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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF OCEANSIDE, CALIFORNIA ADOPTING THE FINAL  
MITIGATED NEGATIVE DECLARATION FOR THE  
COAST HIGHWAY BRIDGE REPLACEMENT PROJECT**

**(City of Oceanside - Applicant)**

WHEREAS, the City of Oceanside Development Services Department has proposed a replacement to Coast Highway Bridge over the San Luis Rey River. The project will also include the demolition of the existing Coast Highway Bridge.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and the State Guidelines thereto; an Initial Study and Final Mitigated Negative Declaration (FMND) has been prepared and includes mitigation measures that assure that the project will not result in a potentially significant adverse impact upon the environment.

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

WHEREAS, the Mitigated Negative Declaration together with any comments received, and incorporated by reference and appended in the Final Mitigated Negative Declaration, were presented to the City Council, and the City Council reviewed and considered the information contained in these documents prior to making a decision on the project; and

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

For the Final Mitigated Negative Declaration (FMND):

1. The Final Mitigated Negative Declaration (FMND) was completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. There are certain project design features in the Final Mitigated Negative Declaration (FMND) that have been incorporated as conservation measures into

1 the Proposed Project, attached to this Resolution as Exhibit "A" and incorporated  
2 by reference.

- 3  
4 3. The Final Mitigated Negative Declaration (FMND) and Mitigation Monitoring  
5 and Reporting (MMRP) Program have been determined to be accurate and  
6 adequate documents, which reflect the independent judgment and analysis of the  
7 City Council. On the basis of the entire record before it, the City Council finds that  
8 there is no substantial evidence that the project, with implementation of the  
9 mitigation measures proposed, will have a significant impact on the environment.
- 10 4. The documents or other material which constitute the record of proceedings upon  
11 which the decision is based will be maintained by the City of Oceanside  
12 Development Services Department – Planning Division, 300 North Coast  
13 Highway, Oceanside, California 92054.

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

- 16 1. The Final Mitigated Negative Declaration (FMND) with findings of fact and  
17 the Mitigation Monitoring and Reporting Program (MMRP) for the  
18 replacement of Coast Highway Bridge IS ADOPTED, effective as of this day.
- 19 2. Pursuant to Public Resources Code Section 21081.6, the City Council adopts  
20 the Mitigation Monitoring and Reporting Program (MMRP), as contained in  
21 the Final Mitigated Negative Declaration (FMND), which is attached as  
22 Exhibit "A" to this resolution and incorporated by reference, and finds and  
23 determines that said program is designed to ensure compliance with the  
24 mitigation measures during the project implementation.
- 25 3. Notice is HEREBY GIVEN that the time within which judicial review must be  
26 sought on this decision is governed by the provisions of the California  
27 Environmental Quality Act, Public Resources Code Section 21167(b).  
28

1 PASSED AND ADOPTED by the City Council of the City of Oceanside,  
2 California, this 12<sup>th</sup> day of March, 2025 by the following vote:

3 AYES:

4 NAYES:

5 ABSENT:

6 ABSTAIN:  
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\_\_\_\_\_  
10 Mayor of the City of Oceanside  
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13 ATTEST:

APPROVED AS TO FORM:

14 \_\_\_\_\_  
15 City Clerk

  
16 \_\_\_\_\_  
17 City Attorney  
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Exhibit "A"

Coast Highway (Hill Street) Bridge Replacement Project

Mitigation Monitoring and Reporting Plan

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
<b>BIO-1</b>	Prior to the start of construction, any special-status plant species identified during the pre-construction surveys that cannot be avoided shall be salvaged for transplant or included in the seed or plant palette for revegetation, depending on species. Seed shall be collected from individuals within the project impact areas the year prior to start of construction. The species to be salvaged/transplanted include sticky dudleya, variegated dudleya, and San Diego ambrosia. Species to be included in the seed or plant palette include San Diego marsh-elder Nuttall's acmispon, and Lewis' evening-primrose.	Prior to construction	Contractor and Qualified Biologist	City	Prior to construction	Salvage/transplant sticky dudleya, variegated dudleya, and San Diego ambrosia. Seed San Diego marsh-elder Nuttall's acmispon, and Lewis' evening-primrose.
<b>BIO-2</b>	After project permits are obtained and final design is complete, the City will do the following: <ul style="list-style-type: none"> <li>Purchase 0.38 acre of off-site southern riparian scrub mitigation credit from a mitigation bank within the San Luis Rey River watershed, such as the Brook Forest Conservation/Mitigation Bank (current pricing is \$550,000 per acre), Wildlands San Luis Rey Mitigation Bank, and/or Wildlands Buena Creek Conservation Bank,</li> </ul>	After project permits obtained and final design complete; after construction	City; Project Engineer, Restoration Expert	City	After project permits obtained and final design complete; after construction	Purchase 0.38 acre of off-site southern riparian scrub mitigation credits from appropriate mitigation bank. Rehabilitate southern riparian scrub and Diegan Coastal sage scrub at a 1:1 ratio for temporary

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>to achieve no net loss of southern riparian scrub.</p> <ul style="list-style-type: none"> <li>• Upon construction completion, rehabilitation of southern riparian scrub within the Habitat Enhancement Area and the restoration and creation of Diegan coastal sage scrub will be completed as required by the Conceptual Mitigation Plan and will occur at a 1:1 revegetation ratio for temporary impacts and a 3:1 revegetation and restoration ratio for permanent impacts, as outlined in the Conceptual Mitigation Plan.</li> <li>• Specific to Diegan coastal scrub habitat, if restoration and creation of habitat in the areas identified in the Conceptual Mitigation Plan (RECON 2023) do not achieve a 1:1 revegetation ratio for temporary impacts and a 3:1 revegetation ratio for permanent impacts, additional off-site mitigation credits from a mitigation bank within the San Luis Rey River watershed will be required to reach the required acreage (RECON 2023).</li> </ul>					<p>impacts and a 3:1 ratio for permanent impacts. If restoration and creation of Diegan coastal scrub habitat do not achieve the required revegetation ratios, 1:1 for temporary impacts and 3:1 for permanent impacts, then additional off-site mitigation credits from an appropriate mitigation bank will be required to achieve the required acreage.</p>
<b>BIO-3. Freshwater</b>	The City will purchase 0.02 acre of off-site mitigation wetland credit from a	After project permits	City; Project Engineer &	City	After project permits	Purchase 0.02 acre credits from

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
<b>Marsh Rehabilitation</b>	mitigation bank within the San Luis Rey River watershed, such as the Brook Forest Conservation/Mitigation Bank (current pricing is \$550,000 per acre), Wildlands San Luis Rey Mitigation Bank, and/or Wildlands Buena Creek Conservation Bank, to achieve no net loss of the resources. Rehabilitation of freshwater marsh within the Habitat Enhancement Area will occur after construction completion at a 1:1 revegetation ratio for temporary impacts and a 3:1 revegetation and restoration ratio for permanent impacts, per the Conceptual Mitigation Plan (RECON 2023a).	obtained and final design complete; after construction	Restoration Expert		obtained and final design complete; after construction	appropriate mitigation bank. Rehabilitate at a 1:1 ratio for temporary impacts and a 3:1 ratio for permanent impacts.
<b>HAZ-1. Asbestos &amp; Lead Containing Materials Survey</b>	A California-licensed abatement contractor will conduct a survey for lead containing materials prior to demolition (including concrete elements) and contractor will submit a National Emission Standard for Hazardous Air Pollutants (NESHAP) notification. Per Section 14-9.02 of the asbestos NESHAP regulation, all "demolition activity" requires written notification even if there is no asbestos present. This notification should be typewritten and postmarked or delivered no later than ten days prior to the beginning of the asbestos demolition or removal activity. If lead containing materials are found, the following will be required:	Prior to demolition of the existing bridge	A California-licensed abatement contractor	City	NESHAP notification postmarked or delivered ten days prior to the beginning of the demolition or removal activity	Dispose of lead containing material as a hazardous waste in compliance with SSP 14-11.13 and other federal and state regulations for hazardous waste. Prepare a Lead Compliance Plan for disposal of lead-based paint. Obtain California-licensed lead contractor to

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<ol style="list-style-type: none"> <li data-bbox="401 285 915 529">1. Building materials associated with paint on structures, and paint on utilities should be abated by a California-licensed abatement contractor and disposed of as a hazardous waste in compliance with SSP 14-11.13 and other federal and state regulations for hazardous waste.</li> <li data-bbox="401 545 915 1032">2. A Lead Compliance Plan should be prepared by the contractor for the disposal of lead-based paint. The grindings (which consist of the roadway material and the yellow and white color traffic stripes) shall be removed and disposed of in accordance with Standard Special Provision 36-4 (Residue Containing High Lead Concentration Paints). In addition, the Lead Compliance Plan will also contain the following provision to address aerially-deposited lead: SSP 7-1.02K (6)(j)(iii) – Earth Material Containing Lead.</li> <li data-bbox="401 1049 915 1430">3. A California-licensed lead contractor will be required to perform all work that will disturb any lead-based paint as a result of planned or unplanned renovations in the Project area, including the presence of yellow traffic striping and pavement markings that may contain lead-based paint. All such material must be removed and disposed of as a hazardous material in compliance with SSP 14-11.12.</li> </ol>					perform the removal.

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
<b>HAZ-2. Aerially Deposited Lead</b>	<p>The following actions are recommended for handling and disposal of soils that contain an elevated level of ADL during the pre-construction/pre-demolition phase:</p> <ol style="list-style-type: none"> <li>1. A California-licensed abatement contractor will sample and test a representative sample of soils at the project site for hazardous levels of aerially deposited lead. Representative samples of exposed shallow soils shall be collected at multiple locations along the project site and analyzed for total lead and extractable lead concentrations.</li> <li>2. If hazardous levels of aerially deposited lead are found in the soils at the project site, the following will be required: <ul style="list-style-type: none"> <li>• Removal, disposal, storage and transportation of materials contaminated with hazardous levels of aerially-deposited lead should be performed in compliance with all applicable federal, state, and local laws, including but not limited to requirements of State Water Resources Control Board and California Regional Water Quality Control Board water quality control plans and waste discharge permits, Coastal Zone Permit requirements for ADL-</li> </ul> </li> </ol>	Prior to construction	California-licensed abatement contractor	City	Prior to construction	Dispose of lead containing material as a hazardous waste in compliance with federal and state regulations. Obtain California-licensed lead contractor to perform the removal.



Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>contaminated soil, DFW permit requirements for ADL-contaminated soil, and all requirements of the applicable Air Quality Management District and/or the Air Pollution Control District.</p> <ul style="list-style-type: none"> <li>Removal, disposal, storage, and transportation of materials contaminated with hazardous levels of aeri ally-deposited lead should be performed in compliance with the Soil Management Agreement for Aerially-deposited Lead-Contaminated Soils between Caltrans and the Department of Toxic Substance Control, if the project site is within the state right-of-way or Caltrans is acting as direct oversight for the project.</li> </ul>					
<b>TCR-1. Tribal Cultural Resources Treatment and Tribal Monitoring Agreement</b>	<p>Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the "Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe". A copy of the agreement shall be included in the Grading Plan Submittals for</p>	<p>Prior to issuance of grading permit</p>	<p>City</p>	<p>City</p>	<p>Prior to issuance of grading permit</p>	<p>The City will enter into a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the TCA Native American Monitor.</p>

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the "Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe" for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. At the discretion of the Luiseño Native American Monitor, artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79.</p>					
<p><b>TCR-2. Qualified Archaeologist and Luiseno Native</b></p>	<p>Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified</p>	<p>Prior to issuance of grading permit</p>	<p>General Contractor, City</p>	<p>City</p>	<p>Prior to issuance of grading permit</p>	<p>Contractor will provide proof to the City that a Qualified Archaeologist. The</p>

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
<b>American Monitor</b>	Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.					City will enter into a contract with a Luiseño Native American Monitor.
<b>TCR-3. Tribal Collaborative Consultation</b>	The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.	Prior to and during construction	Qualified Archaeologist	City	Before construction, during construction	Include the requirement for the monitoring program on all applicable construction documents. Notify the City Planning Division of the start and end of all ground disturbing activities.
<b>TCR-4. Archaeologist and Native Monitor Meeting Attendance &amp; On-site Presence</b>	The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American Monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of	Prior to and during construction	General Contractor, Qualified Archaeologist, Luiseño Native American monitor	City	Pre-construction and during ground altering activities	The Qualified Archaeologist and Luiseño Native American Monitor will attend all applicable pre-construction meetings and be present on-site full-time during ground altering activities.

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.					
<b>TCR-5. Controlled Grade Procedure</b>	In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the Luiseño Native American monitor, other TCA Luiseño Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight, and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be	Prior to issuance of grading permit	Qualified Archaeologist, Luiseño Native American monitor, General Contractor	City	Prior to issuance of grading permit	Qualified Archaeologist will prepare a Controlled Grade Procedure. A copy of the Controlled Grade Procedure will be included in the Grading Permit package.

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	included in the Grading Plan Submittals for the Grading Permit.					
<b>TCR-6. Discovery of Tribal Cultural Resources</b>	The Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is	During construction and other ground disturbing activities	Qualified Archaeologist, Luiseño Native American monitor	City	As needed case-by-case basis during construction and ground disturbing activities	Qualified Archaeologist will stop ground disturbing activities if unknown tribal cultural resources are identified. Qualified Archaeologist and Luiseño Native American monitor will determine appropriate next step.

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA</p>					

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>Luißeño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luißeño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.</p>					
<p><b>TCR-7. Tribal Cultural Resource Ownership &amp; Treatment</b></p>	<p>The landowner shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate TCA Luißeño Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.</p>	<p>Throughout project</p>	<p>Landowners</p>	<p>Luißeño Native American monitor, City</p>	<p>Throughout project</p>	<p>All tribal cultural resources unearthed on the project site will be relinquished to the appropriate TCA Luißeño Tribe and follow California Public Resources Code Section 5097.98.</p>

Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
<b>TCR-8. Archaeological Monitoring Program</b>	Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.	Prior to release of grading bond	Qualified Archaeologist, Luiseño Native American monitor	City	Prior to release of grading bond	Provide the archaeological monitoring report and/or evaluation report to the City Planning Division with the Luiseño Native American monitor's notes and comments.
<b>TCR-9. Human Remains</b>	As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by	During construction or archaeological work	Contractor or authorized representative	San Diego County Office of the Medical Examiner, Luiseño Native American monitor, Native American Heritage Commission (NAHC)	During construction or archaeological work	If human remains are found, follow the California Health and Safety Code Section 7050.5, Public Resources Code 5097.98, and any other applicable regulations. Stop all construction activities in the area immediately and contact the County Medical Examiner. Contact the Native American Heritage Commission (NAHC) within 24 hours if human



Mitigation Measure	Environmental Protection Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration	Performance Criteria
	<p>law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.</p>					<p>remains are found to have Native American ancestry.</p>