alta Creek while the ultimate receiving water body is the Pacific Ocean Shoreline at the Loma Alta Creek. The Loma Alta Creek is listed in Section 303(d) as a contaminated or stressed body of water. The Loma Alta Creek is polluted/stressed by the following contaminants: Chloride (19 miles) and Total Dissolved Solids (19 miles). The Pacific Ocean Shoreline at the Loma Alta Creek is polluted/stressed by Indicator Bacteria (0.49 miles). The proposed project would utilize applicable site design and source control BMPs in order to limit these pollutants and reduce any project-level impacts to receiving waters to less than significant levels.
- l) *Result in significant alteration of receiving water quality during or following construction?* **Less than Significant.** No substantial pollutants would be contributed to receiving waters during or after construction and local and state regulations would be implemented, as appropriate.

The downstream body of water associated with this project is the Loma Alta Creek while the ultimate receiving water body is the Pacific Ocean Shoreline at the Loma Alta Creek. Impacts related to water quality would range over three different phases of project implementation: 1) during the earthwork and construction phase, when the potential for erosion, siltation and sedimentation into on-site drainages would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential

may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with site runoff would increase.

The City of Oceanside SUSMP dictates that the proposed BMPs shall follow the requirements outlines in the SUSMP and shall be designed as to remove pollutants to the maximum extent practicable and minimize the introduction of pollutants into the Receiving Water to the Maximum Extent Practicable. The proposed project would be required to provide hydrologic project design that "attempts to mimic" the natural hydrology.

Long-term water quality impacts associated with the project would include generation of minor quantities of urban contaminants such as sediment, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron, may lead to the degradation of stormwater in downstream channels. Long-term water quality impacts would be addressed through compliance with NPDES guidelines for municipal storm water runoff in accordance with the San Diego RWQCB Order No. 2001-01. This order requires that pollutant discharges and runoff from development are reduced to the maximum extent practicable and that receiving water quality objectives are not violated throughout the life of project through implementation of source control and structural post-construction BMPs. Implementation of required BMPs would ensure that long-term water quality impacts associated with the proposed project would be less than significant.

Because the proposed project would comply with the requirements of the SUSMP and San Diego RWQCB Order No. 2001-01, significant impacts are not anticipated in this regard.

- m) *Could the proposed project result in increased erosion downstream?* **Less than Significant.** Increased runoff associated with the increase in impervious surfaces would be retained on-site, and runoff entering the drainage system would occur at the same rate as the existing runoff (14.88 cfs). Furthermore, construction would be required to implement BMPs in accordance with the mandated SWPPP. As runoff would occur at its pre-development rate following construction of the proposed project, and as the project would implement appropriate BMPs, impacts associated with increased erosion downstream would be less than significant.
- n) *Result in increased impervious surfaces and associated increased runoff?* **Less than Significant.** A comparison of the on-site pre-development and post-development drainage scenarios indicates a net increase of 19.1 cfs for the post development condition. This increase was due to the change of runoff associated with developing natural terrain into commercial uses with an 85 percent impervious area.

The proposed project would utilize the site design BMP of minimizing impervious footprints by planting landscaping along the sides of the proposed buildings as well as where paving is not proposed, and by constructing the parking areas to provide more landscaping than that required by City code (City code requires landscaping of 15 percent on the site, while the proposed project design provides landscaping of 19 percent).

In addition, the project would be designed to utilize bio-swales with a combination of downspout filters to minimize potential pollutants to any impervious areas.

As indicated, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, due to the relatively limited area which would be converted to impermeable surfaces, and as the proposed project would retain increased flows on-site, the proposed project would not have the capacity to create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems. Impacts would be less than significant.

- o) *Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?* **Less than Significant.** The project would not substantially increase runoff, as increased flows would be retained on-site. Impacts would be less than significant.

Implementation of the proposed project would result in an increase of impervious surface on the project site, and thus, would alter the existing drainage pattern of the site.

The existing drainage pattern of the project site consists of three drainage basins. Currently, approximately five percent of the runoff (northeast corner of the site) at the project site is discharged onto Oceanside Boulevard via surface flow, and the remaining 95 percent of the runoff is discharged to the existing basin directly southwest of the site. Runoff from existing property basins is discharged into an existing 48-inch RCP storm drain that conveys stormwater from the railroad basin to the south. Two additional basins (outside of the project site) are discharged into the same location.

The existing 100-year storm runoff is 14.88 cubic feet per second (cfs). The increase in impervious surfaces associated with the project would increase the 100-year storm flow to 34.01 cfs. The existing three drainage basins would need to be divided into twenty-five basins to achieve proper drainage. The increased runoff of 19.1 cfs would discharge to a storm water detention system located in proposed basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site.

With regard to the on-site erosion potential, the dominant soil unit of the subject property is the Tujunga sand which covers the majority of the Melrose Station Market site. The Diablo clay was mapped covering the northeast corner and eastern edge of the Market site and the future residential parcel. The Tujunga Series soils consist of deep, excessively drained sands derived from granitic bedrock. This soil forms on alluvial fans and flood plains. Permeability is rapid. Runoff is very slow to slow and the erosion hazard is slight.

The Diablo Series soil consists of well-drained, moderately deep to deep clays derived from soft, calcareous sandstone and shale. Permeability is slow. Runoff is slow to medium and the erosion hazard is slight to moderate. No substantial erosion or sedimentation is anticipated with development of the site because all disturbed soils would be developed or stabilized with vegetation in accordance with the proposed landscape plan. As such, significant impacts are not anticipated in this regard.

A comparison of the onsite pre-development and post-development drainage scenarios indicates a net increase of 19.1 cfs for the post development condition. This increase would occur as a result of the change in runoff associated with developing natural terrain into commercial uses with an 85 percent impervious area.

The increased runoff of 19.1 cfs would discharge to the proposed storm water detention system located in basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site. In addition, the varying peak times for the onsite storm event to the entire watershed storm event is such that the on site flows will have peaked and dissipated prior to the overall watershed reaching its peak. Therefore, on site post-development flows will not result in onsite or downstream flooding. Impacts would be less than significant.

A comparison of the on-site pre-development and post-development drainage scenarios indicates a net increase of 19.1 cfs for the post development condition. This increase was due to the change of runoff associated with developing natural terrain into commercial uses with an 85 percent impervious area.

The proposed project would utilize the site design BMP of minimizing impervious footprints by planting landscaping along the sides of the proposed buildings as well as where paving is not proposed, and by constructing the parking areas to provide more landscaping than that required by City code (City code requires landscaping of 15 percent on the site, while the proposed project design provides landscaping of 19 percent).

In addition, the project would be designed to utilize bio-swales with a combination of downspout filters to minimize potential pollutants to any impervious areas.

As indicated, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, due to the relatively limited area which would be converted to impermeable surfaces, and as the proposed project would retain increased flows on-site, the proposed project would not have the capacity to create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems. Impacts would be less than significant.

- p) *Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?* **Less than Significant.** The combined flows of the proposed project site outfall to the Loma Alta Creek. The Loma Alta Creek represents an impaired water body as listed on the Clean Water Act Section 303(d) list. However, as a result of the BMPs that the proposed project would implement, the project would not result in an increase in any pollutant for which the water body is already impaired. Therefore, less than significant impacts are anticipated in this regard.
- q) *Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?* **No Impact.** The flows of the proposed project site would outfall into an offsite drainage basin which is tributary to the Loma Alta Creek. The Loma Alta Creek represents an impaired water body as listed on the Clean Water Act Section 303(d) list.

However, as a result of the BMPs that the proposed project would implement, the project would not result in an increase in any pollutant for which the water body is already impaired. Therefore, less than significant impacts are anticipated in this regard.

- r) *Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?* **Less than Significant.** The project would not result in any direct pollutant discharges to marine, fresh or wetland waters. The only long-term water pollutants expected to be generated on the site would be typical urban storm water pollutants. Compliance with the City's SUSUMP ordinance would ensure that typical urban storm water controls are implemented and impacts associated with surface water quality would be less than significant.
- s) *Have a potentially significant adverse impact on groundwater quality?* **No Impact.** A comparison of the on-site pre-development and post-development drainage scenarios indicates a net increase of 19.1 cfs for the post development condition. This increase was due to the change of runoff associated with developing natural terrain into commercial uses with an 85 percent impervious area.

The proposed project would utilize the site design BMP of minimizing impervious footprints by planting landscaping along the sides of the proposed buildings as well as where paving is not proposed, and by constructing the parking areas to provide more landscaping than that required by City code (City code requires landscaping of 15 percent on the site, while the proposed project design provides landscaping of 19 percent).

In addition, the project would be designed to utilize bio-swales with a combination of downspout filters to minimize potential pollutants to any impervious areas.

As indicated, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, due to the relatively limited area which would be converted to impermeable surfaces, and as the proposed project would retain increased flows on-site, the proposed project would not have the capacity to create or contribute runoff water which would exceed the capacity of existing stormwater drainage systems. The project would implement a number of BMPs which would reduce surface water contaminants which, in turn, would reduce the potential for groundwater quality degradation. Impacts would be less than significant.

- t) *Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?* **No Impact.** As discussed in responses 14.8 a and 14.8 k, the proposed project would not contribute substantial levels of pollutants to local surface and ground water as the proposed project would utilize applicable site design and source control BMPs in order to limit chloride and total dissolved solids discharged to the Loma Alta Creek. This would reduce any project-level impacts to receiving waters to less than significant levels.
- u) *Impact aquatic, wetland, or riparian habitat?* **No Impact.** No jurisdictional wetland/riparian communities, Waters of the U.S. or streambeds are present on- or off-site. As a result, no impacts would occur in this regard.

- v) *Potentially impact stormwater runoff from construction or post construction? Less than Significant.* Implementation of the proposed project would result in an increase of impervious surface on the project site, and thus, would alter the existing drainage pattern of the site.

The existing drainage pattern of the project site consists of three drainage basins. Currently, approximately five percent of the run off (northeast corner of the site) at the project site is discharged onto Oceanside Boulevard via surface flow, and the remaining 95 percent of the runoff is discharged to the existing basin directly southwest of the site. Runoff from existing property basins is discharged into an existing 48-inch RCP storm drain that conveys stormwater from the railroad basin to the south. Two additional basins (outside of the project site) are discharged into the same location.

The existing 100-year storm runoff is 14.88 cubic feet per second (cfs). The increase in impervious surfaces associated with the project would increase the 100-year storm flow to 34.01 cfs. The existing three drainage basins would need to be divided into twenty-five basins to achieve proper drainage. The increased runoff of 19.1 cfs would discharge to a storm water detention system located in proposed basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site.

The varying peak times for the onsite storm event to the entire watershed storm event is such that the on site flows will have peaked and dissipated prior to the overall watershed reaching its peak. Therefore, on site post-development flows will not result in onsite or downstream flooding. Impacts would be less than significant.

As indicated earlier, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, the proposed storm drain system that would be located in proposed basin 5 has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Therefore, increased runoff would be retained on-site, and runoff entering the drainage system would occur at the same rate as the existing runoff. Additionally, the project would comply with SUSMP and NPDES requirements, ensuring that no substantial additional sources of polluted runoff would result from the proposed project. Impacts would be less than significant.

- w) *Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? Less than Significant.* The proposed project would utilize the site design BMPs associated with outdoor material storage areas and trash storage areas to reduce pollution introduction. No hazardous materials would be stored in the outdoor material storage areas, only bio-degradable materials.

In addition, the trash compactor unit would be self-contained. There would be a locked inlet in the trash compactor area that drains to the buildings sewer system, thus no runoff from the trash compactor will reach the storm drain system. The gas station would be design to

have the proper containment systems for accidental fuel spills, in accordance with the regulatory requirements. As such, the design characteristics of the proposed project would not create any significant impacts in this regard.

- x) *Result in the potential for discharge of storm water to affect the beneficial uses of the receiving waters?* **No Impact.** The proposed development would not affect beneficial uses of receiving waters as it would utilize applicable site design and source control BMPs in order to limit chloride and total dissolved solids discharged to the Loma Alta Creek.

The downstream body of water associated with this project is the Loma Alta Creek while the ultimate receiving water body is the Pacific Ocean Shoreline at the Loma Alta Creek.

Impacts related to water quality would range over three different phases of project implementation: 1) during the earthwork and construction phase, when the potential for erosion, siltation and sedimentation into on-site drainages would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with site runoff would increase.

The City of Oceanside SUSMP dictates that the proposed BMPs shall follow the requirements outlines in the SUSMP and shall be designed as to remove pollutants to the maximum extent practicable and minimize the introduction of pollutants into the Receiving Water to the Maximum Extent Practicable. The proposed project would be required to provide hydrologic project design that "attempts to mimic" the natural hydrology.

Long-term water quality impacts associated with the project would include generation of minor quantities of urban contaminants such as sediment, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron, may lead to the degradation of stormwater in downstream channels. Long-term water quality impacts would be addressed through compliance with NPDES guidelines for municipal storm water runoff in accordance with the San Diego RWQCB Order No. 2001-01. This order requires that pollutant discharges and runoff from development are reduced to the maximum extent practicable and that receiving water quality objectives are not violated throughout the life of project through implementation of source control and structural post-construction BMPs. Implementation of required BMPs would ensure that long-term water quality impacts associated with the proposed project would be less than significant.

Because the proposed project would comply with the requirements of the SUSMP and San Diego RWQCB Order No. 2001-01, significant impacts are not anticipated in this regard.

- y) *Create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?* **Less than Significant.** Implementation of the proposed project would result in an increase of impervious surface on the project site, and thus, would alter the existing drainage pattern of the site.

The existing drainage pattern of the project site consists of three drainage basins. Currently, approximately five percent of the run off (northeast corner of the site) at the

project site is discharged onto Oceanside Boulevard via surface flow, and the remaining 95 percent of the runoff is discharged to the existing basin directly southwest of the site. Runoff from existing property basins is discharged into an existing 48-inch RCP storm drain that conveys stormwater from the railroad basin to the south. Two additional basins (outside of the project site) are discharged into the same location.

The existing 100-year storm runoff is 14.88 cubic feet per second (cfs). The increase in impervious surfaces associated with the project would increase the 100-year storm flow to 34.01 cfs. The existing three drainage basins would need to be divided into twenty-five basins to achieve proper drainage. The increased runoff of 19.1 cfs would discharge to a storm water detention system located in proposed basin 5, which has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Although drainage patterns of the project site would change as a result of the proposed project, the project has been designed to collect and retain increased flows on-site.

The varying peak times for the onsite storm event to the entire watershed storm event is such that the on site flows will have peaked and dissipated prior to the overall watershed reaching its peak. Therefore, on site post-development flows will not result in onsite or downstream flooding. Impacts would be less than significant.

As indicated earlier, surface runoff velocities, volumes and peak flow rates would increase due to impervious surfaces. However, the proposed storm drain system that would be located in proposed basin 5 has been sized to collect all of the runoff and allow only the existing flow of 14.88 cfs to discharge to the existing storm drain system. Therefore, increased runoff would be retained on-site, and runoff entering the drainage system would occur at the same rate as the existing runoff. Additionally, the project would comply with SUSMP and NPDES requirements, ensuring that no substantial additional sources of polluted runoff would result from the proposed project. Impacts would be less than significant. The change in velocity or volume of stormwater would not result in environmental harm.

- z) *Create significant increases in erosion of the project site or surrounding areas?* **Less than Significant.** The dominant soil unit of the subject property is the Tujunga sand which covers the majority of the Melrose Station Market site. The Diablo clay was mapped covering the northeast corner and eastern edge of the Market site and the future residential parcel.

The Tujunga Series soils consist of deep, excessively drained sands derived from granitic bedrock. This soil forms on alluvial fans and flood plains. Permeability is rapid. Runoff is very slow to slow and the erosion hazard is slight.

The Diablo Series soil consists of well-drained, moderately deep to deep clays derived from soft, calcareous sandstone and shale. Permeability is slow. Runoff is slow to medium and the erosion hazard is slight to moderate. As such, significant impacts are not anticipated in this regard.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|--------------------------|-------------------------------------|
| 14.9 LAND USE AND PLANNING. Would the project: | | | | |
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a) *Physically divide an established community?* **No Impact.** The proposed project would not have an impact on the physical arrangement of an established community because the project site is being developed on existing vacant parcels, in accordance with the Land Use designation of the General Plan, consistent with surrounding commercial and residential land uses and in accordance with applicable zoning. Therefore, no impacts are anticipated to occur in this regard.
- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* **No Impact.** The proposed development would be consistent with the applicable land use plans and policies. The proposed development would be consistent with the City's General Plan and Zoning designations. Therefore, no impacts would occur in this regard.
- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?* **Potentially Significant Unless Mitigated.** The biological resources that are present on the approximately 7.4 acre project site were mapped and detailed in a Biological Technical Report completed by HELIX in June 2008.

All areas proposed for development within the site have been regularly disked as part of a fire maintenance program. No federally or state listed plant or animal species occur on the property because of the repeated disking. Although there is a small amount (0.2 acre) of

disturbed Diegan coastal sage scrub on site, it is of poor habitat quality, too small in size, and too isolated to support the federally listed threatened coastal California gnatcatcher.

Additionally, the property is outside of the U.S. Fish and Wildlife Service (USFWS) federally listed endangered Quino checkerspot butterfly recommended survey area. Thus, the proposed project would have a less than significant direct impact on candidate, sensitive, or special status species.

Indirect impacts to sensitive biological resources could result from noise associated with grubbing, clearing, and/or grading. Noise-related impacts would be considered significant if sensitive avian species were displaced from their nests and failed to breed. Birds nesting within any area exposed to noise exceeding ambient levels or 60 dB L_{eq} (whichever is greater) may be significantly impacted. Implementation of mitigation would reduce indirect impacts to avian species associated with noise to a less than significant level.

The use of invasive non-native species in project landscaping could result in the spread of non-natives into the habitat to the north of the project site. This is a significant impact, requiring mitigation. Implementation of mitigation would reduce indirect impacts associated with invasive species to a less than significant level.

No jurisdictional wetland/riparian communities, Waters of the U.S. or streambeds occur on the project site. Vegetation on-site consists of disturbed Diegan coastal sage scrub, non-native grassland, disturbed habitat, and developed land. Of these four vegetation types, disturbed Diegan coastal sage scrub and non-native grassland are considered sensitive habitat by the City. Implementation of the proposed project would result in direct on-site impacts to 0.2 acre of disturbed Diegan coastal sage scrub and 6.7 acres of non-native grassland. The proposed project would also result in direct off-site impacts to 0.1 acre of disturbed Diegan coastal sage scrub and less than 0.1 acre of non-native grassland. Impacts to these two sensitive communities are considered significant, requiring mitigation. The proposed project would also result in direct on-site impacts to 0.4 acre of disturbed habitat and direct off-site impacts to 0.4 acres of disturbed habitat. The project site is located within Off Site Mitigation Zone II of Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan. The loss of disturbed habitat within Off Site Mitigation Zone II is a significant impact, requiring mitigation.

Mitigation Measures

The following mitigation measures are required to mitigate significant direct and indirect impacts to a less than significant level. The measures comply with the Draft Subarea Plan (AMEC Earth & Environmental and Conservation Biology Institute, April 2004).

Mitigation Measure Bio 01 - If grubbing, clearing, and/or grading would occur during the breeding season for ~~raptors~~ nesting birds, a pre-construction survey shall be conducted by a qualified biologist to determine if these species occur within 500 feet of such activity. If there are no ~~raptors~~ birds nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if ~~raptors~~ birds are observed nesting or displaying breeding/nesting behavior within 500 feet of such activity, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after ~~July~~ August 31 (for ~~raptors~~ all breeding birds); or (2) a

temporary noise barrier or berm shall be constructed at the development footprint edge to ensure that noise levels are reduced to ambient or below 60 dB L_{eq} whichever is greater. Alternatively, the use of construction equipment could be scheduled to keep noise levels below ambient or 60 dB L_{eq} as appropriate in lieu of or in concert with a wall or other noise barrier.

Mitigation Measure Bio 02 - To ensure MBTA compliance, native vegetation clearing shall occur outside the breeding season of most avian species (February 15 through ~~July~~ August 31). Clearing during the breeding season of MBTA covered species could occur if it is determined that no nesting birds (or birds displaying breeding/nesting behavior) are present immediately prior to clearing. As described in Mitigation Measure Bio 01, a pre-construction survey shall be conducted to determine if breeding or nesting avian species occur within areas impacted.

Mitigation Measure Bio 03 - To prevent the spread of non-native vegetation and noxious weeds, landscaping within the development area shall avoid the use of invasive non-native plants as provided in the Draft Subarea Plan Table 5-5 and/or the California Invasive Plant Inventory prepared by the California Invasive Plant Council (2006).

Mitigation Measure Bio 04 - Impacts to 0.3 acre of disturbed Diegan coastal sage scrub and 6.8 acres of non-native grassland shall be mitigated at 2:1 and 0.5:1 ratios, respectively, through off-site restoration and/or acquisition of appropriate habitat within the City at an approved mitigation bank, a Pre-Approved Mitigation Bank, or within the Wildlife Corridor Planning Zone, in consultation with the City and resource agencies ~~or through payment of all applicable Habitat Development Fee pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval. The mitigation area shall be managed in perpetuity, to the satisfaction of the resource agencies.~~

Mitigation Measure Bio 05 - Impacts to 0.8 acre of disturbed habitat shall be subject to a Habitat Development Fee pursuant to the Draft Subarea Plan, if the Draft Subarea Plan is approved and fee is in place at time of project approval.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|--------------------------|-------------------------------------|
| 14.10 MINERAL RESOURCES. Would the project: | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|--------------------------|-------------------------------------|
| 14.10 MINERAL RESOURCES (cont.) Would the project: | | | | |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?* **No Impact.** The project site does not possess any substantial mineral resources. Thus, development of the site would not impact the regional supply of mineral resources.
- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?* **No Impact.** The project site does not possess any substantial mineral resources. Thus, development of the site would not result in the loss of availability of a locally-important mineral resource recovery site.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|--------------------------|
| 14.11 NOISE. Would the project: | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.11 NOISE (cont.) Would the project: | | | | |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* **Potentially Significant Unless Mitigated.** An *Acoustical Analysis Report* for the project was prepared for the project by HELIX in June 2008. Potential noise effects related to the proposed project are associated with short-term construction noise and long-term exposure of adjacent residential parcels to associated commercial operational noise.

Noise generated by construction and demolition equipment, including trucks, backhoes and other equipment, may temporarily impact nearby sensitive receptors. However, pursuant to the City's Noise Ordinance standards, construction activities would be limited to daytime hours for the duration of construction. Also, all vehicles and equipment will use available noise suppression devices and be equipped with mufflers during construction activities. Due to the restricted hours, equipment restrictions, and relatively short period of construction, noise resulting from construction and demolition related activities would not represent a significant impact.

The primary concern for long-term noise exposure for the proposed project exists along the eastern site boundary where approximately five houses lie directly abutting the project boundary and could be exposed to loading dock noise from retail buildings near the southeast corner of the site. Currently, the back yard of each residential parcel has a chain link fence and a variety of vegetation that separates the residences from the proposed project site.

Section 38.12 of the City's municipal code established general sound level limits for uses within the City. Based on this section of the municipal code, the noise limits for the project property line between the commercial and residential uses along the eastern site boundary would be 57.5 dBA L_{eq} from 7:00 a.m. to 9:59 p.m. and 52.5 dBA L_{eq} from 10:00 p.m. to 6:59 a.m.

During operation of the project, noise typical of commercial markets would be generated, including building Heating, Ventilation, and Air Conditioning (HVAC) equipment, refrigeration and freezer condensers, trash compactor, forklift operation, and delivery truck activity. In a worst case scenario (all primary sources of noise operating within a 1 hour period), these activities would generate noise levels ranging from 52.9 to 55.1 dBA L_{eq} at the nearby residential property lines. This exceeds the City's nighttime requirements (analysis is based on nighttime requirements to represent the worst case scenario). Noise levels at the property line would have the potential to exceed City Noise Ordinance limits and significant impacts could occur.

Mitigation Measures

Implementation of the following mitigation measures would reduce the described potential noise impacts to below a level of significance.

Mitigation Measure Noise 01 – The project applicant shall construct a 5-foot high (above the roof peak) parapet wall surrounding rooftop HVAC equipment units in accordance with City standards.

Mitigation Measure Noise 02 - The project applicant shall construct a 6-foot high solid block screen-wall along the eastern property line at the top of slope (as shown on site plan) between the Market and the adjacent residences. The top of wall height on the screen wall shall be 4 feet above the first floor level of the residence lots fronting the property line, resulting in a top of wall elevation of 454.7 feet above mean sea level per the contours and residential elevations contained on the site plan.

The solid block screen wall shall be a single, solid sound wall that is constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials with no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least 1 inch thick or have a surface density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic may be used on the upper portion if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any doors or gates must be designed with overlapping closures on the bottom and sides and meet minimum specifications of the wall materials described above. The gate(s)

located on the west side may be of 0.75 inch or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated door jambs.

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Less than Significant.*** The amounts of construction and demolition required for the proposed facility is not anticipated to generate excessive groundborne vibrations or noise levels. Due to the temporary nature of construction activities, impacts in this regard are considered to be less than significant.
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant.*** No major noise sources would be associated with the proposed development. While roof-top heating and ventilation systems associated with retail uses could generate noise, the size of the buildings is not anticipated to be sufficient to represent a major noise source. In addition, some mechanical equipment would be located in the loading dock area. However, noise exposure associated with this area would be reduced to less than significant levels using two specific project design features. Thus, the project would not have a significant impact on ambient noise levels in the area.
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant.*** As noted above, the implementation of the proposed project may result in short-term increased noise levels within the project vicinity due to construction activities. This temporary condition would cease upon project completion and is subject to the City's noise mitigation guidelines.
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** As previously stated, the proposed project is not located within two miles of a public airport or public use airport. The nearest airport, Oceanside Municipal Airport is located approximately seven miles southeast and given the project's distance from that airport, no impacts are anticipated.
- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|--------------------------|-------------------------------------|
| 14.12 POPULATION & HOUSING. Would the project: | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* **No Impact.** The proposed development is consistent with the current General Plan and Zoning Designations of Neighborhood Commercial. It would be consistent with local and regional population projections. No new roads would be constructed as a result of the project. Thus, no impacts to population and housing beyond those identified within the *City's General Plan* would occur.
- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* **No Impact.** The proposed project site is vacant. Therefore, the proposed project would not require the removal of existing housing, and would not necessitate the construction of replacement housing elsewhere.
- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **No Impact.** Refer to Response 14.12 b, above. The proposed project site is vacant and does not require the removal of existing housing. Thus, no people would be displaced as a result of the proposed project.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.13 PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a) *Fire protection?* **Less than Significant.** The project is anticipated to be adequately served by the City fire station located at 895 North Santa Fe Avenue which is approximately 3.2 miles from the proposed project site. The additional demand for fire protection generated by the project would not result in the need to add staff or equipment to this station.
- b) *Police protection?* **Less than Significant.** The project is anticipated to be adequately served by the City police station located at 3855 Mission Avenue. The additional demand for police protection generated by the project would not result in the need to add staff or equipment to this station.
- c) *Schools?* **No Impact.** Impacts to schools are handled through school impact fees for commercial development as required by State law. Payment of school impact fees would ensure no impact to schools would occur.
- d) *Parks?* **Less than Significant.** The proposed use would serve commercial/retail purposes only. As such, the demand for recreation would not increase and City parks would not be

adversely affected by the project. In addition, the proposed project includes a multi-purposed bike trail which would connect with City and regional trail systems.

- e) *Other public facilities?* **Less than Significant.** No significant impacts to other public facilities are anticipated to occur with project implementation.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|--------------------------|-------------------------------------|
| 14.14 RECREATION. Would the project: | | | | |
| a. Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* **No Impact.** The proposed use would serve commercial/retail purposes only and would not increase population levels. As such, the demand for recreation would not increase and City parks would not be adversely affected by the project.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* **No Impact.** The proposed use would serve commercial/retail purposes only and would not increase population levels. As such, the demand for recreation would not increase and City parks would not be adversely affected by the project. The proposed project does include the provision of a multi-purpose bike trail along the eastern property line and parallel to Melrose Drive, which would connect with the City and regional trail systems, consistent with the Circulation and Recreational Trails Elements of the City's General Plan which shows the bike trail in its proposed location. Thus, no impacts are anticipated in this regard.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|--|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.15 TRANSPORTATION/TRAFFIC. Would the project: | | | | |
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? **Less than Significant.** A *Traffic Impact Analysis Report* for the project was conducted by Linscott, Law & Greenspan, Engineers in February 2008. A letter update dated June 18, 2008 was prepared for the project which provided a revised trip generation for the project

based on a revised site plan. This update does not result in any changes to the significance conclusions of the *Traffic Impact Analysis Report*. A total of ten intersections and six roadway segments were evaluated for the purposes of the traffic study analysis.

Existing Conditions + Project Scenario

Intersection Analysis

The traffic analysis concluded that the following intersection would operate at unacceptable levels of service with and without the addition of the proposed project:

- Melrose Drive/Vista Way (LOS F- p.m. peak hour);

All other intersections are calculated to operate at LOS D or better during both the AM and PM peak hours with the addition of the proposed project.

Roadway Segment Analysis

All roadway segments within the study area were found to operate at LOS C or better with the addition of the proposed project.

Near-Term Conditions: Existing + Cumulative Scenario

Intersection Analysis

The traffic analysis concluded that following intersections would operate at unacceptable levels of service with the addition of cumulative project traffic:

- Melrose Drive / Meadowbrook Drive (LOS F a.m. peak hour & LOS E p.m. peak hour)
- College Boulevard / Oceanside Boulevard (LOS E a.m. peak hour & LOS F p.m. peak hour)
- Oceanside Boulevard / Temple Heights Drive (LOS E p.m. peak hour)
- Melrose Drive / Olive Avenue (LOS E p.m. peak hour)
- Melrose Drive / Vista Way (LOS E a.m. peak hour & LOS F p.m. peak hour)

Roadway Segment Analysis

All roadway segments within the study area were found to operate at LOS C or better with the addition of cumulative project traffic volumes.

Existing + Cumulative + Project Scenario

Intersection Analysis

The traffic analysis concluded that the following intersections would operate at unacceptable levels of service with the addition of the proposed project:

- Melrose Drive / Meadowbrook Drive (LOS E/F a.m. peak hour & LOS C/F p.m. peak hour)

- College Boulevard / Oceanside Boulevard (LOS E a.m. peak hour & LOS F p.m. peak hour)
- Oceanside Boulevard / Temple Heights Drive (LOS E p.m. peak hour)
- Melrose Drive / Olive Avenue (LOS E p.m. peak hour)
- Melrose Drive / Vista Way (LOS E a.m. peak hour & LOS F p.m. peak hour)

Roadway Segment Analysis

All roadway segments within the study area were found to operate at LOS C or better with the addition of cumulative project and the proposed project traffic volumes.

Long-Term Scenario: Year 2020 Analysis

Intersection Analysis

The traffic analysis concluded that the following intersections would operate at unacceptable levels of service in the Year 2020:

- Melrose Drive / Santa Fe Avenue (LOS E a.m. & p.m. peak hours)
- Melrose Drive / Meadowbrook Drive (LOS F a.m. peak hour & LOS F p.m. peak hour)
- College Boulevard / Oceanside Boulevard (LOS F p.m. peak hour)
- Oceanside Boulevard / Temple Heights Drive (LOS E a.m. peak hour & LOS F p.m. peak hour)
- Melrose Drive / Oceanside Boulevard (LOS E a.m. peak hour & LOS F p.m. peak hour)
- Bobier Drive / Santa Fe Avenue (LOS E a.m. & p.m. peak hours)
- Melrose Drive / Olive Avenue (LOS E p.m. peak hour)
- Melrose Drive / Vista Way (LOS F a.m. & p.m. peak hours)

Roadway Segment Analysis

All roadway segments within the study area were found to operate at LOS D or better in the Year 2020 analysis.

Analysis Summary

Since the impacted intersections already operate below city standards, both under existing conditions and under existing + cumulative project conditions (before the project traffic is added), the impacts are not considered a direct result of the proposed project. No impacts to roadway segments are identified.

- c) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? Potentially Significant Unless Mitigated.* Since the four impacted intersections in the project area already operate below city standards, both under existing conditions and under existing + cumulative project conditions (before the project traffic is added), the project's contribution to cumulatively significant impacts to four intersections would be considerable:

- Melrose Drive/Meadowbrook Drive (LOS E/F a.m. peak hour & LOS C/F p.m. peak hour)
- Melrose Drive/Olive Avenue (LOS E p.m. peak hour)
- Melrose Drive/Vista Way (LOS F p.m. peak hour)
- Main Driveway/Bobier Drive (unacceptable LOS without proposed signal)

Mitigation Measures

The following measures are required to mitigate significant cumulative impacts caused by the proposed project to below significant levels.

Mitigation Measure – Traffic 01 - Melrose Drive/Meadowbrook Drive intersection: The project applicant shall contribute its fair share towards the city-planned installation of a traffic signal at the intersection. If the signal is not in place at the time of construction, the project applicant shall install the signal and be reimbursed by the City (less its share of the cost for the improvement).

Mitigation Measure – Traffic 02 - Melrose Drive/Olive Avenue intersection: The project applicant shall contribute its fair share to the City of Vista towards an overlap signal for the eastbound right turn lane at the intersection.

Mitigation Measure – Traffic 03 - Melrose Drive/Vista Way intersection: The project applicant shall contribute its fair share to the City of Vista towards an overlap signal for the westbound right turn lane at the intersection.

Mitigation Measure – Traffic 04 - Main Driveway/West Oceanside Boulevard (Bobier Drive) intersection: The project applicant shall contribute its fair share towards the installation of a traffic signal at the intersection. If the signal is not in place at the time of construction, the project applicant shall install the signal and be reimbursed by the City (less its share of the cost of the improvement). In addition, the project applicant shall provide the following lanes to serve project traffic:

- Northbound left turn only lane
 - Northbound through/right turn only lane
 - Westbound left turn only lane
 - Eastbound right turn only lane
- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* **No Impact.** The project is not located within the sphere of influence for any airports. The nearest airport, Oceanside Municipal Airport, is located approximately seven miles to the southeast and given the project's distance from that airport, no impacts are anticipated.
- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* **Less than Significant.** No new public roadways are proposed as part of the project.

Access to the proposed project would be provided from four different points. One access point would be provided along Melrose Drive that would be designed as a right-in, right-out with a short deceleration lane.

Three access points would be provided along Oceanside Boulevard. The first and farthest west would be designed as a right-in, right-out with a right turn only and a short deceleration lane. It would be located in between the gas station and building 5. The second access point along Oceanside Boulevard would be located east of building 6. It would also be designed as a right-in, right-out with a short deceleration lane. The third and most eastern access point along Oceanside Boulevard would be located along the eastern project boundary. It would be designed as full signal with a dedicated right turn lane into the proposed site. Accordingly, all access points would be designed using City engineering standards and no substantial increase in traffic hazards would occur with the proposed project. No impact would occur.

- e) *Result in inadequate emergency access?* **No Impact.** The internal traffic flow and external access points have been designed to meet all City of Oceanside Fire Department Standards and therefore, emergency access to the project would be adequate. Thus, no impacts related to emergency access would occur.
- f) *Result in inadequate parking capacity?* **No Impact.** The proposed project would have a total of 239 available parking spaces of which 223 would be standard spaces and 16 would be handicap accessible spaces. The proposed parking providing minimally exceeds the 214 parking spaces required by City design standards. Accordingly, no impacts would occur.
- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* **No Impact.** The proposed project would construct sidewalks along Melrose Drive and Oceanside Boulevard in order to promote safe pedestrian accessibility. A multipurpose trail would be constructed along the western property line and parallel to Melrose Drive and would connect with the City and regional trail system, in accordance with the Circulation and Recreation Trail Elements of the City General Plan. Additionally, the new Sprinter train station, which began operation in January of 2008, is located on the southwestern corner of the same intersection (Melrose Drive and Oceanside Boulevard). The convenient accessibility to the new Sprinter station supports the goals of the North County Transit District's alternative transportation plan. Thus, the project would implement and not adversely affect the City's plans for alternative forms of transportation. No impact would occur.

| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|-------------------------------------|-------------------------------------|
| 14.16 UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? No Impact.* As the project would not involve wastewater treatment, it would not exceed RWQCB standards for wastewater treatment.
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? No Impact.* The nature and scope of the proposed project would not require or result in the construction of new water or wastewater treatment facilities.
- c) *Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? No Impact.* The project development design would utilize the existing storm drain facility located at the southwest corner of the site. Based on response 14.8 e, the existing facilities are sufficient to handle the minimal increase in runoff resulting from the proposed development.
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? No Impact.* The proposed uses are consistent with the General Plan and Zoning. Thus, the City's Water Master Plan has taken into account the water demands associated with the proposed project and the project can be adequately served.
- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Less than Significant.* The City's wastewater system has adequate capacity to serve the project site; however, the proposed project would require to upsize a small portion of sewer line in Oceanside Boulevard to meet standards. As the proposed project would include the required upsize of the sewer line in Oceanside Boulevard, and the upsize would be adequate to serve the project, impacts would be less than significant.
- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? No Impact.* The demolition and removal of existing improvements would generate a minor increase in solid waste. This increase would not be significant in the context of the relevant landfill's operating capacity.
- g) *Comply with federal, state, and local statutes and regulations related to solid waste? No Impact.* The proposed project must comply with federal, state and local statutes and regulations related to solid waste. The City's Municipal Code, Article II (Solid Waste Services), Chapter 13 (Solid Waste and Recycling) regulates waste disposal in the city. The proposed project would comply with all applicable regulations.

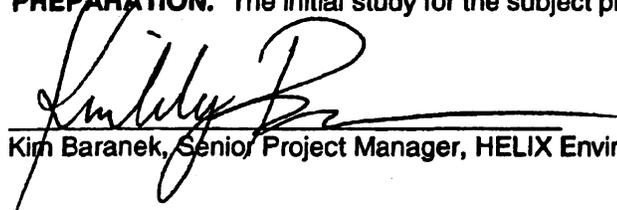
| | Potentially Significant | Potentially Significant Unless Mitigated | Less than Significant | No Impact |
|---|--------------------------|--|--------------------------|-------------------------------------|
| 14.17 MANDATORY FINDINGS OF SIGNIFICANCE. Would the project: | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to decrease below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have impacts which are individually limited, but cumulatively considerable (Cumulatively considerable means the project's incremental effects are considerable when compared to the past, present, and future effects of other projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Does the project have environmental effects which will have substantial adverse effects on human beings, directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to decrease below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory?* **Potentially Significant Unless Mitigated.** The proposed project would

have the potential to reduce the amount of non-native grassland, disturbed Diegan coastal sage scrub and disturbed habitat and potentially interrupt ~~raptor~~ bird breeding season. Implementation of the mitigation measures would reduce the impacts to less than significant levels (refer to section 14.4). In accordance with the mitigation measures and the minor nature of the impacts, the proposed project would not result in a substantial reduction of the habitat of fish or wildlife species. Additionally, as discussed on section 14.5, no historical or archaeological resources are located within the project site; thus, the proposed project would not eliminate important examples of California history or prehistory.

- b. *Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? No Impact.* Implementation of the project would not interfere with long-term environmental goals. No other environmental goals would be significantly impacted by the proposed project.
- c. *Does the project have impacts which are individually limited, but cumulatively considerable (Cumulatively considerable means the project's incremental effects are considerable when compared to the past, present, and future effects of other projects)? Potentially Significant Unless Mitigated.* The proposed project would contribute to pre-existing unacceptable conditions at the intersections of Melrose Drive/Meadowbrook Drive, Melrose Drive/Olive Avenue, Melrose Drive/Vista Way, and Main Driveway/Bobier Drive (refer to section 14.15). To mitigate for cumulative impacts to the above mentioned intersections, the installation of a traffic signal or an overlap signal for the relevant turn lane is proposed at each of the intersections to be funded by the project applicant or through fair share contributions and would mitigate project impacts to less than significant levels.
- d. *Does the project have environmental effects which will have substantial adverse effects on human beings, directly or indirectly? No Impact.* The proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. This conclusion is based on the above analysis that found potentially significant impacts related to biological resources, cultural resources and traffic. These impacts would not impact human beings and would be mitigated to below a level of significance.

15. **PREPARATION.** The initial study for the subject project was prepared by:


Kim Baranek, Senior Project Manager, HELIX Environmental Planning, Inc.

16. DETERMINATION. (To be completed by lead agency) Based on this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been included in this project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

17. DE MINIMIS FEE DETERMINATION (Chapter 1706, Statutes of 1990-AB 3158)

- It is hereby found that this project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore fees shall be paid to the County Clerk in accordance with Section 711.4(d) of the Fish and Game Code.

18. ENVIRONMENTAL DETERMINATION: The initial study for this project has been reviewed and the environmental determination, contained in Section V. preceding, is hereby approved:

Juliana von Hacht, A Associate Planner

- 19. PROPERTY OWNER/APPLICANT CONCURRENCE:** Section 15070(b)(1) of the California Environmental Quality Act (CEQA) Guidelines provides that Lead Agencies may issue a Mitigated Negative Declaration where *the initial study identifies potentially significant effects, but, revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.* The property owner/applicant signifies by their signature below their concurrence with all mitigation measures contained within this environmental document. However, the applicants concurrence with the Draft Mitigated Negative Declaration is not intended to restrict the legal rights of the applicant to seek potential revisions to the mitigation measures during the public review process.

Gatlin Development Corporation

P-1-08 Melrose Station

Comments on the Application - 1

Juliana Von Hacht

From: Maurice "MOE" Rosenberg [devserv@gmail.com]
Sent: Tuesday, April 29, 2008 2:13 PM
To: Juliana Von Hacht
Cc: Jerry Hittleman; Richard Greenbauer
Subject: RE: Accepted: Discuss neighborhood response to Melrose Station
Importance: High
Categories: Interested Party, P-1-08, Staff Report

Ms. Von Hacht...

Thank you for arranging and scheduling a meeting to discuss the community concerns respecting the proposed Melrose Station Commercial Center.

Your request for lobbyist registration caught me by surprise, in that it is not my objective to "...influence or attempt to influence a legislative or administrative action of the City of Oceanside by direct communication with any City official or any commission, committee, board, task force or other body of the city."

In a previous conversation I asked, who in particular represents the interests of the "Peacock Neighborhood" planning area – and you advised that there was no organized entity or spokesperson. Why then is it necessary for a spokesperson, representing the interests and concerns of the planning area's citizens, to register as a lobbyist? If this is the Planning Department's policy it appears to run contrary to the City of Oceanside's Vision Statement, Mission Statement and Core Values. Without hearing the individual and/or collective voice of the "Peacock Neighborhood" planning area residents, how can Staff provide "...information, guidance, alternatives and professional recommendations to the City Council and Planning Commission in creating a vision that will shape and define Oceanside"?

Where's the accountability? The Development Department is funded through project review fees paid by the project applicant/owner for processing their development applications. Perhaps the situation is comparable to the coziness between the FAA and the airlines that has just recently come to light.

In an article by Marilyn Geewax, published in The Atlanta Journal-Constitution, 04/04/08 she says and I quote: "The Federal Aviation Administration has become so friendly with airlines that it no longer acts as the public's watchdog, whistle-blowers told Congress on Thursday. "We are told that the airlines are our customers," FAA inspector Charlambe "Bobby" Boutris said. "But we have a more important customer, the taxpayers" who want government to ensure a safe aviation system.

Just as the whistle-blower pointed out that the FAA was too cozy - too friendly, with airline companies – so may the Planning & Development Department be with project proponents. If this is the case then a conflict of interest exists and Staff no longer acts in the public interest – perfecting the intent and expectation of City Ordinances, Vision Statements, Mission Statements, Core Values and alike.

In light of the forging, I do not feel it necessary or appropriate, for the representative of a concerned citizens group, to register as a lobbyist, in order to have access to Senior City Staff. Again, neither I nor the clients I represent want to "...influence or attempt to influence a legislative or administrative action of the City of Oceanside by direct communication with any City official or any commission, committee, board, task force or other body of the city."

Those who have a vested interest in the outcome of the subject project should be afforded similar access to Senior Staff; such as what the proponent has been granted - to engage in constructive dialogue as partners, in an effort to achieve the most desirable and compatible development outcome for the neighborhood. Therefore, unless you withdraw the lobbyist registration requirement, as a precondition of our meeting tomorrow afternoon at 2:30PM, it would be inappropriate for me to appear as scheduled.

Respectfully...Moe

12/9/2008

P-1-08 Melrose Station

Communets on the Application - 1 cont.

Let's Futurize Our Attitudes

Maurice "MOE" Rosenberg

RDS Rosenberg Development Services

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Fax 858.450.1899

Eml devserv@gmail.com

From: Juliana Von Hacht [mailto:JVonHacht@ci.oceanside.ca.us]

Sent: Wednesday, April 23, 2008 9:46 AM

To: moerose@earthlink.net

Subject: RE: Accepted: Discuss neighborhood response to Melrose Station

Please confirm when you have completed the registration that I mentioned. Thanks, J.

From: moerose@earthlink.net [mailto:moerose@earthlink.net]

Sent: Wednesday, April 23, 2008 9:46 AM

To: Juliana Von Hacht

Subject: Accepted: Discuss neighborhood response to Melrose Station

When: Wednesday, April 30, 2008 2:30 PM-3:00 PM (GMT-08:00) Pacific Time (US & Canada).

Where: Nikki O'Brien

P-1-08 Melrose Station

Juliana Von Hacht

Comments on the Application - 2

From: Maurice "MOE" Rosenberg [devserv@gmail.com]
Sent: Monday, June 02, 2008 8:33 AM
To: Juliana Von Hacht
Cc: Jerry Hittleman; Richard Greenbauer; Lauren Wasserman
Subject: Melrose Station Commercial Center - Case Number: P-1-08 - Regarding The "Gas Station/Mini-Mart With Drive-Thru Car Wash" Use
Importance: High
Categories: Interested Party, P-1-08, Staff Report

Ms. Juliana von Hacht...The Oceanside/Vista Residents for Compatible Development (OVRCD) has previously presented their comments and suggestions, respecting the subject Melrose Station Commercial Center (MSCC), directly to you, as well as, to the applicant, Kerry Bentin and the project's urban planning consultants, The Lightfoot Planning Group.

Upon further review and consideration of the applicant's revised submittal documentation, dated April, 07th, 2008; with specific regard to the proposed "gas station/mini-mart with drive-thru car wash" – OVRCD have determined that this particular use is not in compliance with the prevailing General Plan, Neighborhood Commercial and (CN) Neighborhood Commercial, Zoning Designation requirements, as they relate to this property.

In particular, the requested CUP, respecting the proposed "gas station/mini-mart with drive-thru car wash" component, of the MSCC application, should not be approved by virtue of the following analysis:

1. The products, services and drive-through characteristics, of a "gas station/mini-mart with drive-thru car wash", distinguishes it as a business that focuses on meeting the *"immediate"* commercial needs *not* the *"day to day"* commercial needs of the community. The forgoing dictates that the proposed "gas station/mini-mart with drive-thru car wash" *cannot be considered a "minor tenant" in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.*
2. By virtue of its very enterprise, its inherent drive-through characteristics, its impulsive products and services offering; the proposed "gas station/mini-mart with drive-thru car wash" would appeal to and target the *"immediate" commercial needs* of the *general traveling public*. It would be a *major tenant* with an intense use, in a highly visible, critical and vulnerable project site location – its existence would have a dominating and predominating impact on the entire development; with far reaching repercussions that would probably result in unpredictable and unintended consequences, both on and off site. The forgoing dictates that the proposed "gas station/mini-mart with drive-thru car wash" *cannot be considered a "minor tenant" nor a "convenience business" in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.*
3. The proposed "gas station/mini-mart with drive-thru car wash" has several inherent site limitations that are extremely inhibiting, constrictive and/or restrictive:
 - a) The project site area consists of approximately 6.5 net acres, where as, the Neighborhood Commercial, General Plan Policy 2.22 B. states that "Areas shall be generally between ten (10) and thirty (30) acres".

P-1-08 Melrose Station

Comments on the Application - 2 cont.

- b) The limited frontage distance along the Melrose Avenue side of the project does not allow for a separate and dedicated point of ingress and egress for the "gas station/mini-mart with drive-thru car wash". Not having dedicated points of ingress and egress negatively impacts the intense internal and external traffic circulation demands of the entire project diminishing and compromising the project as a whole.
- c) In addition to the identified queuing requirements for the mini-mart and drive-thru car wash, the inherent drive-through characteristics of the proposed gas station component, comprising 10 filling positions at 5 pump-islands, creates an inordinate and subsequently intolerable vehicle stacking strain that would negatively impact traffic circulation both on and off site. While drive-through uses require the provision of 5 car spaces per queue – *none* is being provided for in this instance. The forgoing dictates that the proposed "gas station/mini-mart with drive-thru car wash" *cannot be considered as being "well integrated into the center's design" in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.*

By way of example it should be noted that:

- A citywide investigation/inventory by RDS has determined that throughout the City of Oceanside, "drive-throughs" are not generally permitted within the CN zone. (RDS identified only 1 development in the entire city that is zoned CN "Neighborhood Commercial" and has drive-through uses.)
- Whereas there are in excess of 70 drive-throughs (approximately 40 fast-food restaurants and 30 gas stations) located within the City of Oceanside, all of which are either free standing and/or sited within "Commercial District" zones other than CN - except for the 1 instance previously mentioned.)
- By virtue of statistical omission it is apparent that the intent and purpose of the CN - "Commercial District" zone designation is not to accommodate extraneous drive-through uses but rather... *"To provide sites for business serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CN district."*
- The Union 76 facility, located on the southeast corner of Mission Avenue and Canyon Drive is a well integrated into a 13+ acre, CN zoned, shopping center site – making it large enough to accommodate the intensity of the gas station drive-through use. Also, the site is adequately configured to accommodate 7 points of ingress and egress (4 off Mission Ave. and 3 off Canyon Dr.) that serve the site – 2 of which (1 off Mission Ave. and 1 off Canyon Dr.) are dedicated solely to the Union 76 service station use.)

In addition to the forgoing land use and zoning contentions, there are several negative features, impacts, key issues and/or concerns regarding the development of "gas station/mini-mart with drive-thru car wash" on such a small, CN zoned, commercial site. These are as follows:

- Traffic congestion concerns, impeding ingress, egress and internal circulation
- Onsite traffic resulting in compounded commercial use noise
- Fuel trucks constantly passing through the site at all hours
- Potential hazards and noxious fumes emanating from the storage of fuel
- Undesirable night time conditions resulting from gas pump and parking lot lighting
- The Sprinter now provides increased transient access that will result in loitering or worse
- Beer and wine sales are an attraction for loitering and a community concern

- Pedestrian Safety - Sprint Rail commuter transportation line
- Environmental Health & Safety concerns – chemicals in ground and runoff (waste water etc.), lighting, signage create visual pollution

In the case of the proposed MSCC project, the proposed “gas station/mini-mart with drive-thru car wash” will severely compromise what is already a busy and now complicated intersection (Sprinter rail crossing on Melrose Drive, south of Oceanside Boulevard). The vehicular traffic that the proposed “gas station/mini-mart with drive-thru car wash” would generate would be too much - it would be hazardous as a result of the high traffic volume constantly trying to get in and out of the center – particularly at the single point of ingress and egress point along the Melrose Drive frontage. The “gas station/mini-mart with drive-thru car wash” components of this development, in and of themselves, would create the biggest potential negative impact – fostering increased traffic congestion and movement problems, vehicular and pedestrian safety issues, as well as, posing fire and environmental hazard concerns. The size and layout of the site, the increase in vehicular traffic and its impact on Melrose Drive and Oceanside Boulevard, as well as, increased pedestrian traffic from the commuter rail station, could create numerous, unacceptable, problems. Thus support and ultimate approval of the “gas station/mini-mart with drive-thru car wash” component of this development would have a series of negative impacts on the surrounding neighborhood area.

In addition, increasing the number of fueling stations in the area (be it in Oceanside or Vista) runs contrary to the intent of the City ordinances and is an unnecessary over saturation and bad precedent. The CN zoning designation is not the typical zone for gas stations, mini-marts, and car washes. By virtue of the prior citywide planning approach to drive-through uses, it is apparent that the CG zone designation is by far the preferred zoning category; and the zoning precedent that approving this application would set is not in the best interests of the City of Oceanside. Senior planners in the City need to take into consideration the need for greater neighborhood compatibility and the adverse zoning precedent approval of this project would set.

The foregoing comments respecting the “gas station/mini-mart with drive-thru car wash” component of the proposed MSCC project, validates the contentions of the OVRCD, that the proposed project does not meet the goals and objective of the City’s General Plan and Zoning Ordinance.

- The site plan and physical design of the propose project is not consistent with the purposes of the Zoning Ordinance since it does not meet the intent of the development regulation and design standards as they relate to the “gas station/mini-mart with drive-thru car wash” component.
- The Development Plan as proposed does not conform to the City’s General Plan since the proposed “gas station/mini-mart with drive-thru car wash” use is too intense and inconsistent with the established land use development criteria for the site.

In conclusion, the “gas station/mini-mart with drive-thru car wash” component of the MSCC project is not consistent with the General Plan Policies for Neighborhood Commercial. The “gas station/mini-mart with drive-thru car wash” use is too large and intense for the size of the site and cannot be “well integrated” into the site design. This ultimately detracts from and adversely impacts the underlying “day to day”, commercial needs intent and criteria of the Neighborhood Commercial land use policies. Furthermore, the requested Conditional Use Permit should not be approved, since the proposed use cannot be considered allowable on this CN zone property, when the project’s site plan is not designed to meet the spirit and intent of the City’s applicable land use development policies.

The OVRCD respectfully suggest that the City of Oceanside, Planning Department review the pending application in light of the forging observations, concerns and contentions. It is the feeling of the neighborhood that the developer can do better and an effort should be made to provide the community

Comments on the Application - 2 cont.

with a 21st century, community sensitive development – not and “old school” strip center. We believe that Oceanside deserves a better quality and character of development on this property. Thus, revising the project to make it more compatible with the intent of the CN zoning designation, that calls for low impact neighborhood uses, is fitting and necessary, to discourage, prevent, and insure that the CN Zoning Designation is not abused now or in the future. The first step to doing this would be to reject the request for the CUP proposing the “gas station/mini-mart with drive-thru car wash” on this CN zoned property.

Respectfully submitted by Maurice “MOE” Rosenberg for the OVRCD

Let's Futurize Our Attitudes

Maurice "MOE" Rosenberg

RDS Rosenberg Development Services

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Fax 858.450.1899

Eml devserv@gmail.com

P-1-08 Melrose Station

Comments on the Application - 3

Juliana Von Hacht

From: Maurice "MOE" Rosenberg [devserv@gmail.com]
Sent: Friday, July 11, 2008 2:23 PM
To: Jim Wood; Rocky Chavez; Jack Feller; Jerry Kern; Esther Sanchez; City Council; Vida Murrell; Jerry Hittleman; Lauren Wasserman; Richard Greenbauer; Juliana Von Hacht; DCalvo@cityofvista.com; Mvance@cityofvista.com; FLopez@cityofvista.com; SGronke@cityofvista.com; BCampbell@cityofvista.com; JRitter@cityofvista.com; JTurley@cityofvista.com; JConley@cityofvista.com; PChow@cityofvista.com; GMayer@cityofvista.com
Subject: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr
Importance: High
Categories: Interested Party, P-1-08, Staff Report

ATTENTION: City of Oceanside

Mayor, Deputy Mayor and City Council Members
Planning Commission
City Planner – Jerry Hittleman
Planning & Development Services Director – Lauren Wasserman
Senior Planner – Richard Greenbauer
Associate Planner / Project Manager - Juliana von Hacht
City of Vista
Mayor, Mayor Pro Tem and City Council Members
Community Development Director – John Conley
City Planner – Patsy Chow
Principal Engineer – Greg Mayer

PLEASE NOTE: The Following Subject Matter Is Being Sent Via Email And United States Postal Service.

The "Oceanside/Vista Residents for Compatible Development" (OVRCD) respectfully take this opportunity to inform you of their concerns, contentions and objections respecting the following commercial development application, submitted to the City of Oceanside earlier this year:

Project Title: Melrose Station Commercial Center (MSCC)
Address / Location: SE Corner of Oceanside Blvd & Melrose Dr
Case Number: P-1-08
APN: 161-030-07
Approvals: Tentative Parcel Map, Development Plan, Conditional Use Permits, and Variance
Status: Pending
Application Submittal Date: January 16th, 2008
Application Resubmit Date: April 7th, 2008 (description, justification, revisions, etc.)

In this regard OVRCD hereby wishes to apprise you of its investigative efforts and ongoing dialogue, with both the Applicant and the City's Project Manager, relating to the proposed development (See attached email correspondence file, "06-02-08").

Having scrutinized the City of Oceanside's General Plan and Zoning Designation policies it has been determined that the proposed "gas station/mini-mart with drive-thru car wash" is not in compliance with

12/9/2008

P-1-08 Melrose Station, Comments on the application - 3 cont.
the prevailing General Plan, Neighborhood Commercial and (CN) Neighborhood Commercial, Zoning Designation requirements, as they relate to this property.

OVRCD has shared its contentions and attempted to encourage the Applicant and City to make the requisite revisions to the subject application (i.e. remove the "gas station/mini-mart with drive-thru car wash" from the development plan and relocate the "grocery market" to a more suitable site on the property, where it will have less of a negative impact on the residence immediately to the east).

OVRCD does not see this matter as a difference of opinion or interpretation. The "gas station/mini-mart with drive-thru car wash" component of the MSCC project is not consistent with the General Plan Policies for Neighborhood Commercial. The "gas station/mini-mart with drive-thru car wash" use is too large and intense for the size of the site and cannot be "well integrated" into the site design. This ultimately detracts from and adversely impacts the underlying "day to day", commercial needs intent and criteria of the Neighborhood Commercial land use policies. Furthermore, the requested Conditional Use Permit should not be approved, since the proposed use cannot be considered allowable on this CN zone property, when the project's site plan is not designed to meet the spirit and intent of the City's applicable land use development policies (See attached email correspondence file, "06-02-08").

Also, please be advised that as of June 30th, 2008 the attached "MSCC Petition List" has more than 80 residents signed-on in opposition to the "gas station/mini-mart with drive-thru car wash", conditional use component of the MSCC and relocation of the "grocery market" to a more suitable site on the property (See attached PDF file, "MSCC Petition List"). I expect several hundred more signatures shortly, since dozens of community residents continue to sign the petition each week.

It appears that in spite of our best efforts to delineate and communicate the noncompliance issues as they pertain to the City's General Plan policies, we have not heard or seen any specific feedback that would suggest that the OVRCD position is being taken seriously.

The City of Oceanside's General Plan polices respecting the Neighborhood Commercial land use category, as well as, it's (CN) Neighborhood Commercial, Zoning Designation, are very clear and straight forward. Therefore;

1. The OVRCD respectfully urges you to review the attached documentation in the hopes of averting a contentions community battle - ensuring that the City of Oceanside's planning staff adheres to the City's General Plan and Zoning Designation policies.
2. The OVRCD respectfully requests that you communicate with the City of Oceanside's Planning Department regarding this application, to irrefutably determine if the subject application complies fully with the City of Oceanside's General Plan polices respecting the Neighborhood Commercial land use category, as well as, it's (CN) Neighborhood Commercial, Zoning Designation.

Respectfully provided by Maurice "MOE" Rosenberg for the OVRCD

Let's Futurize Our Attitudes

Maurice "MOE" Rosenberg

RDS Rosenberg Development Services
7770 Regents Rd #113-192
San Diego, CA 92122-1967

12/9/2008

Cell 858.864.7741
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Eml devserv@gmail.com

P-1-08 Melrose Station, Comments on the Application - 3 cont.

cc: City of Oceanside

300 N. Coast Highway
Oceanside CA 92054

Mayor – Jim Wood

Tel (760) 435-3059 Fax (760) 435-3045

JWood@ci.oceanside.ca.us

Deputy Mayor – Rocky Chavez

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RChavez@ci.oceanside.ca.us

Councilmember – Jack Feller

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Councilmember – Jerome Kern

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Councilmember – Esther Sanchez

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Mayor, Deputy Mayor and City Council Members

Tel (760) 435-3029 Fax (760) 435-3045

Council@ci.oceanside.ca.us

Planning Commission, Chair – Dennis Martinek

Planning Commission, Vice Chair – Dick Parker

Planning Commissioner – Louise Balma

Planning Commissioner – Stan Bertheaud

Planning Commissioner – Claudia Troisi

Planning Commissioner – Bob Neal

Planning Commissioner – Tom Rosales

Planning Commission, Staff Liaison – Jerry Hittleman

C/O Vida Murrell, Secretary - Planning Commission

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City Planner – Jerry Hittleman

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Associate Planner / Project Manager - Juliana von Hacht

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City of Vista

600 Eucalyptus Avenue
Vista CA 92084

P-1-08 Melrose Station, Comments on the Application - 3 cont.

Mayor, Mayor Pro Tem and City Council Members

C/O City Council Secretary – Doris Calvo

Tel (760) 639-6130 Fax (760) 639-6132

DCalvo@cityofvista.com

Mayor – Vance Morris

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Mayor Pro Tem – Frank Lopez

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JRitter@cityofvista.com

Community Development Director – John Conley

C/O Administrative Assistant, Joan Turley

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Tel (760) 726-1340 x1267 Fax (760) 639-6101

PCchow@cityofvista.com

Principal Engineer – Greg Mayer

Tel (760) 726-1340 x1206 Fax (760) 639-6101

GMayer@cityofvista.com

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-
-

From: Maurice "MOE" Rosenberg [devserv@gmail.com]

Sent: Monday, June 02, 2008 8:33 AM

To: 'Juliana Von Hacht'

Cc: 'JHittleman@ci.oceanside.ca.us'; 'RGreenbauer@ci.oceanside.ca.us';

'LWasserman@ci.oceanside.ca.us'

Subject: Melrose Station Commercial Center - Case Number: P-1-08 - Regarding The "Gas Station/Mini-Mart With Drive-Thru Car Wash" Use

Ms. Juliana von Hacht... The Oceanside/Vista Residents for Compatible Development (OVRCD) has previously presented their comments and suggestions, respecting the subject Melrose Station Commercial Center (MSCC), directly to you, as well as, to the applicant, Kerry Bentin and the project's urban planning consultants, The Lightfoot Planning Group.

Upon further review and consideration of the applicant's revised submittal documentation, dated April,

12/9/2008

07th, 2008; with specific regard to the proposed “gas station/mini-mart with drive-thru car wash” – OVRCD have determined that this particular use is not in compliance with the prevailing General Plan, Neighborhood Commercial and (CN) Neighborhood Commercial, Zoning Designation requirements, as they relate to this property.

In particular, the requested CUP, respecting the proposed “gas station/mini-mart with drive-thru car wash” component, of the MSCC application, should not be approved by virtue of the following analysis:

1. The products, services and drive-through characteristics, of a “gas station/mini-mart with drive-thru car wash”, distinguishes it as a business that focuses on meeting the *“immediate”* commercial needs *not* the *“day to day”* commercial needs of the community. The forgoing dictates that the proposed “gas station/mini-mart with drive-thru car wash” *cannot be considered a “minor tenant”* in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.
2. By virtue of its very enterprise, its inherent drive-through characteristics, its impulsive products and services offering; the proposed “gas station/mini-mart with drive-thru car wash” would appeal to and target the *“immediate” commercial needs* of the *general traveling public*. It would be a *major tenant* with an intense use, in a highly visible, critical and vulnerable project site location – its existence would have a dominating and predominating impact on the entire development; with far reaching repercussions that would probably result in unpredictable and unintended consequences, both on and off site. The forgoing dictates that the proposed “gas station/mini-mart with drive-thru car wash” *cannot be considered a “minor tenant” nor a “convenience business”* in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.
3. The proposed “gas station/mini-mart with drive-thru car wash” has several inherent site limitations that are extremely inhibiting, constrictive and/or restrictive:
 - a) The project site area consists of approximately 6.5 net acres, where as, the Neighborhood Commercial, General Plan Policy 2.22 B. states that “Areas shall be generally between ten (10) and thirty (30) acres”.
 - b) The limited frontage distance along the Melrose Avenue side of the project does not allow for a separate and dedicated point of ingress and egress for the “gas station/mini-mart with drive-thru car wash”. Not having dedicated points of ingress and egress negatively impacts the intense internal and external traffic circulation demands of the entire project diminishing and compromising the project as a whole.
 - c) In addition to the identified queuing requirements for the mini-mart and drive-thru car wash, the inherent drive-through characteristics of the proposed gas station component, comprising 10 filling positions at 5 pump-islands, creates an inordinate and subsequently intolerable vehicle stacking strain that would negatively impact traffic circulation both on and off site. While drive-through uses require the provision of 5 car spaces per queue – *none* is being provided for in this instance. The forgoing dictates that the proposed “gas station/mini-mart with drive-thru car wash” *cannot be considered as being “well integrated into the center’s design”* in the context of the Neighborhood Commercial, General Plan Policy 2.22 A.

By way of example it should be noted that:

- A citywide investigation/inventory by RDS has determined that throughout the City of Oceanside, “drive-throughs” are not generally permitted within the CN zone. (RDS identified only 1 development in the entire city that is zoned CN “Neighborhood Commercial” and has drive-through uses.)
- Whereas there are in excess of 70 drive-throughs (approximately 40 fast-food restaurants and 30 gas stations) located within the City of Oceanside, all of which are either free standing and/or sited within “Commercial District” zones other than CN - except for the 1 instance previously mentioned.)
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- The Union 76 facility, located on the southeast corner of Mission Avenue and Canyon Drive is a well integrated into a 13+ acre, CN zoned, shopping center site – making it large enough to accommodate the intensity of the gas station drive-through use. Also, the site is adequately configured to accommodate 7 points of ingress and egress (4 off Mission Ave. and 3 off Canyon Dr.) that serve the site – 2 of which (1 off Mission Ave. and 1 off Canyon Dr.) are dedicated solely to the Union 76 service station use.)

In addition to the forgoing land use and zoning contentions, there are several negative features, impacts, key issues and/or concerns regarding the development of “gas station/mini-mart with drive-thru car wash” on such a small, CN zoned, commercial site. These are as follows:

- Traffic congestion concerns, impeding ingress, egress and internal circulation
- Onsite traffic resulting in compounded commercial use noise
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- Potential hazards and noxious fumes emanating from the storage of fuel
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- Pedestrian Safety - Sprint Rail commuter transportation line
- Environmental Health & Safety concerns – chemicals in ground and runoff (waste water etc.), lighting, signage create visual pollution

In the case of the proposed MSCC project, the proposed “gas station/mini-mart with drive-thru car wash” will severely compromise what is already a busy and now complicated intersection (Sprinter rail crossing on Melrose Drive, south of Oceanside Boulevard). The vehicular traffic that the proposed “gas station/mini-mart with drive-thru car wash” would generate would be too much - it would be hazardous as a result of the high traffic volume constantly trying to get in and out of the center – particularly at the single point of ingress and egress point along the Melrose Drive frontage. The “gas station/mini-mart with drive-thru car wash” components of this development, in and of themselves, would create the biggest potential negative impact – fostering increased traffic congestion and movement problems, vehicular and pedestrian safety issues, as well as, posing fire and environmental hazard concerns. The size and layout of the site, the increase in vehicular traffic and its impact on Melrose Drive and Oceanside Boulevard, as well as, increased pedestrian traffic from the commuter rail station, could create numerous, unacceptable, problems. Thus support and ultimate approval of the “gas station/mini-mart with drive-thru car wash” component of this development would have a series of negative impacts on the surrounding neighborhood area.

In addition, increasing the number of fueling stations in the area (be it in Oceanside or Vista) runs

contrary to the intent of the City ordinances and is an unnecessary over saturation and bad precedent. The CN zoning designation is not the typical zone for gas stations, mini-marts, and car washes. By virtue of the prior citywide planning approach to drive-through uses, it is apparent that the CG zone designation is by far the preferred zoning category; and the zoning precedent that approving this application would set is not in the best interests of the City of Oceanside. Senior planners in the City need to take into consideration the need for greater neighborhood compatibility and the adverse zoning precedent approval of this project would set.

The foregoing comments respecting the "gas station/mini-mart with drive-thru car wash" component of the proposed MSCC project, validates the contentions of the OVRCD, that the proposed project does not meet the goals and objective of the City's General Plan and Zoning Ordinance.

- The site plan and physical design of the propose project is not consistent with the purposes of the Zoning Ordinance since it does not meet the intent of the development regulation and design standards as they relate to the "gas station/mini-mart with drive-thru car wash" component.
- The Development Plan as proposed does not conform to the City's General Plan since the proposed "gas station/mini-mart with drive-thru car wash" use is too intense and inconsistent with the established land use development criteria for the site.

In conclusion, the "gas station/mini-mart with drive-thru car wash" component of the MSCC project is not consistent with the General Plan Policies for Neighborhood Commercial. The "gas station/mini-mart with drive-thru car wash" use is too large and intense for the size of the site and cannot be "well integrated" into the site design. This ultimately detracts from and adversely impacts the underlying "day to day", commercial needs intent and criteria of the Neighborhood Commercial land use policies. Furthermore, the requested Conditional Use Permit should not be approved, since the proposed use cannot be considered allowable on this CN zone property, when the project's site plan is not designed to meet the spirit and intent of the City's applicable land use development policies.

The OVRCD respectfully suggest that the City of Oceanside, Planning Department review the pending application in light of the forging observations, concerns and contentions. It is the feeling of the neighborhood that the developer can do better and an effort should be made to provide the community with a 21st century, community sensitive development – not and "old school" strip center. We believe that Oceanside deserves a better quality and character of development on this property. Thus, revising the project to make it more compatible with the intent of the CN zoning designation, that calls for low impact neighborhood uses, is fitting and necessary, to discourage, prevent, and insure that the CN Zoning Designation is not abused now or in the future. The first step to doing this would be to reject the request for the CUP proposing the "gas station/mini-mart with drive-thru car wash" on this CN zoned property.

Respectfully submitted by Maurice "MOE" Rosenberg for the OVRCD

Let's Futurize Our Attitudes

Maurice "MOE" Rosenberg

RDS Rosenberg Development Services
7770 Regents Rd #113-192
San Diego, CA 92122-1967
Cell 858.864.7741
Fax 858.450.1899

12/9/2008

Eml devserv@gmail.com

P-1-08 Melrose Station, Comments on the Application - 3 cont.

Juliana Von Hacht

From: Chris Harrison [chris@lightfootpg.com]
Sent: Tuesday, July 29, 2008 10:00 AM
To: Juliana Von Hacht; George Buell; City Council; Peter Weiss
Cc: Jerry Hittleman; kbentin@gatlindc.com; Lou Lightfoot; Ann Gunter
Subject: RE: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr

Importance: High

Contacts: Chris Harrison
Categories: Interested Party, P-1-08, Staff Report

Juliana:

Thank you for forwarding the e-mail from Mr. Rosenberg. I'd like to take this time to review the facts, as have been discussed with staff before, and as have been discussed with Mr. Rosenberg. In addition, I would like it made clear that the applicant offered to meet with the group Mr. Rosenberg represents regarding the project, but, he declined that offer.

As this e-mail is being sent to the same Senior Staff and elected City officials as Mr. Rosenberg's e-mail's, I am reminding you all that I am a registered lobbyist with the City of Oceanside. I represent the applicant for this project, Gatlin Development Company.

Firstly, Mr. Rosenberg claims the gas station/mini-mart/carwash is not in compliance with the General Plan and Zoning designations for the site. In fact, General Plan Policy 2.22 A, lists the general types of business uses allowed in a Neighborhood Commercial District of which the two proposed uses Mr. Rosenberg opposes (the gas station and mini-supermarket) are clearly allowed as they meet the "day to day commercial needs of the community". If they didn't meet the spirit and intent of this General Plan Policy they wouldn't be allowed in the corresponding Zone per the Zoning Code. As you know, the Zoning Code refers to specific business types allowed in a specific Zone (the General Plan policy referenced does speak directly of "supermarkets", but, not of gas stations/mini-marts/carwashes, or flower stores or banks for that matter). To determine if the proposed specific uses are allowed on the site, the Zoning Code must also be consulted. The Zoning Code provides the specific development guidelines to implement the General Plan. As you know, Article 11 of the Code governs Commercial Districts.

Per Section 1120 of the Code, the proposed mini-supermarket ("boutique" market) and service station/mini-mart/carwash are allowed in the CN Zone with the issuance of a Conditional Use Permit (see pages 11-7 and 11-8).

In fact, the proposed gas station/mini-mart/carwash is allowed in 5 different Commercial districts including Neighborhood Commercial (CN), Community Commercial (CC), General Commercial (GC), Limited Commercial (CL), and Special Commercial, Highway Oriented (CS-HO), all subject to issuance of a Conditional Use Permit. The market is allowed in all zones except the Commercial Professional (CP). It couldn't be any more clear that the proposed uses are allowed in the CN Zone. This Section of the Code also refers the Service Station and Carwash use to Section 3011 of the Zoning Code to further define how this use is to be "integrated" into a project (see page 11-15, note G).

Article 30 of the Zoning Code provides Site Regulations which apply in all or several districts, and Section 3011 is specific to "Service Stations and Automobile Washing". Section 3011, A, states: "Minimum separation between site boundaries shall be 500 feet, except that one such use may be located at each corner of a street intersection." In response to this siting requirement, the project has proposed the subject use at the southeast corner of the Melrose Drive and Oceanside Boulevard intersection. It is important to note that this location happens to be the furthest point on the site from the adjacent Vista residential area (over 500 feet away).

Mr. Rosenberg also contends that the use is "too large and intense for the size of the

P-1-08 Melrose Station, Comments on the Application 4 cont.
site and cannot be well integrated into the site design". The proposed building for the use is the smallest proposed by far at 2,885 SF, and the lot associated with the use is the second smallest at 0.64 acres (which is 13% of the proposed center's new lot area). Clearly, this use is not too large for the site and it certainly will not dominate the site. As far as being "well integrated" into the site design, the use has been sited as clearly indicated by the Zoning Code (see the discussion above regarding Section 3011). Clearly, the use is allowed on this site.

Mr. Rosenberg also contends that the carwash component of the service station makes it a "drive thru use", similar to a fast food restaurant or drive thru bank. Section 1120 of the Zoning Code clearly distinguishes regulations for businesses with "Drive-thru/Drive-up" services as Banks and Savings and Loans (see page 11-6) and Eating and/or Drinking Establishments (see page 11-8). Service Stations and Automobile washing have no such regulations, are individual defined, and have never been classified by the City as a "drive thru" use. A car wash facility does require it's own Conditional Use Permit to evaluate siting and operations and for enforcement of special conditions of approval.

Mr. Rosenberg also asserts that the applicant is not being sensitive to the Vista residents to the east of the site. That is not true. Since we met with Mr. Rosenberg, the applicant has re-designed the site to include a public bike trail that will extend along the sites eastern property line which provides a great public benefit and it results in an extra wide buffer between the boutique market and the Vista residents to the east. As you know, the required setback along this property line is 15 feet and the project proposes a 54 foot setback. In addition to this large setback, the applicant will also construct a noise attenuation wall along the property line to further limit the impacts from the center on the adjacent Vista residents. This wall also complies with the Zoning Code requirement to provide a 6-foot wall between commercial and residential uses when they are adjacent to each other. The applicant has worked to address the concerns expressed by Mr. Rosenberg in the most recent project submittal.

Mr. Rosenberg is correct in that the General Plan Land Use Policies related to Neighborhood Commercial Districts and the corresponding Zoning Code Sections are clear and straight forward. They are clear and straight forward in ALLOWING the subject uses on the site. They even spell out specifically where on a site the gas station/mini-mart/carwash should be sited (each corner of a street intersection) and the applicant has complied with the requirement from day one.

Thank you for the opportunity to clarify these points.

Chris Harrison
Senior Planner

The Lightfoot Planning Group
5750 Fleet Street, Suite 250
Carlsbad, CA 92008
P - 760.692.1924
F - 760.692.1935
E - chris@lightfootpg.com

-----Original Message-----

From: Juliana Von Hacht [mailto:JVonHacht@ci.oceanside.ca.us]
Sent: Friday, July 18, 2008 4:35 PM
To: George Buell
Cc: City Council; Peter Weiss
Subject: RE: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr

George,

Thank you for contacting Peter while I was out of the office (attending a Planning course in Ventura).

I have previously meet with Mr. Rosenberg to discuss his concerns and review the scope of the Melrose Station proposal with him. Today, I contacted Mr. Rosenberg and scheduled a meeting with him on Wednesday, July 30, 2008. We discussed the content of his message and a meeting seems warranted.

P-1-08 Melrose Station, Comments on the Applciation 4 cont.

Also today, a revised Melrose Station project submittal was received and I believe that some of the revisions should satisfy the concerns expressed by Mr. Rosenberg.

I can provide you with a meeting summary. Please let me know your preference. (At this point in time, Mr. Rosenberg has declined to register as a lobbyist and therefore has not discussed his concerns directly with senior staff.)

Thank you, J.
Juliana von Hacht, Associate Planner
telephone extension 3521

-----Original Message-----

Sent: Wednesday, July 16, 2008 11:18 AM
Subject: RE: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr
Peter-
Juliana is the project planner, and she will be returning to the office on Friday. Unless you indicate that we need to respond to this sooner, Juliana will respond on Friday. --
George

-----Original Message-----

From: Peter Weiss
Sent: Wednesday, July 16, 2008 7:51 AM
To: George Buell; Jerry Hittleman; Richard Greenbauer
Subject: FW: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr
Fyi- Can you please respond to Council and contact Mr. Rosenberg. Thank you

-----Original Message-----

Sent: Monday, July 14, 2008 8:32 AM
Subject: Fw: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr Peter, Please have staff respond to Mr. Rosenberg. Thank you. Regards,
Esther

----- Original Message -----

From: Maurice "MOE" Rosenberg <devserv@gmail.com>
Sent: Fri Jul 11 14:23:02 2008
Subject: Proposed Melrose Station Commercial Center (P-1-08) - SE Corner of Oceanside Blvd & Melrose Dr

ATTENTION: City of Oceanside
Mayor, Deputy Mayor and City Council Members Planning Commission City Planner - Jerry Hittleman Planning & Development Services Director - Lauren Wasserman Senior Planner - Richard Greenbauer Associate Planner / Project Manager - Juliana von Hacht City of Vista Mayor, Mayor Pro Tem and City Council Members Community Development Director - John Conley City Planner - Patsy Chow Principal Engineer - Greg Mayer

PLEASE NOTE: The Following Subject Matter Is Being Sent Via Email And United States Postal Service.

The "Oceanside/Vista Residents for Compatible Development" (OVRCD) respectfully take this opportunity to inform you of their concerns, contentions and objections respecting the following commercial development application, submitted to the City of Oceanside earlier this year:

Project Title: Melrose Station Commercial Center (MSCC) Address /
Location: SE Corner of Oceanside Blvd & Melrose Dr Case Number: P-1-08
APN: 161-030-07
Approvals: Tentative Parcel Map, Development Plan, Conditional Use Permits, and Variance Status: Pending
Application Submittal Date: January 16th, 2008 Application Resubmit Date: April 7th, 2008 (description, justification, revisions, etc.)

In this regard OVRCD hereby wishes to apprise you of its investigative efforts and ongoing dialogue, with both the Applicant and the City's Project Manager, relating to the proposed

P-1-08 Melrose Station, Comments on the Application - 4 cont.
development (See attached email correspondence file, "06-02-08").

Having scrutinized the City of Oceanside's General Plan and Zoning Designation policies it has been determined that the proposed "gas station/mini-mart with drive-thru car wash" is not in compliance with the prevailing General Plan, Neighborhood Commercial and (CN) Neighborhood Commercial, Zoning Designation requirements, as they relate to this property.

OVRCD has shared its contentions and attempted to encourage the Applicant and City to make the requisite revisions to the subject application (i.e. remove the "gas station/mini-mart with drive-thru car wash" from the development plan and relocate the "grocery market" to a more suitable site on the property, where it will have less of a negative impact on the residence immediately to the east).

OVRCD does not see this matter as a difference of opinion or interpretation. The "gas station/mini-mart with drive-thru car wash" component of the MSCC project is not consistent with the General Plan Policies for Neighborhood Commercial. The "gas station/mini-mart with drive-thru car wash" use is too large and intense for the size of the site and cannot be "well integrated" into the site design. This ultimately detracts from and adversely impacts the underlying "day to day", commercial needs intent and criteria of the Neighborhood Commercial land use policies. Furthermore, the requested Conditional Use Permit should not be approved, since the proposed use cannot be considered allowable on this CN zone property, when the project's site plan is not designed to meet the spirit and intent of the City's applicable land use development policies (See attached email correspondence file, "06-02-08").

Also, please be advised that as of June 30th, 2008 the attached "MSCC Petition List" has more than 80 residents signed-on in opposition to the "gas station/mini-mart with drive-thru car wash", conditional use component of the MSCC and relocation of the "grocery market" to a more suitable site on the property (See attached PDF file, "MSCC Petition List"). I expect several hundred more signatures shortly, since dozens of community residents continue to sign the petition each week.

It appears that in spite of our best efforts to delineate and communicate the noncompliance issues as they pertain to the City's General Plan policies, we have not heard or seen any specific feedback that would suggest that the OVRCD position is being taken seriously.

The City of Oceanside's General Plan polices respecting the Neighborhood Commercial land use category, as well as, it's (CN) Neighborhood Commercial, Zoning Designation, are very clear and straight forward.

Therefore;

1. The OVRCD respectfully urges you to review the attached documentation in the hopes of averting a contentions community battle - ensuring that the City of Oceanside's planning staff adheres to the City's General Plan and Zoning Designation policies.
2. The OVRCD respectfully requests that you communicate with the City of Oceanside's Planning Department regarding this application, to irrefutably determine if the subject application complies fully with the City of Oceanside's General Plan polices respecting the Neighborhood Commercial land use category, as well as, it's (CN) Neighborhood Commercial, Zoning Designation.

Respectfully provided by Maurice "MOE" Rosenberg for the OVRCD

Let's Futurize Our Attitudes
Maurice "MOE" Rosenberg
RDS Rosenberg Development Services
7770 Regents Rd #113-192
San Diego, CA 92122-1967

cc: City of Oceanside
300 N. Coast Highway
Oceanside CA 92054
Mayor - Jim Wood
Deputy Mayor - Rocky Chavez

Councilmember - Jack Feller P-1-08 Melrose Station, Comments on the Application - 4 cont.
Councilmember - Jerome Kern
Councilmember - Esther Sanchez
Mayor, Deputy Mayor and City Council Members Planning Commission, Chair
- Dennis Martinek Planning Commission, Vice Chair - Dick Parker Planning Commissioner -
Louise Balma Planning Commissioner - Stan Bertheaud Planning Commissioner - Claudia Troisi
Planning Commissioner - Bob Neal Planning Commissioner - Tom Rosales Planning Commission,
Staff Liaison - Jerry Hittleman C/O Vida Murrell, Secretary - Planning Commission City
Planner - Jerry Hittleman Planning & Development Services Director - Lauren Wasserman
Senior Planner - Richard Greenbauer Associate Planner / Project Manager - Juliana von
Hacht City of Vista Mayor, Mayor Pro Tem and City Council Members Mayor - Vance Morris
Mayor Pro Tem - Frank Lopez Councilmember - Steve Gronke Councilmember - Bob Campbell
Councilmember - Judy Ritter Community Development Director - John Conley City Planner -
Patsy Chow Principal Engineer - Greg Mayer

From: Maurice "MOE" Rosenberg [devserv@gmail.com]
Sent: Monday, June 02, 2008 8:33 AM
Subject: Melrose Station Commercial Center - Case Number: P-1-08 - Regarding The "Gas
Station/Mini-Mart With Drive-Thru Car Wash" Use

Ms. Juliana von Hacht...The Oceanside/Vista Residents for Compatible Development (OVRCD)
has previously presented their comments and suggestions, respecting the subject Melrose
Station Commercial Center (MSCC), directly to you, as well as, to the applicant, Kerry
Bentin and the project's urban planning consultants, The Lightfoot Planning Group.

Upon further review and consideration of the applicant's revised submittal documentation,
dated April, 07th, 2008; with specific regard to the proposed "gas station/mini-mart with
drive-thru car wash" - OVRCD have determined that this particular use is not in compliance
with the prevailing General Plan, Neighborhood Commercial and (CN) Neighborhood
Commercial, Zoning Designation requirements, as they relate to this property.

In particular, the requested CUP, respecting the proposed "gas station/mini-mart with
drive-thru car wash" component, of the MSCC application, should not be approved by virtue
of the following analysis:

1. The products, services and drive-through characteristics, of a
"gas station/mini-mart with drive-thru car wash", distinguishes it as a business that
focuses on meeting the "immediate" commercial needs not the "day to day" commercial needs
of the community. The forgoing dictates that the proposed "gas station/mini-mart with
drive-thru car wash" cannot be considered a "minor tenant" in the context of the
Neighborhood Commercial, General Plan Policy 2.22 A.
2. By virtue of its very enterprise, its inherent drive-through
characteristics, its impulsive products and services offering; the proposed "gas
station/mini-mart with drive-thru car wash" would appeal to and target the "immediate"
commercial needs of the general traveling public. It would be a major tenant with an
intense use, in a highly visible, critical and vulnerable project site location - its
existence would have a dominating and predominating impact on the entire development; with
far reaching repercussions that would probably result in unpredictable and unintended
consequences, both on and off site. The forgoing dictates that the proposed "gas
station/mini-mart with drive-thru car wash" cannot be considered a "minor tenant" nor a
"convenience business" in the context of the Neighborhood Commercial, General Plan Policy
2.22 A.
3. The proposed "gas station/mini-mart with drive-thru car wash"
has several inherent site limitations that are extremely inhibiting, constrictive and/or
restrictive:
 - a) The project site area consists of approximately 6.5 net acres,
where as, the Neighborhood Commercial, General Plan Policy 2.22 B.
states that "Areas shall be generally between ten (10) and thirty (30) acres".
 - b) The limited frontage distance along the Melrose Avenue side of
the project does not allow for a separate and dedicated point of ingress and egress for
the "gas station/mini-mart with drive-thru car wash".
Not having dedicated points of ingress and egress negatively impacts the intense internal
and external traffic circulation demands of the entire project diminishing and
compromising the project as a whole.

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Inland Empire Office

RECEIVED

DEC 22 2008

OCEANSIDE CITY CLERK

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1366.43

22 December 2008

City Clerk
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Received by: C. Sykes
Via: PERSONAL
Copy to: CLERK, Planning,
Atty.

Re: Appeal of Planning Commission Adoption of a Mitigated Negative Declaration for the Melrose Station Project on December 15, 2008 (Resolution no. 2008-P76; Planning Commission Docket Item 3)

Dear City Clerk:

On behalf of Citizens for Responsible Equitable Environmental Development, I am writing to appeal the above-referenced item.

The appeal is being filed under Public Resources Code Section 21151(c), which permits an appeal by right to the agency's elected decision-making body. The appeal is based on the following: (i) the MND fails to adequately describe the project (including its scope) and is based on an inadequate description of the underlying project's design; (ii) the MND fails to identify and analyze all the potentially significant environmental impacts of the underlying project; (iii) the mitigation measures fail to eliminate or avoid all potentially significant impacts; (iv) the MND is not supported with substantial evidence; (v) the project is inconsistent with the relevant planning documents; and (ii) the findings are not supported by substantial evidence. My client reserves the right to assert other grounds in support of the appeal as more information is obtained.

Because my client may appeal as a matter of right, the appeal fee is being paid under protest. There is no legal basis for agencies to charge a fee to members of the public for appeals under the California Environmental Quality Act. Therefore, I expect that the check will not be cashed, or, if it is cashed, that the fee will be refunded prior to the appeal hearing.

Thank you for giving this matter the attention it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs





THE
LIGHTFOOT
PLANNING
GROUP



March 2, 2009

Received

MAR - 2 2009

Planning Division

Ms. Juliana Von Hacht
Associate Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

RE: Status of Project - Melrose Station (P-1-08; D-3-08; C-(2-5)-08)

Dear Ms. Von Hacht:

On behalf of Market Center Ventures, this letter is being submitted to clarify our understanding of the project status. As noted in the appeal withdrawal dated January 26, 2009, the applicant has accepted the Planning Commission denial of the project. It is understood that any new or modified project on this site will require submission of new project plans, and will be subject to full review of such plans. This would include preparation, review and approval of new CEQA documentation in accordance with all applicable local and state regulations.

If you have any questions regarding this letter, please don't hesitate to contact me.

Sincerely,

Ann Gunter, AICP
Vice President

cc: Jerry Hittleman, City Planner
Kerry Bentin, Market Center Ventures
Ron Rouse, Luce, Forward, Hamilton & Scripps